**Request for Information**

**Federal Technology Transfer Authorities and Processes**

**Last day to submit the responses: July 30, 2018**

### Introduction

In order to advance the President's Management Agenda to modernize government for the 21st century, including the associated Lab-to-Market CAP Goal in coordination with the White House's OSTP, NIST is initiating a Return on Investment (ROI) Initiative [4] with the intent of conducting a comprehensive assessment of the Federal technology transfer system that will identify opportunities to improve Federal technology transfer efforts, policies, and practices. The goal of this effort is to, where appropriate, streamline and accelerate transfer of technology from Federal R&D investments to attract greater private-sector investment for innovative products, processes, and services, as well as new businesses and industries that will create jobs, grow the economy, and enhance national security.

NIST is seeking broad input and participation from stakeholders in Federal R&D, intellectual property, and technology transfer to assist in identifying and prioritizing issues and proposed solutions. This assessment will address: (a) Core Federal technology transfer principles and practices that should be protected, and those which should be adapted or changed; (b) approaches to improve efficiency and reduce regulatory burdens for technology transfer to attract private sector investment in later-stage R&D, commercialization, and advanced manufacturing; (c) new partnering models and technology transfer mechanisms with the private sector, academia, other Federal agencies, state, and other public-sector entities to support technology development and maturation; (d) new approaches that will reduce or remove barriers, and enable accelerated technology transfer, with a focus on areas of strategic national importance; (e) better metrics and methods to evaluate the ROI outcomes and impacts arising from Federal R&D investment; and (f) new approaches to motivate significantly increased technology transfer outcomes from the Federal sector, universities, and research organizations.

This information will only be used as input to the Return on Investment initiative. All submissions, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Submissions will not be edited to remove any identifying or contact information. Do not submit confidential business information, or otherwise sensitive or protected information. Comments that contain profanity, vulgarity, threats, or other inappropriate language or content will not be considered.

### Instructions

This template is designed to facilitate responses to the RFI. Use of this form is optional.

It is not required to fill out all of the sections, for example a participant may elect to only provide input on one question.

Save and email it to [roi@nist.gov](mailto:roi@nist.gov).

# Contact Information

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Questions

1. What are the core Federal technology transfer principles and practices that should be protected, and those which should be adapted or changed?

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1. What are the issues that pose systemic challenges to the effective transfer of technology, knowledge, and capabilities resulting from Federal R&D? Please consider those identified in the RFI as well as others that may have inhibited collaborations with Federal laboratories, access to other federally funded R&D, or commercialization of technologies resulting from Federal R&D?

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| 1. Improve Measures of Success - need better institutional and federal metrics for measuring success of ROI – e.g., greater emphasis on delivery of new technologies to the market regardless of financial success, filings for patents, licensing (rather than publications, presentations, etc.).  2. Incentivize Partnerships - need to remove barriers that prevent universities, industry and government agencies from working together; partnerships are impeded by private use regulations; remove restrictions for research priorities that are in the national interest (e.g., health care, energy, defense); expand tax credits for R&D partnerships in targeted areas.  3. Clarify Export Controls – need clearer explanations from federal agencies regarding how to assess export controls, e.g., clearer statement regarding the term “fundamental research,” a firm requirement to identify anything export-controlled, requirements with respect to information security (particularly consistent with NIST 800-171 and the protection of CUI (Controlled Unclassified Information), and foreign national access. Ideally, these explanations would provide a clear understanding what scope of work will be limited to fundamental research, and/or clearly identify paths forward in the event that anything goes beyond such research.  4. Improve Guidance on Conflicts of Interest – need better guidance on what constitutes COI; PHS disclosure requirements discourage faculty from pursuing activities and partnerships leading to commercialization.  5. Reduce Administrative Obstacles – need better clarity and guidance regarding patenting process and march-in rights. Uniform reporting among agencies for key pieces of information of the patenting process overall is fairly clear. If agencies could agree on a core set of reporting methods and standards (for example, all use an iEdison-like online platform), then this would greatly reduce time needed to submit and review on both sides. The iEdison system does not communicate with many of the databases technology transfer offices are using. Updating the government reporting system (or similar platform) so that it can receive information would likley improve timeliness and accuracy of reporting. One way to address these concerns would be to require agencies to either be participant to uniform reporting standards and practices set out by NIST, or alternatively, at minimum, be required to maintain a public informational database encompassing all agency reporting standards and an online help desk. Many of the agencies that do not currently use iEdison do not outline requirements anywhere – leaving it to technology transfer offices to send emails and make phone calls to determine how one particular party at one particular agency expects to receive invention reporting pertaining to a specific grant.  6. Expand Patent Eligibility of Software – need better clarity and guidance on how to treat or report software that is non-patentable or that is not part of a patent application. So many developments today are software-based, however, only tangible biological research property (e.g., research tools such as mice, cell lines, antibodies) and patentable inventions are required to be reported or measured (e.g., utilization reporting). As a result, software-based discoveries and their translation into the market and impact on the public are likely under-reported. Additional guidance or requirements that capture reporting metrics related to software-based discoveries feeds directly into ROI objectives.  7. Improve Education and Training - need funding mechanisms for training of faculty, postdocs and students with regard to commercialization goals and activities; could be done regionally to enhance accessibility and impact need better institutional support for faculty interested in commercializing their discoveries (especially first-timers); establish an office dedicated to helping faculty start a small business with guidance, resources and technical support to manage the complex |

1. What is the proposed solution for each issue that poses a systemic challenge to the effective transfer of technology, knowledge, and capabilities resulting from Federal R&D? Please consider the approaches identified in the RFI.

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1. What are other ways to significantly improve the transfer of technology, knowledge, and capabilities resulting from Federal R&D to benefit U.S. innovation and the economy? What changes would these proposed improvements require to Federal technology transfer practices, policies, regulations, and legislation?

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## Thank you for your time and participation.