



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

SECNAVINST 5700.17A
ONR
22 Jan 2019

SECNAV INSTRUCTION 5700.17A

From: Secretary of the Navy

Subj: DOMESTIC TECHNOLOGY TRANSFER

Ref: (a) DoD Instruction 5535.08 of 14 May 1999
(b) 15 U.S.C. §3702-3703, 3705-3706, 3710, 3712, 3715
(c) 10 U.S.C. §2014, 2194-2195, 2501, 2506, 2514-2515, 2358, 2371, 5022
(d) E.O. 12999
(e) 35 U.S.C. §200 et seq.
(f) DoD Directive 5535.03 of 21 May 1999
(g) E.O. 12591
(h) SECNAVINST 5430.7R
(i) SECNAVINST 5870.2E
(j) 48 CFR 31.205-18
(k) Presidential Memorandum, "Accelerating Technology Transfer and Commercialization of Federal Research and Support of High-Growth Business" of 28 October 2011

Encl: (1) Definitions and Acronyms
(2) Responsibilities
(3) Laboratory and/or Technical Activity Designation Procedure
(4) Office of Research and Technology Applications (ORTA) Representative Designation Procedure

1. Purpose. To establish policy and assign responsibility for the Department of the Navy (DON) Domestic Technology Transfer (T2) Program, in accordance with references (a) through (k).

a. DoD software licensing policy which delegates to the Head of designated DON Laboratories the authority to transfer custody of DON Inventions and Computer Software to other Agencies has been incorporated.

b. This is a complete revision to this directive and it should be reviewed in its entirety.

2. Cancellation. SECNAVINST 5700.17.

3. Applicability. This instruction is applicable to all commands and activities within the DON responsible for the sponsorship, management, administration, and execution of Domestic T2 (Activities).

4. Definitions. See enclosure (1).

5. Policy. It is the continuing responsibility of the Federal Government to ensure the full use of the results of the Nation's Federal investment in research and development; therefore, the Federal Government shall strive, where appropriate, to transfer Federally owned or originated technology to state and local governments and to the private sector. Furthermore, Domestic T2 is an integral element of the DON national security mission and, as such, requires each DON Laboratory and/or Technical Activity, each DON science, engineering, and T2 professional, as well as each DON employee providing T2 support, to be responsible for T2 consistent with mission responsibilities. Therefore, it is DON policy to promote Domestic T2 throughout the DON to ensure improvements to the economic, environmental, and social well-being of the United States and its citizens, and to carry out DON T2 per references (a) through (k).

6. Responsibilities. See enclosure (2).

7. Action

a. Responsible DON Activities and personnel must take the necessary steps to implement DON Domestic T2 as outlined in this instruction.

b. The Head of a DON Activity shall sign and submit a memorandum, on official letterhead, requesting designation as a laboratory and/or Technical Activity to the DON T2 Program Manager (PM). This request for designation must follow guidelines set forth in enclosure (3) of this directive.

c. The Head of each DON Laboratory and/or Technical Activity, within 60 days of receipt of their Laboratory and/or Technical Activity designation memorandum from the Office of Naval Research (ONR), will ensure one of the actions in paragraphs 7c(1) or 7c(2) have been completed as appropriate:

(1) Notice of the approval of its currently designated Office of Research and Technology Applications (ORTA) representative from ONR has been received.

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(2) Designate and request approval from ONR of an ORTA representative per enclosure (4) and ONR shall provide a response within 60 days of receipt of such request.

d. The Head of a designated DON Laboratory and/or Technical Activity must notify the DON T2 PM within 60 days of a change of the activity's ORTA Representative, and should designate a new ORTA Representative per this instruction.

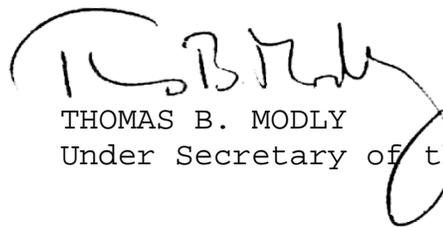
e. The Head of a designated DON Laboratory and/or Technical Activity must notify the DON T2 PM within 60 days of a status change, i.e., name change, address change, per this instruction.

8. Records Management

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned according to the records disposition schedules found on the Directives and Records Management Division (DRMD) portal page:

<https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/SitePages/Home.aspx>

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact your local Records Manager or the DRMD program office.



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Under Secretary of the Navy

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DEFINITIONS and ACRONYMS

1. The following terms are defined in reference (a):
 - a. CRADA: Cooperative Research and Development Agreement.
 - b. Technical Assistance CRADA.
 - c. Military-Use CRADA.
 - d. Laboratory and/or Technical Activity (including the Marine Corps).
 - e. T2: Technology Transfer.

2. The following terms and definitions are applicable to the DON:
 - a. DON Technology Transfer Handbook: Throughout this directive, the DON Technology Transfer Handbook will be referred to as the "Handbook." The Handbook is a desktop reference for each DON ORTA Representative and for use by DON personnel engaged in DON T2 activities. The Handbook is available from ONR Website: <https://www.onr.navy.mil/en/Science-Technology/Directorates/Transition/Technology-Transfer-T2/Partnership-Options/CRADA-handbook>
 - b. Standard Navy CRADA (SNCRADA): The SNCRADA is based on applicable law and policy and a SNCRADA sample is provided in the Handbook. The Handbook also provides approved alternate language for use in a SNCRADA. A CRADA that includes the use of approved alternate language is still considered a SNCRADA. (See the Handbook.)
 - c. Standard Navy Limited-Purpose CRADA (SNLPC): The SNLPC is a CRADA restricted to the exchange of existing equipment and/or material that the collaborators use for their research, test, evaluation, development or engineering activities. There is no joint work performed under the SNLPC, but there is a mutual interest in the results. Data and intellectual property are protected. A SNLPC template is provided in the Handbook. (See the Handbook.)

d. Non-Standard Navy CRADA: Any CRADA that deviates from the SNCRADA or the SNLPC is considered non-standard. Some examples of non-standard CRADAs include technical assistance and clinical trials CRADAs, and CRADAs with multiple parties or with foreign persons or industrial organizations that are directly or indirectly controlled by a foreign company or government. While both the standard and non-standard CRADAs require local legal review, each deviation to the SNCRADA or SNLPC will require the preparation of a written explanation of the reasons and justification for the deviation and a written legal review and recommendation from the local, assigned, or identified DON Office of General Counsel Intellectual Property (OGC IP) attorney, prior to entering into the CRADA. This explanation, and the legal review and recommendation must be forwarded to the DON T2 PM at the ONR as part of the CRADA package.

e. Partnership Intermediary Agreement (PIA):

(1) Statutory Authority is found in reference (b).

(2) Definition: A contract or memorandum of understanding with a partnership intermediary that provides for the partnership intermediary to perform services for the Federal laboratory that increase the likelihood of success in the conduct of cooperative or joint activities of such Federal laboratory with small business firms, institutions of high education as defined in section 1141(a) of U.S.C. title 20 and reference (c).

(3) Standard Navy PIA (SNPIA): The SNPIA is based on applicable law and policy, and a SNPIA template is provided in the Handbook.

(4) Non-Standard Navy PIA: Any PIA that deviates from the SNPIA is considered non-standard. While both the standard and non-standard PIAs require local legal review, any deviation to the SNPIA will require the preparation of a written explanation of the reasons and justification for the deviation and a written legal review and recommendation from the local, assigned, or identified OGC IP attorney, prior to entering into the PIA. This explanation, and the legal review and recommendation must be forwarded to the DON T2 PM at ONR as part of the PIA package.

f. Standard Navy Patent License Agreement (SNPLA): There is a SNPLA template for exclusive, partially exclusive and non-exclusive patent license agreements (PLAs). Each SNPLA is based on applicable law and policy. Any PLA that deviates from the SNPLA is considered non-standard, and, while both the standard and non-standard PLAs require local legal review, any deviation to the SNPLA will require the preparation of a written explanation of the reasons and justification for the deviation and a written legal review and recommendation from the local, assigned, or identified OGC IP attorney, prior to entering into the PLA. Unless otherwise instructed by the DON T2 PM, this explanation, and the legal review and recommendation, must be forwarded to the DON T2 PM at ONR as part of the PLA package.

g. Standard Navy Software License Agreement (SNSLA): There is a SNSLA template for exclusive, partially exclusive and non-exclusive software license agreements (SLAs). Each SNSLA is based on applicable law and policy. Any SLA that deviates from the SNSLA is considered non-standard, and, while both the standard and the non-standard SLAs require a local review, any deviation to the SNSLA will require the preparation of a written explanation of the reasons and justification for the deviation and a written legal review and recommendation from the local, assigned, or identified OGC IP attorney, prior to entering into the SLA. Unless otherwise instructed by the DON T2 PM, this explanation, and the legal review and recommendation, must be forwarded to the DON T2 PM at ONR as part of the SLA package.

3. The following definition is applicable to this instruction: The Head of a DON Laboratory and/or Technical Activity is the Commanding Officer of, or person holding and equivalent military position at such Activity. (Hereafter, the commanding officer and/or the commanding officer equivalent will be referred to as the "commanding officer".)

RESPONSIBILITIES

1. The Chief of Naval Research (CNR) is responsible for all Domestic T2 policy and guidance matters within the DON as provided in references (a), (f), and (h).
2. The CNR must:
 - a. Manage the DON Domestic T2 Program and serve as oversight authority for execution of all DON Domestic T2 Science and Technology (S&T) matters.
 - b. Manage the Laboratory and/or Technical Activity and Office of Research and Technology Applications (ORTA) Representative designation procedures. This authority may be re-delegated to the DON Program Manager for Domestic T2.
 - c. Cultivate collaboration between DON S&T communities and industry to promote efforts resulting in the transfer of DON technology to the commercial sector.
 - d. Execute an awards program to recognize Domestic T2 accomplishments.
 - e. Institute policies under which Laboratories and/or Technical Activities may be authorized to enter into CRADAs; PIAs; licenses of Navy patents, or inventions, or software (referred to herein as agreements to license, assign, or waive rights to DON intellectual property, including, but not limited to, licenses to DON patents or inventions PLAs; licenses of DON Computer SLAs; and distribute royalties and other payments, per references (a), (c), (h), and (j).
 - f. Determine, as required in reference (b), the amount of DON funding support to the Federal Laboratory Consortium (FLC); collect the determined amount of funds from the DON research, development, test and evaluation allocation holders; and transfer the funds to the National Institute of Standards and Technology for use by the FLC.
 - g. Appoint a DON PM for Domestic T2.

3. The DON T2 PM must:

- a. Coordinate, direct, and manage DON Domestic T2 per established policies, this instruction, and the directions of higher authority.
- b. Provide information on DON Domestic T2 to CNR and the DON/Department of Defense (DoD) senior leadership, as required.
- c. Represent the DON in the FLC, at interagency meetings with other Federal departments and internally with DON activities.
- d. Encourage participation in and promote the results of DON Domestic T2.
- e. Provide for and maintain a record of all relevant T2 agreements.
- f. Issue a DON T2 Handbook that establish T2 practices for the DON Domestic T2 Program.

4. Heads of DON Activities must:

- a. Review the definition of Laboratory and/or Technical Activity found in reference (a) and determine whether their Activity may be considered a Laboratory and/or Technical Activity for the purposes of this instruction. This determination shall be made by following the procedure outlined in enclosure (3) of this instruction.
- b. Implement and follow, in accordance with reference (a) and this instruction, the procedures mandated for DoD Laboratories and/or Technical Activities, if it is determined that their DON Activity is considered a Laboratory and/or Technical Activity.

5. The Head of designated DON Laboratory and/or Technical Activity is delegated the authority to:

- a. Enter into CRADAs, PIAs, PLAs, and SLAs and sign such Agreements for the DON in accordance with this instruction, provided that the following requirements are met and maintained:

(1) A Laboratory and/or Technical Activity designation memorandum has been issued by ONR (see enclosure (3)).

(2) The Laboratory and/or Technical Activity has met and maintained all requirements of this instruction, has designated a sufficiently trained ORTA Representative by following the procedure outlined in enclosure (4), and has received an approval of their designated ORTA Representative from ONR.

(3) A support staff, with adequate training or experience in T2, is provided, as necessary, to assist the designated ORTA Representative.

(4) The Laboratory and/or Technical Activity's T2 program are established prior to entering into a CRADA, PIA, PLA, or SLA. This should include provisions for all appropriate pre-disclosure reviews of information and data prior to the release of such data or information including, but not limited to, a legal review, which should include a review for issues that might affect the patentability of a DON invention or might otherwise affect DON intellectual property; a security review; and, when necessary, a public affairs-related review.

(5) A legal review and a legal recommendation is obtained from an assigned (or identified) DON OGC IP attorney prior to negotiating and prior to entering into a CRADA, PIA, PLA, or SLA to ensure that the CRADA, PIA, or PLA, or SLA conforms to all statutes, regulations, Executive Orders, this instruction, and other binding instructions and policies issued within the DoD and the DON.

(6) A security review is obtained prior to negotiating and prior to entering into a CRADA, PIA, PLA, or SLA to ensure that the CRADA, PIA, PLA, or SLA conforms to all statutes, regulations, Executive Orders, this instruction, and all security regulations and instructions issued within the DoD and the DON. The security review shall include, but is not limited to, a review of the responsibilities of managing and controlling the dissemination of the information or data that could, or will, result from the work under the CRADA, PIA, PLA, or SLA.

(7) Prior to entering into negotiations for a CRADA, PLA, or SLA with foreign persons or industrial organizations

that are directly or indirectly controlled by a foreign company or government, the following requirements must be met:

(a) A consultation memorandum is submitted to, and a confirmation that the consultation memorandum was received is obtained from, the United States Trade Representative;

(b) When required, a foreign disclosure determination is completed and approved by the Laboratory and/or Technical Activity;

(c) When required, the Navy International Program Office, and other officials or offices, are contacted and involved as needed; and

(d) An export control assessment will be completed and all applicable foreign disclosure and export license requirements and restrictions complied with.

(8) Unless otherwise instructed by the DON T2 PM, documentation listed in paragraphs 5a(8)(a) and 5a(8)(b) of this enclosure are to be forwarded to the DON T2 PM as part of the CRADA, PIA, PLA, or SLA package:

(a) A copy of each fully executed CRADA, PIA, PLA, or SLA and any documentation showing the results of the legal review with recommendation and security review as per paragraphs 5a(4) through 5a(6) of this enclosure and,

(b) CRADAs, PLAs, and SLAs that are entered into with foreign persons or industrial organizations that are directly or indirectly controlled by a foreign company or government, documentation demonstrating that the requirements of paragraphs 5a(7)(a) through 5a(7)(d) of this enclosure have been complied with.

(9) A copy, preferably electronic, of all other required documents are submitted to ONR as directed by this instruction or the DON T2 PM.

b. Execute the full range of activities authorized as per references (c) and (d). This authority may be further delegated.

c. Transfer, the custody and administration, in whole or in part, to another Federal agency, of the right, title, or interest in a DON Invention or DON Computer Software for the purposes of facilitating the transfer of technology for commercial applications as provided for in reference (i).

6. The Head of designated DON Laboratory and/or Technical Activity must:

a. Comply with paragraphs 5a through 5c of enclosure (2), and is on notice that noncompliance with this instruction could result in revocation of their Laboratory and/or Technical Activity designation.

b. Submit, when requested by the DON T2 PM, documentation showing that it continues to meet the Laboratory and/or Technical Activity requirements of this instruction. Such documentation shall be provided to the DON T2 PM within 60 days of the date of such request.

c. Assume the responsibility for all aspects of its CRADAs, PIAs, PLAs, and SLAs.

7. The Designated and Approved ORTA Representative shall:

a. Coordinate, direct, and manage DON Domestic T2 for their Laboratory and/or Technical Activity per established policies, this instruction, and the directions of higher authority.

b. Provide annual business plans, training presentations/outlines, statistical data, and other information as requested by the DON T2 PM, or otherwise required by statute, regulation, directive, executive order, instruction, or DON policy in accordance with reference (a).

c. Ensure implementation of and monitor achievements of DoD T2 in accordance with reference (k).

d. Offer at least 2 hours of T2, marketing, or other related, training to personnel of their Laboratory and/or Technical Activity annually.

e. Receive at least 8 hours of training in T2 every calendar year, complete the on-line DON ORTA training course

every calendar year, and submit a summary of the annual training (listing the number of training hours received and the source(s) of the training) to the DON T2 PM by the end of each calendar year. This summary can be submitted to the DON T2 PM along with the copy of the annual business plan required by reference (a).

f. Encourage participation in, and promote the results of, DON Domestic T2.

g. Comply with paragraphs 7a through 7g of enclosure (2), and is on notice that noncompliance with this instruction could result in revocation of the approval of their ORTA designation.

LABORATORY AND/OR TECHNICAL ACTIVITY DESIGNATION PROCEDURE

1. In conjunction with this instruction, and prior to entering into a CRADA, a PIA, a PLA, or a SLA, the procedures and actions found in paragraphs 2 through 4 are required in order to become designated as a DON Laboratory and/or Technical Activity.

2. The Head of a DON Activity shall sign and submit a memorandum, on official letterhead, requesting designation as a Laboratory and/or Technical Activity to the DON T2 PM. This "Request for Designation" memorandum must contain responses to the questions found in paragraphs 2a through 2e of this enclosure:

a. Do personnel at the Activity have a working knowledge of this instructions and references (a), (b), (f), and the Handbook, (or, when appropriate, any superseding statute, order, directive or instruction)?

b. Does the Activity meet the definition of a Laboratory and/or Technical Activity as found in reference (a)?

c. What is the title, mailing address and physical location of the Activity?

d. What is the mission of the Activity?

e. Does the Activity have sufficient T2, security, and DON OGC legal staff to advise the Head of the Laboratory and/or Technical Activity and support the Activity's T2 mission?

(1) Is a DON OGC IP attorney assigned to your Activity? If not, who will be responsible for providing legal reviews and recommendations relating to CRADAs, PIAs, PLAs, SLAs, and other legal assistance to your Activity regarding T2?

(a) A copy of the writing or agreement showing that an OGC will supply T2 legal services to the Activity, and identifying by name the DON OGC IP attorney(s) that will be assigned to support such services must be provided.

(b) An OGC IP attorney is required to be assigned, or otherwise be available, to provide T2 legal support prior to obtaining Laboratory and/or Technical Activity designation.

(2) Are security personnel assigned to your Activity and if not, who will be responsible for providing security reviews relating to CRADAs, PIAs, PLAs, and SLAs?

2. The "Request for Designation" memorandum will be reviewed by the DON T2 PM and forwarded to the Intellectual Property Counsel of the Navy for legal review. A determination whether the Activity meets the criteria for designation as a Laboratory and/or Technical Activity will be made by ONR, and a Laboratory and/or Technical Activity designation memorandum will be sent by ONR to the requesting Activity approving or rejecting the designation request.

3. If the Activity receives a Laboratory and/or Technical Activity designation memorandum approving its request for designation as a Laboratory and/or Technical Activity, and if the Activity's current ORTA Representative has not been designated and approved by ONR, then the Head of such Laboratory and/or Technical Activity shall submit a memorandum to ONR designating an ORTA Representative (see enclosure (4), ORTA Representative Designation Procedure).

4. The request for Laboratory and/or Technical Activity designation memorandum should be on official letterhead, signed by the Head of the Activity, and forwarded to the DON T2 PM at:

Office of Naval Research
Attn: DON T2 PM, Code 353
875 North Randolph Street
Arlington, VA 22203-1995
Or
Emailed to: Navy_Tech_Transfer@navy.mil

**OFFICE OF RESEARCH AND TECHNOLOGY APPLICATIONS (ORTA)
REPRESENTATIVE DESIGNATION PROCEDURE**

1. In conjunction with this instruction, and prior to entering into a CRADA, PIA, PLA, or SLA, the following procedure is required to be used in order to request approval of the designation of an ORTA Representative for a designated DON Laboratory and/or Technical Activity.

2. The Head of a designated DON Laboratory and/or Technical Activity shall sign and submit a memorandum, on official letterhead, designating an ORTA Representative for the Activity to the DON T2 PM. This ORTA Representative designation memorandum must contain responses to the following questions:

- a. What is the title and physical location of the Activity?
- b. What is the name of the person being designated as the ORTA Representative?
- c. Are procedures in place (if not, when will procedures be established) for entering into CRADAs, PIAs, PLAs, and SLAs?
- d. Does the ORTA Representative, who will be responsible for implementing the procedures, have training or experience in T2?
- e. Has the ORTA Representative completed the on-line DON ORTA Representative training course? An online training certificate must be submitted with this request.
- f. Has the ORTA Representative reviewed the Handbook prior to their designation?
- g. Has the designated ORTA Representatives completed the on-line DON ORTA training prior to approval of their designation? Thereafter and in addition: Complete 8 hours of T2 training every calendar year. This training may include, but is not limited to, the annual DoD T2 Training Workshop; the FLC National Meeting; Navy ORTA/legal Workshop; or any other T2 related training activity.
- h. Does the Activity have sufficient T2, security, and DON OGC legal staff to advise and support the ORTA Representative?

(1) Is a DON OGC IP attorney assigned to your activity? If not, who will be responsible for providing legal reviews and recommendations relating to CRADAs, PIAs, PLAs, SLAs, and other legal assistance to your Activity regarding T2? A copy of the writing or agreement showing that a DON Office of Counsel will supply T2 legal services to the Activity, and identifying by name the DON OGC IP attorney(s) that will be assigned to support such services must be provided.

(2) Are security personnel assigned to your Activity? If not, who will be responsible for providing security reviews relating to CRADAs, PIAs, PLAs, and SLAs?

3. ONR will send a response to the Activity approving or rejecting the designation of the ORTA Representative.

4. The Head of a designated DON Laboratory and/or Technical Activity must notify the DON T2 PM within 60 days of a change of the Activity's designated ORTA Representative and should designate a new ORTA Representative per this instruction.

5. The ORTA Representative designation memorandum should be on official letterhead, signed by the Head of the Laboratory and/or Technical Activity, and forwarded to the DON T2 PM at:

Office of Naval Research
Attn: DON T2 PM, Code 353
875 North Randolph Street
Arlington, VA 22203-1995

Or

Emailed to: Navy_Tech_Transfer@navy.mil