

Hidden Technology Transfer

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Technology transfer occurs via myriad vehicles, not all of which are immediately apparent. Put differently, technology transfer is not solely effected via a traditional license agreement developed by an office of technology transfer (OTT). It is the goal of this chapter to present contemporary examples of technology transfer that occur at most academic research institutes but often outside of the OTT's purview. By understanding the different mechanisms and how and when they are used, the mechanisms can become tools used by the OTT to increase technology commercialization.

Put differently, it is insufficient to assume the OTT possesses the unfettered ability to commercialize any technology disclosed to it. The OTT must understand the various legal provisions within research contracts, material transfer agreements, and clinical trial agreements that can masquerade under nonassuming titles. Not doing so can and does lead to overlapping obligations to third parties, which then can open the institute up to untoward legal liabilities. It is likely that in your institute, more than one office or department is responsible for the vehicles by which technology can and is transferred.

Working with the responsible entities can be a good place to start weaving a coordinated institutewide support network for technology transfer. Before you reach out to your colleagues in the office of sponsored programs, let's review some basics in hidden technology transfer using provisions extracted from actual agreements.