



Senate Resolution 2022-2023

Urging the University of California, Berkeley to Amend the Socially Responsible Licensing Program Policies to Provide Cheaper and more Accessible Therapeutics to Low-Middle Income Countries

Primary Sponsors

Mahathi Kandimalla (ASUC Senator)

Cosponsors

Megan Curtin (President of UAEM's Berkeley Chapter), Allisun Wiltshire (Officer for UAEM at Berkeley), Diego De Nault (Officer for UAEM at Berkeley)

WHEREAS, the preamble of the ASUC Constitution states that the ASUC shall “advance our common interests and concerns as students, stakeholders in the university, and as members of the civic community”; and

WHEREAS, UC Berkeley’s research into novel therapeutics has led to the discovery of new drugs which have the potential to benefit millions, many of these life-saving inventions are licensed to private companies that do not prioritize affordable access globally; and

WHEREAS, Yervoy, a drug discovered by a UC Berkeley professor, benefits millions across the globe suffering from melanoma, it remains inaccessible to many¹, especially in Low-Middle Income Countries where the full course of treatment can run patients upwards of 100,000 US dollars², given few have access to insurance capable of shouldering the cost³; and

WHEREAS, licensing represents a key site of leverage in establishing policies and methods of enforcement, ensuring that industry partners carry out the manufacture and distribution of therapeutics in a way that assures the most affordable outcome for members of the public who stand to benefit; and

¹ <https://www.nbcnews.com/health/health-news/nobel-winner-fought-drug-company-interest-cancer-discovery-n915446>

²

<https://apps.who.int/iris/bitstream/handle/10665/277190/9789241515115-eng.pdf?sequence=1&isAllowed=y>

³

https://aspe.hhs.gov/sites/default/files/migrated_legacy_files//184911/ComparisonUSInternationalPricesTopSpendingPartBDrugs.pdf

WHEREAS, Berkeley Intellectual Property and Research Alliances (IPIRA)⁴, consisting of two peer divisions: The Industry Alliances Office and The Office of Technology Licensing, negotiates all research contracts with private companies and establishes relationships and contractual agreements that benefit the public; and

WHEREAS, IPIRA implemented a Socially Responsible Licensing Program (SRLP) in 2003⁵ with the goals of promoting widespread availability of technology and healthcare, including in the developing world; one such goal being maximizing the societal benefit of technologies developed at U.C. Berkeley; and

WHEREAS, The SRLP has been an important step forward in establishing licensing policies at UC Berkeley which can be used to make medicines more accessible, particularly for its Reservation of Rights for Humanitarian Purposes which allows for the licensing of specific therapeutics to any nonprofit or other third party, it has not made information accessible to the public,

WHEREAS, the SRLP has not been modified in over a decade and use of the SRLP is limited by the Humanitarian Purposes Clause to, “use solely for protection from, treatment of, or diagnosis of Neglected Diseases in a Low or Middle-income country as that term is defined by the World Bank”⁶; and

WHEREAS, A lack of information exists regarding use of the SRLP beyond these examples, no apparent mechanisms of enforcement have been documented which would require the plan be enforced with all relevant therapeutics; and

WHEREAS, The Technology Development Group (TDG)⁷ at the University of California Los Angeles fulfills an equivalent role to IPIRA at UC Berkeley, UCLA was able to adopt an Affordable Access Plan (AAP)⁸ in 2020 following a campaign by student advocacy group Universities Allied for Essential Medicines and the UN-backed, global Non-Profit Medicines Patent Pool⁹ protesting the cost of Xtandi, a prostate cancer drug, in India¹⁰; and

WHEREAS, The AAP is included in all TDG exclusive licenses which apply to LMICs , it requires, upon therapeutic approval by the FDA or EMA, the delivery of a plan by the licensee to the UCLA Regents outlining how the licensee intends to support affordable access in LMICs and which countries have been set aside as Non-Commercialized Zones; and

WHEREAS, the licensee does not provide a plan, they must present an argument in good faith to the University Regents as to why a plan is infeasible; should the Regents decide that an affordable access plan is reasonable and desired, the licensee is required to present one within three months of meeting. Following the approval of a plan, Progress Meetings requested by The Regents must also be attended by the licensee where they report on the implementation status of their affordable access plan. The UCLA plan also requires that—to the extent that confidentiality allows—a version of affordable access plans be provided for the Regents to make available to third parties.

⁴ <https://ipira.berkeley.edu/about-us>

⁵ <https://journals.sagepub.com/doi/abs/10.5367/000000007781698310>

⁶ <https://ipira.berkeley.edu/sites/default/files/shared/docs/Sample-Exclusive-Equity-License-Agreement-06-13-2022.pdf>

⁷ <https://tdg.ucla.edu/about>

⁸ <https://regents.universityofcalifornia.edu/regmeet/dec20/h12.pdf>

⁹ <https://medicinespatentpool.org/>

¹⁰ <https://www.thinkglobalhealth.org/article/student-led-activism-transforming-access-medicines-movement>

THEREFORE BE IT RESOLVED, that the Associated Students of the University of California urge UC Berkeley to pursue changes which will bring current licensing practices into alignment with the school's principles of global engagement which state, "We pledge to conduct our international affairs seeking the well-being and security of all, as responsible stewards of the investments and trust that our research sponsors, donors and citizens have placed in us, in compliance with the law, with appropriate controls, accountability and transparency."¹¹

THEREFORE BE IT RESOLVED, that the aforementioned changes should improve and expand IPIRA's Socially Responsible Licensing Program to align it with UCLA's AAP so that therapeutics licensed to private companies are accessible to vulnerable communities in LMICs and Non-Commercialized Territories.

THEREFORE BE IT RESOLVED, that the Associated Students of the University of California requests any amendments to IPIRA's licensing policies include mechanisms which allow for third party access to non-confidential versions of affordable licensing plans put forth by licensees.

THEREFORE BE IT RESOLVED, that the Associated Students of the University of California urges the University to work with third party, non-profit organizations, such as Medicines Patent Pool, during the process of updating its policies in order to ensure transparency.

THEREFORE BE IT RESOLVED, that the Associated Students of the University of California recommends UC Berkeley Campus Officials, especially those involved in IPIRA, continue to meet with UC Berkeley's Chapter for Universities Allied for Essential Medicines once internal dialogue has reached an appropriate stage at the beginning of next semester .

THEREFORE BE IT RESOLVED, that the Associated Students of the University of California's Chief Communications Officer raise awareness to this issue by sharing, either on the official ASUC Instagram story or as a post, a graphic created in joint partnership between the Office of ASUC Senator Mahathi Kandimalla and the Universities Allied for Essential Medicines- UC Berkeley by the end of the semester.

THEREFORE BE IT RESOLVED, that the Associated Students of the University of California encourages the University of California Board of Regents to adopt the Affordable Access Plan as a universal licensing mechanism across all University of California campuses as a leader amongst institutions prioritizing access to life-saving medicines.

¹¹ <https://globalengagement.berkeley.edu/about/uc-berkeleys-principles-international-engagement>