



US National Institutes of Health (NIH) First to Share Patents with Medicines Patent Pool As it Opens for Business

– Companies Invited to Join the Pool –

30 September 2010, Geneva – The U.S. National Institutes of Health (NIH) has become the first patent-holder to share its intellectual property with the Medicines Patent Pool, an initiative newly-established with the support of UNITAID.

“We are delighted that with this first license, the NIH is demonstrating its support for the Medicines Patent Pool and its commitment to making the fruits of its research globally available,” said Dr. Charles Clift, Chair of the Medicines Patent Pool Board. “Today we take the first step in what we expect to be a productive collaboration with the NIH and other patent holders to come, that will help us improve access to medicines in developing countries.”

“This license underlines the U.S. Government’s commitment to the Medicines Patent Pool and its goal to increase the availability of HIV medicines in developing countries,” said NIH Director Francis S. Collins, M.D., Ph.D. “We are now discussing licensing to the Medicines Patent Pool other patents that could have a positive impact on the treatment of HIV/AIDS.”

The Pool is supported by UNITAID, an innovative global health financing mechanism (funded by a levy on airline tickets), which was co-founded by Brazil, Chile, France, Norway and the United Kingdom at the United Nations General Assembly in 2006.

“The Medicines Patent Pool embodies the innovative approach that UNITAID is taking to improving public health in developing countries,” said Dr. Philippe Douste-Blazy, Chair of the UNITAID Executive Board. “We are encouraged by the support of the NIH, and call on other patent holders to follow their lead.”

The NIH holds multiple patents covering medicines and other technologies related to HIV/AIDS. These include patents on existing drugs as well as products in the development pipeline. The patents licensed today relate to the protease inhibitor class of HIV medicines, which is primarily used to treat drug-resistant HIV infection. The NIH Office of Technology Transfer has previously granted non-exclusive licenses to these patents, including to Tibotec (a subsidiary of Johnson & Johnson) for darunavir. The patents resulted from research undertaken by the NIH National Cancer Institute and the University of Illinois at Chicago.

Patents on the licensed technology are pending or have been granted in the US, Canada, Australia, Japan and 19 high-income member states of the European Patent Office. The license stipulates that this technology is to be available for the benefit of all low- and middle-income countries, as defined by the World Bank. The license is royalty-free. The license on its own will not provide rights to produce or sell any specific existing medicine. Other patent holders would also need to share their patents with the Pool in order to clear the legal path for production of affordable,

generic HIV medicines. The Pool is inviting all leaders of companies and institutions that hold patents on HIV medicines to make their patents available.

“Every day I meet people who need access to cheaper and better medicines for HIV and AIDS, whether it’s small children or adults whose medicines are no longer working for them,” said Nelson Otwoma, Director of Network of Persons Living with HIV/AIDS in Kenya and UNITAID board member. “We ask that companies step up and collaborate with the Medicines Patent Pool so that we can quickly see more affordable, easy-to-use pills getting into people’s mouths.”

By streamlining licensing processes for the production of generic versions of patented HIV medicines, the Pool serves as a one-stop shop that will speed up the pace at which newer medicines reach patients, and will help bring prices down by encouraging competition among multiple producers. It will also facilitate the development of HIV medicine formulations for children and of ‘fixed-dose combinations’ that combine several medicines into one pill, thereby simplifying treatment for patients.

“The Medicines Patent Pool is now up and running,” said Dr. Clift. “We look forward to further agreements with patent holders in the coming months, so we can begin to make a real difference to the lives of people living with HIV.”

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About the Medicines Patent Pool:

The Medicines Patent Pool works to increase access to affordable and adapted HIV medicines in developing countries. Although patent pools have proven useful in many areas, such as agriculture and information technology, the Medicines Patent Pool is the first for HIV medicines. The Pool was established with support from UNITAID in July 2010. For more information, visit: www.medicinespatentpool.org

About UNITAID:

UNITAID was established in September 2006 and provides innovative, sustainable funding to improve access to medicines for HIV/AIDS, tuberculosis and malaria. Since 2006, UNITAID has committed nearly US\$ 500 million for AIDS treatment in low- and middle-income countries. The Medicines Patent Pool is a crucial partner for UNITAID to address this mandate. For more information, visit: www.unitaid.eu

About NIH:

The NIH Office of Technology Transfer administers approximately \$90 million annually in royalty payments from about 500 companies, and licensees reported product sales of approximately \$6 billion last year. The OTT manages the patenting and licensing of the wide range of NIH and FDA inventions. The commercialization of government-owned inventions is encouraged and governed by the provisions of the Federal Technology Transfer Act and related legislation. For more information, visit <http://www.ott.nih.gov>.

The National Institutes of Health (NIH) - The Nation's Medical Research Agency - includes 27 Institutes and Centers and is a component of the U.S. Department of

Health and Human Services. It is the primary federal agency for conducting and supporting basic, clinical and translational medical research, and it investigates the causes, treatments, and cures for both common and rare diseases. For more information about NIH and its programs, visit www.nih.gov.

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