

Taking Back the Public Discussion on Research and License Goals and Agreements

Ann M. Hammersla
MIT

Background



■ Negative Press

- University technologies not available to 3rd world nations.
- Other researchers (profit and not-for-profit) cannot use university developed technologies.
- Universities are unwilling to distribute their research materials.
- Fewer publications

Background – cont.

- Prices are too high for drugs because universities have protected critical intellectual property and are charging too much.
- US universities are difficult if not impossible to reach agreement on research terms and the terms in the licenses.
 - Congressional testimony
 - Many articles
 - GUIRR and UIDP
- Research agreements take too long to finalize.
 - Months, months, months, years.....
- Why are MTAs necessary? They take too long and I need the material yesterday?
 - What happened to the good ol'days before administrators and attorneys got involved and researchers just sent their materials to anyone they wanted to with no agreement?

Background - cont.

- Are these issues myths? Reality? A little of both?
- Frustration on all sides:
 - OSP
 - TLO
 - Industry Sponsors
 - Government
 - Patent holders
 - Counsel
 - FACULTY
 - STUDENTS
 - Etc., etc.



Background - cont.

- Are the stories about universities “unfairly” restricting access to materials and research tools with other universities, with industry true? Half-true? Not-true?
 - ABSOLUTELY TRUE
- Are research and license terms unduly burdening research and the license of our technologies?
 - ???????



Background - cont.

- Steps taken to “clean-up” universities, research administrators, and university counsel images.
 - Over past 10+ years many many educational programs: NCURA, COGR, RADG, NACUA, etc.
 - Many “how to” publications
 - Guidelines from the U.S. Government
 - NIH – “Developing Sponsored Research Agreements: Considerations For Recipients of NIH Research Grants and Contracts. – 1994
 - NIH – Principles and Guidelines for Recipients of NIH Research Grants & Contracts on Obtaining & Disseminating Biomedical Research Resources - 1999

Background - cont.

- NCURA Publications
 - IP
 - Government Regulations
 - Industry relations
 - Contracts
- UIDP: Guiding Principles for University-Industry Relations
- University internal publications:
 - MIT:
<http://web.mit.edu/faculty/reports/publicinterest/pdf>

Principles, Rules, Guidelines...oh

my.



■ Oh no.

- Too many rules.
- Won't work in all situations.
- Wrong size, wrong font, wrong color.
- Can't do.
- All universities are different.
- All research programs are different.
- All industries are different.

Taking Action & Taking Back the Discussions

- 9 Points: Note not principles, not guidelines
 - But worthy of consideration if not practice
- Kathy Ku from Stanford and her other Stanford colleagues took the plunge and invited colleagues from across the US
 - There began long discussions, many edits
- What is it – at the end of the day – that universities “need”, “could endorse and practice”, that would support our faculty, research programs, internal policies, and public expectations?

Taking Action & Taking Back the Discussions - cont.

- Point 1

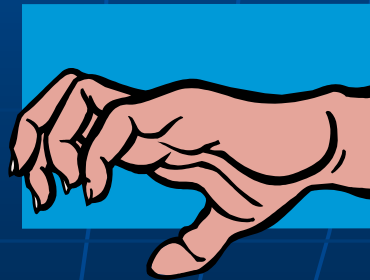
Universities should reserve the right to practice licensed inventions and to allow other non-profit and governmental organizations to do so



Taking Action & Taking Back the Discussions - cont.

- Point 3

Strive to minimize the licensing of
“future improvements”
aka “reach throughs”



Taking Action & Taking Back the Discussions - cont.

■ Point 4

Universities should anticipate and help to manage technology transfer related conflicts of interest.

- Broader and/or more comprehensive than NIH and NSF???
- Institutional COIs?
- Who handles?

Taking Action & Taking Back the Discussions - cont.

■ Point 5

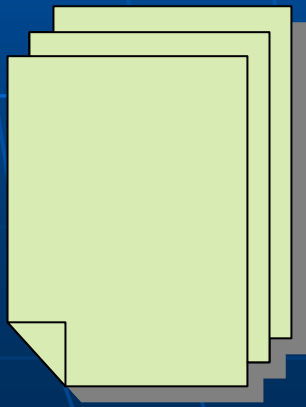
Ensure broad access to research tools.

- What happened to the use of the UBMTA?
 - Did it go out of style????
- Why are university to university MTAs 8-10 pages long????
 - Sponsors and licensees require?????
 - Use Point 1

Taking Action & Taking Back the Discussions - cont.

- Point 7

Be mindful of export regulations.



Taking Action & Taking Back the Discussions - cont.

■ Point 9

...Provisions that address unmet needs...of neglected patient populations or geographic areas...

- Is this at TLO licensing issue and a research issue????
- Should it be?

Taking Action & Taking Back the Discussions - cont.

- What Points need to be added for research and exchange of material agreements?



THANK YOU