



## Technology Transfer at VA

**VA Technology Transfer Program (VA-TTP)** is a resource for all VA employees. VA-TTP manages Invention Disclosures and VA Invention Certifications and provides technical assistance. VA-TTP evaluates inventions, advises on intellectual property (IP), obtains IP protection, manages patent portfolios, develops policies and agreements, and markets and licenses VA technologies to companies that intend to develop the invention into a tangible product or service that benefits Veterans and the public. VA-TTP facilitates technology transfer and negotiates agreements and activities between academic partners, local VA Medical Centers, and industry.

If you have an invention or questions regarding an invention or the invention process, contact a [Technology Transfer Specialist](#) (TTS) assigned to your region. Your regional or local field TTS can answer any questions or assist with the process.

VA employees can find more information regarding technology transfer requirements in [VHA Directive 1200.18](#).

The technology transfer process starts with an invention, new idea, or discovery. An invention can be a new material or composition, a new device or product, a new method or process, a new technique, or a new machine, whether or not you believe it is patentable. It can even be an original software package.

<b>VA Employee</b>	VA employees include any officer or employee, civilian or military, of the VA. VA employees include dual appointment personnel (DAP), intergovernmental personnel act (IPA) appointments, consultants, contractors, part-time, temporary, or term employees, and also without compensation (WOC) employees, including all health professions trainees (HPTs). All VA employees are responsible for complying with all applicable VA and Federal requirements.
<b>Invention Disclosure (ID)</b>	An Invention Disclosure (ID) is a form that formally describes an invention and should contain (1) a detailed description of the invention, (2) a listing of possible inventors and their affiliations, (3) supporting data or documents, and (4) any manuscript intended for publication which incorporates a description of the invention. VA employees must complete one <a href="#">VA Invention Disclosure Form</a> (ID) per invention or upload the inventor’s affiliated institution form <i>using the VA online portal</i> .
<b>Invention Certification (IC)</b>	An Invention Certification (IC) is a formal statement by a VA inventor detailing VA involvement in the process leading to an Invention Disclosure. Each VA employee who contributed to the conception of or reduction to practice of an invention <i>must complete</i> the <a href="#">VA Invention Certification</a> (IC) using the online VA portal and provide other facts and information to VA-TTP. ( <a href="#">37 CFR § 501.6</a> )
<b>Completion and Submission of ID/IC</b>	ID and IC forms are completed and submitted online using the <a href="#">VA Sophia Portal</a> . Only one ID needs to be submitted per invention on behalf of all inventors; however, each VA affiliated inventor must complete a VA certification for each invention.
<b>Determination of Rights (DOR)</b>	DOR is a process where the VA determines whether VA resources were used for the development of the invention. If it is determined VA resources were involved, the VA will assert rights and have ownership in the invention. VA's assertion of rights is based on the applicable laws and regulations ( <a href="#">37 CFR § 501</a> ) and ( <a href="#">38 CFR § 1.650-1.653</a> ).
<b>Responsibilities</b>	
<b>Associate Chief of Staff for Research (ACOS/R)</b>	The ACOS/R heads the research program at the VA Medical Center and helps recruit, train, and develop research investigators. The ACOS/R is responsible for ensuring that all VA employees at the facility are educated about and comply with the invention disclosure process and take the TMS-required training (ID# 131008977). The ACOS/R should maintain a current list of individuals authorized to perform research and be reasonably aware of all research conducted in their program.



## VA Employees and Invention Disclosure Requirements

<p><b>Do I need to disclose all inventions to VA?</b></p>	<p><b>Yes.</b> VA employees must disclose all inventions to VA as a condition of their VA employment or appointment, whether or not they were hired to perform research. This includes all inventions made while off duty and without VA contributions. Submit a VA or affiliated institution’s disclosure form.</p>	
<p><b>When should an invention be disclosed?</b></p>	<p><b>It is never too early to disclose an invention, new idea, or discovery.</b> If technology is mistakenly publicly disclosed before notifying the VA Technology Transfer Program (VA-TTP), reach out to your local / regional Technology Transfer Specialist for guidance. Inventions must be <i>disclosed before any publication or public disclosure</i>. Otherwise, rights may be lost in the invention. Disclose your invention by submitting an ID and IC to VA-TTP.</p>	
<p><b>Do I need to disclose an invention to VA if I have an off-site waiver?</b></p>	<p><b>Yes.</b> <i>Research conducted by a VA employee with a partial or full off-site waiver is always VA research.</i> VA-approved research is defined as being performed by a VA employee with research duties during VA official time. All inventions arising from such research shall be disclosed <i>consistent with the Code of Federal Regulations (CFR) <a href="#">38 CFR Part 1.662</a>, <a href="#">37 CFR Part 501</a>, <a href="#">Executive Order 10096</a>, and <a href="#">VHA Directive 1200.18</a>.</i></p>	
<p><b>Will VA have ownership in my invention?</b></p>	<p><b>It depends.</b> VA may only assert ownership of an invention if certain statutory criteria are met, such as whether the invention was made during working hours; with a VA contribution of facilities, equipment, materials, funds or information; or the invention bears a direct relation to or is made in consequence of the inventor’s official duties (<a href="#">37 CFR § 501.6</a>).</p> <p>Note that a VA decision to assert ownership does not address another organization's rights through the inventor. Suppose another institution (such as a University) has a joint ownership interest in the invention. In that case, VA-TTP will coordinate with the joint owner for patent filing, prosecution, marketing, licensing, and commercialization.</p>	
<p><b>How are inventions commercialized at VA?</b></p>	<p><b>Inventions are licensed to third parties to develop the technology into a commercially available product.</b> VA-TTP and the Technology Transfer Team are responsible for facilitating the commercialization of VA inventions to benefit Veterans and the American public. This often involves protecting the technology with a patent application, which may then be licensed to a company.</p> <p>Every VA license requires that the company develop the technology into a commercially available product that will benefit Veterans and the public.</p>	
<p><b>Will I be entitled to any royalties?</b></p>	<p><b>Yes.</b> VA has a generous royalty policy. All royalties from licensing are returned to the inventor and their VA Medical Center’s research budget. Royalty income to VA is received, monitored, and distributed by VA-TTP following federal law and the <a href="#">*VA Royalty Distribution Policy</a>.</p>	
	Party	Royalty Share*
	<p><b>VA Employee Inventor</b></p>	<ul style="list-style-type: none"> <li>• First \$2,000 allocated to each inventor</li> <li>• 50% allocated to the inventor(s) after that</li> <li>• Subject to an annual cap of \$150,000 per inventor</li> </ul>
<p><b>VA Medical Center (VAMC) or Other VA Federal Lab and Office of Research &amp; Development (ORD)</b></p>	<ul style="list-style-type: none"> <li>• 5% of the remainder will be distributed to VAMC through the local VA Research Office (subject to an annual cap of \$500,000 per license agreement)</li> <li>• 15% of the remainder distributed to ORD</li> </ul>	