

International Partnerships: Engaging the Unknown

2011 FLC National Meeting
May 2-5, 2011

Lada Osokina, MS, MBA
Sr. Agreements Specialist
WFO/CRADA Department



Partnering Mechanisms

- **Cooperative Research & Development Agreement (CRADA)**
- **Non-Federal Entity/ “Funds-In Agreement” (NFE/FIA)**
- **Commercial License**
- **Other Federal Agency (OFA) funds Sandia to work with foreign entity**
- **Government-to-Government Programs/Agreements**



Success Stories

- **International Partnerships** are featured in *Sandia Industrial Partnerships Annual Reports*.
- **Remarkable Research, Technology Emerge from International Partnerships:**
 - Water Resource Management Organization of Singapore (EPA, PUB of Singapore, R&D100 Award)
 - Design of Advanced Internal Combustion Engines (Aramco Middle East)
 - Development of High-Temperature Superconducting Tapes for Lighter Wind & Hydro Power Generators (UK/Germany)



CRADAs

Foreign CRADAs represent a small set of the portfolio, facilitate broader international programs and engage in existing programs from international perspectives

- Majority of agreements with European companies, a few from Far East (e.g. Japan, Australia), none with DOE sensitive countries
- Most agreements with private companies, none directly with governments, a few with quasi-government entities (e.g. foreign universities, utilities)
- Exceptions to CRADA Terms & Conditions negotiated primarily to “Title to Subject Inventions” and “US competitiveness” Clauses
- Examples of reasons for failure to execute:
 - Partner's shift of technical interest
 - Partner could not fund
 - Sandia & Partner could not agree on Ts&Cs



NFE/FIAs

Foreign FIAs represent a small set of the portfolio

- Majority of agreements with European entities, some with Asia, Australia, Canada, South America, China and Israel
- NFEs/FIAs successfully executed with private companies, governments, quasi-government entities, and laboratories
- Exceptions to Ts&Cs were negotiated primarily to “Funding,” “US competitiveness”, “Patent Rights”, and “Data Rights” Clauses
- Examples of reasons for failure to execute:
 - Sandia & Sponsor could not agree on Ts&Cs
 - Sponsor had issues with Sandia IP provisions
 - Sponsor never received funding



Common Speeds Bumps

- Foreign Partners/Sponsors frequently seek to use their Ts&Cs *in lieu of* DOE mandated Ts&Cs employed by Sandia.
- Foreign Partners/Sponsors typically have issues with advanced funding, warranty disclaimers, indemnification, Intellectual Property (IP) rights, US competitiveness.
- DOE/NNSA/HQ's Review & Approval of foreign agreements can take 4-6 weeks.



Observations/Lessons Learned

- Sandia has respectable portfolio of International Partnerships worldwide with various foreign entities, few directly with foreign governments.
- Sandia can do business overseas and “grow” business there in the future.
- Sandia is a Federally Funded R&D Center (FFRDC) and does not have the “negotiating flexibility” of a private company.
- DOE has certain Ts&Cs requirements that cannot be waived.
- DOE-mandated agreements (CRADAs/FIAs) are less flexible and more complicated than other agreement types.