

## PROXY ITEM 65/18

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### Principles for fair global access to medicines and medical treatments resulting from commercialisation of research results

#### Recommendation:

*The university will to the extent possible facilitate fair access globally, especially in low- and middle-income countries, to research results in medicine and health, medicines and medical treatments based in full or in part on publicly funded research. The university will achieve this by:*

- 1. Norinova Technology Transfer AS and UiT cooperating to develop ethical guidelines for commercialisation work. Future framework agreements with commercialisation partners must contain the current version of these ethical guidelines.*
- 2. Including, where possible, appropriate terms in licensing and cooperation agreements that can contribute to increasing the availability of research results in medicine and health globally, and especially in low- and middle-income countries*
- 3. The university, as far as practicable and appropriate and on fair terms, facilitates global dissemination and access to research results in medicine and health that may be particularly useful for developing medicines and medicaments globally and especially in low- and middle-income countries*

*The university expects its partners to appreciate and cooperate with these principles.*

#### Grounds:

##### Regulations and policy at UiT

UiT The Arctic University of Norway (UiT) aims to ensure the society free and open access to research results. Consequently, the research results should generally be available in open scientific archives or through publishing. Research results with commercial potential must be assessed for commercial exploitation, and UiT wants research results to be utilised for the benefit of the society.

On 8 May 2008, the University Board adopted the *Joint Intellectual Property Rights policy for Norway's universities*. This document states that “results that are created or achieved at the universities or produced in full or part with the resources of the universities, are the property of the university, as long as this does not or will not come into conflict with the rights of other parties”. Furthermore, it requires that the university establishes “rules for the transfer of rights to the results where this is required”.

On 19 November 2009, the University Board adopted the *Regulations regarding the employer's right to work results at UiT*<sup>1</sup> as part of the implementation of the national rights policy at UiT. The regulations clarify the university's Intellectual Property Rights (IPR) policy regarding rights to work results and systematises the current practices at UiT in this area. The regulations also supplement optional provisions in national regulations.

UiT has a conscious relationship with ethical issues that arise in connection with entering into cooperation agreements with privately-owned companies in Norway and abroad. On 21 October 2016, the University Board adopted *Ethical guidelines for cooperation with external enterprises*.

### **Ethical guidelines for licensing of results of medical research**

*Changemaker* is a youth organisation that focuses on development policy. *Changemaker* has started a campaign for Norwegian universities to contribute to fair global access to research results in medicine and health by adopting ethical guidelines for licensing of results of medical research. This appears in documents including *Changemaker's* report:

*“One-third of the world's population currently lacks access to essential medicines. Publicly funded research is the basis for a large proportion of the development of medicines through the licensing of research results.*

*The way Norwegian universities and technology transfer offices (TTOs) handle medical patents can contribute to ensuring access to medicines by facilitating the development of cheaper generic medicines for markets. Although international regulations allow for a certain degree of legal development and distribution of generic medicines, enforcement of patent rights remains a barrier to access to medical treatment for parts of the world's population.”*

### **The work at UiT**

Following the proposal by *Changemaker*, UiT's Rector Anne Husebekk by authority from the University Board appointed a working group with a mandate to report on the need for UiT's principles for fair and global access to medicines and medical treatments. The working group's task was to look at the scope of licensing and research results that can form the basis for medicines and medical treatments, as well as the opportunities to include clauses in licensing agreements about fair access to medicines and medical treatments.

The working group has had the following composition:

- Assistant Director Sølvi B. Anderssen, Dept. of Research and Development (Chair)
- Adviser Sunniva Helena Sømhovd, Faculty of Health Sciences
- Head of Section Eirik Wasmuth Lundblad, Norinnova TT AS

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<sup>1</sup> Original “Regulation regarding the employer's right to work results”

- Professor Morten B. Strøm, Department of Pharmacy
- Senior Adviser Svetlana P. Johansen, Dept. of Research and Development (Secretary)

The working group has had two meetings and written correspondence. During its discussions, the group had the following considerations:

### **The commercialisation process at UiT**

UiT receives 20-30 inventions annually from its employees, over half of which come from the Faculty of Biosciences, Fisheries and Economics, the Faculty of Science and Technology and the Faculty of Health Sciences, and these can form the basis for the development of medicines and medical treatments. The number of patent applications is steadily increasing, but few patents are granted to and maintained by UiT because UiT is reliant on commercial partners that finance maintenance of patents. Research from UiT has so far not given rise to any new medicines or medical treatments, but several medicines originating from UiT are currently undergoing clinical trials.

The process of developing new medicines is a long and demanding one. It is common for patented results to be licensed or transferred to privately-owned companies that assume responsibility for developing research results further via clinical trials through to marketed medicines.

The commercialisation of research results is a demanding process. Consequently, it is important to think long-term when drawing up principles for commercialisation of research results. UiT currently has a framework agreement with the commercialisation company Norinova Technology Transfer AS, which negotiates commercial agreements on behalf of the university.

As the owner of research results and contractor, UiT may suggest provisions concerning the content of commercialisation agreements and wish that certain terms are included. However, the terms must not be such that our partners are unable to accept them. Consequently, it is necessary that proposed principles have a certain degree of flexibility in relation to negotiations, but that commercialisation, to the extent possible, occurs according to the principles recommended by the working group.

### **Proposal from the working group**

The working group proposes the following principles for fair and global access to medicines and medical treatments that are developed based on research results at UiT:

*“The university will to the extent possible facilitate fair access globally, especially in low- and middle-income countries, to research results in medicine and health, medicines and medical treatments based in full or in part on publicly funded research. The university will achieve this by:*

1. *Norinova Technology Transfer AS and UiT cooperating to develop ethical guidelines for commercialisation work. Future framework agreements with commercialisation partners must contain the current version of these ethical guidelines.*
2. *Including, where possible, appropriate terms in licensing and cooperation agreements that can contribute to increasing the availability of research results in medicine and health globally, and especially in low- and middle-income countries*

3. *The university, as far as practicable and appropriate and on fair terms, facilitates global dissemination and access to research results in medicine and health that may be particularly useful for developing medicines and medicaments globally and especially in low- and middle-income countries*

*The university expects its partners to appreciate and cooperate with these principles.*

**Consideration by the University Director:**

In recent years, UiT has increasingly focused on ethical aspects of research and cooperation with external partners. The proposed principles ensure fair access in low and middle-income countries to research results in medicine and medical treatment, while also safeguarding the considerations of UiT's cooperation with commercial partners. The University Director endorses the proposal and proposes that "Principles for fair and global access to medicines and medical treatments" be adopted.

Jørgen Fosslund  
Acting University Director

Pål Vegar Storeheier  
Research Director

*This document is approved electronically and does not require a signature*

Case officer: Svetlana P. Johansen

**Consideration by the Rector:**

**From:** Anne Husebekk (anne.husebekk@uit.no)

**Sent:** 21.04.2018 07:34:06

**To:** Svetlana Petricheva Johansen

**Copy:**

**Subject:** Re: principles for fair global access to medicines and medical treatments

**Attachment:**

I support the recommendation.

Anne Husebekk

Sent from my iPad

Anne Husebekk

Rector

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