**OUTBOUND MATERIAL DISCLOSURE FORM**

*This form needs to be completed prior to the drafting/review of a Materials Transfer Agreement – for material that is being transferred OUT of UCT.* ***Guidance for completion of the form is provided below.***

Please submit electronically in Word format.

**GUIDELINES ON THE COMPLETION OF A MATERIALS DISCLOSURE FORM**

**What are Materials?**

In terms of the UCT Intellectual Property (IP) Policy, materials fall within the definition of “Tangible Research Property”. The most common materials that are transferred are human (clinical) samples, microorganisms and genetic material, as well as data.

*“Tangible Research Property” means tangible results arising from research activities, such as but not limited to: prototypes, drawings and diagrams, biological organisms and material, reagents, integrated circuit chips, software and data (UCT claims full ownership of Tangible Research Property that is not co-owned, or where ownership has been assigned to a third-party by UCT in terms of an Agreement).*

**Who is a Creator and why are they recorded now?**

Materials can potentially have commercial value and UCT has licensed these in the past. The UCT IP Policy makes provision for the creators of the materials to share the benefit from revenue accruing to UCT from commercial licenses in the same way inventors would share in the benefit from the successful commercialisation of a patent.

A creator(s) of materials may have isolated it originally (e.g. a microorganism or virus) or developed a particular genetic construct (e.g. plasmid or GMO), etc. Sometimes the materials are originally only used for research purposes, but we record the IP creators as the materials may find commercial application in the future and this may happen after an IP creator has left the university (they would remain eligible to receive their share).

Sometimes the materials arise from a collaboration and external “creators” are included in the list – e.g. somebody who provided a particular leaf from their greenhouse from which a virus was isolated. Shares are agreed on by the pool of creators who generally will know who has contributed the most to creating the material; the default is an equal share per person.

**Share in Intellectual Property (IP) Creation**

The list of creators share in the “IP Creator” pool of revenue that may accrue from successful commercialisation. Refer to the UCT IP Policy for details regarding how revenue is distributed, the policy can be accessed here <https://uct.ac.za/administration/policies>.

The share in the creation of the materials is recorded on this form (see below) and this equates to the share of revenue that a creator will receive.

**Indigenous Biological Resource Declaration**

Responses to these questions may trigger other Biodiversity Act compliance/permit requirements associated with materials transfer – even if only intended for academic/research use.

**Material Transfer Agreement requirements** :

|  |  |
| --- | --- |
| **UCT Principal Investigator: Email:** |  |
| **UCT primary contact:****Email:** |  |
| **Department / Unit / Faculty:** |  |

|  |  |
| --- | --- |
| What is the **name of the project** that the material is coming/came from? |  |
| Who **funds/funded** the project? Include contract reference or fund number if available. |  |
| Is this material transfer part of a **consortium or another related agreement**? If so, please provide the contract reference. |  |
| Will the recipient of the material need to transfer the material on to a **third party** either during or after use of the material? e.g. a biobank or sample repository. If so, please specify the third parties and their involvement in the material transfer. |  |
| What is the approximate date range / **period** that the samples were/will be collected over? (required for Biodiversity Act-related transfers) |  |
| What is the intended **duration** that the materials will be required by the recipient? |  |

**USE OF THE MATERIAL BY THE RECIPIENT**

**N.B. When submitting this form to** researchcontracts@uct.ac.za for logging, please include a full description of the project in which the Recipient will utilise the material, on a separate word document, alternatively, the project proposal, if any.

|  |  |
| --- | --- |
| **Recipient Institution / Company:** **Physical address:**(if more than one Recipient, include those parties’ details too) |  |
| **Recipient Institution Principal Investigator or Project lead:****Email address:** |  |
| By default, the UCT MTA restricts use of the material to the Recipient Principal Investigator / Project lead and their research group. Does the material need to be more widely used within the Recipient Institution / Company? |  |
| In summary, what will the Recipient be using the material for?(Note requirement for full description of the project above) |  |
| Does the Recipient need to pay for:1. Preparation of the material
2. Transport of the material?

If so, provide details. |  |
| Are they using the material for **commercial** **purposes**? |  |

**For blood, serum or other human samples, please complete Section A only. For other materials complete Section B only.**

**SECTION A:**

For blood, serum or other human samples (skip to Section B if you have a different sample)

***About the Material***

Where a number of materials are intended to be transferred, please insert/append a table to summarise the details e.g. a list of microorganisms and their numbers that form part of a ‘set’ to be transferred or a culture collection.

|  |  |
| --- | --- |
| **Short name** of the material |  |
| **Nature** of the material(e.g. blood, serum, white blood cells, DNA, sputum, etc.) |  |
| **Description** and **quantity** of the material (This needs to be as precise as possible as this will be used to define the material in the MTA e.g. sputum samples for the quantification of mycobacterium content). |  |
| **Reference number**(s) associated with the material (could be a culture collection number, a strain identification code, etc. that can be used in the MTA to assist with identifying the specific material being transferred). |  |
| Is the material a ‘**special’ sample set**?(This is where the samples have been specifically selected e.g. as the basis for training an artificial intelligence application to create a diagnostic tool). |  |
| Are there any **safety issues / hazards** that are associated with the material? |  |

If the material is being exported, a permit will need to be obtained by the Principal Investigator from the Department of Health. The Principal Investigator will also need to apply for UCT ethics approval, if required.

**SECTION B:**

All other materials(excluding human samples, see Section A above)

***About the Material***

Where a number of materials are being disclosed, please insert/append a table to summarise the details e.g. a list of microorganisms and their numbers that form part of a ‘set’ to be transferred or a culture collection.

|  |  |
| --- | --- |
| **Short name** of the material |  |
| **Nature** of the material(e.g. microorganism, genetically modified organism, virus, plasmid, vector, DNA, hybridoma, monoclonal antibody, etc.) |  |
| **Description** and **quantity** of the material (This needs to be as precise as possible as this will be used to define the material in the MTA e.g. name of microorganism – *Saccharomyces cerevisiae*). |  |
| **Reference number**(s) associated with the material (could be a culture collection number, a strain identification code, etc. that can be used in the MTA to assist with identifying the specific material being transferred). |  |
| **What was the material created from / what is its source?**(e.g. the microorganism was isolated from a soil sample received from a field in Pinelands, South Africa. A virus was isolated from a pea plant sample that was received from Starburst Nursery, Cape Town, South Africa). |  |
| **Who provided access to the ‘source’?**Refer to any access permit that may have been obtained. Does the access provider have any claim to the material that has been isolated/derived?(The access provider could be a person, company or community e.g. a farmer may have given access to their land for sample collection; a community may have provided access to medicinal plant material and may also have a claim to benefit sharing; a municipality may have provided access under a permit; SANParks may have given an access permit to collect samples from Table Mountain, etc.)  |  |
| Does any part of the material being transferred include **material that is owned by other parties**? If so, provide party details. Also indicate whether there are specific rights associated with that material and if there is an MTA associated with it.(e.g. a plasmid may have been obtained from an institute and it has been inserted into a Genetically Modified Organism that is being disclosed on this form). |  |
| Are there any **safety issues / hazards** that are associated with the material? |  |

**CREATOR/S**

\* Include Creators from other institutions – note their affiliation in Department & Group/Unit field.

\* Refer to the last page for information about creators and royalties, etc.

\* Add more rows if necessary

|  |  |
| --- | --- |
| **Name** |  |
| Capacity |  |
| Department / Unit / Faculty |  |
| Staff or Student Number |  |
| Contact Numbers |  |
| Email address |  |

Should the Principal Investigator leave the employ of UCT, please ensure our office is updated as to your contact details so that we can track you for the payment of any royalty income accruing to the creators.

**Share in Intellectual Property Creation**

\* Note UCT creators should record “UCT” in the Institution column

\* Add more rows if necessary

|  |  |  |
| --- | --- | --- |
| **Name** | **Institution / Company** | **% Share** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  | **100** |

**Indigenous (South African) Biological Resource Declaration**

(Excludes biological materials that are human derived – e.g. a human virus)

Is the material:

i) based on, or derived from, a non-human South African indigenous biological resource of a genetic resource?

|  |  |  |  |
| --- | --- | --- | --- |
| Yes |  | No |  |

ii) based on, or derived from, traditional knowledge or use (e.g. medical use of a plant)

|  |  |  |  |
| --- | --- | --- | --- |
| Yes |  | No |  |

iii) co-owned with the local community or individual

|  |  |  |  |
| --- | --- | --- | --- |
| Yes |  | No |  |

**Still Need Help?**

If you have any queries regarding the completion of this form, please either contact Dr Andrew Bailey (andrew.bailey@uct.ac.za, Senior Manager: Innovation) or your appointed Legal Advisor.