



TITLE

MATERIAL TRANSFER AGREEMENTS

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Alberta Health Services Executive Leadership Team

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Intellectual Property Policy (#1137)

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NOTE: The first appearance of terms in bold in the body of this document (except titles) are defined terms – please refer to the Definitions section.

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OBJECTIVES

- To outline the process for Alberta Health Services (AHS) entering into **Material Transfer Agreements (MTA)** on behalf of an **intellectual property creator (IP creator)**.

APPLICABILITY

Compliance with this document is required by all Alberta Health Services employees, members of the medical and midwifery staffs, students, volunteers, and other persons acting on behalf of Alberta Health Services (including contracted service providers as necessary).

ELEMENTS

1. Material Transfer Agreements

- 1.1 From time to time, an IP creator may wish to obtain from or provide to third parties biological or other materials for research purposes. The IP creator and AHS shall enter into the MTA with the third party prior to the IP creator receiving or providing any materials.
- 1.2 All requests to enter into the MTA are submitted to the Vice President, Provincial Clinical Excellence (VP, PCE).
- 1.3 The IP creator shall forward the request for the MTA to the VP, PCE. Such requests shall include the name and address of the third party institution and researcher, the name of the IP creator, and a description of the materials.
- 1.4 The VP, PCE shall work with AHS Legal and Privacy to prepare the MTA and forward it to the third party for review and processing. Upon receipt of the

partially executed MTA from the third party, the VP, PCE shall process the MTA for signature by authorized AHS signing officers. Each party shall receive a copy of the fully executed MTA. Execution in counterpart and delivery of an executed document by electronic or facsimile transmission is acceptable provided the MTA permits it.

- 1.5 If the third party insists upon using its own MTA form, AHS Legal and Privacy shall review the document and negotiate with the third party any revisions required to protect the interests of AHS and the IP creator prior to execution by AHS and the IP creator.

DEFINITIONS

Intellectual property (IP) means:

- the intangible nature of works or creations that is unique and original;
- any tangible expression thereof;
- the rights arising from the legal protection of IP, including copyright, trademarks, patents, industrial designs, and integrated circuit topographies; and
- know-how and other trade secrets.

IP includes, but is not limited to, technology, technical information, data, databases, formulae, computer software, computer code, drawings, graphics, designs, concepts, ideas, apparatus, processes, research tools, prototypes, methods, techniques, and all original literary, dramatic, musical, and artistic works, all print, multimedia electronic and audiovisual materials, manuals, program packages, and educational materials.

Intellectual property creator (IP creator) means the originator of IP who is an AHS employee, an individual working in association with an AHS employee, an individual using AHS resources, or a partnership of one or more individuals or organizations.

Material Transfer Agreement (MTA) means a written agreement, enforceable under law, that defines the rights and obligations of the parties in regard to the receipt of materials, most commonly biological materials, that may need to be transferred for purposes such as confirming experimental results or evaluating material for alternative uses. An MTA is used to ensure that materials are used only for an authorized purpose (e.g. scientific research), and to limit further unauthorized disclosure.

REFERENCES

- Alberta Health Services Governance Documents:
 - *Intellectual Property Policy* (#1137)

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