

Patent License Agreements

# PLAs

## **Policy and Objectives**

The Federal Government's technology transfer policy is designed to promote the increased use and commercialization of inventions that arise from government agency-supported research and development. This policy is implemented through license agreements.

Using a Patent License Agreement (PLA), the patent owner permits a third party to make, use, or sell the patented invention in return for some valuable consideration, most commonly, a royalty.

The Air Force process for patent licensing follows the principle that practically all federally owned inventions in the custody of the Air Force will normally best serve the public interest when they are developed to the point of practical application and then rapidly made available to the public.

Nonexclusive, partially exclusive, or exclusive licenses are available to applicants who agree to develop and/or market these inventions. Some restrictions and conditions apply to all licenses granted.



**Air Force Technology Transfer Program**



**U.S. AIR FORCE**

# Technology Transfer Patent License Agreements (PLAs)



Providing Air Force Inventions  
to the Public Marketplace



## Partnering with the Air Force

The Air Force Technology Transfer (T<sup>2</sup>) program assures that all Air Force science and engineering activities promote the transfer and/or exchange of technology with state and local governments, academia, and industry to create jobs, improve productivity, and increase competitiveness while supporting the Air Force.

The technologies developed, tested, and evaluated within the Air Force have tremendous potential for commercial applications. These technologies can dramatically enhance the competitiveness of individual small businesses as well as develop economic opportunities for state and local governments. They can also serve academia by expanding areas of exploration and cooperation.



## Air Force Research Laboratory (AFRL)

Air Force research and development activities are organized under AFRL, which has research sites across the United States. The Air Force Technology Transfer program operates under the management of AFRL. AFRL's mission is leading the discovery, development, and integration of affordable warfighting technologies for our air and space force. Since AFRL leads the research and development efforts of the Air Force, it understands the importance of technology transfer. AFRL is known for its diverse array of research facilities, equipment, and expertise that give rise each year to numerous inventions suitable for PLA grants.

## Benefits of PLAs

- > Maximize the use of Air Force technology in the private sector
- > Stimulate research
- > Make available new products and processes
- > Create new industries and job opportunities
- > Benefit the U.S. economy
- > Provide royalty income to the Air Force

## Definitions

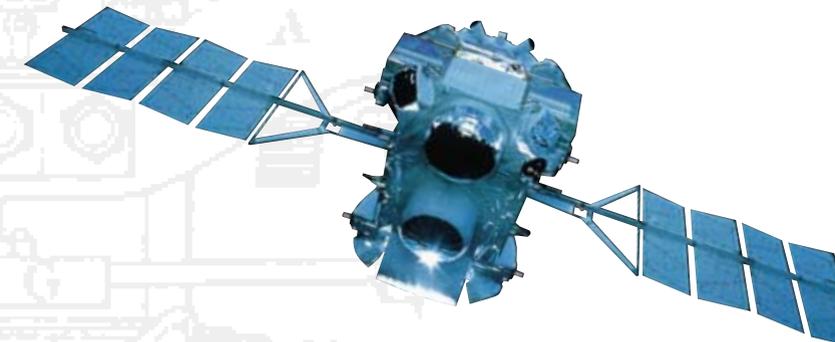
**Patent** – A grant issued by the U.S. Government giving an inventor the right to exclude all others from making, using, or selling the invention throughout the U.S. or importing the invention into the U.S. This exclusive patent right is not secured from other countries unless a separate patent application is filed with each of the desired countries.

**Federally owned invention** – An invention, plant, or design covered by a patent; a patent application in the U.S.; or a patent, patent application, plant variety protection, or other form of protection, in a foreign country, for which the title has been assigned to or otherwise vested in the U.S. Government.

## General Guidelines for PLAs

- > The applicant must supply the Air Force with both a satisfactory plan for development and/or marketing of the invention, and information about the applicant's capability to fulfill the plan.
- > A license may be granted on a pending patent application filed in the U.S. or foreign patent office, or on an issued patent. The license can be nonexclusive, partially exclusive, or exclusive.

- > The company must commercialize the invention within a specified period of time and continue to make the benefits of the invention reasonably accessible to the public.
- > The company must report its utilization of the patent periodically to the government agency holding the patent.
- > A license shall normally be granted only to a licensee who agrees that any product embodying the invention or produced through the use of the invention will be manufactured substantially in the U.S., and preference should be made to small businesses. This requirement, however, may be waived by a showing that reasonable, but unsuccessful, efforts were made to grant licenses to U.S. manufacturers or by a showing that manufacture in the U.S. is not commercially feasible.
- > The government retains a nonexclusive, royalty-free, worldwide government purpose license to the invention.



## More Information

For further information on licensing of government-owned inventions, refer to  
37 CFR Ch. IV Part 404  
[www.access.gpo.gov/nara/cfr/waisidx\\_04/37cfr404\\_04.html](http://www.access.gpo.gov/nara/cfr/waisidx_04/37cfr404_04.html)

AFI 51-303  
[www.e-publishing.af.mil/pubfiles/af/51/afi51-303/afi51-303.pdf](http://www.e-publishing.af.mil/pubfiles/af/51/afi51-303/afi51-303.pdf)

For current licensable patents, visit  
[www.dodtechmatch.com](http://www.dodtechmatch.com)