September 24, 2026

Submitted via the PMPRB Consultation Submission Portal and via email at PMPRB.Consultations.CEPMB@pmprb.gc.ca

Anie Perrault
Chairperson
Patented Medicine Prices Review Board
Standard Life Centre
333 Laurier Avenue West, Suite 1400
Ottawa, Ontario K1P 1C1

IMC Response to the Consultation on the Patented Medicine Prices Review Board (PMPRB) Revised Proposed Practice Directions

Innovative Medicines Canada ("IMC") appreciates the opportunity to comment further on the Patented Medicine Prices Review Board's (the "Board") revised Proposed Practice Directions. IMC welcomed the opportunity to comment on the original proposed Practice Directions in our May 1, 2026 submission (the "May Submission"), and we were pleased to see that a majority of IMC's recommendations were adopted. These changes meaningfully advance the procedural fairness concerns IMC raised, and we commend the Board for its responsiveness to stakeholder input.

IMC's remaining comments are limited and primarily reinforce the positions set out in our May Submission.

1. Mode of Hearing (PD1)

IMC recommends that PD1 identify the criteria the Board will apply when confirming the mode of a proceeding at case management, similar to the factors-based approach already used elsewhere in the Practice Directions (see PD4, para. 10). Such criteria could include the nature and complexity of the issues in dispute, the volume and nature of the evidentiary record, and procedural fairness. This would provide parties with greater predictability while preserving the Board's discretion and its stated preference for paper and virtual proceedings.

2. Failure-to-File Proceedings (PD5)

IMC is pleased to see the revision confirming that an abbreviated paper format for FTF proceedings "may be selected during case management on consent of the parties" (para. 1). However, we recommend two further clarifications:

- Paragraph 4 should be revised to confirm that the 90-day compressed schedule only applies where the parties have consented to an abbreviated format under paragraph 1. As it currently reads, paragraph 4 could be read as imposing the 90-day timeline on all FTF proceedings regardless of consent, which would be inconsistent with paragraph 1.

- Paragraph 7 continues to require a party to demonstrate "exceptional circumstances," such as an "unusually complex" case, to obtain an oral FTF hearing. This high and otherwise undefined threshold is inconsistent with the case-management approach the Board has now adopted for determining the mode of hearing generally under PD1. As noted in IMC's May Submission, FTF proceedings can raise complex jurisdictional questions with significant consequences for rights holders, and there is no principled basis for applying a different, more restrictive standard to the type of hearing in FTF matters than is applied to other proceedings. IMC recommends that the language be revised so that the type of hearing for a FTF proceeding is also confirmed through case management, and without a distinct "exceptional circumstances" threshold.

3. Use of Artificial Intelligence in Proceedings (PD6)

IMC supports the Board's adoption of a disclosure framework that is aligned with the Federal Court's May 2024 Notice. IMC reiterates its recommendation that the final Practice Direction confirms explicitly that the disclosure obligations in paragraphs 4 and 5 apply equally to Board Staff. While Board Staff is defined as a "party" under the Rules and is accordingly already subject to this obligation, an express confirmatory statement would remove any ambiguity and reinforce that the same standard is expected of all participants.

4. Procedural Clarity and Board Obligations

IMC reiterates its recommendation that the final Practice Directions: a) commit the Board to defined turnaround times for its own rulings on motions, page-limit requests, and other matters requiring Board action, so that procedural predictability runs in both directions; and b) define key procedural terms used in PD3, including "notice," "response," and "reply", and cross-reference them against the corresponding provisions of the Rules to reduce the risk of disputes over compliance with filing deadlines.

IMC also recommends that the Board address two related gaps in PD1. First, the Practice Direction does not specify what will occur if the parties are unable to agree upon a hearing schedule at case management (unlike the fallback mechanism already provided for FTF proceedings under PD5, para. 5). Second, PD1 does not identify the criteria the Board will apply in deciding a request for additional hearing time under paragraph 11 (unlike the factors set out for page-limit extension requests under PD4, para. 10). Accordingly, IMC recommends that the final Practice Directions adopt comparable fallback mechanisms and criteria in PD1.

Conclusion

IMC has also reviewed the submission made by the Constitutional Coalition in response to this consultation and confirms its support for the positions raised in that submission.

IMC appreciates the Board's engagement with the concerns raised during the initial consultation, and the improvements reflected in the revised Practice Directions. We welcome the opportunity to discuss any aspect of this submission further and remain committed to engagement with the Board on these procedural matters.

Sincerely,

Brendan Lounsbery
General Counsel & Vice President, Legal, Regulatory & Compliance