

The whole reality of what we are debating disappears. It vanishes. It is not there. It is ephemeral. It is made up. It is a fantasy. That is why we are simply saying that they cannot with any honesty justify this proposal with those arguments.

We must restore a sense of trust in Canadians so they can feel that their members of government and Parliament are at least prepared to deal with the truth. I would say there is only one way to restore credibility, and that is to withdraw Bill C-91 and make a serious examination of how Canada can live up to its proper international obligations and at the same time use the law as it has been proposed to ensure that we protect the public health and the public interest of the Canadian people.

**Mr. J. W. Bud Bird (Fredericton—York—Sunbury):** Mr. Speaker, throughout all the debates on this bill we must not overlook or minimize the fact that one of the fundamental objectives of this legislation concerns questions of protection and of rewarding people's investments in discovery.

In essence, that is what the patent protection bill is all about. Bill C-91 will help us open doors to world markets, contributing to the stimulation of this country's economy. As Professor Labrie of Laval University said so effectively in his presentation before the legislative committee last week: "We will have to adapt as quickly as possible to the rules of world-wide markets before all the seats are taken by others who have reacted more quickly and more vigorously than us".

He went on to say that: "While Canada's medical sector is recognized internationally for its excellence, opportunities will be largely lost if its work cannot be translated into economic spin-offs for exports and into the new drugs needed by Canadians for better health care".

Bill C-91 is very much a question of encouraging and recognizing discovery. It is also very much a question of fairness. We have spoken at length about protecting the consumer through strong patented drug price controls and of encouraging investments in a high technology industry with the resulting benefits of job creation and export development potential.

### *Government Orders*

However, the whole question of fairness and recognition for innovation is also very important to the government, and it should be just as important to the people of this country.

It is the government's belief that innovation deserves to be recognized. If there is no protection or reward for such effort, that effort will eventually stagnate or move to where it is recognized. We well know that Canada lags behind all of its major international competitors in the patent protection it accords to pharmaceutical products.

Even though the full patent term award is 20 years, we must not lose sight of the fact that the period of actual product development testing, et cetera for new medicine comprises roughly 10 of those 20 years. Although that leaves 10 years for the marketing of that product under patent protection, present legislation permits others to copy the medicine after it has been on the market for only about seven of those ten years.

Consequently, while a company has a patent on a product for the last three years of that patent period somebody else can copy it and market it under a compulsory licence.

This seven-year period of market exclusivity in Canada lags behind that of the United States, where it is 14 years. It lags behind those of countries in Europe, where market exclusivity of pharmaceutical products is 15 years. Our regime of patent protection for pharmaceuticals, featuring compulsory licensing with a period of market exclusivity of only about seven years compared to these much longer periods elsewhere, simply does not measure up. Canada is losing out because of it.

Bill C-91 will go a long way toward changing that situation. This legislation will add on average about three years to the period of market exclusivity in Canada. It does not add 20 years to the period of market exclusivity—or 10 years or whatever other number of years critics across the way are saying it adds—it simply adds about three years of market exclusivity to the patented pharmaceutical product.

By doing that the legislation brings the Canadian drug patent regime closer to those of our international competitors so that Canada can once again compete for research and development projects, and particularly for investment dollars.