

These guidelines are tentative

Material Transfer Agreement

A Material Transfer Agreement (MTA) is an agreement for the transfer of tangible research material between two institutions for research purposes. The goal is to prevent a misunderstanding about the rights to the materials and any inventions that may result from the use of the transferred material. A MTA will clarify rights to intellectual property (actual and potential), liability, confidentiality of information, publication of research results, permitted use of the material, and other issues. The University must ensure that MTA terms permit full dissemination of research results, do not conflict with University policies or other agreements associated with the research project. For a MTA to be effective the agreement should be completed before the material is actually transferred.

A MTA is required when transferring materials both into and out of the University. For materials being transfer into the University, a MTA ensures that the transfer does not restrict the publication rights of the faculty member, the faculty's rights to any intellectual property generated by the research, or create liability to the University. For materials being transferred out of the University, a MTA ensures that the University professor retains ownership of the materials, can limit how the materials are to be used, and receives recognition for research performed with the materials.

For biological materials, the Uniform Biological Materials Transfer Agreement (UBMTA) created by the National Institutes of Health is the preferred MTA. The purpose of the UBMTA is to reduce delays in the time it takes to transfer biological materials by streamlining the process between institutions. When biological materials are transferred using the UBMTA, the University will execute an Implementing Letter with the specific terms of the transfer.

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Sample MTA Questions/Form

1. Description of the materials to be transferred (name, formula, strain, amount, etc.)
 - a. Live animals, human tissues, and hazardous materials need to be specifically identified
 - b. DU protocol number for use and handling of the material:
2. Description of the research purpose for the materials transfer (or if the materials will not be used for teaching or other non-research purposes)
 - a. How is the research funded (grants, industry donation, etc.)
 - b. DU professor's role in the research (if any)
3. Duration of the transfer
 - a. Start date and end date
 - b. Plan for returning the transferred materials
 - i. How any modifications or derivations of the materials will be divided (returned with the transferred materials to the provider or kept by the recipient)
4. Is the transfer outgoing (transferring materials from DU to another institution) or incoming (transferring materials from another institution to DU)
 - a. For outgoing transfers
 - i. Material recipient institution name and contact information
 - ii. Role of DU faculty in research performed with this material at receiving institution (if any)
 - iii. If this material was received by DU from a MTA, what institution provided the material?
 1. Are there any restrictions on transfers in that MTA?
 - iv. Shipping/handling fees for the transfer
 - b. For incoming transfers
 - i. Material provider institution name and contact information
 - ii. Will this material be used with other materials that you have received or expect to receive through another MTA?
 - iii. Is this material available commercially?
 - iv. Role of researchers from provider institution in research (if any)
5. Will the material be used in research that is related to an invention disclosure or patent application?
 - a. If so, explain how
 - b. The determination of patent rights will be necessary (may be needed even if there's no plan for a patent right now)