March 8, 2016

The Honorable Michael Froman
United States Trade Representative
600 17th Street NW
Washington, DC 20508

Dear Ambassador Froman,

When Prime Minister Justin Trudeau makes his first official visit to Washington later this month, we urge you to raise the issue of Canada’s “promise doctrine” and its impact on America’s innovative biopharmaceutical sector.

In April 2014, 32 members of Congress wrote to you expressing strong concerns about the “promise doctrine.” Canadian courts have continued to invalidate patents based on this unique interpretation of the internationally-accepted patent utility standard. Today, biopharmaceutical innovators have lost 24 patents on 20 innovative medicines. We are concerned that the “promise doctrine” is a key example of a Canadian policy that puts protections for pharmaceutical products at risk.

Under Canadian law and U.S. law, patents must be made available for all inventions that are new, non-obvious, and useful. Canada’s international trade obligations, including the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), incorporate this intellectual property protection. This agreement, as well as Canadian law, requires Canada to provide U.S. innovators with this important patent protection.

America’s biopharmaceutical innovators support millions of good-paying jobs across the country, including in our districts. As a result of their work, more valuable new medicines were developed in the United States in the last decade than the next five nations combined. But those jobs and results could be negatively impacted if patents are at risk in Canada – an advanced market, our largest trading partner, and a party to the Trans-Pacific Partnership.

Canada’s new leadership campaigned on a plan to strengthen an innovative economy that has fallen behind other developed nations. Fixing the “promise doctrine” would send a strong signal that they are serious about delivering on that pledge. We hope you will encourage them to work to address these issues.

Sincerely,

Todd Young
Member of Congress

Bill Pascrell, Jr.
Member of Congress
Erik Paulsen
Member of Congress

Jackie Walorski
Member of Congress

Pat Tiberi
Member of Congress

Dave Reichert
Member of Congress

Lynn Jenkins
Member of Congress

Patrick Meehan
Member of Congress

John Larson
Member of Congress

Richard Neal
Member of Congress

Diane Black
Member of Congress

Mike Kelly
Member of Congress

Luke Messer
Member of Congress

Linda Sanchez
Member of Congress

Peter Roskam
Member of Congress