15. Technology Commercialization and Transfer

This section addresses the export control requirements associated with CUNY’s Technology Commercialization Transfer Agreements.

Because the transfer of technology and/or materials pursuant to a Material Transfer Agreement (MTA) may trigger export control requirements, CUNY’s Technology Commercialization Office (TCO) shall work directly with the research compliance staff to proactively identify and resolve export control requirements associated with an MTA. Such requirements may be triggered when the activity contemplates an international transfer or is domestic within the U.S., but CUNY has knowledge that the item will be re-exported by the receiving party. As applicable to the transaction at hand, the Material Transfer Agreement for Biological Material and the Materials Transfer and Confidentiality Agreement shall both take into account necessary export control provisions that include but are not limited to notification of export control status (ITAR or EAR) as well as general end use/user restrictions and applicable destination control statements.

Note that incoming NDAs (where CUNY is requested to sign another party’s confidentiality agreement covering the receipt of proprietary items or data) must likewise be reviewed and provisioned for export control purposes. As the potential modification of another party’s Confidentiality Agreement can take additional time, the researcher shall alert the TCO as soon as possible to a pending Agreement so as to allow sufficient opportunity for timely evaluation.