

# The National Academies: Committee on Management of University Intellectual Property

PRESENTED BY:  
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GATES *foundation*

# OUR CORE VALUES & PRINCIPLES

**There are two values that lie at the core of the foundation's work:**

- All lives—no matter where they are being led—have equal value.
- To whom much has been given, much is expected.

**We have 15 guiding principles, some examples include:**

- Family foundation driven by the interests & passions of the Gates Family.
- Philanthropy plays an important but limited role.
- Science and technology have great potential to improve lives around the world.
- We are funders and shapers – we rely on others to act and implement.
- We take risks, make big bets and move with urgency – but are in it for the long haul

# OUR AREAS OF FOCUS

25%

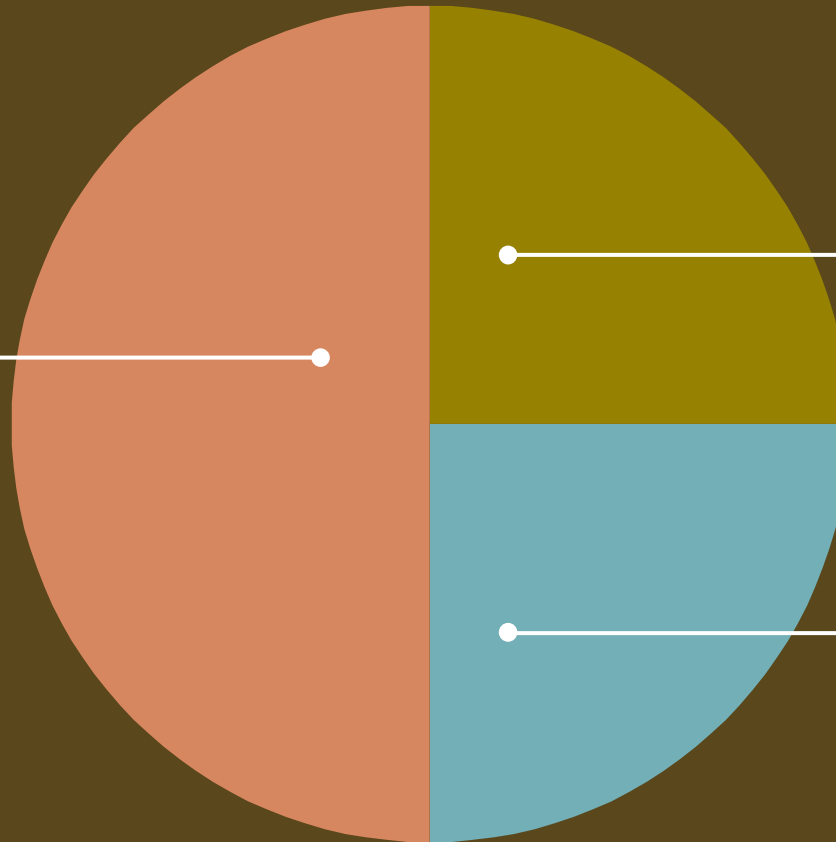
Global  
Development  
Program

United  
States  
Program

25%

Global  
Health  
Program

50%



# UNITED STATES PROGRAM

**PRESIDENT:** Allan Golston

## **ACTIVITIES:**

### **EDUCATION**

Increasing high school graduation and college readiness rates

Scholarships and college access

Early learning in Washington state

### **AT-RISK FAMILIES AND CHILDREN IN THE PACIFIC NORTHWEST**

### **US LIBRARIES**

### **SPECIAL INITIATIVES**

### **ADVOCACY**

# GLOBAL DEVELOPMENT PROGRAM

**PRESIDENT:** Sylvia Mathews Burwell

## **ACTIVITIES:**

**AGRICULTURAL  
PRODUCTIVITY**

**ADVOCACY**

**FINANCIAL  
SERVICES FOR  
THE POOR**

**GLOBAL  
LIBRARIES**

**SPECIAL  
INITIATIVES**

# GLOBAL HEALTH PROGRAM

**PRESIDENT:** Tachi Yamada

## STRUCTURE:

### DISCOVERY

Research technologies, treatments, and health conditions

### DEVELOPMENT

Ensure ideas lead to positive health outcomes

### DELIVERY

Bring health solutions to people who need them

## STRATEGIC PROGRAM TEAMS:

HIV

TB

Malaria

Pneumonia

Diarrhea

Other ID

FP/RH

VPD

MNCH

Nutrition

Tobacco

# AREAS OF FUNDING

**The foundation supports efforts to prevent and treat diseases and health conditions that meet three criteria...**

- ▶ they cause widespread illness and death in developing countries;
- ▶ they represent the greatest inequities in health between developed and developing countries; and
- ▶ they receive inadequate attention and funding.

**... in all stages of development, from discovery through to distribution...**

- ▶ Diagnostics
- ▶ Vaccines
- ▶ Drugs
- ▶ Genetically modified organisms

**... and transitional or “gap” research between NIH funding and venture capital or private equity funding.**

# **Addressing Intellectual Property Within our Grantmaking**



# Approaches to Intellectual Property

## Mechanism to Address IP

- US Government: Bayh-Dole Act
- Private Funders: Internal Policies & Practices (e.g., BMGF's "Global Access")

## Purpose of the Mechanism

- US Government: To encourage commercialization and balance social benefit; US economic interests (favoring US businesses and facilitating US job creation)
- Private Funders: Internal Mission & Interests (e.g., BMGF's Global Inequities)

## Application of the Mechanism

- US Government: Fairly well understood – applies once an invention is created; Historical lack of enforcement of march-in rights & US manufacturing requirements.
- Private Funders: Funder Specific (e.g., BMGF's asking that TTO be involved at grant proposal stage and throughout the term of the project)

**Take Away:** TTOs must manage technologies within (i) the Bayh-Dole system, (ii) the requirements of a large number of diverse funders (philanthropies & industry), and (iii) their own institutional policies and practices.

# **Global Access Policy**

# PURPOSE AND CORE PRINCIPLES

## Purpose

**The foundation funds projects for the purpose of ultimately reaching an intended solution for the developing world, and not simply to advance science**

- More than a scientific plan and evaluation are needed

## Principles

**To ensure the achievement of the following:**

- **The knowledge gained through discovery must broadly and promptly be disseminated to the scientific community, and**
- **Appropriate solutions must be made accessible (price, supply and available) to people most in need in the developing world.**

# IMPLEMENTATION

## Due Diligence

The foundation may conduct pre-grant due diligence to confirm:

- Appropriate ownership and/or access to background & project technologies and related IP rights to conduct the project consistent with the Global Access principles
- The organization is viable, and the management structure and mechanisms are established to manage the project, the consortium (if applicable), and the technologies & IP rights
- That anticipated post-project activities and issues (e.g., further development and commercialization) have been identified and taken into account in structuring the project

## Documentation

The grantee may be asked to prepare the following documents to outline plans to manage innovations and optimize outputs:

- Global Access Strategy
- Third-party technology access agreements (e.g., license rights, non-asserts)
- Collaboration Agreement
- Management Committee Charter

# Similarities with Bayh-Dole

## Numerous Differences, but Similarities Include:

- Balancing public & private benefits (i.e., we need industry to succeed)
- Allows a great deal of flexibility, because every circumstance should be evaluated based on its own merits.
- Decisions regarding details are best left in the hands of the parties (i.e., University & industry partner are best positioned to structure the “appropriate” deal so as to meet their own objectives and the foundation’s objectives).

# POTENTIAL HURDLES TO ACHIEVING GLOBAL ACCESS

- **Access / licenses to technologies**
- **Treatment of new inventions**
- **Management of intellectual property**
- **Sharing of information**
- **Transfer of materials**
- **Product maturation**
- **Business management of project**
- **Business / organization relationships**
- **Undeveloped regulatory infrastructure**
- **Lack of consumer acceptance of finished product**

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# WORKING WITH UNIVERSITIES

## How our work is different from other funders

- Size of grant projects
- Focus on product development
- Foreign focus (collaborations, products & markets)
- Requirement to prepare Global Access Strategies (type of business plan)
- Consideration of Global Access at outset of grant

## Interaction with academia

- Universities and research institutions as grantees
- Convening of legal / technology transfer representatives: Oct 2007
- Association of University Technology Managers (AUTM)
- Multi-Funder Sponsored Meeting (HHMI)

## Specific university efforts re humanitarian licensing

Various initiatives are additional complexities/pressures faced by TTO

- Technology Managers for Global Health (TMGH)
- Philadelphia Consensus Statement (Universities Allied for Essential Medicine)
- Standard license clause: Reservation of Rights for Humanitarian Purposes (UW)
- Nine Points to Consider in Licensing University Technology



**Questions?**