

Media contact: Jodi Talley
Association of University Technology Managers
jtalley@autm.net or +1-847-559-0846



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AUTM, NIH Data Inform Discussion on Licensing Diagnostic Tests

Deerfield, IL — An article published March 23, 2012 in the *Bloomberg BNA Life Sciences Law & Industry Report* delves deeply into the issues surrounding licensing practices for patents associated with diagnostic tests, in particular patents informed to some degree by an understanding of the underlying genetics. In the article, "DNA Patent Licensing Under Two Policy Frameworks: Implications for Patient Access to Clinical Diagnostic Genomic Tests and Licensing Practice in the Not-for-Profit Sector," author Lori Pressman compared data collected from a questionnaire to members of the Association of University Technology Managers (AUTM), data provided by the NIH Office of Technology Transfer and other evidence, and concluded that skilled licensing fosters the availability of current diagnostic tests and development of future ones.

Although many factors influence patient access to clinical diagnostic tests—scientific, socioeconomic, legal and others—many are quick to blame patents, and “exclusive” licenses, asserting that proprietary rights generally diminish the availability of clinical diagnostic tests, patient access to these tests, and competition.

The study showed that you can’t tell, accurately, from reading a patent what kind of a product it will cover, but that there is good visibility at the time of the license negotiation. "So, the way to ensure patient access is at the license level—not the patent level," says Pressman, a technology transfer practitioner for more than two decades, and member of AUTM.

The study emphasized that “exclusivity” is a matter of degree, and not black and white “exclusive” versus “nonexclusive,” and that proprietary rights can and do play a positive role in fostering availability and development of diagnostics. “Preserving flexible licensing approaches is essential,” says Pressman.

AUTM has more than 3,000 members who manage and license innovations based on academic and non-profit research with the primary objective of making these innovations available to the public through commercial development. They work in universities, research institutions, teaching hospitals, government agencies and companies across the globe and are strongly committed to the advancement of science and commercial development of important discoveries.

"There is no inherent conflict between commercialization and making innovations available to the public," says AUTM President Todd Sherer. "We base this on the public benefits from licensing activity and the resulting products that have come to market, and we applaud

Pressman for providing a well thought out, fact-based argument in favor of academic licensing," adds Sherer. To read the article, visit the Bloomberg BNA website. [<http://www.bna.com/life-sciences-law-p6786/>]

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About AUTM

The Association of University Technology Managers is a nonprofit organization with an international membership of more than 3,000 technology managers and business executives. AUTM members — managers of intellectual property, one of the most active growth sectors of the global economy — come from more than 300 universities, research institutions and teaching hospitals as well as numerous businesses and government organizations.