

Pre-shipping questionnaire for compounds and biological materials being sent from KU

The purpose of this document is to help you determine whether the materials you intend to ship 1) need to be covered by a Materials Transfer Agreement (MTA) or 2) may require U.S. government export control documentation.

MTAs are designed to protect investigators from accidentally disclosing confidential information to the individuals and institutions receiving shipments of compounds or biological materials and to provide a means for ensuring appropriate end use of certain materials.

U.S. export control laws are designed to prevent the transfer of certain commodities, software and technologies, to foreign countries, and in some cases to foreign nationals in the U.S., for purposes of national security and foreign policy. In addition, international shipments may require other documentation according to U.S. and/or international law, to ensure the safety and legality of the shipment. Please note that this form is not designed to determine export control requirements for software, technology, or technical data that is not in the public domain.

↓ KU Provider (PI name, department)		↓ Recipient (Researcher name, institution, country)	
↓ Material (name, brief description, amount)			
↓ Date		↓ Funding source (grant reference, if appl.)	

STEP 1: Materials Transfer Agreement screening.

Check Yes or No for each item, a) through h).

Yes	No	Are the materials or compounds that you plan to ship:
		a. Already known and described in the open literature?
		b. Covered by a pending patent application, issued patent or being withheld from publication as part of an eventual invention disclosure to the KU Center for Technology Commercialization??
		c. Originally obtained from or developed as part of a collaborative research project with an academic or corporate colleague?
		d. Originally obtained by the University of Kansas under an MTA?
		e. Obtained from a living human, a microbial isolate obtained from human biological materials, or is it derivate components of human biological materials?
		f. Composed of live animals?
		g. For use in humans?
		h. For use in vertebrate animals ?

Continued⇒

STEP 1, continued

If you answered YES to 1a and NO to all of 1b through 1g above, your shipment does not require an MTA. Enclose the *Simplified End User Agreement* (page 3 of this document) with your shipment. Proceed to STEP 2: Export control screening.

If you answered YES to one or more of questions 1b through 1h above, please contact KUIC at indcontracts@ku.edu to determine whether an MTA must be executed before you can ship this compound or material, and send copy of this completed questionnaire to KUIC. Proceed to STEP 2: Export control screening.

STEP 2: Export control screening.

Yes	No	Are the materials or compounds that you plan to ship:
		a. Destined for a location outside of the United States?

If you answered NO to 2a above, your compound or material shipment does not require an export control review.

If you answered YES to 2a above, answer 2b through 2d to the best of your knowledge and then contact the KU Export Control Officer by email (ueco@ku.edu) or call 864-4273 to determine whether your shipment requires U.S. export control documentation.

Yes	No	Not Known	Are the materials or compounds that you plan to ship:
			b. On the Commerce Control List (CCL) or US Munitions List (USML) If so, please list ECCN number or USML category_____
			c. Destined for a location under U.S. trade sanctions or embargoes?
			d. Known to you to be intended for use in weapons proliferation or other prohibited purposes?

Simplified End User Agreement for limited materials transfer (to be completed by the person or group providing the samples that will be shipped)

This form is only for use with shipments that conform to conditions specified in the *Pre-shipment questionnaire*. By using this form, the KU Provider ensures that the *Pre-shipment questionnaire* conditions have been met.

↓ KU Provider (PI name, department)	↓ Recipient (name, institution, country)	
↓ Material (name, brief description, amount)	↓ Date	

The contents herein, described above, have been sent by the PROVIDER in response to RECIPIENT’s request for the MATERIAL.

The above MATERIAL is the property of the PROVIDER and is made available as a service to the research community. The MATERIAL is provided at no cost, or with an optional transmittal fee solely to reimburse the PROVIDER for its preparation and distribution costs.

The PROVIDER certifies that this shipment does not contain

1. materials or information covered by a pending patent application, issued patent, or otherwise represent intellectual property of the PROVIDER or other entity,
2. materials obtained from a living human, a microbial isolate obtained from human biological materials, or a derivate components of human biological materials, or
3. live animals.

The PROVIDER offers the MATERIAL with the understanding that the RECIPIENT will use the MATERIAL only under the conditions below. Use of the MATERIAL confers agreement to the conditions.

1. The MATERIAL will be used for teaching or not-for-profit research purposes only.
2. THIS MATERIAL IS NOT FOR USE IN HUMAN SUBJECTS.
3. THIS MATERIAL IS NOT FOR USE IN VERTEBRATE ANIMALS.
4. Any MATERIAL delivered pursuant to this Agreement is understood to be experimental in nature and may have hazardous properties. THE PROVIDER MAKES NO REPRESENTATIONS AND EXTENDS NO WARRANTIES OF ANY KIND, EITHER EXPRESSED OR IMPLIED. THERE ARE NO EXPRESS OR IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, OR THAT THE USE OF THE MATERIAL WILL NOT INFRINGE ANY PATENT, COPYRIGHT, TRADEMARK, OR OTHER PROPRIETARY RIGHTS. Unless prohibited by law, Recipient assumes all liability for claims for damages against it by third parties which may arise from the use, storage or disposal of the Material except that, to the extent permitted by law, the Provider shall be liable to the Recipient when the damage is caused by the gross negligence or willful misconduct of the Provider.
5. The MATERIAL will be used in compliance with all applicable statutes and regulations.