

UNITED STATES PUBLIC HEALTH SERVICE TECHNOLOGY TRANSFER POLICY MANUAL

Chapter No. 504A

NIH Model Material Transfer Agreement For The Transfer Of Organisms (MTA-TO) To Academic/Not-For-Profit Organizations

A. PURPOSE:

This manual Chapter describes the purpose and use of the NIH Model Public Health Service Model Material Transfer Agreement for the Transfer of Organisms (MTA-TO) to Academic/Not-For-Profit Organizations.

B. BACKGROUND:

Open access to the results of federally-funded research is a cornerstone of the Public Health Service (PHS) research policy. For many research projects, this includes not only access to information provided through publications, but also access to biological materials, data, and transgenic organisms (Materials) necessary to replicate or build on the initial research results. Model material transfer agreements (MTAs) that are approved by NIH assist to facilitate the access to NIH-funded materials as well as reduce the administrative burden in such transfers. Unique research materials that arise from biomedical research are often essential and valuable resources to other researchers. As a valuable resource, these materials must be managed in a way that promotes their responsible and fair distribution. As used herein, an MTA is a written document to facilitate the transfer of materials between researchers and their organizations. The NIH model MTA-TO promotes sharing of unique animal models research resources arising from NIH-funded research.

C. NIH MTA-TO

The NIH MTA-TO is a modified NIH Simple Letter Agreement that contains animal model-specific terms; language addressing the unique modified allele in the animal; a section for a brief research description; and language regarding the responsible care and use of the animal. Importantly, the NIH MTA-TO places emphasis on the genetically manipulated allele, not on the physical animal harboring the mutation when identifying the material being transferred. This distinction allows a provider to easily track the intellectual property rights that are being transferred (i.e. the unique modified allele).

Among the animal model-specific terms of the NIH MTA-TO is language that addresses the potential for the recipient to cross-breed two (or more) different mutant animal models. The agreement allows the recipient to transfer such cross-bred models to non-profit institutions under

the terms of the NIH MTA-TO that: (1) notifies the not-for-profit institution of the existence of the provider's rights to the original modified allele(s), and (2) restricts the use of the transferred organism(s) by the not-for-profit recipient to teaching or not-for-profit research purposes only.

D. EFFECTIVE DATE:

PHS's Technology Transfer Policy Board approved the attached NIH Model Material Transfer Agreement for the Transfer of Organisms (MTA-TO) December 2008, effective January 2009. PHS Technology Transfer Policy Board approved this Policy Chapter on March 8, 2012.

D. ADDITIONAL INFORMATION

For further information on this Manual Chapter, contact the Office of Technology Transfer, NIH, (301) 496-7057 or <http://www.ott.nih.gov/contact-us>

A copy of the MTA-TO is available at:
<http://www.ott.nih.gov/forms-model-agreements>