

Research Policies

Materials Transfers (SC-330)

Scope

This policy applies to transfers of materials to or from HHMI laboratories, including laboratories and shared resource facilities at Janelia Farm Research Campus (“Janelia”).

HHMI laboratory heads referred to in this policy are Investigators and, at Janelia, Group Leaders and Fellows.

Policy

In General

The sharing of biological and other research materials among laboratories is an essential aspect of scientific citizenship. In that spirit, HHMI expects its laboratory heads, and all members of the academic research community, to make such materials freely available for research use by other scientists, and to handle related requests expeditiously.

Transfers from HHMI Laboratories

In General: Materials, data, and software that are integral to a research publication of an HHMI laboratory head must be made available in a way that is consistent with HHMI’s policy on Sharing of Publication-Related Materials, Data, and Software. Research tools developed in HHMI laboratories are expected to be made available in a way that is consistent with HHMI’s policy on Research Tools.

Transfers to Non-Profits: Materials transfers by Investigators to scientists at non-profit organizations are typically documented with HHMI’s one-page outbound material transfer agreement, a copy of which should be sent out with the requested materials. A similar form is posted on the Janelia intranet for use by Group Leaders and Fellows. Host institution policies may require Investigators to use alternative, or additional, forms for these transfers. Questions about the appropriate form to use for these transfers should be directed to the HHMI attorney responsible for the site.

There are circumstances under which the HHMI “short-form” agreement should not be used for transfers to non-profits. If a non-profit laboratory asks for materials in order to use them in tests involving human subjects, contact the responsible HHMI attorney to discuss how to proceed. If materials are particularly hazardous, it may be advisable to develop a special agreement to cover their transfer and use by others. If technology relating to materials has been or is expected to be licensed exclusively to a company, a special agreement to transfer the materials to others may also be appropriate (provided that it is consistent with HHMI’s policies on sharing published materials and on research tools). In addition, Investigators should consult with the host technology transfer office, and Group Leaders and Fellows should consult with the Janelia Chief Operating Officer or the Director of Administration and Finance, before depositing materials for distribution to the scientific community through non-profit repositories such as the American Type Culture Collection (ATCC) or Addgene.

Transfers to For-Profits: Transfers to for-profit companies are normally handled as licenses; they may also be documented with an agreement similar to HHMI's long-form material transfer agreement. An Investigator receiving a request from a company for materials should consult with his or her host institution technology transfer office about the request; the HHMI attorney responsible for the site can also serve as a resource if the Investigator has questions. A Group Leader or Fellow receiving such a request should consult with the Janelia Chief Operating Officer or the Director of Administration and Finance about the request.

Under HHMI's arrangements with its host institutions, HHMI reviews and comments on close-to-final drafts of licenses of reagents or other technology developed by Investigators to ensure that the licenses are consistent with HHMI policies on licensing.

Transfers of *Drosophila*, *Nematodes*, and *Yeasts*: HHMI does not require the use of any materials transfer agreement where a laboratory head is sending out *Drosophila*, nematodes, or yeast. This includes deposits of fly lines with a repository such as the Bloomington Stock Center. Host institution policies may require Investigators to use alternative, or additional, forms for these transfers.

Transfers of Mice to Repositories: HHMI encourages laboratory heads to deposit mice developed in their labs with non-profit repositories such as The Jackson Laboratory or a Mutant Mouse Regional Resource Center for distribution to the scientific community. Absent host institution requirements or other unusual circumstances, HHMI does not require the use of any materials transfer agreement for such deposits. However, for mice developed by Investigators, the host technology transfer office is responsible for assuring that particular mouse strains may be sent to a repository for distribution without violating any rights of third parties. Accordingly, the host technology transfer office must approve in advance the transfer of mouse lines to a repository by an Investigator. This includes transfers for cryopreservation.

Software: HHMI encourages its laboratory heads to share on an open-source basis any software programs and tools they develop, while respecting and accommodating the rights of other institutions who may hold copyrights in, for example, subroutines or other components of the code to be distributed.

Transfers to HHMI Laboratories

The primary concerns with all material transfer agreements for reagents requested by HHMI laboratory heads are to ensure that the provider of the materials (1) cannot control the content of or unduly restrict or delay publication of the research results, and (2) does not obtain inappropriate access to HHMI research or intellectual property in return for the materials.

HHMI's Office of the General Counsel negotiates terms of agreements for HHMI laboratories to get materials from companies or non-profit organizations. For Investigators, these negotiations are conducted jointly with the host institution's technology transfer office.

HHMI laboratory heads and directors or managers of Janelia shared resources facilities should send all material transfer agreements for incoming reagents to the HHMI staff attorney responsible for the site. Investigators may also wish to send these agreements to their host institution technology transfer office for concurrent review, but HHMI will in any event coordinate its review with the host office.

Uniform Biological Materials Transfer Agreement

HHMI is a signatory to the Uniform Biological Materials Transfer Agreement (UBMTA) developed by the NIH in 1995. Where all institutions that are party to a transfer of materials have signed the

UBMTA, the materials can be transferred under the terms of the UBMTA upon execution of a Implementing Letter for the particular transfer. A list of UBMTA signatories and the terms of the UBMTA and Implementing Letter are posted on the Association of University Technology Managers website at www.autm.net.

Issued jointly by: Science and Janelia Farm

Issue Date: 06/05/2007