

## NUPGE fights for fairer drug pricing

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**he Competition Bureau** of Canada has agreed to investigate a complaint filed against the pricing practices of major drug companies.

Initiated by the [National Union of Public and General Employees](#) (NUPGE) in co-operation with a coalition of unions, seniors groups and consumer watchdogs, the complaint alleges anti-competitive practices in the pharmaceutical industry.

“This is very encouraging news,” National Union president James Clancy said after learning Wednesday that the complaint had been accepted by the bureau.

“Sick Canadians have been losing the policy battle over access to affordable drugs because of the cozy financial alliance between the federal Liberal government and brand name drug companies. We’re hoping that by side-stepping Parliament and going to the Competition Bureau, we’ll get a fair and independent review of the facts and some concrete action to stop anti-competitive practices in the drug industry.”

Backed by specific facts and arguments, the complaint accuses Canadian brand name pharmaceutical companies of aggressively pursuing strategies aimed at extending market monopolies for certain drugs and at delaying consumer and patient access to lower-priced, therapeutically-equivalent generic drug products.

“Evergreening”

One such strategy, commonly known as “evergreening”, involves obtaining multiple patents leading to the same basic drug product, listing these patents on the Canadian Patent Register, and obtaining successive 24-month delays in the approval of cheaper generic products.


“Canada’s patent laws give brand name companies a license to print money,” Clancy says.

“They bask in absolute patent protection for a full 20 years during which they can charge us whatever they can get away with, without any fear of competition. Then they use a tricky legal manoeuvre, called evergreening, to abuse patent laws and sick Canadians in their hard-headed pursuit of profits. It ends almost any hope of our ever being able to fill prescriptions with low-cost generic drugs. It’s anti-competitive. It’s wrong. It should be stopped.”

NUPGE, Canada’s second largest union with 325,000 members nationally, requested that the Commissioner of the Competition Bureau investigate the “evergreening” practices in Canada. The union argues that “evergreening” artificially extends the patent life and market monopoly of brand name drugs and delays or prevents the marketing of independent generic products. The most obvious impact of the practice is to prevent or reduce competition in the pharmaceutical market.

Prescription for better access

□An obvious and easy way to apply some immediate though modest control over soaring drug costs would be to eliminate the practice of evergreening because this would provide Canadians with better access to more sensibly-priced generic drugs,□ says Clancy.

□The Competition Bureau has the authority to tame brand name drug companies that abuse patent laws by declaring the practice anti-competitive. We□re optimistic they□ll make that declaration. We□re optimistic they will come to that conclusion. Even George W. Bush has come to this conclusion and recently announced measures to stop the practice. Canada is now the only country in the world that allows the practice to continue. We should catch-up to the rest of the world.□ 

*HSA is an affiliate of the [National Union of Public and General Employees](#).*

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