

GOVERNING BOARD
CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

Intellectual Property Subcommittee

Membership of Subcommittee: Nine to eleven members of the Governing Board.

Background: The Governing Board has the responsibility to establish policies regarding intellectual property rights arising from CIRM-funded research. Under the leadership of Ed Penhoet, the former Chair of the Intellectual Property Taskforce, CIRM developed intellectual property regulations based on input from a wide variety of stakeholders in numerous public meetings. Although the Intellectual Property Taskforce performed an extraordinary service for the Governing Board, our work is not yet done.

- Currently, CIRM has collaborative funding agreements with 11 foreign governments, one U.S. state, and two disease research foundations. As CIRM continues to expand its collaborations with other countries, states, foundations and other strategic partners, it is critical that the Governing Board establish a subcommittee with broad jurisdiction over all intellectual property-related matters to recommend policies and regulations to the Governing Board, including policies relating to CIRM's collaborative funding agreements, and to work with CIRM's staff to ensure that the interests of the State of California are protected.
- It is also important for a subcommittee to consider the intellectual property implications of policies and actions in other countries. For example, the European Court of Justice is considering the opinion of its Advocate General that stem cell patents are "contrary to ethics and public policy" because they require "industrial use" of human embryos. Intellectual property developments in other major world markets could have a substantial impact on CIRM-funded research and the State of California's interest in revenues from such research.
- "First to file" patent legislation, now pending in the United States Congress, also warrants close consideration given its implications for stem cell research, CIRM's grantees and the State's interest in obtaining revenues from CIRM-funded research.
- Given California's on-going budget crisis and the financial pressure on the Offices of Technology Transfer at CIRM grantee institutions, particularly the University of California campuses, it is critical that a subcommittee consider how CIRM can assist its grantees in protecting the intellectual property rights associated with CIRM-funded research and the right of California to share in the revenues generated from CIRM-funded research.

Mission of Subcommittee: The Intellectual Property Subcommittee will work, in consultation with CIRM staff, to develop intellectual property policies and regulations to

advance CIRM's mission and to protect the interests of the State of California in CIRM-funded research. The Subcommittee's jurisdiction includes (1) establishing intellectual property standards that balance the opportunity of the State of California to benefit from the patents, royalties and licenses that result from basic research, therapy development, and clinical trials with the need to assure that essential medical research is not unreasonably hindered by the standards; (2) considering the intellectual property implications of CIRM's collaborations with other countries, states, foundations and other strategic partners; (3) evaluating state and federal legislation relating to intellectual property matters and advising the Legislative Subcommittee; (4) evaluating the implications of the European Court of Justice's consideration of the patentability of stem cells; and (5) developing a program to assist CIRM grantees in protecting intellectual property generated from CIRM-funded research and to ensure that the State has an opportunity to share in the revenues arising out of CIRM-funded research.

Subcommittee Meetings: Approximately quarterly, or more often as determined by the Chair and Vice Chair of the Subcommittee, in coordination with the Chair of the Board.