



Office of the
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Research Materials—The Source Matters

Most research involves the use of materials, both biological and non-biological. In addition to the compliance regulations that govern proper physical handling and storage of materials, the source of the materials and the source of funding also indicate proper and improper uses. All transfer of materials should be conducted under a Material Transfer Agreement (MTA) that clearly defines your rights and responsibilities.

Materials received from a third party

All materials received from a third party for research use should be accompanied by an MTA. This MTA will typically state that the material remains the property of the provider, prohibit the ISU faculty/staff member that received the materials from further distributing the materials without written permission from the provider, define intellectual property terms, and other legal considerations.

Materials are provided only to the ISU faculty/staff member requesting the materials and NOT everyone at ISU. Therefore, it is inappropriate for ISU faculty/staff members to transfer the materials outside of his/her laboratory to a third party, which in this case, is also considered another ISU faculty/staff member.

Another important consideration is the funding source. For example, materials received from a company should not be used in a project funded by another company. Use of materials from companies is generally permissible with federal funding sources, but it is always best to check with OSPA before proceeding.

Finally, personnel should also be considered. Materials are transferred to an ISU lab for use *only* by personnel of that laboratory. Generally, laboratory personnel are considered to be people whose salary is paid by the lab. It is not appropriate to have graduate students or technicians from a neighboring lab, or even visiting scientists, utilize these materials without prior written consent from the material provider.

Materials generated in an ISU laboratory

Material generated in an ISU laboratory have similar considerations as above. If the material is to be transferred to a third party, it should be accompanied by an MTA. For transfers among ISU laboratories, MTAs are not required. However, it is important to notify the ISU laboratories receiving the materials that the materials should not be further transferred without your knowledge/permission. For certain materials, an MTA can be used between ISU faculty/staff members.

Similar to materials received from third parties, the source of the funding matters. For example, if materials are generated in an ISU laboratory utilizing funding from a company, it is not appropriate to use these materials in a project funded by another company, or with personnel visiting your laboratory from outside of ISU.

Why it matters

The funding source for the research and the source of the materials are important because they impact ownership and intellectual property. For example, by co-mingling materials from Company X with funding from Company Y, the terms of the sponsored research agreement signed with Company Y usually conflict with the terms of the MTA signed with Company X. The conflicting terms usually include intellectual property clauses and can be very difficult to resolve.

Material received inappropriately (without a signed MTA) or utilized in another sponsored project could jeopardize your ability to publish, protect your intellectual property, and/or to continue utilizing the data in future research. You should not utilize materials in your research program which you did not purchase or obtain directly via an MTA. In addition to the effects on your research program, this jeopardizes the relationship between the material provider and ISU.

Appropriate signatures

It is important to remember that ISU faculty/staff are not authorized signatories of ISU. The faculty/staff member receiving the materials should sign the agreement to indicate he or she understands the terms and conditions and agree to abide by them. OSPA is the official signatory which can legally agree to the terms and conditions of the agreement. In addition, all MTA negotiations are handled by OSPA.

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

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