

## **Report of the Medicines Patent Pool Expert Advisory Group on the Proposed Licence Agreement with University of Chile on Covid-19 related technology**

### **Introduction**

The Expert Advisory Group (EAG) of the Medicines Patent Pool (MPP) submits the following report to the Governance Board of the Medicines Patent Pool on the proposed licence agreement (the Agreement) between MPP, as the implementing partner of the Covid-19 Technology Access Pool (C-TAP), and the University of Chile ("University") for a COVID-19 related diagnostic technology.

This report reflects the outcome of a consultation with the EAG by correspondence between 23 and 30 of June 2023, chaired by Peter Beyer, and joined by EAG members, Luis Gil Abinader, Zeba Aziz, Jennifer Cohn, Carlos Maria Correa, Manuel Gonçalves, Mariatou Tala Jallow, Deepa Joshi, Martha Gyansa-Lutterrodt, Jordan Jarvis, Gugu Mahlangu, Deus Mubangizi, Valérie Paris and Fatima Suleman, as well as Nathan Ford and Francois Venter of the Scientific Advisory Panel (SAP) and Maka Gogia and Javier Bellocq from the Communities Advisory Panel (CAP).

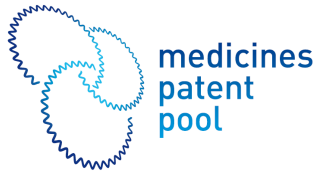
### **Background, Overview of the Proposed Agreement**

In May 2020, the World Health Organization (WHO) launched the Covid-19 Technology Access Pool (C-TAP) to facilitate a timely, equitable, and affordable access to Covid-19 health products via the sharing of intellectual property, data, and know-how for the subsequent scale-up of production. MPP is an implementing partner of C-TAP, responsible for handling negotiations of licences and subsequent licence management while C-TAP retains responsibility for fielding and screening submissions of interest. The EAG understands that WHO has conducted a technical assessment of the technology transfer and has concluded that it would be suitable for inclusion into C-TAP. Furthermore, the EAG notes that the C-TAP advisory group has reviewed the terms of the licence and provided a positive opinion thereafter. The results of that review were shared by WHO with MPP in a report. The EAG has reviewed that report which recommends that MPP proceed with the proposed Agreement and agrees with its recommendation.

The University holds the technology designed as a system for quantification of neutralizing antibodies against SARS-CoV-2. This technology can be used in the facility using heightened control measures similar to biosafety level 2 laboratories.

Key aspects of the proposed licence are as follows:

- **Aim of the Licence:** To facilitate the worldwide use of technology which allows to detect the presence of neutralising antibodies against SARS-CoV-2.
- **Products:** Any product that uses the licensed know-how or material.
- **Know-how:** The University will provide all necessary know-how and materials to the licensees, specified in the licence
- **Field of use:** COVID-19



- **Territory:** Worldwide. The sublicensee shall not be a commercial entity either incorporated or manufacturing the products in Chile.
- **Scope of the grant:** Non-exclusive right to grant sublicenses to develop the licensed know-how/material into products, and to commercialize licensed products.
- **Royalties:**
  - royalty-free for low and middle-income countries.
  - 3% for high-income countries where the sublicensee has used the licensed technology for the manufacture of the products.
- **Term:** 10 years from the Effective Date.

There is no form of the sublicense agreement included in the Agreement. The University and MPP will agree on terms for a sublicense, and additionally will discuss and agree upon the identities of interested and suitable sublicensees.

The EAG highlights that in article 2 the Agreement says “to grant sublicenses to Sublicensees selected by WHO and MPP” while article 8.2 states that “MPP and the University will discuss and agree upon the identities of interested and suitable Third Parties to whom MPP shall grant sublicenses for the purposes of fabricating and/or commercialising the Product.”

### **Assessment of the Proposed Agreement**

The EAG finds the proposed Agreement is aligned with MPP’s statutory requirements. The EAG further recognizes that the signing of this C-TAP licence is an achievement that will send an important message to governments and research institutions around the world to enter into further licence agreements with C-TAP. The EAG congratulates the University on this initiative as a first head licensor from a university in Latin America.

### **Recommendation**

The EAG therefore recommends that the Medicines Patent Pool Governance Board request the Executive Director to sign the proposed Agreement between the University and MPP, as the implementing partner of C-TAP.

A handwritten signature in black ink, appearing to read "P. Beyer".

Peter Beyer  
Chair, Expert Advisory Group  
Date: 07 July 2023