

Minister of Industry



Ministre de l'Industrie

Maxime Bernier

Ottawa, Canada K1A 0H5

APR 07 2006

Mr. John R. Fulton
Executive Vice President
Biolyse Pharma Corporation
59 Welland Vale Road
St. Catharines, Ontario L2S 3Y2

Dear Mr. Fulton:

Thank you for your letter of February 13, 2006, also addressed to the Honourable Tony Clement, in which you request that the medicine oseltamivir phosphate be added to the list of patented pharmaceutical products (Schedule 1) eligible to be exported under compulsory licence in accordance with Canada's Access to Medicines Regime (CATMR).

As you know, Schedule 1 can be amended through the addition of any patented product that may be used to address the public health problems of developing countries, especially HIV/AIDS, tuberculosis, malaria, and other epidemics. Any such amendment must be made by Order-in-Council (OIC) on the joint recommendation of the Minister of Industry and the Minister of Health. The OIC process entails a number of discrete steps. Should you wish to learn more in this regard, I would encourage you to read the process guide available on the Government of Canada website at the following address: www.pco-bcp.gc.ca/raoics-srdoc/Publications/gicguide/gicguide_e.pdf.

These steps are mandatory and must be respected whenever an OIC is sought, no matter its underlying purpose. Let me assure you that all requests to add a pharmaceutical product to Schedule 1 are given priority attention by this government, given the pressing humanitarian concerns which led to both the adoption of CATMR and the underlying World Trade Organization waiver it implements. As Prime Minister Stephen Harper has made clear, Canada has a leadership role to play in global affairs, not only in security matters but also in the humanitarian realm, the two of which are inextricably linked.

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I appreciate you informing me of your request and indicating your interest that it be dealt with expeditiously.

Sincerely,



Maxime Bernier

c.c. The Honourable Tony Clement, P.C., M.P.