**Whose Rights Matter? When Patents Stand in the Way of Access to Medicines**

**Presidential Portfolio Review, March 4, 2015**

***Summary:*** The review highlighted that overcoming access and patent barriers for medicines is deeply linked to changing the model of medical innovation, and that this involves a long-term, 2 decades long, strategy for OSF. In this longer term strategy, it will be important to focus on broadening the movement, as well as strategically and institutionally strengthening grantees and partners.

***Key Takeaways:***

* Approaching the issue as a long term commitment.

This portfolio reflects an important Open Society issue and has big ambitions: to change global power dynamics and legal frameworks and challenge the influence of vested private interests over what essentially should be a public good. To do so successfully, it will take time, resources, people and movement building. So far this portfolio was built with a relatively small investment in a limited number of organizations and people to help drive strategy and take on the work. The review encouraged us to think bigger and create a longer term strategy, paying special attention to ensure that the strategy drives the grantmaking. Still, it will remain important to balance priorities between immediate needs and action opportunities and developing a movement and strategy towards longer term change.

* Strengthening capacity of grantees: focusing more on conceiving strategy, rather than carrying out activities, and institutional strengthening.

Many of the grantees continue to struggle with strategic capacity and political awareness. It is something we have become progressively more aware of and concerned about over the last four years. While we have tried to offer support through fellowships, one-on-one mentoring, and training courses with specific attention to strategic leadership development, the results are still limited. Another area of weakness for many of the grantees is management and fundraising. While we have made some efforts to assist the grantees institutionally, we don’t see significant results. We recognize the need to continue strengthening these capacities on the longer term, including more use of peer-to-peer learning. We also look to the regional and national foundations as potential key partners in supporting this type of learning amongst the grantees (which should not be specific to access to medicines).

* Broadening the movement: reaching out to academics, donors, investors and other communities.

Broadening the movement has been a goal from the beginning of our work, but it has proven challenging to identify new partnerships and foster productive collaborations. However today, there is a growing momentum and awareness on these issues (thanks to the extremely expensive cancer and Hepatitis C medicines) that provides a unique opportunity to engage new constituencies. We are proactively seeking to develop new thought leadership and narrative around medical innovation, in particular re-focusing on health outcomes and the public interest (as opposed to financial and economic gains). We also plan to focus more on building awareness and interest within the donor community around these issues, and forge strategic partnerships for example with UNITAID. The review also suggested the possibility of reaching out to investor groups, and others who might be able to exert power to limit the negative influence of the pharmaceutical lobby.

***Implications for the portfolio:***

As we develop our new strategy, we will focus on and clarify the following:

* + Articulating **a long term vision** that goes **beyond overcoming patent barriers towards a new system of medical innovation**, understanding that we will engage as OSF on these issues over the long term.
  + Given the long term commitment, integrating a plan to help address the **weakness of many grantee institutions** and improve their **strategic capacity and political astuteness**.
  + Seize the opportunity presented by the growing momentum and awareness on the failures of the current model exposed by high drug prices to **broaden the movement and catalyze new thought leadership.**

We need to carefully balance our proactive and reactive engagement in the grantmaking. The strategy, rather than ongoing efforts of grantees should guide us in making funding decisions.