



## ENGINEER RESEARCH AND DEVELOPMENT CENTER (ERDC) PATENT LICENSE AGREEMENTS (PLAs) INFORMATION SHEET

**What is a PLA?** A Patent License Agreement (PLA) is a legal agreement that grants a license to use or practice an invention. The primary purpose for licensing patented inventions is to maximize the benefits of Federally-funded research by encouraging private development and application of patented technologies. PLAs provide a means for organizations to leverage patented technologies. The Engineer Research and Development Center (ERDC) has over 75 pieces of intellectual property (IP) available for licensing. ERDC offers PLAs for its IP through commercial licenses and evaluation licenses.

- **Commercial License** – an exclusive, partially-exclusive, or non-exclusive license that allows organizations to manufacture, use, and sell products that incorporate ERDC's IP.
- **Evaluation License** – a non-exclusive, short-term (one year), low-cost license that allows organizations to “test drive” a technology and assess its potential but restricts the manufacture, use or sell of products.

### What are the Different Types of PLAs?

- **Exclusive Patent License Agreement** – affords a single licensee (business) the rights to manufacture and sell a government invention for any commercial application worldwide
- **Partially-exclusive Patent License Agreement** – allows multiple companies to obtain rights to manufacture and sell a government invention but only in certain, specified commercial applications or in certain, defined geographic locations
- **Non-exclusive Patent License Agreement** – can allow any number of companies to obtain the same government technology, use the technology in many different products or commercial applications, and make products or commercial applications utilizing the technology available for sale in many different geographic locations

**What are the Legal Authorities for Use?** [15 USC 3710a\(b\)\(1\)](#) ~ [35 USC 207-209](#) ~ [37 CFR Chapter IV Part 404](#)

**Is there Funding?** Fees and royalties to be paid by the non-Federal partner(s) to the Federal Lab(s) will be negotiated in advance of a signed commercial license. Evaluation licenses are non-negotiable.

**When is a PLA appropriate?** ERDC may grant a license to an invention, for which a patent application was filed before the signing of the agreement, for reasonable compensation when appropriate. Inventions that may have commercial potential should be made available to the private sector under a PLA.

**Who may participate in PLAs?** Applicants with satisfactory plans for development or marketing of the Government owned invention may participate. PLAs are restricted to US entities or a licensee who agrees to manufacture substantially in the US unless unsuccessful efforts have been made or domestic manufacture is not commercially feasible.

- **Private Industry (US)**
- **Nonprofit (US)**
- **Academic institutions (US)**

### Resources:

If you have further questions, please contact us at: [TTO@usace.army.mil](mailto:TTO@usace.army.mil).