

# Licensing Promotes Commercialization of DHS Technologies



Science and Technology

## LICENSING DHS TECHNOLOGIES

Technologies developed with Department of Homeland Security (DHS) funding may have significant commercial potential. To harness this potential, DHS grants licenses that allow a company to make, use, and/or sell DHS technologies in the commercial marketplace. In general, a license grants permission for licensees to conduct a specific activity with a technology that would be prohibited if conducted without the license. The license activities and geographic territory covered by a license varies based on the specific license terms. The licensed territory can be worldwide and include specific countries, or be limited to the U.S. and its territories.

## TECHNOLOGIES AVAILABLE FOR LICENSING

The DHS S&T Technology Transfer and Commercialization Program (T2C) maintains a list of DHS technologies available for licensing and manages all licensing activities for DHS. Technologies available for licensing can be found at <https://vps.labworks.org/v2/> under the Homeland Security Lab.

There are different types of licenses available (see 35 USC §209). The appropriate type depends on how a company proposes to use a DHS-owned technology.

## LICENSING PROCESS

When a company identifies a DHS technology it wants to license, it must complete and submit a license application to [T2C@hq.dhs.gov](mailto:T2C@hq.dhs.gov) (see 37 CFR §404.8).

Once a company identifies a technology, the licensing process includes the following steps:



- 1. Apply.** Contact T2C for an application form. The completed application is the primary basis for DHS licensing decisions and includes the following:
  - Information about the company/potential licensee
  - The type of license desired (and a justification for requesting an exclusive license, if applicable)
  - Desired licensing terms
  - A business plan for the development and/or sale of the technology

Based on the license application, T2C determines if the requested license is consistent with DHS policy and whether granting the license would benefit the public and support the interests of the federal government.

- 2. Negotiate.** For nonexclusive licenses, negotiations may begin as soon as T2C makes a favorable determination.

For exclusive license requests, T2C must publish a public notice (see 37 CFR §404.7) for a minimum of 15 days, after which T2C will reevaluate the application and any public comments received to inform a final license determination before negotiations can begin.

Negotiated license terms must meet statutory and regulatory requirements, including those for any payments such as license fees, royalties, and patent cost reimbursement (see 35 USC §209 and 37 CFR §404).

- 3. Execute.** When DHS and the licensee agree on the license terms, both parties sign and execute the license agreement. T2C manages license compliance and royalty distributions.

## IMPACT

Licensing increases the commercial availability of DHS technologies, broadening their use and benefit to the public.

## FOR MORE INFORMATION

For more information, contact [T2C@HQ.DHS.GOV](mailto:T2C@HQ.DHS.GOV).

