

## **Material Transfer Agreement Guidelines at the Institute for Research in Biomedicine (IRB)**

The Material Transfer Agreement (MTA) is a contract that governs the transfer of tangible research materials and/or data between two organizations, when the recipient intends to use it for his or her own research purposes. The MTA defines the rights of the Provider and of the Recipient with respect to the materials and any derivatives. Materials, such as reagents, cell lines, plasmids, and recombinant proteins, are the most frequently transferred materials, but MTAs may also be used for the transfer of chemical compounds, human samples, and related data or confidential information.

### **Definitions**

*Material.* The term Material shall be understood in a broad sense as material of non-human origin to be used for research purposes. Such material includes, but is not limited to animal models, cell lines, plasmids, proteins, and other biological or chemical reagents generated by the IRB or by an external Provider (i.e., proprietary). Broadly intended, the term also applies to information and data (e.g., plasmid or protein sequences, results from experiments,...).

**Important:** Any Material present at IRB that originated from an external Provider was likely obtained under an existing MTA or similar contract with that Provider, which governs its use, redistribution, and the distribution of any derivatives. Such agreements generally prohibit by default the redistribution of the original material and may also limit distribution of any derivatives generated from such original material (this may also apply to Human Material and Research Products, see below). In principle, **only material generated at the IRB may be distributed.**

*Human Material (Human Samples).* The term Human Material (or Human Samples) refers, in a strict sense, to biological material collected from a living human as part of an approved research study and to be used for research purposes. Such material includes, but is not limited to blood, other tissues, organs, fluids or other bodily substances, DNA and RNA from these samples, as well as related information (e.g., DNA sequences). **Important:** an MTA or other contract with the external Provider under which the human material was obtained may restrict its redistribution.

*Research Products (derived from Human Material).* The term Research Product refers to Human Material (see above) that has undergone cells stimulated in culture (and/or their extracted DNA or RNA, organelles, or other comparable derivatives), to be used for research purposes.

### **Incoming materials from partners in academia or industry**

An incoming MTA protects the IRB researcher's ability to use and publish research generated with such materials, protects any existing and potential intellectual property, and defines the use of any accompanying confidential information. It is important to know upfront the limitations that can be imposed by the Provider and to plan the research activities accordingly. Moreover, be aware that the materials might be also subject to additional regulations, for example if of human origin, hazardous, patent-protected or otherwise subject to governmental regulations.

### **Outgoing materials from the IRB**

MTAs for outgoing materials are intended to ensure appropriate protection of materials developed within the Institute and to preserve their intended use in research. If no agreement exists, then the recipient of the materials has no contractual restrictions on the use of the materials, or on further transferring the materials to third parties.

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### Material Transfer Agreement documents

Typically, for *incoming material*, the entity providing the material will require and provide its own MTA form.

For *outgoing material*, the IRB has 3 templates, which are downloadable from the intranet [[Link](#)], and which shall not be distributed outside of the Institute, except for their specific purpose.

**Important:** materials present at IRB that originated from an external Provider were likely obtained under an existing MTA or similar contract with that Provider, which governs its use, redistribution, and the distribution of any derivatives. In these cases, please verify the contractual framework with the Technology Transfer Office (TTO) before proceeding with any aMTA, sMTA or iMTA.

#### 1. aMTA (academic MTA):

It is the default template for the transfer to academic partners of materials (including data and/or other confidential information) developed at the IRB, for research purposes only.

The aMTA is suitable also for research with commercial potential, and may include all types of materials (i.e., *Material*, *Human Material* and *Research Products*, see definitions).

#### 2. sMTA (simple MTA):

Transfer to academic partners of materials and related data and/or confidential information developed at the IRB, for research purposes only, and with no commercial potential. It may include *Material* and *Research Products* (derived from Human Material), **but not *Human Material*** (see definitions above). If the PDF template remains unchanged, the confirmation e-mail of the Recipient is sufficient (see text in sMTA).

#### 3. iMTA (industrial MTA):

It is for the transfer to industrial partners of materials and related data and/or confidential information developed at the Institute, for research purposes only.

For research with possible commercial potential (to be assessed on a case-by-case basis), please contact the TTO.

If the purpose is not research but commercial, then a cost-bearing license agreement is needed, please contact the TTO.

For support or further information, please contact the TTO: [andrea.foglia@usi.ch](mailto:andrea.foglia@usi.ch).