

# Fondation Botnar

## Global Access Approach

**The Why:** The purpose of Fondation Botnar is to improve the health and wellbeing of children and young people in growing urban environments. The Foundation must ensure that its funds are not only used to support research and development activities but that the results of these activities are further developed and utilised to benefit children in low- and middle-income countries. This is especially important for research and development activities conducted in industrial countries. As a consequence, the Foundation requires the grant recipients to ensure and enable a future utilisation of the research and development results by timely and proactively developing a Global Access Strategy. On the one hand, this requires an intellectual property and freedom-to-operate strategy to ensure the future exploitation of these results. On the other hand, it requires establishing a strategy for future utilisation in the targeted low- and middle-income countries.

**The What:** The results of the project should be broadly disseminated and broadly benefit people (especially children) in low- and middle-income countries. As a consequence, the results should ideally be made available for free. In exceptional cases, it is acceptable to charge a reasonable price to the end user in low- and middle-income countries, as long as such a price does not interfere with the accessibility of the solution to all end users, i.e., the price should remain affordable for the vast majority of end users and social fund solutions should be available for those lacking even minimal resources. Prices should only be acceptable if required for ensuring sustainable utilisation, i.e., not for generating profits for stakeholders. This does not rule out a reasonable compensation for other stakeholders (e.g., pharmacies, insurance companies, hospitals, government, etc.). It also does not rule out a parallel for-profit utilisation in industrial countries.

**The How:** The Global Access Strategy for future utilisation requires, on the one hand, an intellectual property strategy (i.e., protection of the research and development results by patent and/or other IP rights) and, on the other, a freedom-to-operate strategy (i.e., avoiding infringement of third-party IP rights and access to background technology). Both elements are necessary for a sustainable future exploitation of the research and development results.

If the project utilises pre-existing technologies and know-how (background technology and IP), it is not only important to (i) create transparency about this background technology and any IP protecting it, and (ii) enable access during the term and for the purpose of the project free of charge, but also to (iii) enable at least nonexclusive access for subsequent utilisation under the most favourable terms and conditions. The conditions should not interfere with the obligation to make the results of the project available and accessible free of charge or at least – if required for sustainability – at an affordable price to people most in need in low- and middle-income countries. Similarly, the utilisation may depend on a continuous service of or a continuous provision of certain hardware by a partner. Adequate contractual arrangements are also necessary to ensure continuous utilisation.

The Global Access Strategy also requires identifying a strategy for future utilisation in the low- and middle-income target countries, e.g. by identifying a suitable partner. The partner can be a non-profit or for-profit entity. A parallel for-profit utilisation in industrial countries is possible, as long as it fosters the non-profit utilisation in low- and middle-income countries. The development of a utilisation strategy should occur as early as possible during the project, ideally as soon as a utilisation of certain results seems realistic, which is normally the case with the filing of the first patents. The Foundation expects a detailed strategy six months prior to the end of the project at the latest.