

UNITED STATES PUBLIC HEALTH SERVICE TECHNOLOGY TRANSFER POLICY MANUAL

Chapter No. 304

PHS Policy for Making Determinations Regarding the Grant of Nonexclusive Licenses

A. PURPOSE

This Manual Chapter establishes the Public Health Services (PHS) policy for making determinations to grant nonexclusive licenses to PHS inventions.

B. BACKGROUND

Several hundred applications for licenses to PHS inventions may be received each year. Most of these applications request some form of a nonexclusive license. Federal law (35 U.S.C. § 209) and regulations (37 C.F.R. Part 404) set forth specific requirements that must be met before a nonexclusive license may be granted.

C. POLICY

It is PHS policy to grant nonexclusive licenses to PHS inventions to responsible individuals, companies, non-profit organizations, or other entities that demonstrate the financial and technical ability to develop the invention where the development of the invention will be furthered by granting a license, and doing so advances the interests of PHS and the public. The award of a nonexclusive license is the preferred course of action except in cases where an exclusive or partially exclusive commercialization license is justified in accordance with 15 U.S.C. § 3710a or 35 U.S.C. § 209 and 37 C.F.R. § 404.7.

D. EFFECTIVE DATE

The policy set forth in this Manual Chapter is effective December 8, 2010, and supersedes in its entirety the policy in PHS Technology Transfer Manual Chapter 304, which was first approved on September 30, 1994.

E. ADDITIONAL INFORMATION

For additional information on this Manual Chapter, contact the Office of Technology Transfer, NIH, (301) 496-7057 or <http://www.ott.nih.gov/contact-us> .