

# ARS-Industry Partnerships Overview

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## Why Engage Industry?

Industry is a major component of the food and agriculture enterprise. Impacting many of the problems that are the focus of National Programs require development and/or adoption of a research product or other outcomes by companies. Therefore, companies are both key stakeholders for ARS research and are key to the transfer of ARS solutions into use – part of ARS' mission.

Industrial partnerships may involve sharing of scientists, knowledge, equipment, access to facilities, and/or funding. Probably the greatest benefits from such partnerships include more relevant and more easily implemented research results and relationships with stakeholders that are primed to adopt them. Other benefits to ARS may include access to equipment, facilities, information, personnel, and funding not otherwise available.

## How Do I Get There?

This overview sets the stage for a series of brief documents that will help you develop successful industry partnerships. They will help you understand:

- What is appropriate for you as an ARS employee,
- What is beneficial to you and your research,
- How to identify and approach possible partners,
- The types and relative merits of partnership opportunities with various types of companies,
- How to seal the deal, and
- How to maintain the productive relationships that result, the warning signs of an unproductive partnership, and what to do when you have one.

These activities involve you, the scientist, your unit's Program Support Assistant and Administrative Officer, your line management, National Program Leadership, the Office of Technology Transfer, and the Grants Management Specialists in the Business Service Centers and the Extramural Agreements Division. And obviously, any person and organization that are part of your team.

## Key Terms

The following are some key terms that are part of developing industry partnerships:

- **Confidentiality Agreement (CA)** – An agreement with cooperators outside the ARS used to discuss confidential information or data that may have patent potential, which protects the intellectual property rights of each party. (Note that the acronym CA may also mean Cooperative Agreement).
- **Copyright** - Copyright is a form of legal protection to the authors of “original works of authorship,” and is available to both published and unpublished works. The work of Federal employees is a public good not protected by copyright but the Federal contractors may copyright their work.
- **Cooperative Research and Development Agreement (CRADA)** – A CRADA is an agreement that allows federal laboratories and businesses to form partnerships that help develop and move new technologies to the market. A CRADA allows a company the first right to negotiate an exclusive license to any inventions that is developed and owned or co-owned by the government under the agreement.
- **Freedom of Information Act (FOIA)** – A law that applies to the business of the Federal government which requires dissemination, upon request, of Government documents while ensuring protection of proprietary and other privacy act information.
- **Invention or Intellectual Property (IP)** - A product of research that has the potential to be protected by a patent, copyright, or a Plant Variety Protection (PVP), regardless of whether such protection is sought.
- **License** - A licensing agreement is a partnership between an intellectual property rights owner (licensor) and another who is authorized to use such rights (licensee) in exchange for an agreed payment (fee or royalty).
- **Material Transfer Agreement (MTA)** - A legal document defining the conditions under which research or other materials can be exchanged between organizations which is used to maintain control over the material, protect intellectual property rights, and avoid public disclosure.
- **Non-Funded Cooperative Agreement (NFCA)** - An agreement between ARS and another party(s) that describes in detail a jointly planned and executed project of mutual interest. All parties contribute resources and benefit independently in the outcome of the project.
- **Patent** - Document issued by the U.S. Patent and Trademark Office containing a description, specification, and claims that describe the subject matter in detail and giving its owner a right to exclude others from making, using, or selling it.
- **Plant Patent** - A plant patent is granted to an inventor who has invented or discovered and asexually reproduced a distinct and new variety of plant, other than a tuber propagated plant or a plant found in an uncultivated state. The grant protects the inventor's right to exclude others from asexually reproducing, selling, or using the plant so reproduced.
- **Plant Variety Protection (PVP)** – A PVP provides legal intellectual property rights protection to breeders of new varieties of plants which are sexually reproduced (by seed) or tuber-propagated. A PVP prohibits others from selling, marketing, offering, delivering, consigning, exchanging, or exposing the variety for sale. It is also illegal to import or export the variety, sexually multiply it, propagate it by tuber, use the variety in producing (as distinguished from developing) a hybrid, or condition the variety for the purpose of propagation.
- **Trust Fund Cooperative Agreement (TFCA or Trust)** - An agreement between ARS and a Sponsoring Organization that involves cooperative research of mutual interest between both parties where ARS is paid in advance of performance.