



VA Employees and Technology Transfer Requirements

VA affiliated employees are any officer or employee, civilian or military, of the Department of Veterans Affairs. Employees include **dual appointment personnel (DAP)**, part-time, **without compensation (WOC)** employees.

VA employees also include any “special government employee,” individuals working for VA pursuant to an **intergovernmental personnel act (IPA)**, and part-time **consultants**.

Dual Appointment Personnel (DAP)

[VA Handbook 5005/129](#)

Dual appointment personnel (DAP) are individuals who hold simultaneous appointments at both VA and an affiliated university or other affiliated institution, regardless of whether the appointments are full-time or part-time or are compensated or uncompensated.

VA Principal Investigators who hold joint VAMC and university appointments annually confirm their total professional responsibility by disclosing and documenting their time spent on research and other activities at both institutions. This disclosure is done through a Memorandum of Understanding ([MOU](#)) approved by appropriate individuals at both the VAMC and university.

Without Compensation (WOC)

[38 U.S.C. § 7405\(a\)\(1\)](#)

A WOC employee is an individual that has an official VA appointment but does not receive any salary from VA. WOCs may receive benefits from the VA such as space and/or computer depending upon station policies. This appointment may allow the individual to support VA’s research program in various capacities, including, but not limited to, investigator, research coordinator, and administrator while at VA for a defined period of time. WOC employees are subject to all laws and regulations pertaining to government personnel. WOC appointments may be made on a temporary full-time or part-time basis, depending on the program’s objective.

VA WOC appointees are required to execute an official WOC document and a [VA-WOC Intellectual Property Agreement](#).

The Office of Research and Development (ORD) VA Technology Transfer website has valuable resources for [VA WOC appointees](#).

Intergovernmental Personnel Act (IPA)

[5 U.S.C. §§ 3371-3375](#)

The Intergovernmental Personnel Act Mobility Program (IPA) provides for the temporary assignment of personnel between the Federal Government and state and local governments, colleges and universities, Indian tribal governments, federally funded research and development centers, and other eligible organizations.

Special Government Employee [18 U.S.C. § 202](#)

An officer or employee of any independent agency of the United States or of the District of Columbia, who is retained, designated, appointed, or employed to perform, with or without compensation, on a temporary, part-time, full-time, or intermittent basis.

Consultant [5 U.S.C. § 3109](#)

Intermittent services of experts or consultants or an organization procured temporarily by contract (not in excess of 1 year).

VA employees are responsible for complying with all applicable VA and Federal requirements.



VA Employees and Technology Transfer Requirements

VHA Office of Research and Development (ORD) Technology Transfer Program (VA-TTP) exists to facilitate technology transfer and uphold agreements and activities between academic partners, local VA Medical Centers, and Industry. VA-TTP ensures that inventions and discoveries created by VA employees are made available to the public. The technology transfer process can involve licensing technology to a company that could develop the invention into a tangible product or service that benefits Veterans and the public.

A [Technology Transfer Specialist](#) assigned to your region is available to answer any questions or assist with the process.

Invention

The technology transfer process starts with a discovery or invention. All VA affiliated employees are required by federal law to report their inventions to VA-TTP by completing an Invention Disclosure and Certification form.

<p>Invention Disclosure (ID)</p>	<p>Whether or not hired to perform VA research, all VA affiliated employees must disclose any inventions to VA as a condition of their VA employment or appointment. Invention disclosure includes inventions made while off duty and without any contribution from VA.</p> <p>VA employees can submit a VA Invention Disclosure form (ID) or a form used by the inventor's affiliated institution, provided the institution's form includes at least the information required in VA's disclosure form.</p> <p><i>Signatures:</i> Inventor, Immediate supervisor (who is not a co-inventor), or Associate Chief of Staff for research (ACOS/R).</p>
<p>Invention Certification (IC)</p>	<p>Each VA employee who contributed to the conception of or reduction to practice of an invention <i>must complete</i> the VA Invention Certification (IC) and provide other facts and information to VA-TTP. (38 CFR § 1.651-1.663)</p> <p><i>Signatures:</i> Inventor, Immediate supervisor (who is not a co-inventor), or ACOS/R.</p>
<p>Submit Forms</p>	<p>A complete invention disclosure package includes completed and signed ID and IC forms. Submit the completed package to the VA TTP ID group email (vattid@va.gov).</p>
<p>Determination of Rights (DOR)</p>	<p>VA's decision to take title to an invention is based upon a review of the circumstances of the invention by VA-TTP. VA-TTP's recommendation to the Office of General Counsel (OGC) and OGC's review is based on the applicable laws and regulations (37 CFR § 501).</p> <p>A DOR letter does not address any ownership rights another organization may have through the inventor. If another institution has a joint ownership interest in the invention, VA-TTP will coordinate with the joint owner for patent filing, prosecution, marketing, licensing, and commercialization.</p>

Responsibilities

<p>Associate Chief of Staff for Research (ACOS/R)</p>	<p>The ACOS/R heads the research program at the facility and helps in the recruiting, training, and development of research investigators. The ACOS/R is responsible for ensuring that all VA research employees at the facility are educated about and comply with the invention disclosure process.</p> <p>The ACOS/R also serves as the Point of Contact on Intellectual Property submission to the VA Technology Transfer office and as a signatory on the VA Invention Disclosure and VA Certification forms needed for the Invention Disclosure submission.</p>
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VA Technology Transfer Program

VA Technology Transfer Program and the [Technology Transfer Team](#) is responsible for facilitating the commercialization of VA inventions to benefit Veterans and the American public.

Technology Transfer Specialists* are responsible for:

- Educating VA employees concerning their rights and obligations regarding inventions, as outlined in directive 1200.18, and in applicable federal regulations and statutes.
- Providing technical assistance to VA affiliated employees relating to the Invention Disclosures and Invention Certifications.
- Evaluating Complete Invention Submissions and providing recommendations and supporting documentation regarding VA assertion of ownership rights of inventions to OGC for their use in the legal review associated with issuing DOR Letters.
- Advising VA employees regarding intellectual property rights that may arise out of their VA duties.
- Coordinating applications for patents, managing patent portfolios and related paperwork in coordination with outside counsel.
- Making VA's innovations more widely available to Veterans and the general public through a transfer of VA technology to private and public sector partners for development and commercialization. These efforts may include the active marketing and licensing of VA inventions.
- Developing and implementing policies that govern the relationships among employee inventors, academic affiliates, local VA medical centers, and industry.
- Executing agreements that cover inventions jointly-owned with a particular institution and outline terms and conditions for cooperatively managing inventions including patent prosecution, marketing, licensing, Royalty distribution, and license compliance.

*VA employees should contact the [Technology Transfer Specialist](#) for their region with any questions.

Royalty Distribution

[15 U.S.C. § 3710c](#)

Royalty income to VA is received, monitored, and distributed by VA-TTP following federal law and the [ORD VA Royalty Distribution Policy](#).**

- VA may distribute royalties only to VA inventors (and their VA Medical Center (VAMC)) who were VA affiliated employees at the time of invention.
- Each VA fiscal year, all Royalty Income received from a VA licensing agreement for an invention with a Government ownership interest shall be distributed as follows:

Party	Royalty Share
VA Employee Inventor	First \$2,000 to each inventor 50% per inventor thereafter Subject to an annual cap of \$150,000 per inventor
VAMC	Remainder will be distributed to VAMC through their research office

**Policy may be updated in the near future – check the [VA-TTP website](#) the latest information

- If the VA inventors' affiliations include multiple VAMCs, the remainder will be split among those VAMCs in proportion to the number of inventors affiliated with each at the time of the invention disclosure.
- Dual-Appointed Personnel will receive distributions from the VA and the University affiliate for jointly-owned inventions, the latter following the university affiliate policies.