

## HOWARD HUGHES MEDICAL INSTITUTE

### STATEMENT OF POLICY ON RESEARCH TOOLS

The Howard Hughes Medical Institute (“HHMI”) recognizes the importance of making research tools, also called research resources, available to the scientific community. For this reason, HHMI supports the National Institutes of Health guidelines on research resources, and will adhere to the policies described below with respect to research tools developed in HHMI laboratories.

As background, rights in an invention that arises from the research of one or more HHMI employees are assigned by the inventing employees to HHMI, which, in turn, assigns its rights in the invention to the host institution at which the invention was developed. HHMI reserves a paid-up, non-exclusive license to use the invention in any of its laboratories for its non-commercial purposes, with no right to assign or sub-license. In accordance with HHMI’s collaborative arrangements with each host institution, the host institution handles the commercialization of inventions developed at that site.

Consistent with the NIH guidelines on research resources, HHMI expects its host institutions to ensure that unique research resources arising in HHMI laboratories (“HHMI research tools”) are made available to the scientific research community on reasonable terms and in a manner that enhances their widespread availability. HHMI research tools should be made available to scientists at non-profit organizations either for free or at a low cost, and with no reach-through rights or claims of ownership extending beyond the original materials, progeny, and unmodified derivatives. HHMI research tools should be made available to scientists at for-profit companies for use in internal research either for free or at a reasonable cost, and without reaching through to products that do not embody the tool. Where a host institution proposes to license an HHMI research tool on an exclusive basis, HHMI generally will require a licensing plan showing how the research tool will be made available to the scientific research community on terms that are consistent with this policy. For example, a host institution may propose to license an HHMI research tool exclusively to a company for diagnostic and therapeutic purposes, and plan to reserve the right to distribute the tool directly for research purposes and/or to license the tool for distribution to the not-for-profit research community.

HHMI presumes that most software developed in its laboratories (“HHMI software”) will be useful as a research tool. As a consequence, HHMI strongly encourages its host institutions and investigators to provide such HHMI software to non-profit laboratories for free, preferably by making the source code available in a manner that permits the recipient to modify it for non-commercial purposes. Because the need for substantial investment in development costs, which often justifies the grant of exclusive licenses in the biotech and pharmaceutical industries, is much reduced in the software area, HHMI expects that exclusive licenses of HHMI software to a company will be rare. If there is such a license, HHMI expects that it will provide that the software will be made available to scientists at non-profit organizations at no or low cost and without reach-through rights or other restrictive terms. In addition, if a host institution proposes that HHMI software be licensed exclusively to a company, HHMI expects that the license will provide that improvements made in the software by the licensee company will also be made available for research purposes to scientists at non-profit organizations at a reasonable cost and without reach-through rights or other restrictive terms.