

License to Use
A Matter of Balance/Lay Leader Model

THIS AGREEMENT is entered into this ____/____2008, by the Geriatric Resource Network d/b/a Partnership for Healthy Aging (“PFHA”), a non-profit corporation incorporated in the State of Maine with a principal business at 465 Congress St., Suite 701, Portland, Maine, 04101 and

Whereas, the PFHA holds title to training materials including a comprehensive facilitator manual entitled “A Matter of Balance: Lay Leader Model” (“MOB”); and

Whereas, _____ desires to acquire the right to use MOB in order to, among other things, train Volunteer Lay Leaders to serve as Balance Coaches;

NOW, THEREFORE, in consideration of their mutual premises and the mutual undertakings herein contained, the parties agree:

1. *Grant of License:* PFHA hereby grants to _____ the non-exclusive, non-transferable right to use MOB in accordance with the Master Trainer Manual, Master Trainer Job Description, Balance Coach Job Description, Coach Manual, and evaluation tool as they may reasonably be amended from time to time by PFHA. Appropriate outcome measurement parameters for this program are the following: Falls Efficacy, Falls Management, Falls Control, and Exercise Level. PFHA does not make any other assurances regarding other outcome measures.

2. *Restrictions.* Licensee shall not (a) sell, distribute or sublicense MOB or any portion thereof, (b) modify or adapt MOB, or (c) translate, reverse engineer, or create any derivative work of MOB. Licensee shall only use MOB in the manner authorized. Copies of materials are to be made only to extent necessary to conduct program with seniors.

3. *Credit.* Any publication of MOB, or any adaptation thereto, whether in print, video or computer-based publication, shall bear the following credit:

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Used and adapted by permission of Boston University.

Inquiries regarding the original program may be directed to Boston University, Health & Disability Research Institute, 53 Bay State Road, Boston, Massachusetts, 02215. A Matter of Balance was created with support from the National Institute on Aging.

A Matter of Balance Lay Leader Model was developed by a grant from the Administration on Aging (#90AM2780).

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4. *Responsibility for Acts or Omissions.* _____ agrees to accept and be responsible for its own acts or omissions, as well as those acts or omissions of its employees, agents and independent contractors and nothing in this Agreement shall be interpreted or construed to place any such responsibility on PFHA.

5. *EXCLUSIONS.* IN NO EVENT SHALL PFHA BE LIABLE FOR SPECIAL, INCIDENTAL, CONSEQUENTIAL, PUNITIVE OR TORT DAMAGES, INCLUDING, WITHOUT LIMITATION, ANY DAMAGES RESULTING FROM LOSS OF USE, LOSS OF DATA, LOSS OF PROFITS OR LOSS OF BUSINESS ARISING OUT OF OR IN CONNECTION WITH THIS AGREEMENT, THE USE OF THE MOB OR OF ANY OTHER OBLIGATIONS RELATING TO THIS AGREEMENT OR THE MOB, WHETHER OR NOT LICENSOR HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. THE MOB AND ALL ASSOCIATED MATERIALS THAT ARE THE SUBJECT OF THIS AGREEMENT ARE DELIVERED “AS IS” IN EVERY RESPECT.

IN WITNESS WHEREOF, the parties hereto, each acting under due and proper authority, have set their hands and seals as of the date first above written.

**MaineHealth’s Partnership
for Healthy Aging**

(Your organization name)

By: _____

By: _____

Title: _____

Title: _____

Master Trainer(s) covered under this license:

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____