

October 6, 2008

---

**ratiopharm**

---

ratiopharm  
6975 Creditview Road, Unit 5  
Mississauga, ON L5N 8E9  
Canada

**Main • Siège:**

Tel/Tél (905) 858-9612  
Tel/Tél 1 800 266-2584  
Fax/Télé (905) 858-9610  
Fax/Télé 1 800 881-5175

**Customer Service • Service à la clientèle:**

Tel/Tél 1 800 337-2584  
Fax/Télé 1 800 313-7673

**Web site • Site internet:**

[www.ratiopharm.ca](http://www.ratiopharm.ca)

Dr. Brien Benoit  
Chair  
Patented Medicine Prices Review (PMPRB)  
333 Laurier Avenue West, Ste 1400  
Box L40, Standard Life Centre  
Ottawa, ON K1P 1C1

Dear Dr. Benoit:

On behalf of ratiopharm inc. I am pleased to provide comments to the PMPRB's draft Compendium issued for Notice and Comment on August 20, 2008. ratiopharm inc. fully supports the response of the Canadian Generic Pharmaceutical Association.

Generic companies were never meant to benefit from the amendments to the Patent Act that extended patent protection for brand medicines. Generic patented medicines are an anomaly, as they always operate within a competitive market. Whether or not generic patented medicines fall under the PMPRB jurisdiction as understood by the Patent Act, the current PMPRB Guidelines are not appropriate for generic medicines and would hinder competition in the Canadian pharmaceutical market by creating a two-tier system where only some generics in the same market are regulated.

Generic medicines are priced well below their brand equivalents. Moreover, generic prices are unrelated to consumer retail prices. Therefore, the mandate of the PMPRB to ensure that prices are not excessive and to protect consumer interests, are not achieved by regulating the prices of generic patented medicines according to the Guidelines. Additionally, the generic industry largely operates at a domestic level, and as such, international prices of generic medicines are not relevant to the determination of whether Canadian generic prices are excessive.

We thank the Board for engaging with the generic industry in the process of adapting Guidelines to recognize generic patentees' needs, and hope that the Board will persevere in its efforts to impose minimal regulatory burden on the generic industry and Board Staff.

Sincerely,



Andrew van der Gugten  
Market Access &  
Government Relations  
ratiopharm inc.