

DR. VARMUS
DISCUSSION POINTS FOR NIH TECHNOLOGY TRANSFER ADVISORY COMMITTEE
NOVEMBER 17, 1994

- On June 7, 1994, the Assistant Secretary for Health, Dr. Philip Lee, formally designated the NIH a "lead agency for implementing the FTTA in the Public Health Service". In his memorandum, Dr. Lee requested that NIH establish a PHS Technology Transfer Policy Board to address major PHS technology transfer policy and operational issues. While that Board will develop PHS policy, the NIH, like each of the PHS agencies, will need to implement the PHS policies to meet its individual requirements and circumstances. This Committee will serve as the principal advisory body to me in establishing NIH policy.

- Technology transfer is a high priority for NIH assigned to us under the Federal Technology Transfer Act of 1986. During this period of streamlining, downsizing, and reinventing Government, we are particularly challenged to construct our tech transfer activities in the most effective and efficient manner possible. I hope that this Committee can assist us in identifying ways to achieve these goals.

- Currently the NIH is virtually devoid of formal, written technology transfer policy - as is the PHS. A major task before us is to formulate NIH policies and procedures - both for the benefit of our scientists and for prospective licensees from the private sector. If we are to fulfill the expectations of Congress to encourage the development of NIH technologies into practical products which will have a positive impact on the health of the American people, we must focus on making our technologies available and attractive to the private sector via the licensing mechanism. To do that, we must have clear and consistent policies and procedures upon which the private sector can rely in order for business to attract the necessary investment capital. Therefore, the challenge to develop policies and procedures should not be taken lightly, and is the cornerstone for successful translation of research into tangible products.

- The second major charge to the Committee is to serve as an advisory body. Given the tremendous growth and interest in technology transfer, major public policy questions need to be addressed and I will be seeking the opinion of this Committee to assist in the formulation of NIH policy. The Committee is being asked today to address and comment on one such important policy statement - that of affirming the role of technology transfer within the NIH community. Other issues the Committee may be asked in the future to comment/advise on include:

- * use of Uniform Biological Material License Agreements - one for use between non-profit organizations, and another for use of exchange of material between industry and non-profit organizations; such "UBMTAs" have the potential of facilitating the exchange of research material between organizations by providing previously agreed upon terms and conditions pertaining to the sharing of such materials;

- * how we can better educate and inform our scientists and administrators of their responsibilities under the FTTA to assure that Government intellectual property rights are protected and development of technologies is not compromised;

- * streamlining the CRADA negotiating, review, and approval processes; defining the appropriate use of CRADAs; and improving the mechanism itself through greater clarity in, and use of, the model CRADA agreement; and,

- * reviewing and recommending adjustments in the distribution and use of royalty income generated through the licensing of NIH technologies.

- In the coming months and years, as the technology transfer program of the NIH matures, other issues will surface - this Committee can, and should, play an influential role in representing the ICDs as NIH tech transfer policy is developed.