Material Transfer Guidelines

Definition(s)

A Material Transfer Agreement (MTA) is a binding written contract between parties that governs the use of "Material." Material can be defined as the physical substance being transferred. However, in a proposed contract the term may be enlarged to include other items, including confidential information about the Material, and the forms of the Material which may arise from replication and maintenance in the recipient laboratory.

MTAs generally reflect the fact that one of the parties has a proprietary interest in the Material and the other party intends to use the Material for his/her own research purposes. Examples of Materials include, but are not limited to: assay materials, monoclonal antibodies, cell lines, mouse strains, plant varieties, technical data, software, confidential information, integrated circuit designs, blueprints, products, processes, devices, fabricated equipment, or any unique material. Material resulting from one’s academic activities (such as a syllabus or course notes) and purchased Material would not usually fall under the parameters of an MTA. Intra-MSU transfers of Material are not subject to MTAs.

Procedures of Incoming (MTAs)

When an MTA is received by the Principal Investigator (PI), it should be sent to the appropriate Administrator in Sponsored Programs Administration (SPA) with the attached MTA Routing Form. SPA will promptly review the collective terms and conditions of the Agreement and inform the PI whether or not the Agreement can be executed without change. If the original Agreement is acceptable, SPA will circulate the Agreement for execution (signature) and send duplicate originals to the Provider.

If any part of the Agreement is not within compliance with MSU policy, state law, or other rules, regulations or guidelines that may be appropriate to the situation, SPA will negotiate with the Provider to modify those sections. The PI will be informed of the process for executing the modified Agreement. Depending upon circumstances, it may be necessary to inform/involve additional departments (i.e. OTC for intellectual property matters, ORC for compliance matters, etc.). PLEASE NOTE: The negotiation process can be quite lengthy, so investigators should plan accordingly when requesting corporate materials.
Procedures for *Outgoing* (MTAs)

Material sent to another entity may require an MTA. Examples include:

- Material is *independently developed* but assigned to MSU
- Material is *developed under MSU or external funding*
- Material is to be *transferred to a third party with or without an existing agreement*

Situations where an MTA does **not** apply would include:

- *Internal transfers* amongst MSU departments/units
- *Purchased materials* (Example: stock chemicals)
- *Work for Hire* (Example: Transfer to a contractee or contractor per existing agreement)
- *Independently developed* Material (No MSU resources used to create material or not assigned to MSU)
- Third party controls the transfer (e.g., industrial contract)

**Forms for Outgoing MTAs**

- For seed or germplasm breeding lines, use form OP 52.08 per MAFES policy, **OR**
- For other biological material, use the Proprietary Biological Material Transfer Agreement v91301 form available via the Office of Technology Commercialization website, **OR**
- For all other Material, contact OTC.