

The National Academies: Committee on Management of University Intellectual Property

PRESENTED BY:
Erik Iverson
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OUR CORE VALUES & PRINCIPLES

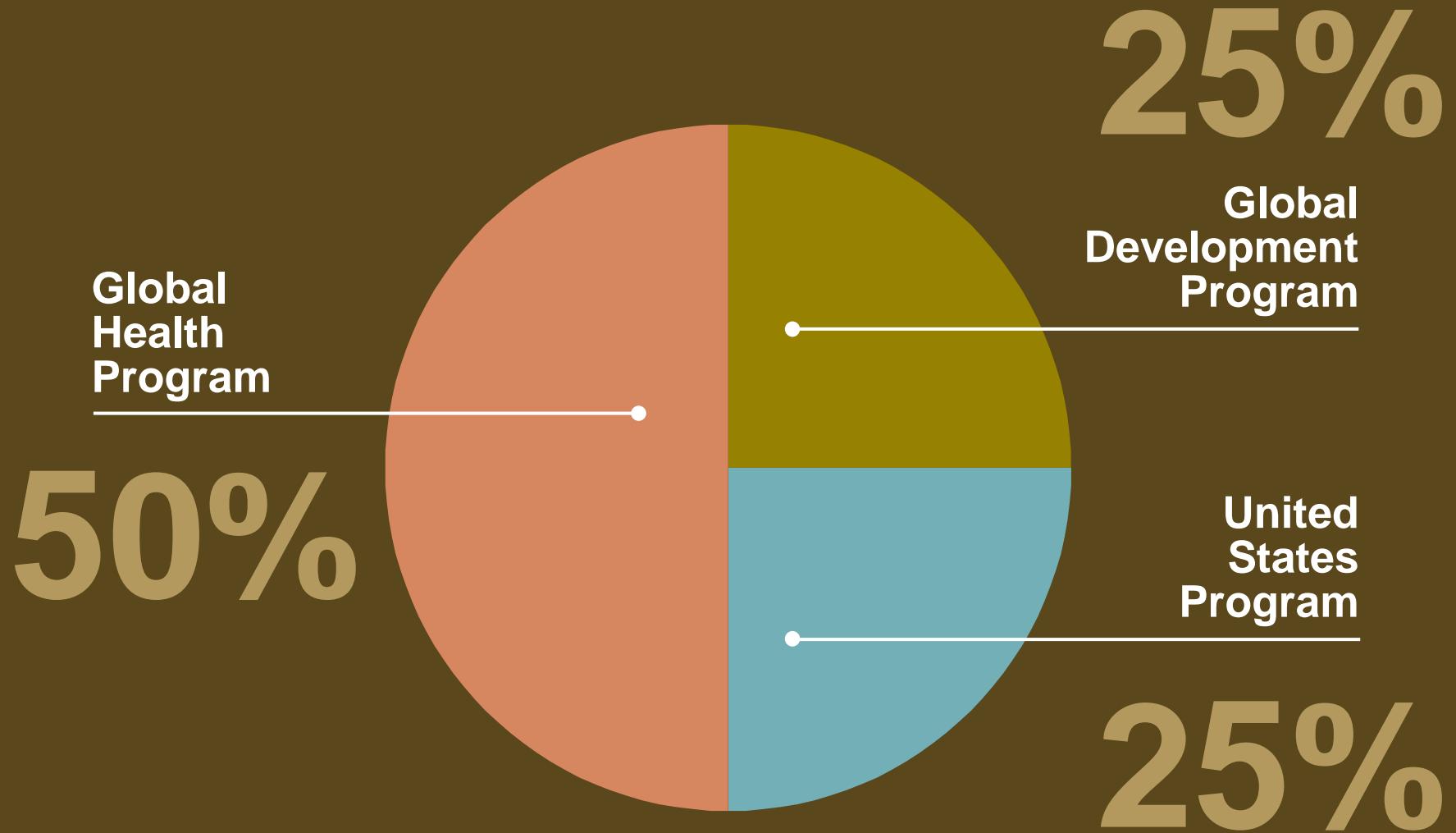
There are two values that lie at the core of the foundation's work:

- 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



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?