



# The Toolkit



**Partnering with NETL**

## Activities



## Mechanisms



**Forming Ideas, Scoping Projects, Drafting Joint Proposals, Sharing Technical Information, Testing Samples**

### Initial Discussions

Initial, high-level discussions help identify general areas of mutual interest and capability. Once an area of mutual interest has been identified, specific activities or tasks can be further defined and an appropriate partnering mechanism can be pursued.

### Nondisclosure Agreements (NDAs)

NDAs enable NETL and a partner to exchange information (including potentially patentable information, or proprietary samples and data) under obligations of confidentiality. Even without an NDA, federal employees are bound not to disclose a partner's confidential information under the Trade Secrets Act, and NETL's contractors are bound by the confidentiality terms in their contracts.

### Nonanalysis Agreements (NAAs)

NAAs allow a partner to test and evaluate NETL materials that are patented or patent pending for a pre-negotiated purpose, such as exploratory testing or further research, to determine if the technology suits their specific applications. Under an NAA, the receiving party explicitly agrees not to analyze the technology to determine its composition (reverse engineer), use it for commercial purposes, or transfer the materials to a third party.



**Codeveloping Technology; Accessing Experts, Capabilities, and Equipment**

### Cooperative Research & Development Agreements (CRADAs)

A CRADA allows for joint research and development performed collaboratively by NETL and one or more nonfederal participants, such as industry, educational institutions, non-profits, and state or local governments. Cost sharing between NETL and the CRADA participant is essential, which may involve in-kind contributions (personnel, equipment, facilities) or funds provided by the nonfederal party (NETL cannot transfer funds to the participant). Crucially, a CRADA includes protection for the background intellectual property (IP) of all parties and explicitly addresses how new, CRADA-developed IP will be handled. It also offers participants the option for an exclusive license in a particular field of use for IP developed by NETL under the agreement.

### Short-Form CRADAs

A short-form CRADA is an expedited version of a standard CRADA designed specifically for domestic collaborative projects valued under \$2 million. Like a standard CRADA, it requires cost sharing, protects the background IP of all parties, and provides options for licensing newly developed IP. A short-form CRADA contains fewer clauses and provisions than the traditional format. To take advantage of this template offering, the terms are strictly nonnegotiable, and the participant must accept the terms in their entirety as written.

### Contributed Funds Agreements (CFAs)

A CFA permits NETL to perform work for a nonfederal party, granting them access to NETL's unique facilities, equipment, or personnel. Under a CFA, the nonfederal party funds all the work but does not actively perform any of it. Because NETL is the sole party performing the research, NETL owns any new inventions made under a CFA. Rights to subject inventions that arise under a CFA may vest in the nonfederal party according to the terms of the CFA class patent waiver.



# Activities



# Mechanisms



## Commercializing NETL Intellectual Property

### Licenses

Licenses transfer NETL-created, government-owned IP rights to the private sector. NETL specifically seeks to license to partners who possess a robust commercialization plan with a high probability of successfully bringing the technology to market and sharing the IP's benefits with the public. The specific type of license granted (exclusive, partially exclusive, or nonexclusive) and the rights transferred (make, use, sell, research, evaluate) will depend on both the technology's current stage of development and the licensee's proposed commercialization strategy.



## Partnering with NETL

### Memorandum of Understanding (MOU) and Memorandum of Agreement (MOA)

MOUs memorialize an understanding between NETL and a party of intended plans or actions under a nonbinding arrangement where either party can discontinue performing at any time. MOAs memorialize an agreement between NETL and a party for a collaborative project through a binding agreement. MOAs are typically used by NETL with other government agencies where there is an existing funding mechanism. Neither MOUs nor MOAs allow for the transfer of funds. Implementation of funded, collaborative projects must be accomplished through a separate, legally binding instrument.



## Accessing Federal Funding

### Financial Assistance Awards (FAs)

FAs support specific projects conducted outside NETL through cooperative agreements or grants. These awards result from a competitive notice of funding opportunity (NOFO) process (formerly funding opportunity announcement) or a noncompetitive, unsolicited proposal submission.

### Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Programs

SBIR and STTR programs fund U.S. small businesses to engage in federal research and development with high potential for commercialization. Both programs enable small businesses to collaborate with federal laboratories or other partners, either as an option (SBIR) or as a required research partnership (STTR). Awards are structured across three phases: feasibility, research and development, and commercialization.



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