The PMPRB: Where Are We Now and What's Next?

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ABSTRACT: There is a growing body of jurisprudence questioning the price control reasoning by the Patented Medicine Prices Review Board ("PMPRB"). It is therefore an optimal time to reflect on the status of the PMPRB's jurisdiction and what's next for patented medicine pricing in Canada. Since its establishment in 1987, the jurisdiction of the PMPRB has been in constant question and evolution. Up until recently, the PMPRB has pushed, and the courts have generally allowed for expansion beyond restricting jurisdiction solely to patents that afford the patentee a monopoly in the true commercial sense (i.e., market exclusivity for the medicine). But the tides seem to be turning. Through a handful of recent decision at both the federal and Quebec courts, the PMPRB's jurisdiction may be narrowing rather than expanding. This article explored those decisions and their related impact.

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