**MATERIAL TRANSFER AGREEMENTS**

***MATERIAL TRANSFER AGREEMENTS (MTA’s)*** are used to provide materials to researchers outside of ARS for research purposes, in order to maintain control over the material and/or to avoid public disclosure (which may affect intellectual property rights) and/or pursuant to P&P 601.2-ARS. They may also be used to bring in material to ARS from outside parties for research purposes. The MTA defines specifically what the material is, what it can be used for, restricts giving it to a third party without permission, and prohibits commercial use of the material.  MTA’s are for the transfer of materials only and for research purposes only, and **MAY NOT** be used in place of a cooperative research agreement or for commercial purposes. If a project will involve a collaboration as well as exchange of materials, please contact the MWA Technology Transfer Coordinator for specialized agreements for this purpose.

***STANDARD ARS MTA’s***

There are 3 different ARS formats for MTA’s, depending upon who is providing the Materials: Information: 1) for ARS providing the material, 2) for ARS receiving the material, and 3) for exchange of materials between ARS and another institution. All are available on the **MWACOP website.** Please check this site each time you initiate a new MTA; changes are made frequently to address changes in the law or for the purpose of clarification. *ARS formats must be used if ARS is providing the material.*

**Hints for an effective MTA:**

* Include complete contact information for ARS and the Cooperator, including institutional and scientist information.
* Define the materials accurately and specifically, including the source of the material if a derivative of a biological material.
* Identify any patents, patent applications or invention disclosures associated with the materials, if applicable.

**For ARS standard MTA’s:**

1. Complete the highlighted sections of the MTA document, including ARS and Cooperator Information and a well-defined description of the materials to be transferred.
2. Email the **electronic Word document** of the agreement to the MWA TT Office. The agreement will be logged into ARIS at that time by MWA TT staff and reviewed as necessary.
3. If an APHIS permit is required to ship the materials, email a copy of the current approved permit to MWA TTat the time that the MTA is provided. (Please note that transfer of materials within a state that would normally require an APHIS permit for shipping between states may require the advance approval of the state in which the transfer is to take place.)

**The EXCEPTIONS to this process include:**

 **Outgoing ARS MTA’s for:**

Transfer of BSL2 organisms fromNADC that are NOT select agents or high consequence pathogens (use internal NADC process and new format provided May 2012), or

Transfers from the NRRL culture collection which require MTA’s and that do NOT involve BSL3 organisms, select agents or high consequence pathogens (use internal NRRL culture collection process), or

Transfer of BSL2 organisms that are NOT select agents or high consequence pathogens from locations other than NADC or the NRRL collection (contact MWA TT staff)**,** or

Transfer of BSL3 organisms, Select Agents or High Consequence Pathogens or materials originating thereof (contact MWA TT Coordinator in advance), or

Transfer of materials to other ARS locations or other federal institutions (contact MWA TT staff for guidance).

For transfer of materials outside the U.S., please contact MWA TTbefore proceeding in order to determine if export permits or other approvals may be necessary, including export control or deemed export control licenses. Please note, however, that ARS is prohibited from sending ANY materials to: **LIBYA, CUBA, IRAN, IRAQ, NORTH KOREA, SUDAN and SYRIA** or to locations where residents of these countries will have access to the materials**.**

ALL changes to ARS standard MTA’s must be approved by the MWA Technology Transfer staff before signatures, regardless of which process is utilized.

Please be aware that some MTA’s may require approval from the Office of National Programs prior to execution, depending upon the relevant ARS National Program.

***SPECIALIZED MTA’S:***

For MTA’s to transfer plant materials for breeding purposes and plant testing/evaluation agreements, please see the **MWACOP website** for the most recent version. These agreements should be sent to the MWA TT Office for review and they will require ONP approval in advance of execution.

For other specialized types of MTA’s, please contact the MWA Technology Transfer Staff

***MATERIAL TRANSFER AGREEMENTS FROM OUTSIDE ORGANIZATIONS:***

Please provide the MTA from the providing institution to the MWA TT Office.  The Agreement will be logged into ARIS by TT staff and assigned a number and any proposed revisions will be reviewed by the MWA Technology Transfer staff to ensure compatibility and compliance with federal law and USDA and agency policies. ALL incoming agreements must be reviewed by MWA TT staff before signature.

**NOTE:**

The MWA Technology Transfer staff would be happy to work with any ARS employee in preparing these agreements, but the ARS signatories on MTA’s need to be permanent Cat 1 or Cat 4 Scientists, their Research Leaders and the Technology Transfer Coordinator (as well as additional line and program management approvals, as required.)

***COPIES:*** Copies of ***ALL*** final signed MTA’s should be sent to the MWA TT Office for the official files. This information will be included in a Headquarters-based database, from which quarterly and annual reports are developed for the Agency, National Program Staff and the Area Offices, as well as the Annual Technology Transfer Report to Congress. This will also help us to identify potential licensees or commercialization partners for ARS technologies, and will also assist us in responding to inquiries when the MWA Technology Transfer Office is contacted by RPES panels regarding technology transfer activities and impact.

**First point of contact for MTA’s: Babette Davis**

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