

Biological Material Transfer Agreements: What the “fuss” is all about

The exchange of biological research materials is a long standing tradition among academic scientists and even between universities and industry. Traditionally, materials were exchanged with a handshake and seldom involved any paperwork. Today, however, there is a greater emphasis on the need to document and record these exchanges with agreements that are similar in content to sponsored research agreements.

What are MTAs

Biological material transfer agreements (MTAs) contain the same type of language as sponsored research agreements with one exception — the exchange is physical material instead of money.

Originally, MTAs were used to track ownership of the materials and to specify how they are to be used. Today, however, these agreements are much more complex and each exchange of materials should be carefully considered by the researcher.

Because materials may be considered valuable intellectual property, most MTAs include intellectual property and confidentiality language similar to sponsored research agreements, and often request rights to any intellectual property developed using the materials.

When should an MTA be used?

A signed agreement should *always* be used when exchanging materials among universities, research institutions and industry. At times, it may even be appropriate to use a document to record the exchange of materials between laboratories within the same institution, especially if these materials are related to any disclosed or anticipated intellectual property.

As a researcher, you will sign the MTA indicating that you understand and agree to the terms. An authorized signature is also required from the university, either from OSPA or ISURF, depending on the nature of the materials. Please refer to OSPA to determine who the authorized signatory should be.

For more information on who signs MTAs and why, please see Tip Sheet 1:3 at www.biotech.iastate.edu/Industrial_resources/tip_sheets/volume1/vol1_issue3.html

Why is the funding source important?

Because MTAs do not involve funding support, it is important to consider the source of funding to be used to perform research involving materials ISU researchers receive from third parties. For example, it is *not* appropriate to receive materials from one company and use these materials in a project funded by a different company.

How much can be charged for materials?

When sending biological materials to another university or to industry, a fee can be charged for the materials. This fee should cover the cost of preparing and sending the materials, including both labor and supplies. If you charge more than this (and therefore make a “profit”), it could be interpreted that the materials were sold — which would mean that you do not own the materials and may have even given up your right to use them.

REMINDER

If you receive biological materials from any third party (including the lab just down the hall), please remember that these materials are *not* yours! They are being loaned to you to conduct research; you can not provide these materials to a third party without the provider’s permission. Please refer all requests for these materials back to the original owner and disclose the source of the material on any invention disclosures submitted to ISURF.

If you have any questions about this tip sheet or working with industry, please contact: Lisa Lorenzen, 2810 Beardshear, Phone: (515) 294-0926, Email: llorenze@iastate.edu

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