



Board Resolution re molnupiravir

The Governance Board of the Medicines Patent Pool (MPP) thanks the Expert Advisory Group (EAG) and members of the Scientific Advisory Panel for their report assessing the final results of negotiations between MPP and Merck Sharp & Dohme (MSD) on a licence agreement (“Agreement”) for molnupiravir (MOL). The Board has reviewed the EAG report and the proposed Agreement between MPP and MSD. The Board agrees with the EAG's assessment that the proposed collaboration is consistent with the MPP's mandate as defined in its Statutes, and that the proposed agreement represents an improvement over the status quo. The Board agrees with the EAG's assessment that the inclusion of a termination-for-challenge provision runs contrary to MPP's core principles but agrees with the EAG's interpretation that MPP has the right, but not the obligation, to terminate a sublicense in the event of a challenge. As such, the Board hereby states that MPP has no intention to exercise this right.

The Board further concurs with the EAG's comments and recommendations that MPP:

(1) continue to work with MSD to expand the Territory to include all low- and middle-income countries;

(2) work with MSD and its upstream licensors to:

- amend the Agreement to make royalties only payable on the basis of granted patents in force after the end of the Public Health Emergency of International Concern for Covid-19; and

- remove the termination-for-challenge provisions in both the Head Licence and Form Sublicence.

(3) identify a broad base of manufacturers both in and outside India sufficient to meet demand; and

(4) work with MSD to convert direct licences into MPP licences, which have important public health-oriented terms;

With these recommendations, the Board requests the Executive Director to finalise and sign the necessary documents with MSD to formalise the collaboration.