

Exclusive License Agreements

Exclusive Patent License Agreement

- Exclusive licenses are available, when appropriate, to promote successful commercial development of an invention;
- An exclusive patent license agreement with the NIH will be based on the model [Exclusive Patent License Agreement](#) adopted by the U.S. Public Health Service (PHS) Technology Transfer Policy Board for use by the National Institutes of Health (NIH);
- A company that wants a license to develop an NIH invention must complete and submit an "[Application For License To Public Health Service Inventions](#)" to the NCI Technology Transfer Center (TTC). It is important for the applicant to completely and comprehensively fill out the license application before submission.

Exclusive License Process:

- TTC evaluates the license application using a number of criteria to determine if an exclusive license is warranted (see [37 CFR §404.7](#));
- Exclusive Licenses are subject to a public comment period, generally 15 days, via publication of a public notice in the Federal Register;
- During the Federal Register Notice period, other organizations and individuals may object to the proposed grant of an exclusive license and/or apply for a competing license to the technology. The Federal Register Notice requirement will be waived for a CRADA Collaborator that files an exclusive license application for a CRADA Subject Invention if the CRADA Collaborator elects and files the license application within the time period laid out in the CRADA;
- After the notice period, the TTC will review and consider any objections and comments, and notify the applicant of its decision regarding the proposed grant of an exclusive license.

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Source

URL:<https://techtransfer.cancer.gov/partnering-with-nih/licensingagreements/exclusive-licenses>