

NIH Data Sharing Policy 5/2024

Scientific data should be made accessible as soon as possible.

More specifically, the DMS Policy expects scientific data to be shared by the **earlier** of these two timepoints:

The time of an associated publication: Scientific data underlying peer-reviewed journal articles should be made accessible **no later than the date on which the article is first made available in print or electronic format.**

The end of the performance period: *Scientific data underlying findings not disseminated through peer-reviewed journal articles should be shared by the end of the performance period unless the grant enters into a no-cost extension.* If a no cost extension is permitted, then the recipient should share the data by the end of the extended performance period. In addition, researchers should be aware that some preprint servers may require the sharing of data upon preprint posting, and repositories storing data may similarly require public release of data upon preprint posting.

*Consistent with longstanding guidance, evaluating an invention for patent protection or filing a patent application may justify a need to delay disclosure of research findings, as well as any scientific data underlying them. Researchers should update their Plans if any delays in sharing scientific data are necessary to evaluate an invention for patent protection or potentially to file a patent application, and the funding NIH Institute, Center, or Office (ICO) will review the reasonableness of these proposed delays when they assess Plan updates. **A delay of up to 60 days beyond DMS Policy data sharing timelines is generally viewed as a reasonable period for these purposes. In cases where the reasonable period of delay leads to a patent filing, no further intellectual property-related delays in sharing scientific data are justified after filing. Data should be shared in accordance with approved Plans.***

Requests for delays in sharing scientific data should include more than a bare statement reflecting general intellectual property concerns and specify the particular reason(s) for delay (e.g., to evaluate an invention for patent protection or file a patent application).

NIH encourages researchers to work with their institutions and technology transfer staff well in advance of anticipated publication or data release, to start evaluating any potential inventions for patent protection and ensure scientific data can be made accessible on timelines consistent with the DMS Policy. Please note that in most cases, sharing of underlying scientific data should occur no later than the time of the associated publication without delay.