

Trade related aspects of open medical R&D

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Openness in Upstream Research

The opportunity

Research that is shared openly is nine times more valuable to society, than research that is closed. (Sir John Sulston)

The market failure

Society does not reward sharing, and provides incentives through patents and trade secret protection to research that is not shared.

The open source dividend, for new drugs and medical devices

Set aside a percent of sales (or prize rewards, if end product prizes exist), for the open source dividend (OSD)

After product enters the market, create a jury and allocate shares in the OSD to those who had openly share knowledge, materials, data and technology, that was useful in the product's development. (*Example, S. 626, 113rd Congress*)

Impact of open source dividend

New financial incentives to open source medical research, and to encourage third party use, leading to:

Greater access to knowledge, data, materials and technology, which accelerates progress in science

Fewer patent thickets

Less expensive to acquire rights to use knowledge, data, materials and technology

Trade related issues

Treatment of prizes and rewards as a subsidy

National treatment, as regards ability to receive open source dividend money

National treatment as regards licenses to use open sourced research

Global benefits of expanding implementation of open source dividend programs

Other openness issues

Expand access to government funded research

- Placing research papers in open archives

- Access to patents (upstream and downstream)

Expand mobility of researchers to conferences where research is discussed

Create mechanisms to cooperate in government funding of research with cross border benefits

WTO work program in public goods

WTO should create a work program in public goods, and open source research

Develop strategy to promote open source dividend

Begin work on WTO agreement on supply of public goods

WTO agreement on Supply of Public Goods

KEI is in the process of creating a working group to advance work on a WTO agreement on the supply of public goods. This will be broader than open medical R&D. Details will be posted here:

<http://keionline.org/wtoandpublicgoods>