

Intellectual property

Protecting and ensuring access to Target Malaria’s technology

Target Malaria is a not-for-profit international research consortium working to develop and share new, cost-effective and sustainable genetic technologies to modify mosquitoes and reduce malaria transmission.

As a collaborative endeavour, the project is able to gather and leverage knowledge and skills from researchers in over 14 institutions around the world. Sharing that knowledge, ensuring fair access to the resulting technology and its responsible use are core commitments of Target Malaria. This commitment is not only limited to genetic technology but also extends throughout the research process, so that all knowledge gained may contribute to the broader fields of vector control and genetics research.

It is essential to ensure countries affected by malaria can have fair access to the technology for Target Malaria to contribute to its vision of a world free of malaria. At the same time, as the developer of the technology, the project also has a responsibility to ensure the technology, and key parts of it, are used responsibly.

Intellectual property is relevant to all these aspects of protection, access and knowledge sharing.



Sharing knowledge

As research progresses, Target Malaria collaborators regularly publish their findings in peer-reviewed journals and present at conferences and other expert gatherings. Publishing findings serves two purposes: the most direct is to share knowledge, contribute to the respective fields of research and allow others to use that knowledge to advance further. The second purpose is to establish the authors as the “inventors” or source of innovation in the public domain. Original findings published in the public domain would be classed as “prior art” and therefore publishing builds a public record of innovation. This is important if someone else then seeks to obtain a patent on something the project considers to be one of its innovations. National and international intellectual property offices will look to publication records to establish whether the applicant was indeed the first to establish that novel finding. If someone else has published before them, their claim would not be deemed “novel”.

Target Malaria publications are under an open access agreement, which means that readers without a subscription to the journal can also read the publications. Support is provided by the Bill & Melinda Gates Foundation, through their Open Access Policy, so that all findings published as a result of research funded in part or in whole by them would be made available by journals under a Creative Commons Attribution 4.0 Generic License.

Ensuring access to the technology

Target Malaria researchers may seek specific intellectual property protection for different elements of their research. All Target Malaria collaborators sign an agreement when joining the project specifying that any intellectual property derived from working on the project will remain available for use by the project in the pursuit of vector control tools for malaria. This will be in the form of a transferable, irrevocable, perpetual, non-exclusive, royalty-free license securing the use of any resulting IP for the Developing World for vector control for malaria.

It also ensures that potential users of the technology, i.e. governments of malaria-affected countries, will not have to bear the cost of the research and development phase of any intellectual property should they want to use the technology. This commitment to an "open licence" model is encapsulated in the "Global Access Pledge" established by the Bill & Melinda Gates Foundation, to which all project collaborators subscribe.

Using gene drive mosquitoes for malaria control will not be free. There will be costs associated with rearing and transporting the mosquitoes, carrying out releases and monitoring, and other activities such as training of staff etc. However, the technology will not be sold for a profit, and so any intellectual property that may be attached to the technology or its components are not for the purpose of deriving financial benefits but rather to protect the quality of the product and the investment.

Ensuring responsible use

While intellectual property is often thought of as a means to derive revenue, it in fact plays an important role in ensuring responsible use and sound stewardship. For Target Malaria, intellectual property protections could be a way to ensure the technology is only used responsibly and for the intended purpose. Granting free licences to use the technology is also an important means for the technology developers to keep track of who is using the tools and to ensure it provides updates and support to those users and so maintain good stewardship of its technology.

Target Malaria's research has progressed significantly but it will be many years before the technology will be available for use to help control malaria. If a researcher is granted a patent or other form of intellectual property protection for an innovation that is necessary to Target Malaria's technology, and which was developed using funding from Target Malaria, free access and use of that component is guaranteed by the collaborator agreement. This holds regardless of where the researcher is based and regardless of whether the researcher is still at the collaborating institution. This ensures the viability of the technology and that Target Malaria's commitments can be fulfilled, even if researchers move on to other projects.

Additional Resources:

Open Access Policy: <https://www.gatesfoundation.org/How-We-Work/General-Information/Open-Access-Policy>

Global Access: <https://www.gatesfoundation.org/How-We-Work/General-Information/Global-Access-Statement>

World Intellectual Property Organisation: <https://www.wipo.int/about-ip/en/>