**Bill & Melinda Gates Foundation Global Access Statement**

Global Access is a concept developed by the foundation to ensure foundation-funded projects (whether they be grants, contracts or program related investments, collectively, “Programmatic Investments”) and the resulting products, services, processes, technologies, materials, software, data and other innovations (collectively, “Funded Developments”) will have positive impact on the disadvantaged populations targeted by the foundation’s work. Global Access requires that (a) the knowledge and information gained from a Programmatic Investment be promptly and broadly disseminated, and (b) the Funded Developments be made available and accessible at an affordable price to our intended beneficiaries. Within the Global Health and Global Development programs our beneficiaries are the poor and distressed living in developing countries and within U.S. Programs they are low income and minority students and the educational systems and public libraries serving those communities.

Management of IP (typically patents, copyrights, trademarks, trade secrets and rights in data) and the associated rights (“IP Rights”) created or accessed through Programmatic Investments or related to the Funded Developments, is often critical to achieving Global Access. The foundation acknowledges that obtaining IP protection for certain technology or information in certain markets is an appropriate component of Global Access, provided that IP Rights are managed in such a way as to ensure the broadest possible access to those most in need. Additionally, rights held by third parties must be evaluated to ensure they do not interfere with the objective of ensuring the availability and accessibility of products or services in terms of cost, quantity, supply or delivery to our intended beneficiaries.

**Global Access Requirements**

The foundation’s approach to Global Access is decided on a case-by-case basis with a product specific business strategy for ensuring supply, pricing and the required partnerships needed to achieve the programmatic objective of our investments. To ensure Global Access, the foundation may:

* Conduct due diligence to determine the ability of a prospective party to a Programmatic Investment to effectively manage the IP Rights associated with Programmatic Investments in such a way that will achieve Global Access.
* Require a “Global Access Strategy” from a prospective party to a Programmatic Investment, explaining their plans to achieve their goals and further the foundation’s charitable objectives including Global Access, including the identification of third party IP Rights and relationships arising in connection with the research, development, use, manufacturing, marketing, commercialization and/or distribution of the Funded Developments, and the related IP management strategies, licensing structures, data management plans, and pricing frameworks.
* Reserve IP Rights in Funded Developments. In those cases where the foundation does reserve IP Rights, it does so as necessary to ensure that either the foundation (and/or its grantees, partners or collaborators) has the IP Rights necessary for the research, development, use, manufacturing, marketing, commercialization and/or distribution of Funded Developments (as applicable) to achieve Global Access.
* Require periodic updates of the Global Access Strategy to detail progress and ongoing efforts to achieve Global Access.

For all Programmatic Investments, the applicable agreement with the foundation will establish specific Global Access requirements concerning milestones, reporting obligations and associated dates for submission. A Global Access Strategy may be developed prior to the foundation making a Programmatic Investment. If you have any questions concerning the requirements under Global Access, please contact the Program Officer or who can direct you to the applicable IP Counsel for the Program.

**Global Access Strategy**

When required, a Global Access Strategy should be developed and signed by the party to the Programmatic Investment. The Global Access commitments reflected in such Global Access Strategy should be passed on to all subgrantees, subcontracts and collaborators in connection with project. Although each Global Access Strategy will require tailoring to the specific project, in general, the Global Access Strategy should address the following six essential components:

* Background IP Rights: engagement by the party to the Programmatic Investment in a due diligence process to identify background patents, patent applications, products, services, processes, technologies, materials, software, data, know-how and other intellectual property (IP) used in or related to the project or which may be required for the use, manufacturing, marketing, commercialization and/or distribution of Funded Developments (as applicable) and development of specific strategies to secure all necessary rights to (i) conduct the project and (2) achieve the long term Global Access objectives;
* Funded Development Identification: establishment of a coordinated plan for reporting to the Foundation all Funded Developments and IP developed or created under the project;
* IP Protection & Management: strategy for managing IP Rights associated with both sole and joint Funded Developments, including details about anticipated cross-licensing, application differentiation, and market segmentation and applicable background IP;
* Materials & Data Sharing: management of material transfers and data sharing among project collaborators (if any);
* Publication: publication of project results (including data) and establishment of Foundation rights in those publications and results; and
* Development & Commercialization: plans and/or strategies regarding the use, manufacturing, marketing, commercialization, distribution and sustainability of the Funded Developments, including:
	+ how the Funded Developments/results of the project will be incorporated into products or services (as appropriate) and manufactured, commercialized, distributed and used in order to fulfill Global Access. These plans should take into consideration the existence of and necessary licenses to background IP, IP that arises under the project, and third-party IP (as well as the expected impact of licensing on the affordability or accessibility of the product);
	+ any anticipated development, commercialization, sustainability or other hurdles that might have to be addressed in order to ensure the Global Access objectives could be met, and the assumptions used to identify these potential hurdles; and
	+ how the broader product (or service) market (including any or dual markets) may be leveraged to help create a sustainable solutions for Global Access to the Funded Developments and products related thereto.