

MMV – Management of Intellectual Property

1. Guiding Principles

The need for responsible management of intellectual property (IP) is a key factor in MMV's partnership model. MMV's overarching goal in managing background and foreground intellectual property (IP) is to serve MMV's public health mission and ensure equitable access to, and affordability of, the quality-assured products that MMV and its partners co-develop.

2. Management of Background and Foreground IP

Background IP

Background IP is the IP (including compounds, technology, data, know-how) that partners bring into a collaboration and over which they retain ownership. When an MMV partner (academic or research institution, pharmaceutical company) brings its Background IP into a collaboration, MMV is granted a non-exclusive license to such IP in order to conduct activities under the collaboration. When Background IP belongs to MMV, it will similarly grant to its partners a non-exclusive license to such Background IP for the purposes of the collaboration.

Foreground IP

Foreground IP is the IP that is created under a collaboration. Ownership of Foreground IP, and rights to use Foreground IP, are negotiated on a case-by-case basis between MMV and its partners, but, in all cases, rights in Foreground IP are accompanied by an obligation to develop products in malaria and make them accessible to patients in-need. MMV will ensure upfront (unless all Foreground IP automatically vests in MMV) that, should its partner be unable to fulfil its obligations, it will be granted exclusive, sub-licensable rights to continue research, development and commercialization of Foreground IP, developmental compounds and/or products, as well as licenses to a partner's Background IP, to the extent such IP is necessary for the same. In essence, MMV will become "the keeper of IP" and will pass it on, allowing the transfer of responsibility from one partner to the next until compounds of interest have been registered as new antimalarial products and are accessible to patients in-need.

3. Commitments on Accessibility and Affordability

Ensuring equitable access to, and affordability of, novel antimalarial medicines is core to MMV's mission. MMV obligates its partners to commit to developing and/or distributing antimalarial products that are accessible (i.e., registered, manufactured in sufficient quantities and sold) and affordable – they agree to set prices for products on a "no-profit, no-loss" basis (with third-party audit to verify cost structure) to ensure widespread delivery of the products to patients. MMV recognizes that its partners may seek higher prices in premium private sector markets (in endemic and non-endemic countries).

For more information, see MMV's website:

<https://www.mmv.org/newsroom/publications/managing-intellectual-property-develop-medicines-world-s-poorest>

<https://www.mmv.org/newsroom/publications/role-intellectual-property-battle-against-malaria>