

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

AIR FORCE INSTRUCTION 61-301

16 SEPTEMBER 2019



**AIR FORCE SUSTAINMENT CENTER
Supplement**

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Scientific/Research and Development

**THE DOMESTIC TECHNOLOGY
TRANSFER PROCESS AND THE OFFICES
OF RESEARCH AND TECHNOLOGY
APPLICATIONS COOPERATIVE
RESEARCH AND DEVELOPMENT
AGREEMENTS**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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Air Force Instruction (AFI) 61-301 implements several authorities: Air Force Policy Directive (AFPD) 61-1, *Management of Science and Technology*; 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*; Department of Defense (DoD) Directive 5535.03, *DoD Domestic Technology Transfer Program*, DoD Instruction 5535.08, *DoD Technology Transfer (T2) Program*, DoD Instruction 5535.10, *Coordination of DoD Efforts to Identify, Evaluate, and Transfer DoD Technology Items, Equipment, and Services to Federal, State, and Local First Responders*, 15 U.S.C. § 3715 - Use of Partnership Intermediaries, and DoD

Instruction 5535.11, *Availability of Samples, Drawings, Information, Equipment, Materials, and Certain Services to Non-DoD Persons and Entities*. AFI61-301 establishes policies and procedures for the domestic technology transfer (DTT) process and the Offices of Research and Technology Applications (ORTAs). This instruction applies to all Regular Air Force personnel and members of the Air Force Reserve and Air National Guard (ANG), except where noted otherwise. This publication may be supplemented at any level, but all supplements must be routed to the Office of Primary Responsibility (OPR) listed above for coordination prior to certification and approval. Refer recommended changes and questions about this publication to the OPR listed above using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate chain of command. The authorities to waive wing/unit level requirements in this publication are identified with a Tier (“T-0, T-1, T-2, or T-3”) number following the compliance statement. See AFI 33-360, *Publications and Forms Management*, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the requestor’s commander for non-tiered compliance items. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with AFMAN 33-363, *Management of Records*, and disposed of in accordance with the Air Force Records Information Management System (AFRIMS) Disposition Schedule (RDS).

(AFSCSUP) This instruction implements several authorities: Air Force Policy Directive (AFPD) 61-1, *Management of the Science and Technology Enterprise*; 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*; Department of Defense (DoD) Directive 5535.03, *DoD Domestic Technology Transfer Program*, DoD Instruction 5535.08, *DoD Domestic Technology Transfer (T2) Program*, DoD Instruction 5535.10, *Coordination of DoD Efforts to Identify, Evaluate, and Transfer DoD Technology Items, Equipment, and Services to Federal, State, and Local First Responders*, 15 U.S.C. § 3715 - Use of Partnership Intermediaries, and DoD Instruction 5535.11, *Availability of Samples, Drawings, Information, Equipment, Materials, and Certain Services to Non-DoD Persons and Entities*. 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). This instruction applies to all Regular Air Force personnel and members of the Air Force Reserve and Air National Guard (ANG), except where noted otherwise. Ensure all records generated as a result of processes prescribed in this publication adhere to AFI 33-322, Records Management and Information Governance Program, and are disposed in accordance with the Air Force Records Disposition Schedule, which is located in the Air Force Records Information Management System. Refer recommended changes and questions about this publication to AFSC/EN, 3001 Staff Dr., STE 2AF69A, Tinker AFB OK 73145, using AF Form 847, *Recommendation for Change of Publication*; route AF Form 847s through the appropriate chain of command.

SUMMARY OF CHANGES

This document has been substantially revised and should be completely reviewed. This instruction combines AFI 61-301 and AFI 61-302 *Cooperative Research and Development Agreements (CRADAs)*. Further, it updates, clarifies, and streamlines previous guidance in accordance with DoD Directive 5535.03 and DoD Instruction 5535.08. This instruction also highlights the

realignment of duties and office symbol changes as well as correctly delineates the responsibilities of the legal offices. These changes are reflected in sections 1 through 6. Section 1 updates the roles and responsibilities for SAF/AQR, the Air Force Technology Executive Officer (TEO), the laboratory Commanders’ or Directors, the Air Force Technology Transfer Program Manager (AFT2PM), offices of Research and Technology Applications (ORTAs), and the Legal Offices. The changes to section 2 reflect what types of agreements the laboratory Commanders or Directors have the authority to sign following express delegation of authority. Section 3 incorporates elements of AFI 61-302 into this revised AFI 61-301. Section 4 describes responsibilities of handling royalty payments under Title 15 United States Code §3701 the Stevenson-Wydler Technology Innovation Act. Sections 5 and 6 include inventions, the Technology Transfer (T2) Handbook, and annual reports.

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1. Overview. The Air Force is committed to a strong S&T program that will enable a fully integrated air, space and cyberspace force to meet the challenges of the 21st Century. This S&T program lays out the technological foundation for the current and future Air Force to assure America's security through global vigilance, reach, and power. Air Force technology transfer activities are key components of the Air Force contribution to the Department of Defense's (DoD) national security mission. This mission requires the best possible use of national scientific and technical capabilities and a strong industrial base to meet the Air Force's and the Nation's needs. Air Force technology transfer activities promote the best possible use of national scientific and technical capabilities by improving the quality of the defense laboratories, increasing their ability to effectively and efficiently perform their designated missions, and by using their taxpayer-funded infrastructure to support private sector activities in the areas of air, space, and cyberspace.

2. Roles and Responsibilities.

2.1. The Deputy Assistant Secretary of the Air Force for Science, Technology and Engineering - SAF/AQR:

2.1.1. Is the Department of the Air Force Office of Primary Responsibility (OPR) for the Air Force Technology Transfer Program (AFT2P) and is responsible for establishing its objectives consistent with Air Force research priorities. **(T-2)**

2.1.2. Will approve of all proposed Partnership Intermediary Agreements (PIAs) for consistency with law, regulation, and policy, unless this approval authority is delegated to the Technology Executive Officer. **(T-2)**

2.2. Technology Executive Officer (TEO):

2.2.1. The Technology Executive Officer is responsible for program management of the Air Force Technology Transfer Program, consistent with AFDP 61-1 Management of Science and Technology and AFI 61-101 Management of Science and Technology all other department-wide policies or guidance related to technology transfer. **(T-2)**

2.2.2. The Technology Executive Officer is responsible for managing technology transfer activities related to inventions, patents, trademarks, copyrights, and royalty payments consistent with this instruction and other Air Force policies and procedures related to these matters. **(T-2)**

2.2.3. The Technology Executive Officer is also responsible for implementing the Air Force portions of the DoD Technology Transfer Program and for exercising the pertinent authorities. **(T-2)**

2.2.4. The Technology Executive Officer designates and authorizes Air Force Laboratories and/or Technical Activities to enter into technology transfer agreements of Section 2. All such authorizations shall be in writing and include, at a minimum, the authorities being delegated, designation of a servicing legal office, and creation or designation of an Office of Research and Technology Applications (ORTA) or a technology transfer focal point. **(T-3)**

2.2.5. The Technology Executive Officer creates and staffs the Air Force Technology Transfer Program Office and appoints, in writing, the Air Force Technology Transfer Program Manager. **(T-3)**

2.2.6. The Technology Executive Officer is responsible for conducting an annual program review of the Air Force Technology Transfer Program. SAF/AQ and Office of the Deputy General Counsel (Acquisition) SAF/GC, or their designees, shall be invited to the annual program review. **(T-2)**

2.3. Commander/Director.

2.3.1. Commanders and Directors of Air Force Laboratories and/or Technical Activities shall support and promote the Air Force Technology Transfer Program by encouraging personnel to engage in technology transfer activities and protecting and commercializing inventions and other Air Force intellectual property. **(T-2)**

2.3.2. Commanders and Directors must have authority from the Technology Executive Office to enter into the technology transfer agreements of Section 2. Commanders and Directors can request such authorization by identifying the Laboratory or Technical Activity to be designated, the specific authorities to be delegated to the Commander or Director, the servicing legal office, and designation of an ORTA or a technology transfer focal point. **(T-2)**

2.3.2.1. Each Air Force Laboratory and/or Technical Activity authorized pursuant to the previous paragraph and having 200 or more full-time equivalent scientific, engineering, and related technical positions shall establish an ORTA consistent with 15 U.S.C. § 3710. **(T-0)**

2.3.2.2. All other Air Force Laboratories and/or Technical Activities so authorized to shall identify a technology transfer focal point for managing the technology transfer activities on behalf of the Commander or Director. **(T-3)**

2.3.3. Commanders and Directors are responsible for developing the Air Force patent portfolio in their designated research areas. These individuals will coordinate the management of the portfolio via the designated ORTA or technology transfer focal point and with the Air Force Technology Transfer Program Manager.

2.4. Air Force Technology Transfer Program Manager.

2.4.1. The Air Force Technology Transfer Program Manager (AFT2PM) is responsible for accomplishing the objectives of the Air Force Technology Transfer Program and directs, coordinates, and implements all guidance and procedures related thereto, including:

2.4.1.1. Developing an annual plan for accomplishing the objectives of the Air Force Technology Transfer Program (AFT2P) that includes identifying areas of interest related to those objectives and planning outreach activities targeting relevant sectors of academia and industry. The annual plan will be presented at the annual review. **(T-2)**

2.4.1.2. Administering and maintaining the Air Force patent portfolio in coordination with the ORTAs and technology transfer focal points. These duties include administering the receipt and distribution of royalties and other payments received for Air Force inventions, as well as actively developing the portfolio in the areas of interest identified in the annual plan. **(T-2)**

- 2.4.1.3. Maintaining currency of and distributing the Air Force Technology Transfer Handbook (T2 Handbook) as well as coordinating and maintaining all designations and delegations associated with the Air Force Technology Transfer Program. **(T-2)**
- 2.4.1.4. Interacting with other executive agencies and defense components in support of Air Force technology transfer as well as preparing and organizing submissions for various reporting requirements. **(T-2)**
- 2.4.2. The AFT2PM leads, directs, and manages the Air Force Technology Transfer Program Office (AFT2PO). The AFT2PO shall serve as the ORTA for all Air Force Laboratories and/or Technical Activities having only a technology transfer focal point and will provide assistance to others to meet the requirements of Air Force and DoD guidance. **(T-2)** The AFT2PM is the Air Force agency representative to the Director, Defense Research and Engineering T2 Working Group (DoD TTWG), the Federal Laboratory Consortium for Technology Transfer (FLC), and the Interagency Working Group for Technology Transfer (IAWGTT).
- 2.5. Office of Research and Technology Applications (ORTA)
- 2.5.1. Each ORTA is responsible for accomplishing the objectives of and managing technology transfer activities at an Air Force Laboratory and/or Technical Activity, consistent with this instruction and all other department-wide policies or guidance related to technology transfer, to include: **(T-2)**
- 2.5.1.1. Establishing local technology transfer processes consistent with the T2 Handbook and according to the directions of the Commander or Director.
- 2.5.1.2. Identifying technologies suitable for transfer, transition, or dual-use type technology transfer and providing a process for managing these opportunities, to include: **(T-2)**
- 2.5.1.2.1. Identifying potentially patentable inventions arising from Air Force research, evaluating them for patenting, determining whether such inventions have sufficient potential to justify obtaining patent protection, and providing such justifications to the servicing patent counsel. **(T-2)**
- 2.5.1.2.2. Receiving correspondence and reviewing applications for licenses and assignments of inventions for which the Air Force has a right, title, or interest, and preparing and negotiating the same with assistance from the serving legal office and servicing patent counsel. **(T-2)**
- 2.5.1.2.3. Coordinating with the Air Force Technology Transfer Program Manager on issues related to the management of the Air Force patent portfolio. **(T-3)**
- 2.5.1.2.4. Initiating and establishing relationships with academia and industry for purposes of Air Force technology transfer and identifying particular technology sectors related to areas of interest identified in the annual plan.
- 2.5.2. Establishing, in addition to other Air Force awards programs, a technology transfer awards program consistent with 15 U.S.C. § 3710b and DoDI 5535.08 to recognize technology transfer accomplishments by Air Force personnel. **(T-0)**

2.5.3. Establishing, in addition to other Air Force awards programs, a technology transfer awards program consistent with 15 U.S.C. § 3710b and DoDI 5535.08 to recognize technology transfer accomplishments by laboratory or technical activity personnel. **(T-0)**

2.5.4. Each ORTA shall be managed by a program manager appointed by the Commander or Director and staffed and managed consistently with 15 U.S.C. § 3710. **(T-2)**

2.5.5. **(Added-AFSCSUP)** The AFSC Engineering Director will:

2.5.5.1. **(Added-AFSCSUP)** Assign appropriate staff to support the ORTA function.

2.5.5.2. **(Added-AFSCSUP)** Approve processes for developing and approving Technology Transfer (T-2) agreements.

2.5.5.3. **(Added-AFSCSUP)** Act as reviewer on all AFSC T-2 agreements.

2.5.5.4. **(Added-AFSCSUP)** Serve as chair of the AFSC Invention Review Board.

2.5.6. **(Added-AFSCSUP)** The ORTA Program Manager and staff will:

2.5.6.1. **(Added-AFSCSUP)** Develop T-2 processes that are in accordance with AFRL T-2 requirements .

2.5.6.2. **(Added-AFSCSUP)** Ensure that all identified AFSC T2 agreements follow AFSC T-2 processes, are routed through AFMCLO/JAZ for legal sufficiency, and are reported appropriately.

2.5.6.3. **(Added-AFSCSUP)** Assist and advise AFSC units in writing, gaining legal sufficiency, approving, and managing T-2 agreements (Note: The ORTA does not internally manage T-2 agreements, T-2 agreements will be initiated and managed by AFSC units external to the ORTA).

2.5.6.4. **(Added-AFSCSUP)** Support the sole use of existing Air Force Partnership Intermediary Agreements (PIAs).

2.5.6.5. **(Added-AFSCSUP)** Provide T-2 training to AFSC's Scientists and Engineers (S&Es) .

2.6. Legal Offices.

2.6.1. The Office of the Deputy General Counsel (Acquisition), SAF/GCQ, is responsible for establishing legal policy pertaining to Air Force technology transfer and intellectual property, interfacing with other governmental agencies and/or branches on legal issues concerning the same, and advising on other matters pertaining to Air Force technology transfer, to include advising the servicing legal offices. **(T-1)**

2.6.2. The servicing legal office advises and assists Commanders and/or Directors and other Air Force personnel on legal issues pertaining to their Air Force technology transfer activities. Such advice and assistance can include: **(T-1)**

2.6.2.1. Making practical recommendations for structuring business relationships and participating in the negotiation of technology transfer agreements.

- 2.6.2.2. Drafting clauses, consistent with established policy, 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.
- 2.6.2.3. Analyzing all technology transfer agreements for potential conflicts of interest (COI) and assisting local ethics counsel in making official COI determinations.
- 2.6.2.4. Assisting the servicing patent counsel in resolving and investigating patent and other intellectual property matters, coordinating agreements involving intellectual property with the same and helping personnel identify, report, and evaluate potentially patentable inventions.
- 2.6.3. The servicing patent counsel assists the servicing legal office with resolving legal issues pertaining to Air Force technology transfer and intellectual property and operates as the servicing legal office when so designated. (T-1)
- 2.6.4. AF/JA shall help assist the servicing legal office resolve potential conflicts of interest.
- 2.7. **(Added-AFSCSUP)** AFSC ALC and Wing commanders and other directorate level leaders will:
- 2.7.1. **(Added-AFSCSUP)** Ensure that all agreements originating from their organizations comply with the requirements in [paragraph 3](#) of this instruction.
- 2.7.2. **(Added-AFSCSUP)** Approve all T-2 agreements originating from their organization (T-3).
- 2.8. **(Added-AFSCSUP)** AFSC ALC and Wing Technical Directors will:
- 2.8.1. **(Added-AFSCSUP)** Incorporate T-2 activities into their technical strategies.
- 2.8.2. **(Added-AFSCSUP)** Coordinate on all T-2 agreements originating from their organization.
- 2.8.3. **(Added-AFSCSUP)** Assign appropriate staff to support ALC approved T-2 activities (note that AFSC/EN does not require development of, nor provide staff for management of, T-2 agreements).
- 2.9. **(Added-AFSCSUP)** AFSC/JA will:
- 2.9.1. **(Added-AFSCSUP)** Provide guidance on T-2 agreements and AFSC ORTA activity.
- 2.9.2. **(Added-AFSCSUP)** Serve as Legal Advisor for the Invention Review Board (IRB).

3. Air Force Technology Transfer Agreements.

- 3.1. All Air Force technology transfer activities shall be accomplished using one or more model agreements approved by SAF/GCQ and maintained as part of the T2 Handbook. These agreements shall be consistent with the applicable legal and programmatic requirements and include:

3.1.1. Cooperative Research and Development Agreements (CRADAs) authorized by 15 U.S.C. § 3710a. **(T-0)**

3.1.2. Patent License Agreements (PLAs) authorized by 35 U.S.C. § 207 (Domestic and Foreign protection of federally owned inventions) and 15 U.S.C. 3710a (Utilization of Federal technology – policy). **(T-0)**

3.1.3. Partnership Intermediary Agreements (PIAs) authorized by 15 U.S.C. § 3715 (Use of Partnership Intermediaries) and 10 U.S.C. § 2368. **(T-0)**

3.1.4. Education Partnership Agreements (EPAs) authorized by 10 U.S.C. § 2194. **(T-0)**

3.1.5. Four types of test and transfer agreements (Information Transfer (ITA), Equipment Transfer, Commercial Testing (CTA), Facility Research and Testing) authorized by 10 U.S.C. § 2539b(a). **(T-0)**

3.1.6. Various types of equipment transfer agreements, including loans and leases, authorized by 10 U.S.C. § 2194 (Education Partnerships), 10 U.S.C. § 2539b (Availability of samples, drawings, information, equipment, materials, and certain services), and 15 U.S.C. § 3710 (Utilization of Federal technology). **(T-0)**

3.1.7. Other agreements as authorized by law.

3.2. Technology transfer agreements are often negotiated through an iterative process that involves a technical point of contact, the technology transfer focal point or ORTA, the servicing legal office, and the servicing patent counsel. Technology transfer agreements are coordinated as required by the Air Force Technology Transfer Handbook and in accordance with local procedures.

3.3. Substantive modifications to any term or condition in an approved model agreement must be coordinated with and approved by SAF/GCQ following consultation with the servicing legal office.

3.4. **(Added-AFSCSUP)** . All AFSC T-2 agreements will follow the process flow outlined in [Attachment 2](#).

4. Cooperative Research and Development Agreements (CRADA).

4.1. Commanders and Directors authorized to negotiate and enter into CRADAs may do so with various types of organizations in the public and private sector except directly or indirectly with foreign governments. CRADAs shall be entered into and negotiated consistent with 15 U.S.C. § 3710a, associated DoD guidance, this instruction, and the Air Force Technology Transfer Handbook. **(T-0)**

4.1.1. When authorizing Commanders and Directors to enter into CRADAs, the TEO will delegate, retain, or waive the authority to disapprove or make changes to the CRADA as the reviewing official. If delegating authority as the reviewing official, such authority can only be delegated to a Commander or Director. **(T-2)**

4.1.2. All such delegations, retentions, and waivers shall be maintained by the Air Force Technology Transfer Program Manager, the designated ORTA, and retained in the Air Force Technology Transfer Handbook. **(T-3)**

4.2. CRADAs often require identification, negotiation, and administration of rights in intellectual property. Such matters are addressed with assistance from the servicing legal office in conjunction with the servicing patent counsel.

4.3. Laboratories and technical activities are authorized to receive and retain CRADA income pursuant to 15 U.S.C. §§ 3710a and 3710c. CRADA income accounts for reimbursement of Air Force resources provided under a CRADA and does not include royalties or other income from licensing or assignment of inventions. **(T-0)**

4.3.1. CRADA income is to be deposited under the servicing Defense Accounting Office/Financial Services Office (DAO/FSO) Accounting Disbursing Station Number (ADSN). Details may vary by laboratory or technical activity but will generally follow the guidelines in the T2 Handbook. **(T-1)**

4.3.2. CRADA income may be used or obligated by appropriate documentation showing the withdrawal of the amount and commitment or obligation to a designated appropriation for use by the laboratory or technical activity. CRADA income is available for obligation only until the end of the fiscal year in which the appropriation to which it is deposited expires for new obligations.

4.3.3. Air Force activities may use the funds received from a CRADA partner to hire contract personnel to carry out the CRADA. Such personnel are not subject to full-time equivalent restrictions of the Air Force. **(T-0)**

4.4. Government equipment/property may be provided to a CRADA partner on an exclusive, but temporary basis provided that the laboratory or technical activity complies with all demilitarization regulations and notifies the appropriate equipment custodian. If equipment/property is to be permanently transferred to CRADA partner, then such shall be accomplished consistent with the AF T2 Handbook, all rules, guidelines, and procedures governing the disposition of Government property (including 32 Code of Federal Regulations Part 273), and under the direction and control of the Accountable Property Officer. **(T-3)**

5. Royalties and Other Payments from Inventions.

5.1. All licenses for and assignments of Air Force inventions, and any royalties or other payments associated therewith, shall be forwarded to the Air Force Technology Transfer Program Office as a central point of contact. The names and addresses of all inventors, the laboratory under which the invention was made, and the designated ORTA shall also be provided. **(T-2)**

5.1. **(AFSCSUP)** The inventor's organization shall provide appropriate financial contact information to the AFSC ORTA PM to forward to the Air Force Technology Transfer Program Office. This contact will have responsibility to work with the Air Force Technology Transfer Program Office on disbursement of payments.

5.2. The Air Force Technology Transfer Program Office shall process the payments and, with coordination from the responsible ORTA, instruct the appropriate Defense Finance and Accounting Service (DFAS) office in making a disbursement. **(T-2)**

5.3. Royalties and other payments shall be disbursed as required by 15 U.S.C. § 3710c and implemented by DoDI 5535.08, para. 6.9. Commanders and Directors may direct higher royalty amounts be paid to inventors provided that such direction is made in writing, is consistent with these guidelines, and coordinated with the Air Force Technology Transfer Program Manager. The balance of the royalties or other payments not shared with inventors shall be transferred to the laboratory where the invention was made and may be used in a manner consistent with 15 U.S.C. § 3710c and DoDI 5535.08 para. 6.9. **(T-0)**

5.4. Inventors are responsible for maintaining current contact information with the Air Force Technology Transfer Program Office, and Office of Research and Technology Applications, or the technology transfer focal point. Refer to the Air Force Technology Transfer Handbook for directions on updating contact information and procedures to be followed when an inventor's contact information is not known.

5.5. Any payment a federal employee receives is in addition to the employee's regular pay and does not affect an entitlement to regular pay, annuity, or awards to which he or she is otherwise entitled or eligible. Any payments an inventor periodically receives 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. Invention Management, Assignments, and Licensing.

6.1. The servicing legal office, with assistance from the servicing patent counsel, reviews all license agreements and assignments for inventions and patents in which the Air Force has a right, title, or interest. These may be licensed or assigned to a non-federal party only so long as such arrangements are consistent with the relevant statutory authority, Title 37 of the Code of Federal Regulations Part 404 and the T2 Handbook. **(T-0)**

6.2. License agreements as well as patent and invention assignments can arise under a CRADA, in support thereof, or as a separate transaction. Regardless, any reports, business plans, and other commercial and financial information provided by a prospective licensee and collaborator in such arrangements must be reviewed to determine if they will be treated as privileged and confidential information not subject to disclosure under 5 U.S.C. § 552(b)(4). **(T-0)**

6.3. License agreements and assignments for inventions and patents in which the Air Force has a right, title, or interest may also be transferred to another Government agency for purposes of administration, including the granting of licenses, if it would expedite development of the invention or assure its effective management.

6.4. Determinations to pay patent maintenance fees should generally be made by the Commander or Director of the laboratory or technical activity from which the invention was made following a recommendation by the ORTA and in coordination with the Air Force Technology Transfer Program Manager. **(T-2)**

6.4.1. Maintenance fee determinations should be based on the age of the patent, the expressed interest of actual and potential licensees, and the relevance of the patent to the remainder of the Air Force patent portfolio.

6.4.2. If the Commander or Director determines not to pay a maintenance fee, the Air Force Technology Transfer Program Manager may still determine to pay the maintenance fee in view of the above factors and, in so doing, will become responsible for management of the patent thereafter.

6.5. Commanders and Directors may, with assistance from the servicing legal office and servicing patent counsel, negotiate license agreements for other inventions in which the Air Force has a right, title, or interest and other intellectual property assigned to the Air Force provided that the agreements comply with 15 U.S.C. §3710a(a)(2) and any implementing Air Force guidance. **(T-0)**

6.6. **(Added-AFSCSUP)** All AFSC inventions proposed for Patent Application will be processed IAW the AFSC Invention Review Board (IRB) charter, maintained by the ORTA PM.

6.6.1. **(Added-AFSCSUP)** Other Intellectual Property applications will be processed as directed by the ORTA PM.

7. Air Force Technology Transfer Handbook (T2 Handbook). Detailed guidance on all technology transfer activities and mechanisms is contained in the T2 Handbook, which shall be released and published on the AF e-publications page no later than one (1) year after issuance of this instruction, approved by the Technology Executive Office and SAF/AQR, and updated as needed thereafter. **(T-2)**

8. Annual Report. Air Force Laboratories and/or Technical Activities provide data on the progress and status of their technology transfer activities in accordance with this instruction and the T2 Handbook to the AFT2PM. The Air Force uses this information to report to the Office of the Secretary of Defense, the Department of Commerce, the Government Accounting Office, and others as necessary.

8.1. **(Added-AFSCSUP)** The AFSC ORTA PM will collect inputs from ALCs on T-2 activity and prepare and submit to the AFRL T-2 focal point an annual T-2 report in accordance with AFI 61-301 paragraph 8. This report will be filed as an official record IAW AFMAN 33-322.

WILLIAM B. ROPER, JR
Assistant Secretary of the Air Force
(Acquisition, Technology & Logistics)

(AFSCSUP)

STACEY T. HAWKINS
Lieutenant General, USAF
Commander

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

- 10 U.S.C. sub 2194, Education Partnership Agreements
- 10 U.S.C. sub 2539b(a), Test and transfer agreements
- United States Code Title 15 Commerce and Trade Chapter 63 Technology Innovation Section 3701 (15 USC 3701 et seq.)
- 15 U.S.C. sub 3715, Partnership Intermediary agreements
- 15 U.S.C. sub 3710a, Utilization of Federal technology
- 35 U.S.C. sub 207, Domestic and Foreign protection of federally owned inventions
- Executive Order 12591, *Facilitating Access to Science and Technology*, 10 April 1987
- DoDD 5535.03, *Technology Transfer Program*, 21 May 1999
- DoDI 5535.08, *DoD Technology Transfer (T2) Program*, 14 May 1999
- DoDI 5535.10, *Coordination of DoD Efforts to Identify, Evaluate, and Transfer DoD Technology Items, Equipment, and Services to Federal, State, and Local First Responders*, 24 November 2009
- DoDI 5535.11, *Availability of Samples, Drawings, Information, Equipment, Materials, and Certain Services to Non-DoD Persons and Entities*, 19 March 2012
- (Added-AFSCSUP)** AFI 51-301, *Intellectual Property*, 22 June 2018
- AFPD 61-1, *Management of Science and Technology*, 18 August 2011
- AFPD 61-3, *Domestic Technology Transfer*, 20 May 2013
- AFI33-360, *Publications and Forms Management*, 1 December 2015
- AFI 61-101, *Management of Science and Technology*, 14 March 2013
- (Added-AFSCSUP)** AFSCI 61-101, *Sustainment Technology Enterprise Process*, 17 March 2020
- (Added-AFSCSUP)** Air Force *Technology Transfer Handbook V1*
- (Added-AFSCSUP)** DAFI 61-201, *Management of Scientific and Technical Information (STINFO)*
- AFMAN 33-363, *Management of Records*, 1 March 2008
- Adopted Forms***
- AF Form 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

AFI—Air Force Instruction

AFPD—Air Force Policy Directive

(Added-AFSCSUP) AFSC—Air Force Sustainment Center

AFT2PM—Air Force Technology Transfer Program Manager

AFT2PO—Air Force Technology Transfer Program Office

CRAD—Cooperative Research and Development Agreement

CTA—Commercial Test Agreement

DTTWG—Defense Technology Transfer Working Group

DDPSIWG—DoD Domestic Preparedness Support Initiative Working Group

DFAS—Defense Finance and Accounting Service

DTT—Domestic Technology Transfer

EPA—Education Partnership Agreement

FLC—Federal Laboratory Consortium for Technology Transfer

HQ USAF/JAQ—Office of the Judge Advocate General, General Law Division

IAWGTT—Interagency Working Group for Technology Transfer

ITA—Information Transfer Agreements

OPR—Office of Primary Responsibility

ORTA—Office of Research and Technology Applications

PIA—Partnership Intermediary Agreement

PLA—Patent License Agreements

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

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

T2 Handbook—Air Force Technology Transfer Handbook

TEO—Technology Executive Officer

U.S.C.—United States Code

Terms

Air Force Laboratory and/or Technical Activity—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. This definition is not confined to those Air Force components that are formally titled “laboratories.” The intent 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. These research, development, or engineering facilities include 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 definition is in accordance with DoD practices.

Air Force Technology Transfer Handbook (T2 Handbook)—Details guidance on appropriate Technology Transfer activities and mechanisms. The AF T2 Handbook is the responsibility of the Air Force Technology Transfer Program Manager and is developed, managed, and updated by the Air Force Technology Transfer Program Management Team.

Air Force Technology Transfer Program Manager (AFT2PM)—An individual appointed by the Technology Executive Office to manage the Air Force Technology Transfer Program and the Air Force Technology Transfer Program Office (AFT2PO).

Air Force Technology Transfer Program Office (AFT2PO)—The AFT2PM and the staff of T2 professionals dedicated to managing the AFT2 Program and any and all related T2 actions. This includes but is not limited to tracking AF T2 agreements, patent licenses, and royalty payments; managing the Air Force PIAs; and developing agendas and leading AF T2 meetings, supporting the DoD Technology Transfer Training Workshop, and representing all technical activities doing technology transfer agreements without being designated as an Air Force Technology Transfer Activity.

Commercial Test Agreement (CTA)—An agreement under 10 U.S.C. § 2539b(a)(3) between any person or entity and one or more federal laboratories and/or technical activities for the purpose of providing to the person or entity, at a prescribed fee, services to test materials, equipment, models, computer software, and other items. NOTE: Large-scale testing operations are not governed by this authority, and 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 authorized by 15 U.S.C. § 3710a and existing between one or more federal laboratories and/or technical activities and one or more non-federal parties. Under a CRADA, Air Force laboratories and/or technical activities can provide personnel, services, facilities, equipment, or other resources with or without reimbursement (but not funds to the non-federal parties). The non-federal parties can 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 Air Force Activity.

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

Education Partnership Agreement (EPA)—An agreement under 10 U.S.C. § 2194 between educational institutions and an Air Force scientific and engineering activity for the purpose of encouraging and enhancing study in scientific disciplines at all levels of education. Educational institutions include local educational agencies, K-12 schools, colleges, universities and non-profit institutions dedicated to improving science, mathematics and engineering education.

Information Transfer Agreement (ITA)—An agreement under 10 U.S.C. § 2539b(a)(1) to sell, rent, lend, or give samples, drawings, and manufacturing or other information (subject to the rights of third parties) to any person or entity.

Laboratory Equipment—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.

Office of Research and Technology Applications (ORTA)—The Office required by 15 U.S.C. § 3710(b) to oversee the Air Force Technology Transfer Program at Air Force laboratories and technical activities. Normally, an ORTA is comprised of one or more individuals with expertise in marketing, public relations, intellectual property, and scientific and technical information.

Partnership Intermediary (PI)—An agency of a State or local government or a nonprofit entity owned in whole or in part by, chartered by, funded in whole or in part by, or operated in whole or in part by or on behalf of a State or local government, that assists, counsels, advises, evaluates, or otherwise cooperates with small business firms, and institutions of higher education.

Partnership Intermediary Agreement (PIA)—A Memorandum of Understanding or contract pursuant to 15 U.S.C. § 3715 with a Partnership Intermediary.

Patent License Agreement (PLA)—An exclusive, partially exclusive, or non-exclusive right to use, make, have made, or sell products and processes incorporating a federally owned invention and authorized by 35 U.S.C. §§ 207 and 209.

Servicing Legal Office—Attorneys that are trained to support technology transfer activities and review agreements. They may be located within AFMCLO/JAZ (Air Force Materiel Command Law Office/Intellectual Property Law Division) or be assigned within other legal offices.

Spin-off—Activities that demonstrate commercial viability for DoD technologies already developed or presently being developed for U.S. security purposes. The primary purpose of these activities shall be to promote and make available existing DoD owned or developed technologies and technical infrastructure to a broad spectrum of non-DoD applications.

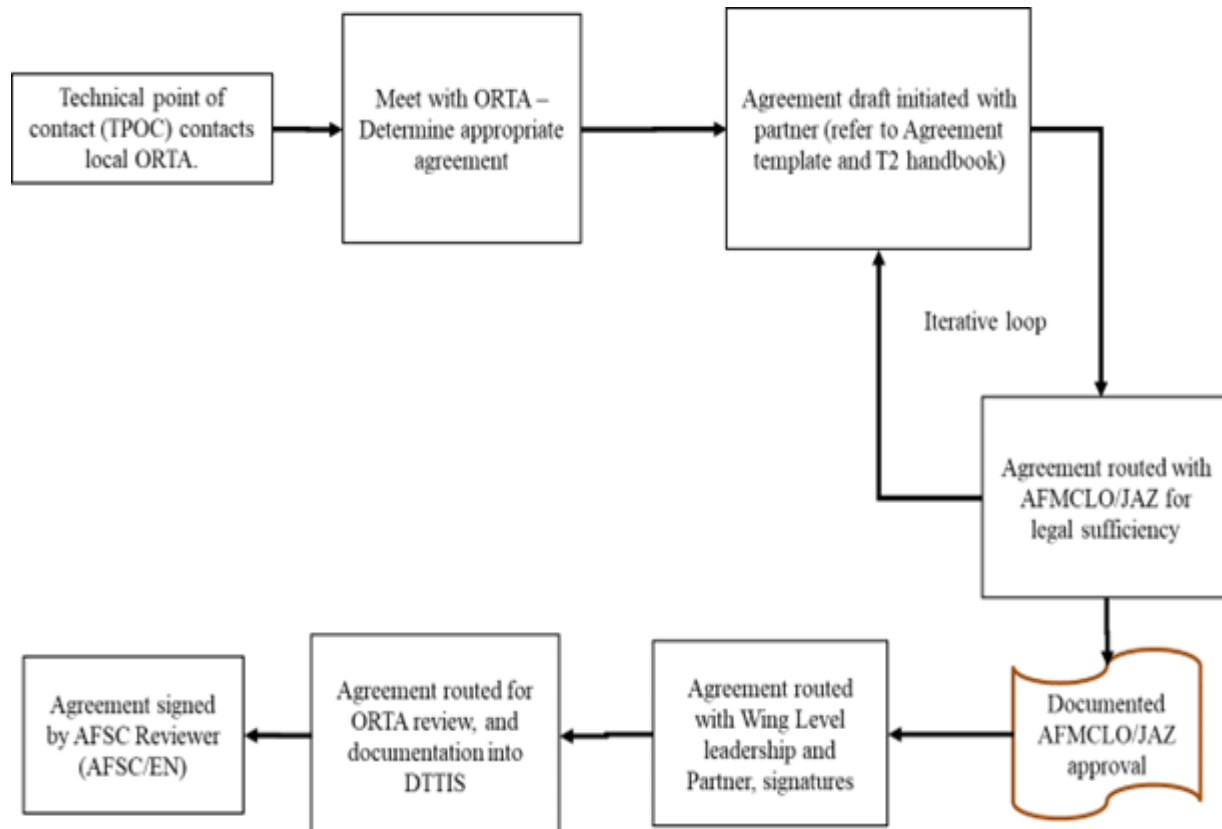
Spin-on—Activities that demonstrate the U.S. security utility of technologies developed outside the DoD. The primary purpose of these activities shall be to incorporate the innovative technology into military systems to meet mission needs at a lower acquisition cost by taking advantage of the economies of scale through purchase from a larger industrial base.

Technology Transfer (T2—)—The intentional communication (sharing) of knowledge, expertise, facilities, equipment, and other resources, for application to military and non-military systems. Domestic technology transfer shall include Spin-off activities, Dual-use activities, and Spin-on activities.

Attachment 2 (Added-AFSCSUP)

PROCESS FOR DEVELOPING AND APPROVING TECHNOLOGY TRANSFER AGREEMENTS

Figure A2.1. (Added-AFSCSUP) Process for Developing and Approving Technology Transfer Agreements.



A2.1. (Added-AFSCSUP) TPOC contacts local ORTA. When an organization within AFSC with desires to develop a Technology Transfer partnership with an external organization, the organization's leadership should appoint a Technical Point of Contact (TPOC) to lead development of the agreement. The TPOC should then contact a member of the ORTA staff for awareness and guidance in developing the agreement.

A2.1.1. (Added-AFSCSUP) Determine appropriate agreement. During discussion between the TPOC and the ORTA staff member the staff member will suggest a preferred type of agreement. It is highly recommended that a representative from the partner organization also participate in this discussion. Criteria and guidelines for determining appropriate agreements can be found in the T-2 handbook (Please contact AFSC/EN Tech Insertion afsc.en.tech@us.af.mil for the handbook link). (T-2 Templates: Please contact AFSC/EN Tech Insertion afsc.en.tech@us.af.mil for the website).

A2.1.2. (Added-AFSCSUP) Draft agreement initiated and coordinated with Technology Partner. Once an appropriate agreement is decided, the ORTA staff member will provide the TPOC with a template for the agreement type as well as guidance on the agreement. The TPOC and Technology Partner should draft the agreement and provide to the ORTA staff for review. Upon satisfactory review, the ORTA staff member will ensure the agreement is identified in Defense Technology Transfer Information System (DTTIS) as a draft.

A2.1.3. (Added-AFSCSUP) Agreement routed with AFMCLO/JAZ. Once a draft has been developed and reviewed by the ORTA staff, the proposed agreement must be routed with AFMC/LOJAZ for legal sufficiency. The AFSC ORTA staff or ORTA supporting staff will route the package appropriately. All comments from LOJAZ must be sufficiently addressed before proceeding to the next step.

A2.1.4. (Added-AFSCSUP) Agreement routed with Wing level and Partner signatures. After receiving legal sufficiency approval from AFMC/LOJAZ the TPOC may then route the agreement through their chain for approval. Wing level signature may be delegated in writing. Partner signature is at the discretion of the applicable wing and partner organizations.

A2.1.5. (Added-AFSCSUP) Agreement routed for ORTA review. Once an agreement is signed, the TPOC should provide a signed copy to an ORTA staff member. The ORTA staff will also ensure agreement information is updated in DTTIS.

A2.1.6. (Added-AFSCSUP) Agreement signed by AFSC Reviewer. AFSC/EN will act as reviewer on all AFSC T-2 agreements. After ORTA PM reviews, the agreement will be routed to AFSC/EN for signature and returned to ORTA PM.

A2.2. (Added-AFSCSUP) ORTA monitoring of agreement (not shown). The ORTA PM will also request annual summary of activity from the TPOC and include TPOC input in the annual ORTA report.