

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**

AIR FORCE INSTRUCTION 61-301

30 MAY 2001



Scientific/Research and Development

**THE DOMESTIC TECHNOLOGY TRANSFER
PROCESS AND THE OFFICES OF RESEARCH
AND TECHNOLOGY APPLICATIONS**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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Supersedes AFI 61-301 25 July 1994

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Pages: 14
Distribution: F

Air Force Instruction (AFI) 61-301 establishes policies and procedures for the domestic technology transfer (DTT) process and the Offices of Research and Technology Applications (ORTAs). The instruction implements several publications: Air Force Policy Directive (AFPD) 61-3, *Domestic Technology Transfer*; United States Code Title 15 Commerce and Trade Chapter 63 Technology Innovation Section 3701 (15 USC 3701 et seq.); Executive Order 12591, *Facilitating Access to Science and Technology*, 10 April 1987; Department of Defense (DoD) Directive 5535.3, *DoD Domestic Technology Transfer Program*, May 21, 1999; and DoD Instruction 5535.8, *DoD Technology Transfer (T2) Program*, May 14, 1999. Maintain and dispose of records created as a result of prescribed processes in accordance with AFMAN 37-139, *Records Disposition Schedule*.

SUMMARY OF REVISIONS

This instruction updates, clarifies, and streamlines previous guidance in accordance with DoD Directive 5535.3 and DoD Instruction 5535.8. Moreover, this instruction reflects the realignment of duties and office symbol changes as well as correctly delineates the responsibilities of the various legal offices. These changes are reflected in sections 1 and 4. The changes to section 2 now accurately reflect what types of agreements the laboratory commanders or directors have the authority to sign and more accurately describes their responsibilities for the technology transfer mission. Section 3 clearly delineates the ORTAs roles and responsibilities. Section 5 reflects the changes to the Stevenson-Wydler Technology Innovation Act and the responsibilities of various offices to handle royalty payments. Section 8 reflects the current Air Force instruction for awards. A new section 9 was added to accurately reflect that donations and loans of various laboratory equipment can be made directly to educational institutions and non-profit organizations.

1. SAF/AQR Responsibilities.

1.1. SAF/AQR is the Department of Air Force Office of Primary Responsibility (OPR) for the Air Force DTT program. The Technology Executive Officer (TEO), Commander, Air Force Research Laboratory, is assigned program management responsibility.

1.2. The authority to review and approve all Cooperative Research and Development Agreements (CRADAs) entered into by all laboratories and/or technical activities is delegated to the TEO. This authority may be redelegated to the commanders and directors of laboratories and/or technical activities.

1.3. The TEO appoints an Air Force Technology Transfer Program Manager, who:

1.3.1. Is the single focal point for the Air Force Technology Transfer program.

1.3.2. Is the Agency representative to the Director, Defense Research and Engineering (DDR&E) Technology Transfer Working Group.

1.3.3. Provides information to the Office of the Secretary of Defense, the General Accounting Office, and the Department of Commerce as required.

1.3.4. Establishes the Air Force Technology Transfer Program Management Team.

1.3.5. Manages the Air Force Technology Transfer Integrated Planning Team.

1.3.6. Is the Air Force representative to the Federal Laboratory Consortium.

1.3.7. Maintains the Air Force Technology Transfer Handbook.

1.3.8. Maintains the Air Force Technology Transfer web site.

2. Commander or Director Responsibilities. Commanders or Directors of all laboratories and/or technical activities shall:

2.1. Have the signatory authority to enter into CRADAs. The signatory authority also has the authority to negotiate and enter into licenses and assignments of intellectual property made under CRADAs. Their signatory authority may only be redelegated to the next lower level management when the TEO has redelegated the reviewing official authority to the commander or director. The reviewing official's authority may not be further redelegated.

2.2. Have the authority to enter into Education Partnership Agreements (EPAs) pursuant to 10 U.S.C. § 2194.

2.3. Have the authority to enter into Cooperative Work-Education Agreements pursuant to 10 U.S.C. § 2195.

2.4. Pursuant to Interim Draft DoD Guidance Implementing 10 U.S.C. § 2539b, "Authority to Sell," dated April 17, 1997 and pursuant to DoD Directive 5535.3, May 21, 1999, have the authority to enter into Commercial Test Agreements (CTAs).

2.5. Appoint the Technology Transfer Focal Point, and establish an Office of Research and Technology Applications (ORTA) in accordance with 15 U.S.C. § 3710(b), including adequately funding the cost and expenses associated with operating ORTAs using program element funds, overhead accounts, royalties, or other payments or sources of either appropriated or nonappropriated funding.

- 2.6. Support and encourage the active participation of their ORTA staffs in various networking opportunities to include: the Air Force Technology Transfer Integrated Planning Team, the DoD Technology Transfer Integrated Planning Team, and the Federal Laboratory Consortium for Technology Transfer (FLC).
- 2.7. Support and encourage the technology transfer program and provide opportunity for scientists and engineers to transfer Air Force technology, expertise, processes, and services to the public and private sector.
- 2.8. As authorized, enter into Cooperative Research and Development Agreements (CRADAs), patent licenses, Commercial Test Agreements (CTAs), Education Partnership Agreements (EPAs), and other types of technology transfer agreements with public and private sector organizations.
- 2.9. Whenever possible, support the commercialization of Air Force technology by licensing, assigning, or waiving rights to intellectual property.
- 2.10. Have the authority to direct contracting officers to enter into appropriate Partnership Intermediary Agreements (PIAs) pursuant to 15 U.S.C. § 3715.
- 2.11. Support participation in technology transfer activities, including participation in economic development organizations, and participation with other technology transfer networks, including state and local governments.
- 2.12. Provide technical assistance, including help by technical volunteers, to state and local governments and local educational institutions.
- 2.13. Support and encourage, where feasible, the exchange of scientific and technical personnel among academic, industrial, and federal activities and state and local governments.
- 2.14. Allow conduct of technology transfer with foreign (non-domestic) persons, industrial organizations, or government activities in accordance with export control policies. However consideration should be given to whether or not such persons or industrial organization's government allows similar relationships and whether such activities benefit the U.S. industrial base (E.O. 12591). All non-domestic partners must receive prior approval (in accordance with the approval process contained in the current Air Force Technology Transfer Handbook) before formal CRADA negotiations of the transfer can commence.
- 2.15. Ensure that technology transfer is not used to circumvent acquisition laws and regulations. Ensure that transfers are accomplished without actual or apparent personal or organizational conflicts of interest or violations of ethics standards and are in accordance with applicable legislation. Ensure that technology transfer activities will not constitute undue competition with the private sector.
- 2.16. Execute a technology transfer education and training program for personnel of all levels who are involved in any phase of technology transfer either directly or indirectly.
- 2.17. Establish a local technology transfer awards program, that may include cash awards, to recognize transfer accomplishments by any present or past, civilian or military Air Force employee responsible for a significant achievement in technology transfer to industry, state or local government, or academia.
- 2.18. Include the ORTA staff in the activity's management development program in order to ensure that highly competent technical managers fully participate in the technology transfer process. (15 U.S.C. § 3710b).

2.19. Make DTT a high-priority element of their S&T programs by including it in their investment strategy process.

2.20. Prepare a DTT business plan in accordance with the requirements in the Air Force Technology Transfer Handbook.

2.21. Have the authority to loan, lease or give research equipment that is excess to the needs of their activity to an educational institution or nonprofit organization for the conduct of technical and scientific, education and research activities. Guidance contained in AFI 33-112 must be followed.

3. ORTA Responsibilities. The Technology Transfer Focal Point in each ORTA shall:

3.1. Manage the activity's technology transfer program.

3.2. Establish their local technology transfer process in accordance with the guidance in the current Air Force Technology Transfer Handbook. Help program managers and technical department heads identify technologies suitable for transfer.

3.3. Actively participate in the Air Force and DoD Technology Transfer Integrated Planning Teams and the FLC for Technology Transfer.

3.4. Coordinate technology transfer activities with the servicing legal office to determine rights to inventions, patent and licensing implications, and the commercial potential of patentable technology.

3.5. Negotiate and provide for appropriate coordination of all patent license agreements or assignments in accordance with AFI 51-303 and AFI 61-302.

3.6. Collect, maintain, and report all data elements required for the management of technology transfer. This includes, but is not limited to, Defense Technology Transfer Information System, and other data elements as called out in the current Air Force Technology Transfer Handbook. Maintain working files, documents, and records of all transfer agreements.

3.7. Actively maintain an Internet web site that contains items such as transfer success stories, technical capabilities and points of contact. The web site must meet the requirements of the Air Force and the Department of Defense for content and accessibility restrictions, if any.

3.8. Maintain and report annual technology transfer business plans in accordance with the current Air Force Technology Transfer Handbook.

3.9. Prepare technology application assessments, in accordance with the Air Force Technology Transfer Handbook, of selected scientific and engineering projects that may have commercial potential.

3.10. Provide and disseminate information on federally owned or originated products, processes, services, and facilities that may be useful to state and local government and to private industry, including providing a list of the most commercially viable inventions, patent applications, and/or patents available for licensing to SAF/GCQ for publication in the Federal Register. Activities may pay for technology transfer related promotions in technical, professional, or trade journals.

3.11. Cooperate with and help the Defense Technical Information Center, the National Technical Information Service, the FLC, the National Technology Transfer Center, and other organizations that can link the activity to potential users in state and local governments and private industry.

- 3.12. Take part, when possible, in regional, state, and local programs that facilitate or stimulate technology transfer that benefits the region, state, or locality.
- 3.13. Take part in public and private sector activities that provide opportunities for technology transfer. This includes local government meetings, small business conferences, and local economic development organizations.
- 3.14. Not knowingly perform technology transfer functions that substantially compete with private sector services.
- 3.15. Comply with export control regulations, policies governing militarily critical technology, and other procedures and controls in Air Force directives and instructions.
- 3.16. Promote technical volunteer programs and participation by technical experts as a resource complementing and supporting technology transfer in regions, states, and local communities by working with primary and secondary schools, and by providing technical consulting to state and local governments.
- 3.17. Provide coordination with small and disadvantaged business utilization specialists to transfer technologies with commercial potential to these businesses.
- 3.18. Provide transfer expertise to scientific, engineering and technical personnel on all technology transfer mechanisms referenced in this instruction.
- 3.19. Provide a process for managing technology transfer spin-on and dual-use program opportunities.

4. Legal Offices' Responsibilities.

- 4.1. The Office of the General Counsel (SAF/GC) is generally responsible for the direction, control and coordination of inventions, patents, copyrights, trademarks, and trade secrets. Further, SAF/GC is responsible for managing the legal aspects of the Air Force patent licensing program and is responsible for the legal aspects of implementing the Technology Transfer program.
- 4.2. The Office of the Deputy General Counsel (Acquisition), SAF/GCQ, advises and assists all Secretariat Offices, including program executive offices, and establishes Air Force policy on all legal issues concerning technology transfer; interfaces with other Governmental agencies and/or branches of the Government on legal issues concerning technology transfer; provides guidance and advice to the Major Command legal offices and the servicing legal offices concerning the DTT program, including CRADAs, CTAs, EPAs, Cooperative Work-Education Agreements, PIAs, and intellectual property rights; and administers all patent license and assignment agreements including receiving and dispersing royalties or other payments.
- 4.3. SAF/GCQ and/or the local servicing patent counsel, as appropriate, shall provide SAF/AQR, the Air Force TEO, the Technology Transfer Program Manager, and ORTAs any requested legal analysis of and status reports concerning invention disclosures, patent applications, patents pending, patents issued (and their maintenance fee status), and patent licensing agreements under negotiation.
- 4.4. The Major Command and servicing legal offices advise and assist commanders or directors of Air Force activities and other Air Force personnel on all legal issues regarding technology transfer. Such advice and assistance may include, but is not limited to:
 - 4.4.1. Practical recommendations for structuring business relationships.

4.4.2. Drafting clauses to protect the Government's interest in matters such as Government furnished property, tort liability, or intellectual property including inventions, patents, copyrights and data rights.

4.4.3. Participating in negotiations to finalize complete agreements.

4.4.4. Reviewing all CRADAs and other transfer agreements, as well as supporting documentation for legal sufficiency.

4.4.5. Reviewing all potential conflicts of interest involving Air Force employees associated with CRADAs and other transfer agreements.

4.4.6. Helping personnel identify and report patentable inventions.

4.4.7. Rendering patentability and other opinions on intellectual property.

4.4.8. Preparing and filing patent applications and securing issuance of patents.

4.4.9. Preparing and negotiating patent licenses, assignments, and software release agreements.

4.4.10. Recording assignments and other property interests in inventions.

4.5. HQ USAF/JAG shall help assist the servicing legal office resolve potential conflicts of interest. This assistance includes, but is not limited to cases where present or former Federal employees or their partners negotiate CRADAs, licenses, or assignments of titles to inventions.

5. Royalties. The Air Force retains royalties or other income it receives from the licensing or assignment of inventions under CRADAs or from inventions licensed under 35 U.S.C. § 207 or other legal provisions. Such income is then disbursed to individual inventor(s) and to the Air Force activity sponsoring the inventions.

5.1. Any royalties or other payments received by the Air Force from licensing or assigning an invention under agreements entered into by Air Force laboratories and/or technical activities under 15 U.S.C. § 3710a or from licensing an invention under 35 U.S.C. § 207, or under any other provision of law, shall be forwarded to SAF/GCQ as a central point of contact. SAF/GCQ will forward the royalty or other payment to the appropriate Defense Finance and Accounting Service (DFAS) office with instructions as to how to disburse the royalties or other payments.

5.2. The inventor or each co-inventor shall be paid each year the first \$2,000 plus equal shares of at least 20 percent of the remainder of the royalties or other payments pursuant to 15 U.S.C. §3710c, as implemented by DoDI 5535.8, paragraph 6.9. In the absence of extrinsic evidence that co-inventors made unequal contributions to the invention, subject to review and approval by SAF/GCQ, it shall be presumed that the co-inventors made equal contributions to the invention and are entitled to equal shares of the 20 percent of the royalties or other payments. If the royalties or other payments received in any given year are less than or equal to \$2,000, or in the case of co-inventors, less than or equal to \$2,000 times the number of inventors, the entire amount is paid to the inventor, or in the case of co-inventors, the entire amount is divided equally among the co-inventors.

5.3. The inventor or co-inventors shall receive their prescribed share of any royalties or other payments as received by the Air Force on an annualized basis. Royalties or other payments from inventions to any one person shall not exceed \$150,000 per year without Presidential approval as provided in 5 U.S.C. § 4504. Any inventor whose whereabouts cannot be established within one year from mailing of the first correspondence concerning a royalty payment for any given year to his or her last

known address shall be presumed to be unknown. Any payments as set forth above and any excess royalties not disbursed will be disbursed to and retained by the laboratory and/or technical activity responsible for the licensed (or assigned) invention, until the inventor can be found or until the period referenced in 5.5.2. At which time, such royalties will be paid to the Treasury.

5.4. Any Air Force laboratory and/or technical activity may provide appropriate incentives from royalties or other payments to Air Force employees who are not inventors or co-inventors of inventions but who substantially increase the technical value of such inventions. When the incentive is in the form of a monetary payment, such payments may be at any level subject to the approval of the Air Force component or laboratory providing the incentive, but such payments shall not exceed the limits established above. Payments may be on a one-time or annual basis, and they shall cease when the employee is no longer employed by the Air Force.

5.5. The balance of the royalties or other payments will go to the activity where the invention occurred, and the funds so transferred to any such activity must be used or obligated by the end of the second fiscal year succeeding the fiscal year in which the royalties and other payments were received. The balance of the royalties or other payments may be used for:

- Payment of expenses for administration and licensing inventions and other intellectual property;
- Other activities of the Air Force that increase the licensing potential for transfer of Department of Defense technology;
- Scientific research and development within the research and development mission and objectives of the activity;
- Rewarding scientific, engineering, and technical employees;
- Promotion of scientific exchange among other Air Force and Department of Defense activities; and/or
- Education and training of employees consistent with the research and development mission and objectives of the Department of Defense.

5.5.1. The commander or director of the laboratory and/or technical activity may use a portion of the royalties to reward Federal employees who develop valuable inventions that cannot be commercialized for national security reasons or because they are useful only within DoD's mission. The commander or director may present these awards annually or more often. Written justification must support the award, such as:

5.5.1.1. A patent, a notice of allowability under the Patent Secrecy Act, or a Statutory Invention Registration.

5.5.1.2. A description of the invention's economic benefits to the Air Force or DOD or an assessment of its market potential.

5.5.2. Any royalties not obligated and expended by the end of the second fiscal year succeeding the fiscal year in which they are received go to the Treasury of the United States. If, after paying inventors, royalties received in a fiscal year exceed 5 percent of the Air Force activity's combined budgets for that year, 75 percent of the excess goes to the Treasury of the United States. The Air Force may spend the other 25 percent for, or obligate it for, the purposes described in paragraph **5.5.** during that or the next fiscal year.

5.5.3. Any payment a Federal employee receives under this instruction is in addition to the employee's regular pay or any other awards the employee receives.

5.5.4. The payment does not affect the employee's entitlement to regular pay, annuity, or awards to which he or she is otherwise entitled or eligible, or limit any such amount of pay, annuity, or award.

5.5.5. Any payments an inventor periodically receives (royalties, for example) shall continue after the inventor leaves the activity or agency or after the inventor is deceased. Any such payments after the inventor is deceased shall be made to the inventor's estate.

6. Certain Assignments. If a contractor, grantee, or participant in an agreement or other arrangement with an Air Force activity assigns to the United States rights to an invention that generates royalty or other income, then the Air Force activity may distribute the royalties per paragraph 5. If an Air Force employee not working for a laboratory and/or technical activity assigns to the United States rights to an invention, the Air Force activity where the invention occurred and the inventor shall receive any royalties in accordance with paragraph 5.

7. Reports. Air Force activities provide data in accordance with the Air Force Technology Transfer Handbook to the Technology Transfer Program Management Team on the progress of technology transfer. The Air Force uses this information to report to the Office of the Secretary of Defense, the Department of Commerce, and the Government Accounting Office and others as necessary.

8. Other Awards. Air Force activities use existing authority, including AFI 38-401 and 15 U.S.C. § 3710b, to award cash to Federal employees for:

8.1. Inventions, innovations, or other outstanding scientific or technological contributions of value to the United States. ("Value" depends on the likelihood of commercial application or contribution to the Air Force's or Federal Government's mission.)

8.2. Exemplary activities promoting the transfer of science and technology developed within the Federal Government and used by American industry or business, universities, state or local governments, or other non-Federal parties including those activities recognized by FLC awards and the Ronald W. Yates Award for Technology Transfer and other similar awards.

9. Donations and Loans of Research/Defense Laboratory Equipment. Air Force Laboratories and/or technical activities may directly donate or loan laboratory equipment to public and private schools and nonprofit institutions pursuant to 15 U.S.C. §3710(i) or 10 U.S.C. §2194 or provide personal property to collaborating parties under a CRADA pursuant to 15 U.S.C. §3710a.

9.1. Under an educational partnership (or other) agreement, and consistent with the applicable statutes, 10 U.S.C. §2194 and 15 U.S.C. §3710(i), the director of an Air Force laboratory may directly transfer (donate) laboratory equipment that is surplus/excess to the needs of that laboratory, to public and private schools and nonprofit institutions located, and using such equipment, within the territorial limits of the United States. Determinations of property suitable for donation shall be made by the head of the laboratory. Title of ownership shall transfer as with gift under this section. Laboratory equipment donated to a recipient under 15 U.S.C. §3710(i) or 10 U.S.C. §2194 is not subject to existing Federal Property disposal regulations implementing separate authorities.

9.1.1. For purposes of this instruction, "laboratory equipment" means equipment that is or could be used for scientific or scholarly investigation. This includes, but is not limited to, federal property that is useful in either an applied or theoretical fashion for the demonstration, performance, or instruction of science, mathematics, engineering, or technology principles or practice at all levels. Laboratory equipment may be rather specialized, but also includes desktop computers and other equipment designed for more general applications.

9.1.2. To ensure an Air Force laboratory is not donating equipment at one DoD location and purchasing the same equipment at another DoD location, property should be screened in accordance with DoD policy. The Technology Transfer Handbook maintained by AFRL/XPTT shall contain the latest policy.

9.1.3. This donation authority shall not be used as a method of "dumping" excess property or as an alternative to authorized reduction to scrap. Property targeted for donation should be in working condition. However, at the request of the donee, inoperable property may be donated.

9.1.4. Donated laboratory equipment should generally be free of charge. However, the donee may be required to pay all costs associated with packing and transportation.

9.1.5. Laboratories and technical activities should be acutely aware that some property, if exported, may be environmentally regulated and/or, if exported, may require a U.S. Department of State or Commerce export license. Moreover, some property may require demilitarization or alteration for security purposes; standard eligibility criteria must be ensured and a screening process for determining trade security control risks is mandatory. Accordingly, all laboratory equipment to be donated must be screened to ensure compliance with DoD demilitarization requirements, security requirements and all environmental laws and regulations.

9.1.6. All donations pursuant to 10 U.S.C. 2194 and 15 U.S.C. 3710(i) shall be reported in accordance with DoD reporting requirements. The current reporting requirements shall be identified in the Technology Transfer Handbook maintained by AFRL/XPTT.

9.1.7. For those donations of "Educationally Useful Federal Equipment," to "schools" pursuant to Executive Order 12999, laboratories should use existing local procedures or if none are in place, use the procedures listed above.

9.2. Pursuant to 15 U.S.C. §3710(i), the Director of a laboratory or the head of any federal agency or department may loan or lease research equipment that is excess to the needs of the laboratory, agency, or department to an educational institution or nonprofit organization for the conduct of technical and scientific education and research activities. Pursuant to 15 U.S.C. §3710a, a laboratory director may provide property (equipment), including access to supplies and services to maintain such property, to collaborating party under a Cooperative Research and Development Agreement. Pursuant to 10 U.S.C. §2194, a laboratory director may loan defense laboratory equipment to an Education Institution pursuant to an Education Partnership Agreement.

9.2.1. For purposes of this guidance, the terms loan, lease or provide shall be used synonymously and shall refer to providing either research or laboratory equipment on an exclusive, but time limited, basis to an authorized recipient.

9.2.2. Laboratory and/or technical activity directors must only loan equipment to authorized recipients for the purposes authorized under the subject authorities. These are loans of:

9.2.2.1. Excess research equipment to educational institutions or nonprofit organizations for

the conduct of technical and scientific education and research activities;

9.2.2.2. Property (equipment) to collaborating parties under a Cooperative Research and Development Agreement for the conduct of specified research and development efforts which are consistent with the missions of the laboratory; and

9.2.2.3. Defense laboratory equipment to local educational agency, colleges, universities, and any other nonprofit institutions that are dedicated to improving science, mathematics, and engineering education under an Education Partnership Agreement for the purpose of encouraging and enhancing study in scientific disciplines at all levels of education.

9.2.3. All loans must be in writing and sufficiently identify the property loaned.

9.2.4. The terms of the loan can be set forth either in the terms of the authorized agreement (Cooperative Research and Development Agreement or Education Partnership Agreement), an attachment thereto, or in a separate agreement. The written agreements should include terms to sufficiently protect the DoD's interest in the property. For example, the agreements should include terms such as termination provisions, a duration provision, and/or a liability disclaimer. Laboratory directors should also consider including the requirement that the recipient obtain appropriate insurance coverage and/or other provisions that will insulate the DoD from liabilities stemming from the recipient's use of the loaned property.

9.2.5. Loans pursuant to a Cooperative Research and Development Agreement may be for a fee or free of charge. Loans pursuant to 15 U.S.C. §3710(i) and 10 U.S.C. §2194 should be free of charge. However, the recipient may be required to pay all costs associated with packing and transportation.

9.2.6. All equipment to be loaned must be screened to ensure compliance with DoD demilitarization requirements.

9.2.7. All equipment to be loaned must be screened to ensure compliance with all environmental laws and regulations.

9.2.8. For any equipment which will be loaned and otherwise requires sustainment support, laboratory personnel and local logistics personnel shall establish procedures to provide such support for the loaned equipment, if necessary.

DARLEEN A. DRUYUN
Principal Deputy Assistant Secretary
(Acquisition & Management)

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

United States Code Title 15 Commerce and Trade Chapter 63 Technology Innovation Section 3701 (15 USC 3701 et seq.)

Executive Order 12591, *Facilitating Access to Science and Technology*, 10 April 1987

DoDD 5535.3, *Technology Transfer Program*, 21 May 1999

DoDI 5535.8, *DoD Technology Transfer (T2) Program*, 14 May 1999

AFPD 61-3, *Domestic Technology Transfer*

AFI 33-112 *Computer Systems Management*, 1 Dec 1997

AFI 38-401, *The Air Force Suggestion Innovative Development Through Employee Awareness (IDEA) Program*, 10 Oct 1994

AFI 51-303, *Intellectual Property - Patents, Patent Related Matters, Trademarks, Copyrights*, 1 Sep 1998

AFI 61-302, *Cooperative Research and Development Agreements*

AFMAN 37-139 *Records Disposition Schedule*, 1 Mar 1996

Air Force Technology Transfer Handbook

Abbreviations and Acronyms

AFI—Air Force Instruction

AFPD—Air Force Policy Directive

CRADA—Cooperative Research and Development Agreement

CTA—Commercial Test Agreement

DDR&E—Director Defense Research and Engineering

DFAS—Defense Finance and Accounting Service

DTT—Domestic Technology Transfer

EPA—Education Partnership Agreement

FLC—Federal Laboratory Consortium for Technology Transfer

HQ USAF/JAG—Office of The Judge Advocate General, General Law Division

OPR—Office of Primary Responsibility

ORTA—Office of Research and Technology Applications

PIA—Partnership Intermediary Agreement

SAF/AQR—Office of the Deputy Assistant Secretary for Acquisition (Science, Technology and Engineering)

SAF/GCQ—Office of the Deputy General Counsel (Acquisition)

TEO—Technology Executive Officer

Terms

Air Force Program Management Team—The Air Force office (the Air Force Technology Transfer Program Manager and staff) responsible for implementing this policy directive and its instructions.

Air Force Technology Transfer Integrated Planning Team—This is a working level group whose membership includes all Air Force Technology Transfer Focal Points, each participating command's Technology Transfer Manager, the Air Force Program Management Team, and various support personnel (including, but not limited to legal, public affairs, financial management, contracting, etc.) The group meets regularly and works together to resolve common problems, share best practices and lessons learned, and initiate program and process improvements.

Application Assessment—A summary emphasizing potential application of technological developments having potential use by state and local government or private industry.

Commercial Test Agreement (CTA)—An agreement under 10 U.S.C. § 2539b between any person or entity and an Air Force laboratory, center, or other testing facility for the purpose of providing to the person or entity, at a prescribed fee, Air Force services to test materials, equipment, models, computer software, and other items. NOTE: The use of Major Range Test Facility Bases is governed exclusively by DoD Directive 3200.11, "The Major Range and Test Facility Base," as amended to implement 10 U.S.C. § 2681.

Cooperative Research and Development Agreement (CRADA)—An agreement between one or more federal laboratories and/or technical activities and one or more nonfederal parties. Under a CRADA, the government laboratories and/or technical activities shall provide personnel, services, facilities, equipment, or other resources with or without reimbursement (but not funds to the nonfederal parties). CRADAs are instruments that may be used in all aspects of a product and/or system life cycle where RDT&E activities occur. The nonfederal parties shall provide funds, personnel, services, facilities, equipment, or other resources toward the conduct of specified research and development efforts that are consistent with the missions of the laboratory and/or technical activity. The CRADA partners shall share in the intellectual property developed under the effort. This term does not include a procurement contract or cooperative agreement as used in 31 U.S.C. §§ 6303, 6304, and 6305.

Education Partnership Agreement (EPA)—An agreement under 10 U.S.C. § 2194 between educational institutions and an Air Force scientific and engineering activity (ies) for the purpose of encouraging and enhancing study in scientific disciplines at all levels of education. The educational institutions referred to in the preceding sentence are local educational agency [agencies], colleges, universities, and any other nonprofit institutions that are dedicated to improving science, mathematics, and engineering education. Under such a partnership agreement, the director of an Air Force scientific and engineering activity may provide assistance to the educational institution by-- (1) loaning defense laboratory equipment to the institution for any purpose and duration in support of such agreement that the director considers appropriate; (2) notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) or any provision of law or regulation relating to transfers of surplus property, transferring to the institution any computer equipment, or other scientific equipment, that is--

(A) commonly used by educational institutions;

(B) surplus to the needs of the defense laboratory; and
(C) determined by the director to be appropriate for support of such agreement; (3) making laboratory personnel available to teach science courses or to assist in the development of science courses and materials for the institution; (4) involving faculty and students of the institution in defense laboratory research projects; (5) cooperating with the institution in developing a program under which students may be given academic credit for work on defense laboratory research projects; and (6) providing academic and career advice and assistance to students of the institution.

Laboratory and/or Technical Activity—For this instruction, that phrase is, as broadly defined, in 15 U.S.C. 3710a(d)(2)(A), and shall include the following:

A facility or group of facilities owned, leased, or otherwise used by the Air Force, a substantial purpose of which is the performance of research, development, or engineering by employees of the Air Force.

Use of this broad definition is deliberate. That definition is not confined to those Air Force components that are formally titled “laboratories.” The intent of that definition is to encompass the wide range of organizations and arrangements that function as laboratories and/or technical activities in Air Force research, development, and engineering programs. It shall include laboratories and/or technical activities and reference more diverse arrangements that shall provide a virtual laboratory capability. For example, an Air Force component may have a virtual lab involving a management function accomplished in an Air Force activity, plus a dispersed set of research activities to be accomplished by a variety of organizations outside of the sponsoring and/or managing activity. Those capabilities are included in test, logistics, and product centers; depots; arsenals; program offices; and all Air Force offices providing for RDT&E. This is consistent with 15 U.S.C. 3710a(d)(2)(A) which uses such encompassing terms as “facility.” This broad definition is in accordance with new DoD practices.

While the definition cited in 15 U.S.C. 3710a(d)(2)(A) occurs in a section of the United States Code dealing with CRADAs, the use of that broad definition in the DoD Directive 5535.3 and DoD Instruction 5535.8 shall not be limited to matters involving CRADAs. The broad definition applies to all citations of laboratories and/or technical activities in this instruction.

Office of Research and Technology Applications (ORTA)—Office required by 15 U.S.C. § 3710(b) to oversee the *Domestic Technology Transfer Program* at a laboratory and/or technical activity. Normally, an ORTA comprises individuals with expertise in marketing, public relations, intellectual property, patent law, and scientific and technical information.

Partnership Intermediary Agreement (PIA)—A Memorandum of Understanding or contract pursuant to 15 U.S.C. § 3715 with a partnership intermediary, as defined by 15 U.S.C. § 3715(c), that provides for the partnership intermediary to perform services for the Air Force that increase the likelihood of success in the conduct of cooperative or joint activities of the Air Force with small businesses.

Technology Transfer—The communication (sharing) of knowledge, expertise, facilities, equipment, and other resources, for application to military and non-military systems. Domestic technology transfer shall include the following:

Spin-off activities that shall demonstrate DoD technology; e.g., commercial viability of technologies already developed or presently being developed for U.S. security purposes. The primary purpose of those activities, which encompass much technology transfer, shall be to promote and make available existing DoD-owned or -developed technologies and technical infrastructure to a broad spectrum of non-DoD applications.

Dual-use science and technology and other activities that develop technologies that shall have both DoD and non-DoD applications.

Spin-on promotion activities that shall demonstrate the U.S. security utility of technologies developed outside of the DoD. That goal shall be to incorporate the innovative technology into military systems to meet mission needs at a lower acquisition cost by taking advantage of the economies of scale by purchasing from a larger industrial base.