

GREAT ORMOND STREET HOSPITAL CHARITY INTELLECTUAL PROPERTY POLICY

Great Ormond Street Hospital Children’s Charity (“**GOSH Charity**”) provides funding towards medical research and other strategic projects not ordinarily available from statutory authorities, to make a difference to Great Ormond Street Hospital for Children NHS Foundation Trust (“**GOSH**”) Beneficiaries (which means ‘NHS patients of GOSH and/or NHS patients associated with GOSH’). It is part of our responsibility as a grant funder to encourage the innovation process and reduce delays in moving developing technologies into the clinic and towards real Beneficiary benefit. Managing the Intellectual Property (“**IP**”) that arises from our funded projects is therefore an integral part of our grant-making, to ensure that the money GOSH Charity invests in research and other areas is given the best chance to develop into something that will benefit the Beneficiaries as fully as possible. This policy covers intellectual property arising from all GOSH Charity funded projects but does not capture the licencing or use of GOSH Charity’s trademarks, whether registered or unregistered, which is captured in a separate policy.

GOSH Charity’s portfolio of research and other charitable funding is increasing and diversifying, especially with increased focus on translational research (applying basic scientific findings in a laboratory setting to produce treatments for disease). GOSH Charity wants to play a part in the successful exploitation of innovations and monitoring of IP. For a funder of our size it is not currently practical or best-placed to have in-house IP resource or be responsible for owning and exploiting GOSH Charity funded IP. Therefore, IP ownership and the responsibility for exploitation is better placed with the grant host institution specifically the university, hospital or institute where the research is taking place (“**Host Institution**”) and their associated technology transfer office (“**TTO**”) where the research or other development is taking place. However, working in partnership, GOSH Charity Trustees are keen to ensure that there should be no unreasonable delay or barriers to onward IP development and exploitation and expect that reasonable steps are taken to expedite the process and increase the likelihood of Beneficiary benefit.

The GOSH Charity IP position is in line with the [recommendations](#) of the Association of Medical Research Charities (AMRC), most recently revised in 2018 .

Revenue Sharing Arrangements

GOSH Charity will play an active part in GOSH Charity-funded IP discussions and keep a watching brief on the exploitation phase. GOSH Charity looks at this phase of the process as collaborative and aims to work with others to obtain the best outcome for all sides as quickly as possible.

GOSH Charity recognises that most Host Institutions will need a level of autonomy when engaging and negotiating with commercial partners. GOSH Charity expects that as outlined in our Grant Terms and Conditions of Funding that the Host Institution TTO would seek GOSH Charity’s consent to exploit, which would normally be conditional on agreeing an appropriate revenue share back to GOSH Charity. Once agreed, the Host Institution TTO are free to negotiate fair and reasonable terms with the commercial partner. However, GOSH Charity expects that the TTO will keep GOSH Charity updated on the strategy for exploitation. This is to allow a conversation about alternative approaches, if necessary, whilst still respecting the autonomy of the TTO.

GOSH Charity has agreed the following revenue sharing scheme which applies to all Grant Terms and Conditions of Funding:

Cumulative income	Maximum Translation Fee	Remaining Net Amount	Remaining distribution
£0-£100k	10%	90%	50% Host Institution
£100k +	5%	95%	50% GOSH Charity

GOSH Charity expects that these recommendations form the basis for negotiations around any potential revenue sharing agreements because of IP exploitation. It is anticipated that any organisation that has been responsible for the exploitation (e.g. the TTO) will deduct the direct costs that have been incurred as a result of the exploitation e.g. patent costs or proof-of-concept funds ahead of the distribution. GOSH Charity will not financially support the costs of patent protection and the process for making decisions on patents, except in the unlikely circumstance where GOSH Charity chooses to own the IP. Further, the organisation responsible for exploitation is entitled to receive a Translation Fee of 5-10% (i.e. the fee paid to the local TTO) on the net income received. Where a higher percentage fee is sought by the institution, the onus will be on the Host Institution to demonstrate why a higher fee is warranted (for example because a service cost has been absorbed by the TTO other than those already deducted as direct costs).

The remaining net income is then distributed between the Host Institution and the funder and GOSH Charity expect that the institutional: funder share is split 50:50. That is for example, if GOSH Charity is the sole funder, then GOSH Charity will receive 50% of the 'remaining net amount'. The other 50% is the share of the Host Institution and from this they will allocate revenue according to their own policy, including revenue to the inventors. The Grant Terms and Conditions of Funding, which captures this Intellectual Property Policy, take precedence over any other agreement or policy that may be in place between the parties to it in relation to its subject matter.

If GOSH Charity is not the sole funder and other funders are involved, it is the responsibility of the Host Institution where the innovation took place to identify the amount that should be allocated to each funder. Two things are generally taken into consideration when doing this:

- the inventive contribution of the inventors and
- the proportionate funding contributions of the funders

Income generation from IP is appreciated but is not the primary driver for supporting research and our other grants. GOSH Charity's position on IP is motivated by a desire to maximise the impact of its research and other innovations for the benefit of the GOSH Beneficiaries, by helping to ensure that new ideas do become a real device, diagnostic, treatment, medical software or other invention available to patients, families or clinicians that wouldn't ordinarily have been provided by the statutory authorities.

Contact Details

Please direct any Intellectual Property related queries to the Grants Team (Grants@gosh.org).