

FAIR RESEARCH CONTRACTING

An overview

The COHRED Group



Carel IJsselmuiden & Debbie Marais

Fair Research Contracting Meeting
Bellagio Center, Italy, 22-26 October 2012



Why 'Fair Research Contracting' ?

- Increasing global health research & increasing complexity of legal arrangements
- Ideal partnership has three outcomes:
 - *knowledge, product, service*
 - *greater & sustainable research & innovation capacity of LMIC institution – technical, legal, human resources, financial*
 - *making collaborative research predictable & easy*
- Contracts & Contracting is key to making this happen
 - *but totally underdeveloped*

Background to Bellagio Meeting

- 2006: ICDDR,B presentation to the WHO's Advisory Committee on Health Research
 - COHRED – ICDDR,B – others team up to begin an *International Collaboration on Equitable Research Contracts*
- 2009: Editorial in Bulletin of the WHO:

Background to Bellagio Meeting



The image is a screenshot of a PDF viewer window. The title bar shows the file name '08-058099_v2.pdf'. The toolbar includes icons for opening, saving, printing, and navigating, along with a page number '1 (1 of 2)' and a zoom level of '161%'. On the right side of the toolbar, there are links for 'Tools', 'Sign', and 'Comment'. The main content area displays the title 'Improving international research contracting' in a large, bold, green font. Below the title, the authors are listed: 'David A Sack,^a Vanessa Brooks,^a Michael Behan,^a Alejandro Cravioto,^a Andrew Kennedy,^b Carel IJsselmuiden^b & Nelson Sewankambo^c'. The text of the article is arranged in three columns. The first column discusses the increase in funding for global health research and the role of LMICs. The second column discusses the independence of local institutes and the ownership of intellectual property. The third column discusses the impact of agreed standards and norms for research contracting. The word 'Editorials' is visible in the top right corner of the content area.

Editorials

Improving international research contracting

David A Sack,^a Vanessa Brooks,^a Michael Behan,^a Alejandro Cravioto,^a Andrew Kennedy,^b Carel IJsselmuiden^b & Nelson Sewankambo^c

Funding for global health research has increased dramatically over the last 10 years¹ and low- and middle-income countries (LMICs) are playing an increasing role in this research.² There has been a corresponding increase in complexity of the legal arrangements accompanying such funding without a corresponding increase in the legal resources and capacities of research institutions in LMICs. This can lead to an unequal power relationship between the institution and the funder (in this context often a donor agency, research council, multilateral agency, founda-

local institutes since the local investigators had little independence and were simply collecting data as prescribed by the funder. The funder sometimes claimed specimen ownership even though it had no way to actually store or use the specimens, and it sometimes restricted the use of the samples in other approved research activities. Exclusive ownership of intellectual property rights was often claimed by the funder and, in one case, was even claimed for intellectual property developed during a training programme conducted by the institution. Some draft contracts

practice and achieve the planned impact.¹¹ Agreed standards and norms for research contracting provide a framework around which guidelines for equitable partnerships can be put into practice. They have the potential to empower both research institutions and the research governance bodies responsible for ensuring that research in LMICs addresses the needs of local populations.

To expand this review and ensure its relevance to research funders, research institutions and governments in LMICs, the International Collaboration on Equitable Research Contracts

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- 2011: March think tank to identify key issues
- 2012 April: Forum 2012 – ‘market place vote’
- 2012 October : Bellagio meeting to develop solutions

Issues in Contract & Contracting

1. Distribution of research benefits
2. Ownership of data, samples & publications
3. Sharing of intellectual property rights
4. Capacity building & technology transfer
5. Adequate compensation for indirect costs
6. Insufficient / absent national legal framework
7. Conflict resolution

Objectives & Possible Outcomes

- Review and test out the key issues identified so far – *from all relevant angles*
- Ultimate outputs : for critical review
 - ① *Model contracts, checklists, modules*
 - ② *Contracting training & support – a manual ?*
 - ③ *Web-based 'IP-advisor' service*
 - ④ *Global advocacy for adoption of 'best practice'*

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Enjoy – Create – Make it Happen

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