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|  | **SUNY Downstate Medical Center**  **University Hospital of Brooklyn**  **College of Medicine**  **College of Health Related Professions**  **College of Nursing**  **School of Graduate Studies**  **Graduate Program in Public Health** | Material Transfer Agreement (MTA) |
| For more information on MTAs as they relate to research, please contact the IRB at 718-613-8480 or [IRB@downstate.edu](mailto:IRB@downstate.edu)  For information on MTAs as they relate to SUNY Downstate specific policies and practices, please contact the SUNY Downstate Office of Technology Commercialization.  David Schoenhaut, PhD Director of the Office of Technology Commercialization  [david.schoenhaut@downstate.edu](mailto:david.schoenhaut@downstate.edu)  718-613-8514  Alexandra Dudman, BS Senior Licensing Associate  [alexandra.dudman@downstate.edu](mailto:alexandra.dudman@downstate.edu) 718-613-8524 | | |

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# Introduction

“Material Transfer” means:

(1) DMC Investigator will *provide* *Research materials* to individuals working at, or on behalf of, other non-profit institutions or for-profit entities; and/or DMC Investigator will *receive Research materials* from individuals working at, or on behalf of, other non-profit institutions or for-profit entities

(2) DMC Investigator wishes to transfer Research materials to another institution, individual or entity in connection with new employment, affiliation, or business venture.

# Material Transfer Agreements (MTA)

An Material Transfer Agreement (MTA) protects the rights of both the providing party (“Provider”) and the receiving party (“Recipient”). It is customary for the Provider to initiate the MTA for review by the Recipient. If the exchange is bilateral, either party may supply the MTA to the other party.

In the case of (1) above, the Investigator must notify DMC’s Office of Technology Commercialization to implement a Material Transfer Agreement (MTA). If the Investigator’s research study does *not* involve an IRB review or has been previously IRB-approved, the Investigator may provide proof of an IRB Determination Letter or an IRB Approval letter to the Office of Technology Commercialization directly (see below) for preparation of the appropriate MTA.

In the case of (2) above: prior to any transfer of materials, the Investigator must notify DMC’s Office of Technology Commercialization and DMC’s Office of Sponsored Programs and provide a description or list of all materials that the Investigator wishes to transfer outside of SUNY facilities. An RF-SUNY MTA will be drafted and must be executed by all parties to the MTA prior to any transfer of materials.

# Chief Issues Addressed in MTAs

The chief issues addressed in MTAs are:

* Terms of ownership of materials, and their modifications or derivatives, as applicable
* Restrictions, if any, on use of the materials by the Recipient Entity and Recipient Investigator(s)
* Limits on liability of each party in the event of any losses or damages relating to the material
* Rights to any inventions that may arise through use of the materials
* Rights to publish results which involved use of the materials
* Limits on Recipient’s rights to further distribute material, modifications or derivatives

# Timing

**IRB APPROVAL SHOULD BE OBTAINED OR SOUGHT *PRIOR* TO INITIATION OF THE MTA PROCESS AT DMC.**

# References

* Office of Technology Commercialization Website: <http://research.downstate.edu/administration/tech-transfer.html>

# Authors

David Schoenhaut, PhD

Kevin L. Nellis, MS, CIP

# Review and Approval History

Original Issue Date: 12.27.2016

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| **Date**  **Reviewed & Approved** | **Revision Required** | | **Responsible Staff Name and Title** |
| Yes | No |
| 12.27.2016 |  | X | Kevin Nellis, Executive Director Human Research Protections and Quality Assurance |
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