

"The project covered by this agreement is supported with funding from the National Institutes of Health, which requires that unique research resources arising out of NIH-funded research be made widely available to third parties for further research. Provider agrees that after publication, unpatented unique research resources arising out of this project may be freely redistributed."

"In the event an invention is primarily useful as a research tool, any option granted shall either be limited to a non-exclusive license or the terms of any resulting exclusive license shall include provisions which insure that the research tool will be available to the academic research community on reasonable terms."

"Provider agrees that Recipient shall have the right to make any materials and inventions developed by Recipient in the course of the collaboration (including materials and inventions developed jointly with Provider, but not including any Provider materials (or parts thereof) or Provider sole inventions) available to other scientists at not-for-profit organizations for use in research, subject to Provider's independent intellectual property rights."

"Subject to Recipient's obligations to the U.S. government, including 37 CFR 401, the PHS Grants Policy Statement, and the NIH Guidelines for Obtaining and Disseminating Biomedical Research Resources, Recipient grants to Sponsor the following rights:

* * *

- Agreements importing materials from for-profit entities for use in NIH funded research may provide a grant back of non-exclusive, royalty-free rights to the provider to use improvements and new uses of the material that, if patented, would infringe any patent claims held by the provider. They may also provide an option for an exclusive or non-exclusive license to new inventions arising directly from use of the material. These should be limited to circumstances where the material sought to be imported is unique, such as a patented proprietary material, and not reasonably available from any other source. A non-exclusive "grant-back" might be used, for example, to protect a for-profit entity that provides a proprietary compound from being blocked from using new uses of that compound discovered during the NIH-funded project. In providing license options, Recipients must ensure that licenses granted to providers under such options are consistent with Bayh-Dole requirements, including the preference for U.S. industry requirements and reservation of government rights under 37 CFR Part 401.

- In determining the scope of license or option rights that are granted in advance to a provider of materials, Recipient should balance the relative value of the provider's contribution against the value of the rights granted, cost of the research, and importance of the research results. The rights granted to providers should be limited to inventions that have been made directly through the use of the materials provided. In addition, Recipients should reserve the right to negotiate license terms that will ensure: (1) continuing availability to the research community if the new invention is a unique research resource; (2) that the provider has

the technical and financial capability and commitment to bring all potential applications to the marketplace in a timely manner; and (3) that if an exclusive license is granted, the provider will provide a commercial development plan and agree to benchmarks and milestones for any fields of use granted.

- It is expected that agreements importing NIH-funded materials from not-for-profit entities for use in NIH funded research will not provide commercialization option rights, royalty reach-through, or product reach-through rights back to the provider. Such materials should be imported under the UBMTA, or, if the materials are patented, a simple license agreement that does not request reach-through to either future products or royalties. If the providing not-for-profit organization is constrained in sharing the material due to a pre-existing sponsored research agreement or license, NIH expects the not-for-profit provider to negotiate a suitable resolution with the private research sponsor or licensee. The co-mingling of NIH and sponsored research funds is allowed, however, Recipient is responsible for ensuring that the sponsored funds do not interfere with NIH funding requirements such as open dissemination of research tools.

[FR Doc. 99-13044 Filed 5-24-99; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Special Emphasis Panel I; Notice of Meetings

Pursuant to Public Law 92-463, notice is hereby given of the following meeting of the SAMHSA Special Emphasis Panel I in June 1999.

A summary of the meetings and a roster of the members may be obtained from: Ms. Coral Sweeney, SAMHSA, Office of Policy and Program Coordination, Division of Extramural Activities, Policy, and Review, 5600 Fishers Lane, Room 17-89, Rockville, Maryland 20857. Telephone: 301-443-2998.

Substantive program information may be obtained from the individual named as Contact for the meeting listed below.

The meetings will include the review, discussion and evaluation of individual grant applications. These discussions could reveal personal information concerning individuals associated with the applications. Accordingly, these meetings are concerned with matters exempt from mandatory disclosure in Title 5 U.S.C. 552b(c)(6) and 5 U.S.C. App. 2, § 10(d).

Committee Name: SAMHSA Special Emphasis Panel I (SEP I).

Meeting Dates: June 28-30, 1999.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Closed: June 28-29, 1999, 8:30 a.m.-5:00 p.m., June 30, 1999, 8:30 a.m.-adjournment.

Panel: Substance Abuse and Mental Health Services Administration Basic Action Grant-I, Hispanic Priority SM 99-007.

Contact: Raquel Crider, Room 17-89, Parklawn Building, Telephone: 301-443-5063 and FAX: 301-443-3437 or Amie Rogal, Room 17-89, Parklawn Building, Telephone: 301-443-8216 and FAX: 301-443-3437.

Committee Name: SAMHSA Special Emphasis Panel I (SEP I).

Meeting Dates: June 23-25, 1999.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Closed: June 23-24, 1999, 8:30 a.m.-5:00 p.m.; June 25, 1999, 8:30 a.m.-adjournment.

Panel: Substance Abuse and Mental Health Services Administration Family Strengthening Coordinating Center SP 99-002.

Contact: Peggy Riccio, Room 17-89, Parklawn Building, Telephone: 301-443-9996 and FAX: 301-443-3437.

Dated: May 18, 1999.

Coral Sweeney,

Substance Abuse and Mental Health Services Administration.

[FR Doc. 99-13153 Filed 5-24-99; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Special Emphasis Panel I; Meeting

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Committee Name: SAMHSA Special Emphasis Panel I (SEP I).

Meeting Dates: June 14-17, 1999.