PHILANTHROPY SERIES

Philanthropy and Intellectual Property
Access to drugs for developing countries

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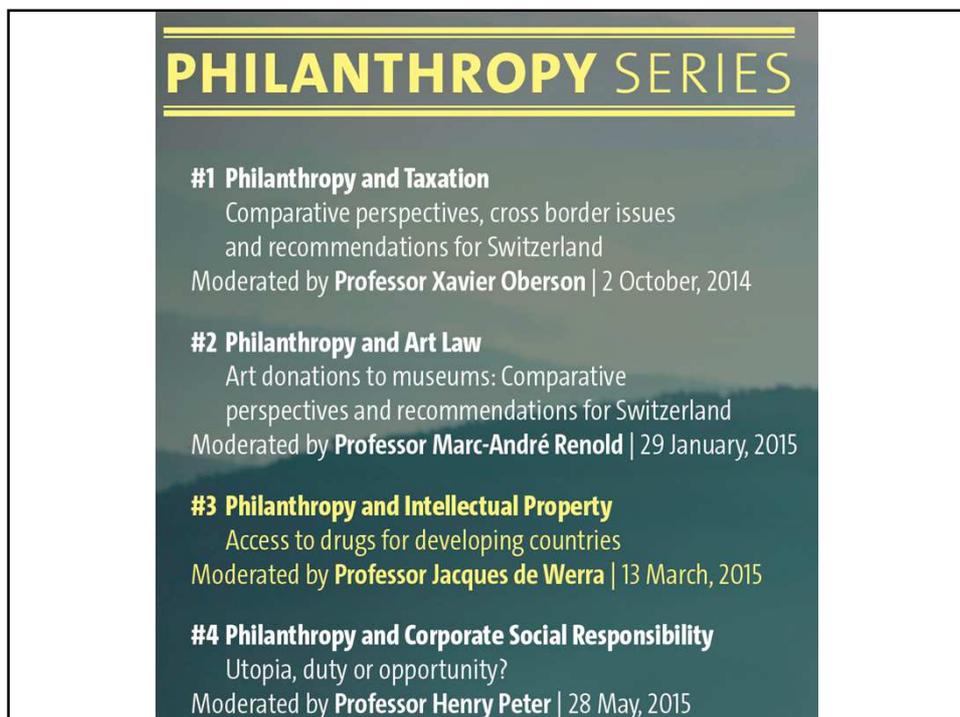
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Access to drugs for developing countries
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#4 Philanthropy and Corporate Social Responsibility
Utopia, duty or opportunity?
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Introduction

Prof. Jacques de Werra

Why Philanthropy

and Intellectual Property ?

Many different ways of giving…

…money…

…art works…

…intangible assets…

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in the information age/knowledge economy

the value is not (*only*) in the money

but

(also) in the intangible assets

Information age: Big Data

=> **Data philanthropy**

Harvard Business Review

SOCIAL RESPONSIBILITY

Sharing Data Is a Form of Corporate Philanthropy

by Matt Stempeck

JULY 24, 2014

Data philanthropy

"In 2013, […] the government of Côte d'Ivoire consented to the release of five months' of anonymized mobile phone data. These data were then used to <u>develop a model for containing the spread of epidemics</u>. This kind of data philanthropy […] – <u>in which corporate entities or governments share anonymized information of potential public health significance</u> – may provide new synergies between the for-profit sector and other stakeholders"
(R. Wyber et al., *Bulletin of the World Health Organization* 2015;93:203-208)

Using intangible assets (IP / patents)

for a philanthropic goal

with a focus on the issue of access to

drugs in developing countries

**How to stimulate & incentivize
IP philanthropy ?**

Carrots and/or sticks ?
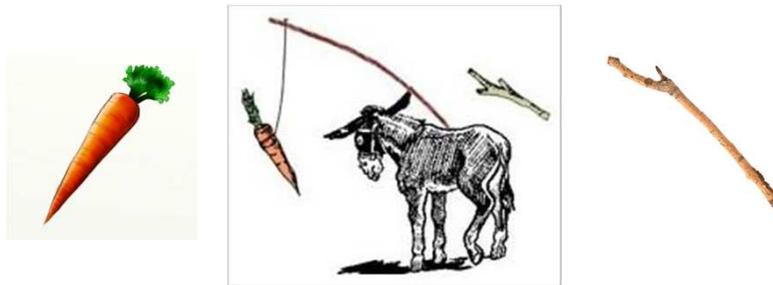
Stick

Compulsory licensing:

Grant of a license without consent
of the patent holder
(i.e. *forced/unvoluntary* license)

WTO TRIPS agreement (art. 31)
(«TRIPS flexibilities»)

Stick

Doha Declaration on the TRIPS Agreement
and public health (2001)
+ "Paragraph 6 System"

"We stress the importance we attach to
implementation and interpretation of the
[TRIPS Agreement] in a manner supportive of
public health, by promoting both <u>access to
existing medicines</u> and <u>research and
development into new medicines</u>"
(Doha Ministerial Declaration 2001, § 17)

Carrot

?

PATENTS for
It's not just an invention. HUMANITY
The U.S. Patent and Trademark Office
an agency of the Department of Commerce

IP philanthropy

Making available IP assets

on a *voluntary* basis

=> Socially Responsible Licensing

What ?

Share access to & use of
existing knowledge (*licensing*)

Create and share new knowledge
(*R&D*)

Who ?

IOs, industry, academia, R&D
entities, NGOs, intermediaries (etc.)

What tools

in the IP philanthropy toolbox ?