

Technology Transfer for Global Access: Guiding Principles

Emory University is committed to “working collaboratively for positive transformation in the world through courageous leadership in teaching, research, scholarship, health care, and social action.”¹ As a leading research institution, Emory will endeavor to fulfill this commitment by helping make Emory-developed innovations accessible to people in the developing world whose lives depend on their use. This work is part of a broader effort to address the challenges of global health through a multi-disciplinary approach, from the development of knowledge and technologies to the delivery of treatment and care. Toward this goal, the Office of Technology Transfer will adopt the following guiding principles into its licensing program:

1. Emory reaffirms its commitment to seek out global licensing partners for new and neglected technologies that may be of significant interest to the developing world.

Emory has a history of licensing technology to corporate partners that develop drugs and vaccines to address diseases affecting the developing world. Emory reaffirms its commitment to these efforts by seeking out industry partners and creating new companies that work to increase access in the developing world to therapies developed by Emory scientists.

We recognize that some corporate partners may not immediately recognize the value in global access strategies, and we are committed to being vigorous advocates for licensing technology in ways that promote global access.

2. Emory will engage in open and honest discussions with its industry partners to develop creative and effective licensing strategies that promote global access.

As market conditions evolve, licensing with global access clauses will, we believe, become less threatening to licensees. Governmental and philanthropic resource availability, socially conscious investors and activists, threats of compulsory licensing, and improved technology to prevent re-importation are just a few of the developments that are changing the once-settled assumption that the promotion of global access is not a rational financial strategy.

As a result, we believe that Emory has more common ground with industry partners than previously recognized with respect to global access licensing. Through open discussion and creative thinking, Emory and its licensing partners can develop licensing terms with which both parties are comfortable in order to promote global access.

¹ Emory University Strategic Vision Statement

3. Emory supports making new products available in the developing world and therefore will negotiate with licensing partners in a manner that encourages them to make those products available to people who need but cannot afford them.

Emory values the importance of access as well as the value of financial return. Recognizing that aspirational statements are not sufficient, Emory is committed to seeking incentives for **actual** results—including, e.g., shared reduction in financial return on sales in the developing world.

4. Emory will continue to follow effective global access principles when licensing Emory inventions.

We understand that the dynamic nature of licensing and the rapidly increasing attention to global access would render any list of socially responsible licensing strategies incomplete. While we will continue to think creatively about the issue, some of the potential strategies include:

- (a) Structuring royalty payments to reward companies that succeed in making new products available at an affordable cost to the developing world.
- (b) Structuring diligence obligations that facilitate widespread availability of new products.
- (c) Encouraging licensees to sublicense to manufacturers in developing countries.
- (d) Incorporating intellectual property terms that allow or encourage licensees to forego patent protection in developing countries when doing so will promote global access.
- (e) Partnering with government entities and not-for-profit organizations who share in the vision of making technologies more available and accessible in the developing world.