



Essential Medicines Position Statement

The University of Edinburgh is committed to advancing development in low- and middle-income countries (LMICs)¹. We recognise that improving health and access to medicines are among the most pressing needs and continues to pioneer world-class research into the often-preventable diseases that take millions of lives every year.

Our position on Essential Medicines aims to:

- I. Improve global equitable access to health technologies
Equitable access in this context refers to the global availability and affordability of health technologies and should be the primary purpose of technology transfer. Maximising equitable access includes both promoting the availability of health technologies while protecting affordability.
- II. Promote further development of health technologies
Technology transfer should promote utilisation and further development of the health technology, while ensuring that intellectual property does not act as a barrier to further research. Therefore, intellectual property must be managed in a way that is conducive to the dissemination and sharing of knowledge and the benefits of scientific progress.
- III. Improve transparency of health technology transfer
Technology transfer agreements, the nature of technology transfer negotiations, and the patent status of health technologies should be as transparent as practicable to ensure effective evaluation of the university's strategies. In addition, all funding sources and amounts should be made public where possible.

To ensure the fruits of its research are accessible to those in greatest need, the University of Edinburgh commits to adhere to the following goals and provisions when transferring its health technologies for commercial purposes, as far as is practicable.

The policy outlines the following provisions that seek to increase the availability of medicines at affordable prices to less developed countries (these apply to all modalities of health technology transfer):

1. The University of Edinburgh acknowledges its responsibility to act in the interest and to the benefit of the global public. Throughout the entire research and technology transfer processes the primary objective must be to ensure a return on public investment by maximising availability, accessibility, and affordability to the health technology.
2. Monopolies are an important barrier to facilitating affordable access to health technologies in all countries. Therefore, such barriers should be reduced to allow for competition. The

¹ World Bank Classification LMICs: <https://blogs.worldbank.org/opendata/new-country-classifications-income-level-2019-2020>

University of Edinburgh therefore aims to issue non-exclusive licenses for LMICs, wherever possible, and refrains from prosecuting patent applications in these countries.

3. To retain intellectual property (IP) rights, wherever possible, as this maximises the University's influence over the management of health technologies.
 - a. Any transfer of rights should be contingent on the attachment of conditions that promote access, in accordance with the goals and principles outlined in this policy. This includes, but is not limited to, agreements relating to licensing of health technologies, cooperation with other parties, and employment of researchers.
 - b. In the event that the University of Edinburgh does not retain ownership over the IP developed by researchers employed by the University of Edinburgh, all principles in this document shall still apply to the transfer of IP from the University of Edinburgh to a third party.
4. To include step-in rights in all agreements involving the transfer of health technologies, and actively enforce these if the default strategies taken to promote access are found to be ineffective. Examples of step-in rights may include, but are not limited to:
 - a. Partial or full revocation of technology transfer agreements.
 - b. Retention of rights to unilaterally issue non-exclusive sub-licenses under a licensing agreement.
 - c. Application of field-of-use limitations in technology transfer agreements.
5. To include 'reach through' clauses in all technology transfer agreements. These ensure that future utilisations of transferred technologies are subject to the same access protections conveyed by the original transfer agreements.
6. To waive market and/or data exclusivities in jurisdictions where this is possible, and refrain from applying for further extensions to market and data protections. The University of Edinburgh shall mandate that subsequent patent owners or licensees honour this same principle.
7. To commit to full sharing of all data and research findings to promote further research and scientific progress. This includes the publishing of all clinical trials regardless of its outcome or completion.
8. To commit to ensuring transparency of all public funding sources and amounts for the entire research and development process of a health technology and commit to ensure the same disclosure from the end producers.
9. To implement robust accountability and transparency mechanisms for continuous evaluation of the success of the strategies applied in achieving sustainable affordable access to the health technology, including:
 - a. Making information public concerning negotiations regarding technology transfer with a third party, the specific health technology concerned, and the identity of the third party.

- b. Publishing technology transfer agreements in full for all health technologies as soon as they are finalised. If there is a justifiable reason why the full technology transfer agreement cannot be made publicly available, a redacted version will be published.
- c. Establishment of a committee that monitors and promotes the adherence to the goals and provisions committed to by the University of Edinburgh in this policy.

It expects its commercial technology transfer and licensing partners to appreciate and cooperate with this policy.

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