DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Office of Technology Transfer
National Institutes of Health
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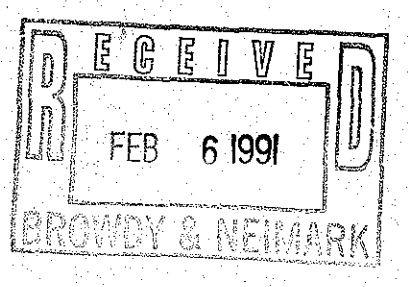

January 31, 1991

Dear Colleague:

As you requested, enclosed is the draft of the Uniform Biological Material Transfer Agreement (UMBTA), in reference to the scheduled February 27th workshop.

Thank you for your interest.

Sincerely,

Linda Harris

Linda Harris, Secretary
Technology Licensing Branch

Enclosure

Rev. 12/7/90

DRAFT OF UNIFORM BIOLOGICAL MATERIAL TRANSFER AGREEMENT

. Background

1.1 The advancement of science occurs in large part through the rapid publication of all research results, allowing other scientists to build on these findings. An increasing amount of research results are occuring in tangible form such as biological organisms, computer software, and other material. Mere written publication in a research journal or oral presentation at a conference is often inadequate for other scientists to build on such research results without access to the underlying tangible form of a research result.

1.2 Signatory parties hereto are concerned that commercial terms of material transfer agreements do not impede the exchange of biological materials and, hence, the advancement of science.

1.3 The parties that are signatory to this "Uniform Biological Material Transfer Agreement (UBMTA) desire to utilize this agreement as a standard protocol to ensure that research results that are in the form of biological materials be promptly transferred to other scientists in a rapid and efficient manner.

2. Procedure

2.1 A scientist and/or institution that desires to make biological research results available to others in accordance with the protocol of this UBMTA shall present a Letter Agreement similar to the following to any requestor:

From: Sending institution (Supplier)

To: Receiving institution (Recipient)

The biological material described below, developed in the laboratory of _____, *will be made available to Recipient under the protocol of the Uniform Biological Material Transfer Agreement (UBMTA), to which both Supplier and Recipient are signatory institutions.*

1. Describe biological material here (Material)

2. Describe here any payment required to cover Supplier costs of shipping or preparation of material

3. Describe here any special handling needed

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Recipient represents it has/has not filed a patent application covering inventions relating to Material.

The signature below of Recipient and Recipient's scientist(s) signifies their agreement to accept the Material under the protocol of the UBMTA. Upon receipt of this signed letter agreement and payment (if any) specified in 2. above, Supplier agrees to ship promptly Material to Recipient's scientist(s) at the address indicated below.

Name of institution (Supplier)

Name of responsible individual

Agreed:

Receiving institution (Recipient) _____

Name of responsible individual _____

Recipient's Scientist _____

Scientist's address _____
_____
_____
_____

3 Protocol

3.1 Biological material (Material) being made available pursuant to this Protocol is to be held by Recipient in trust solely for scientific research purposes in the laboratory of the Recipient's scientist identified in the Letter Agreement of 2.1 above.

3.2 The term "Material" shall include progeny and any modification to Material, if such modified material is substantially based on or incorporates a substantial element of original Material, or any modification which is not new or not unobviously distinct from original Material. However, nothing herein shall be construed to prevent Recipient from seeking patent protection on an invention arising from its use of Material or to prevent or delay publication of research results arising from use of the Material.

3.3 No rights are provided to Recipient to use Material and any related patents for profit-making or commercial purposes.

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4. Administration

4.1 By signature below of the responsible individual for the named institution, such institution has agreed that all transfers of biological material under the form of Letter Agreement of Article 2 *Procedure* above, shall be in complete conformance to all terms of this Uniform Biological Material Transfer Agreement.

4.2 Upon execution, signatory institution agrees to provide two executed copies to the Director, National Institutes of Health, ...address here.....
A designated representative of such Director will acknowledge receipt by signature, as indicated below, return one copy to the signatory institution , and retain the other copy as a record of institution's acession to the list of signatory institutions to this UBMTA.

4.3 The Director of the U.S. National Institutes of Health has agreed to maintain the Master List of signatory institutions hereto and to provide that Master List, as it may be updated from time to time, to any institution, whether or not a signatory institution, requesting such list.

Signatory Institution Signature_____
Its address
Name of contact person
Telephone

NIH acknowledgement of accession Signature_____
NIH address
Name of UBMTA administrator
Telephone