

# Socially Responsible Licensing

Societal impact through technology transfer

LES Benelux  
21 February 2024  
Brussels

---

IVO DE NOOIJER

Universities of  
*The Netherlands* }





# What seems to be the problem?

---

HEALTHCARE COSTS, PANDEMICS, AGING AND THE INNOVATION PARADOX.

# The Broader Perspective

---

Broadening the scope:

- Adopted by “Universities of the Netherlands”
- Beyond Life Sciences and Health sector
- Not just for patent licenses

An ethical roadmap for academic institutions...

...that ensures that research outcomes benefit not just a select few, but society at large.

Licensing agreements are not merely financial transactions...

but are social contracts as well, imbued with ethical considerations and responsibilities.



# Aims & characteristics

---

## Aims

- Contribute to continued research & development
- Mindful of roles and interests of institute and other stakeholders
- Broad scope (beyond healthcare)
- Ensure effective availability of products & services based on results



## Characteristics

- In line with university ambitions and goals
- Empowering users' decision making
- Framework for assessment of individual cases
- Fundamental principles with an enduring character

# Socially Responsible Licensing

## Origins

- 2018 the ministry of VWS (Health, Welfare and Sport) invited the NFU to develop its views on tech transfer and its role.
- Broad group of stakeholders led by Prof. Frank Miedema to inform stakeholders of possibilities and aims.
- 2019 SRL principles adopted by NFU & UNL (former VSNU) and other key stakeholders.

## Evolution

- 2020 Toolkit: example wording for licence agreements.
- 2022 Model: suggested approach to identify and negotiate opportunities.
- 2023 Review: SRL in practice, UNL's and NFU's next steps.

# Principles

---

## Creation:

- Drafted by a sizeable group of (mostly public) stakeholders.
- Subsequently opportunity for comments by 'interested parties' (i.e. private parties).
- Final version open for public consultation.

## Duration: approx. 18 months

- PRO's
  - All (public) perspectives covered
  - Firm basis in policy and relevant public frameworks
- CON's
  - Many opinionated participants with limited 'technical know-how'
  - Absence of commercial perspective during drafting impacting acceptance and understanding

# Toolkit

---

## Creation:

- Drafted by a small team of experts, based on (international) templates.
- Regular review by a large group of public and private stakeholders.
- Stakeholders collected feedback from their own group.
- Final version open for public consultation.

## Duration: 12 months

- PRO's:
  - All possible stakeholders included
  - Effective drafting
- CON's:
  - Review group included many non-practitioners.
  - Too many parties with an interest in the problem instead of the solution.

# Negotiation model

---

## Creation:

- Drafted by a small team of (public and private) practitioners.
- Team members represented/liased with own group.
- Final version open for public consultation.

## Duration: 12 months

- PRO's:
  - Effective drafting due to relevant expertise and interest
  - Focus on practitioner perspective
- CON's:
  - Vulnerable to the accusation of excluding (indirect) stakeholders
  - Dependent on quality of team members due to more limited review process



# Review

---



The principles are widely applied from an intrinsic perspective



Information, negotiation model and toolkit should be easier to find.

Make them available on several websites.

Collect & communicate (best practice) experiences for monitoring, reporting and evaluation.



Improve communication and transparency on valorization in the annual reports of institutions.

Communicate more and more effective, highlighting both the valorization process (including SRL) and the outcomes/impact.



Deal with the ethical dilemmas that can be raised by SRL.

Clarify and advocate the scope and overarching purpose.

Install a body or consultation structure that can advise on ethical dilemma's.

Anchor the SRL Principles in the academic culture.

# Challenges

---



Complexity and Cost: multiple stakeholders can make the negotiation and implementation process complex and costly



Enforcement and Monitoring: resources or political will to enforce these commitments effectively



Bureaucratic Hurdles: added layer of ethical considerations can complicate the licensing process



Ambiguity: Principles' broad scope may make them difficult to apply consistently



Cultural Relativism: whose societal norms and values should be upheld in international licensing agreements?

Balancing interests requires nuanced dialogue if we are to navigate the ethical landscape of academic licensing effectively!

# Policy Recommendations

---

Implementing a Unified, Ethical Framework for Academic Licensing across the EU requires:

- Regulatory Harmonization
- Financial Support / Incentives
- Awareness and Training (communicate good practices)
- Monitoring Mechanism
- Legal Framework
- Ethical Advisory Boards
- Platforms for Stakeholder Consultations at the EU level
- Transparency

# The hardest one to enforce: Accessibility vs. Innovation

---



Misalignment of Interests?

# The 10 Principles

1. Research for Societal Benefit
  - Ensure research aims for societal or economic impact, given public funding.
2. Continued Use and Openness
  - Retain the right to use research for further study and education.
3. Responsible Licensing Partners
  - Partner only with entities committed to further developing the knowledge.
4. Alignment of Societal Objectives
  - Ensure licensing partners' goals align with institutional values.
5. Respect for Traditional or Indigenous Knowledge
  - Include traditional or indigenous knowledge only with proper agreements.

# The 10 Principles

6. Inclusion of Stakeholder Interests
  - Consider and inform all stakeholders when licensing.
7. No Conflict with Societal Mandate
  - Licensing must not conflict with legal task and societal mandate of academic institutions.
8. Well-Defined Licenses
  - Licenses should clearly define rights, balancing current commercial interests while allowing for future research and applications, without unintentionally including others' work.
9. Flexibility for Market Access
  - Design licenses to encourage market access and social benefits.
10. Effective availability
  - Include provisions to keep end products or services effectively available, e.g. affordably priced to maximize impact.



# Toolkit and Negotiation model

---

Toolkit: collection of clauses that

- form the basis of a licence agreement
- offer topics for inclusion
- proposes wording for drafting

Negotiation model: a template for preparing for negotiations that

- structure the preparation process
- helps ensure a shared understanding of the context
- clarifies assumptions and assessments of the development process