

Policy Name: Transfer and Receipt of Materials

Approval Authority: Presidential

Originally Issued: 04/15/1994

Revisions: Originally at UMDNJ; 11/08/10; 7/1/2013

1. **Who Should Read This Policy**

All University personnel in Rutgers Biomedical and Health Sciences within Robert Wood Johnson Medical School, School of Health Related Professions, Rutgers School of Dental Medicine, New Jersey Medical School, Graduate School of Biomedical Sciences, School of Public Health, and School of Nursing (former UMDNJ School of Nursing), Cancer Institute of New Jersey and University Behavioral Healthcare, including every person holding any form of teaching or research appointment, fellows, students and non-academic staff holding appointments at or employed by the University.

2. **Related Documents (refer to policies.rutgers.edu for additional information)**

3. **The Policy**

A. Rutgers University is committed to fostering research related to the advancement of scientific knowledge and to the publication and the use of the results of such research. While such research performed with the facilities and/or funds of the University by faculty, staff and students is not intended to be a profit making endeavor, the University recognizes that some research may lead to the isolation or production of materials which may be of scientific or commercial value to other institutions or companies. The transfer of such materials should be carried out only through the University's Office of Innovation and Technology Commercialization:

1. to ensure that the materials will only be used in compliance with all Federal or State rules governing the use of such materials;
2. to shield the University, its faculty members and other employees from liability if the materials are used in an inappropriate, unintended, illegal or dangerous fashion;
3. to confirm that, in the case of any materials obtained from patients, a suitable consent form has been executed and that the University has rights to the material;
4. to comply with the requirements of Federal, State or private research grants, awards and contracts for research;
5. to make sure that potential intellectual property rights are not jeopardized;

6. to ensure that the University obtains an appropriate return on its investment in the staff and facilities of the University.

B. Receipt of Materials

Rutgers University is committed to fostering research related to the advancement of scientific knowledge and to the publication and the use of the results of such research. The University also recognizes that research requires collaboration with outside parties that may have an interest in materials being received by the University. Therefore, the receipt of such materials should be carried out only through the University's Office of Patents and Licensing under the terms of a written agreement for one or more of the following reasons:

1. to shield the University, its faculty members and other employees from liability if the materials are used in an inappropriate, unintended, illegal or dangerous fashion;
2. to comply with the requirements of Federal, State or private research grants, awards and contracts for research;
3. to make sure that potential intellectual property rights are not jeopardized;

C. Ownership of Materials

All materials developed with University support or using University facilities shall belong to the University.

D. Administration of Contracts for the Transfer or Receipt of Materials

The Office of Patents and Licensing in the Office of the Vice President for Research and Economic Development shall be responsible for providing information and assistance on contracts for the transfer and receipt of materials after consultation with the developer(s) of the material(s).

E. Disclosure Responsibilities of the Developer(s) of Material(s)

1. Every developer of a material, who has received a request for its transfer to an outside person or entity should, promptly contact the Director of Patents and Licensing who will advise the developer as to the procedure to be followed. The Director of Patents and Licensing will, within a reasonable period of time, provide a suitable agreement for the transfer without payment of the material. All agreements for the transfer of materials belonging to the University shall be signed on behalf of the University by the President or by another officer with the authority to commit the University under the University policy, Legal Commitment Authority.
2. When any question exists as to whether a material is covered by this policy, the material must be disclosed through the usual disclosure mechanism described above, with a request for a determination as to whether the material is covered. In cases where a developer seeks to establish that a material is not covered by this policy, the burden of proof shall be with the developer.

F. Distribution of Income from Sales of Materials and Devices shall be governed by the Legacy UMDNJ University policy on Patents.