

**HEALTH CANADA WORKSHOP ON LICENSING AND
TECHNOLOGY TRANSFER**

PROJECT OVERVIEW

The Health Canada Workshop on Licensing and Technology Transfer was organized by the Health Science Policy Division at Health Canada in collaboration with the Innovation Partnership, a non-profit consultancy with experts in developed and developing countries specializing in the understanding, use and management of intellectual property. The workshop engaged human genetics/genomics researchers and clinicians, intellectual property managers and academic experts, funding bodies, health policy makers and health administrators in discussions on the use of licensing guidelines and collaborative intellectual property management mechanisms to increase access to and dissemination of valuable health technologies.

The event, held in Ottawa on March 28th 2008, explored the central question of ensuring access to genetic/genomic innovation in healthcare. The workshop canvassed issues such as the effect of licensing decisions and business models on healthcare delivery, obstacles to the implementation of the OECD Guidelines for the Licensing of Genetic Inventions, and strategies technology transfer offices (TTOs) could adopt in crafting policies to encourage better access to genetic inventions. This workshop follows from a previous symposium held by Health Canada in 2006, where participants examined mechanisms for the appropriate uptake of the OECD Guidelines.

The OECD Guidelines for the Licensing of Genetic Inventions were developed by member countries to address stakeholder concerns that the acquisition and exercise of patent rights over human health-related genetic inventions did – or could - adversely affect the pace and direction of innovation and medical research as well as the cost and quality of medical care. The OECD Guidelines take as their premise that member countries will continue to offer intellectual property protection to genetic inventions and urge licensors and licensees to negotiate licensing terms that accommodate both commercial needs and public interests.

The paper by Tina Piper and Richard Gold of The Innovation Partnership, commissioned by Health Canada, combines a literature search, empirical research, and the outcomes of the workshop to identify how technology transfer practices in relation to new genetic technologies can optimize health outcomes while yielding other social and economic returns to Canada, in light of the OECD Guidelines. This report accomplishes four things: first, it identifies policy issues and initiatives in the area of licensing innovative health care technologies, and also assesses the status of ongoing research; second, it evaluates the impact of licensing decisions and business models on healthcare delivery; third, the report considers the identity, perceptions and plans of the key players involved in technology transfer; and finally, the report identifies and considers promising mechanisms to implement best licensing practices in the future. The authors identify the actors and areas of practice that must be implicated to attain the goal of increasing access to health-related innovation, and make recommendations that governments, institutions of higher education, researchers and others can use to improve access to health-related genetic innovation.

The report by Matthew Herder and Josephine Johnston, also commissioned by Health Canada, serves as a backgrounder to the workshop, and the focus of their paper is on the practices and operating policies of TTOs at Canadian and American research institutions in relation to genetic inventions. The TTOs studied in the report were from universities, hospitals, and specialized healthcare centres. In this paper, the authors examine the types of licenses engaged in by TTOs, the sources of influence over their licensing practices, and the awareness of genetic technology access concerns. The paper emphasizes that TTOs enjoy a considerable amount of autonomy, and that any guidelines that are introduced for the purpose of improving access to genetic inventions should preserve their operating flexibility.