ClinicalTrials.gov: Legal Requirements

U.S. Food and Drug Administration

Key Terms[1]

Applicable clinical trial (ACT)

- Investigational drug, biologic, or device clinical trial
- Controlled clinical investigations, other than Phase 1, of FDA-regulated drug or biologic products
- Most prospective clinical investigations of devices (excludes small feasibility studies)

Responsible Party (RP)

- Sponsor of the clinical trial[2]; or
- Principal investigator (PI) of the clinical trial; if designated by the sponsor and generally has access and rights to all the data

[1]42 CFR 11; [2]21 CFR 50.3

Key Terms[2]

Control or controlled

- Data collected on human subjects in the clinical trial is compared to concurrently or non-concurrently collected data, as reflected in pre-specified outcome measures
- One or more arms

Primary Completion Date (PCD) or Completion Date

- Date that the final subject was examined or received an intervention for purposes of final collection of data for the primary outcome measure
- For clinical trials with more than one primary outcome measure with different completion dates, it is the date on which data collection is completed for all primary outcomes

[2]42 CFR 11

Responsibilities for ClinicalTrials.gov

- FDA: Compliance and enforcement
  - Informed consent statement regarding ClinicalTrials.gov[1]
  - Certification of Compliance (Form FDA 3674)
  - Clinical trial registration and results information submission requirements[2]

[1]21 CFR 50.25(c); [2]42 CFR 11

Informed Consent Requirement[1]

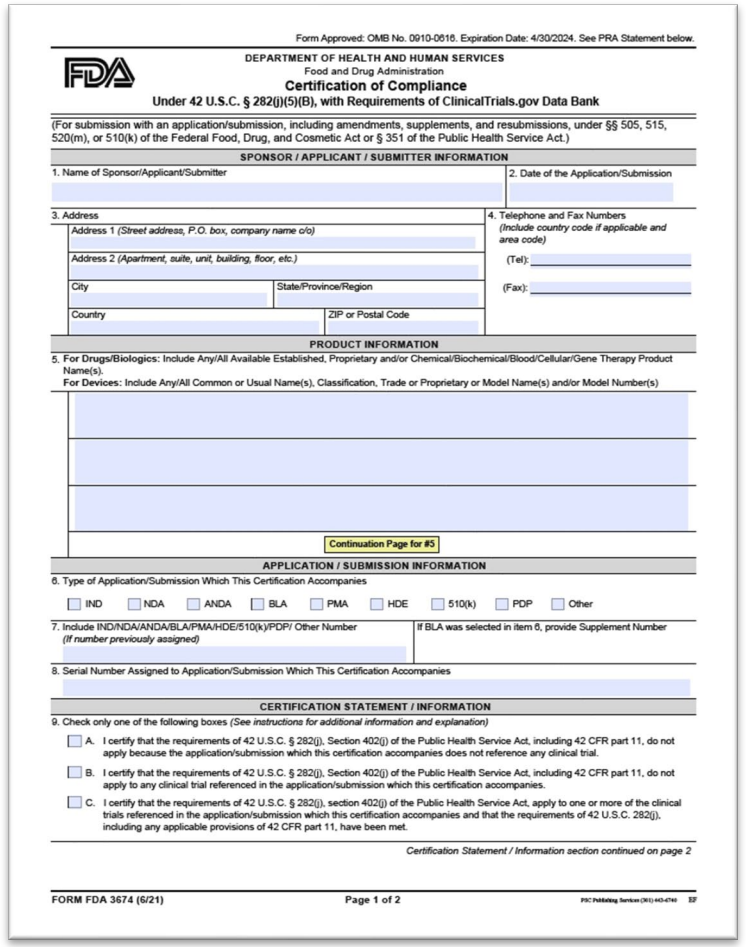
The following statement must be reproduced word-for-word in informed consent documents for **applicable clinical trials**:

> "A description of this clinical trial will be available on *http://www.ClinicalTrials.gov*, as required by U.S. Law. This Web site will not include information that can identify you. At most, the Web site will include a summary of the results. You can search this Web site at any time."

[1]21 CFR 50.25(c)

Certification of Compliance

- A certification must accompany certain applications and submissions to FDA
  - Include NCT numbers, if available
- Form FDA 3674 may be used to satisfy the certification requirement[1]



Form Approved: OMB No. 0910-0616. Expiration Date: 4/30/2024. See PRA Statement below.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Food and Drug Administration

Certification of Compliance
Under 42 U.S.C. § 282(j)(5)(B), with Requirements of ClinicalTrials.gov Data Bank

(For submission with an application/submission, including amendments, supplements, and resubmissions, under §§ 505, 515, 520(m), or 510(k) of the Federal Food, Drug, and Cosmetic Act or § 351 of the Public Health Service Act.)

SPONSOR / APPLICANT / SUBMITTER INFORMATION

1. Name of Sponsor/Applicant/Submitter
2. Date of the Application/Submission
3. Address
   - Address 1 *(Street address, P.O. box, company name c/o)*
   - Address 2 *(Apartment, suite, unit, building, floor, etc.)*
   - City
   - State/Province/Region
   - Country
   - ZIP or Postal Code
4. Telephone and Fax Numbers *(Include country code if applicable and area code)*
   - (Tel):
   - (Fax):

PRODUCT INFORMATION

5. **For Drugs/Biologics:** Include Any/All Available Established, Proprietary and/or Chemical/Biochemical/Blood/Cellular/Gene Therapy Product Name(s).
   For Devices: Include Any/All Common or Usual Name(s), Classification, Trade or Proprietary or Model Name(s) and/or Model Number(s)

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APPLICATION / SUBMISSION INFORMATION

6. Type of Application/Submission Which This Certification Accompanies

☐ IND ☐ NDA ☐ ANDA ☐ BLA ☐ PMA ☐ HDE ☐ 510(k) ☐ PDP ☐ Other

7. Include IND/NDA/ANDA/BLA/PMA/HDE/510(k)/PDP/ Other Number *(If number previously assigned)*
   If BLA was selected in item 6, provide Supplement Number
8. Serial Number Assigned to Application/Submission Which This Certification Accompanies

CERTIFICATION STATEMENT / INFORMATION

9. Check only one of the following boxes *(See instructions for additional information and explanation)*

☐ A. I certify that the requirements of 42 U.S.C. § 282(j), Section 402(j) of the Public Health Service Act, including 42 CFR part 11, do not apply because the application/submission which this certification accompanies does not reference any clinical trial.

☐ B. I certify that the requirements of 42 U.S.C. § 282(j), Section 402(j) of the Public Health Service Act, including 42 CFR part 11, do not apply to any clinical trial referenced in the application/submission which this certification accompanies.

☐ C. I certify that the requirements of 42 U.S.C. § 282(j), section 402(j) of the Public Health Service Act, apply to one or more of the clinical trials referenced in the application/submission which this certification accompanies and that the requirements of 42 U.S.C. 282(j), including any applicable provisions of 42 CFR part 11, have been met.

Certification Statement / Information section continued on page 2

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[1] https://www.fda.gov/media/105405/download

Clinical Trial Registration Requirements[1]

- Required to register within 21 days of first human subject enrolled[2]
- Registration information[3]
  - Descriptive information – e.g., title, summary, phase, intervention name(s), outcomes (primary, secondary outcome)
  - Recruitment information – e.g., eligibility criteria
  - Location and contact information
  - Administrative data
- Subject to quality control[4]
- Correct or address issues within 15 days of electronic notification[4]

[1]42 CFR 11; [2]42 CFR 11.24; [3]42 CFR 11.28; [4]42 CFR 11.64(b)

Clinical Trial Results Reporting Requirements

- Responsible parties for ACTs subject to the final rule requirements are required to submit results information[1]
- Standard submission deadline is 1 year after primary completion date[2]
  - Partial results should be submitted, and remaining information submitted later, if applicable (refer to regulation for timeframe)[3]
- Exceptions to deadline (subject to request process):
  - Certification for delayed submission
  - Extension requests for "good cause"
  - Waiver of the requirements for submission of results information[4]

[1]42 CFR 11.40 and 11.42; [2] 42 CFR 11.44; [3]42 CFR 11.44(d); [4]42 CFR 11.54

Clinical Trial Results Reporting Requirements[1]

- Submission of data in tabular format:
  - Participant flow
  - Demographics and baseline characteristics
  - Primary and secondary outcomes
- Full protocol
- Adverse event information
- Statistical analysis plan
- Subject to NIH quality control review[2]

[1]42 CFR 11.48; [2]42 CFR 11.64

Clinical Trial Information Update Requirements[1]

- At least every 12 months
- Certain data elements within 30 days, e.g.:
  - Responsible Party
  - Expanded access information
  - Overall recruitment status
  - Study start date
  - Individual site status
  - Human Subjects Protection Review Board Status
  - Primary completion date
- Certain data elements within 15 days
  - Device product not approved or cleared by U.S. FDA

[1]42 CFR 11.64

Preliminary Notice of Noncompliance Letter

Pre-Notices for Potential Noncompliance

The FDA may issue a Preliminary Notice of Noncompliance letter (Pre-Notice) to describe potential noncompliance with certain requirements under federal law for submitting registration and/or results information to ClinicalTrials.gov. Pre-notices may be issued for potential violations relating to, for example:

- Failure to register an applicable clinical trial
- Failure to submit required clinical trial information for an applicable clinical trial
- Submission of false or misleading clinical trial information

A Pre-Notice informs a responsible party of potential noncompliance with the legal requirements for registering and submitting results information to ClinicalTrials.gov. Pre-Notices request that the responsible party address any noncompliance within 30 days after receiving the letter. After a responsible party receives a Pre-Notice, the FDA further reviews and assesses the clinical trial record as well as other relevant information to determine whether the responsible party has failed to submit required clinical trial information to the ClinicalTrials.gov data bank. If the FDA determines that the responsible party failed to comply with the legal requirements, the FDA will issue a Notice of Noncompliance. The FDA may consider certain cases of potential noncompliance resolved without further action (e.g., when the responsible party is a defunct company), in which case the FDA might decide to administratively close the matter.

Notice of Noncompliance Letter

ClinicalTrials.gov – Notices of Noncompliance and Civil Money Penalty Actions

FDA has the authority to issue a Notice of Noncompliance to a responsible party for failure to comply with certain requirements for registering and submitting results information to ClinicalTrials.gov. Following issuance of a Pre-Notice for voluntary corrective action, FDA conducts a further review and assessment of the clinical trial information submitted to ClinicalTrials.gov and any other relevant information to determine whether a violation exists. Failure to address potential violations after receiving the Pre-Notice may result in further FDA regulatory action, including a Notice of Noncompliance and/or civil money penalties.

A notice of noncompliance conveys FDA's determination that the responsible party has committed one or more of the following violations:

- Failed to register an applicable clinical trial
- Failed to submit required clinical trial information to the ClinicalTrials.gov data bank
- Knowingly submitted false or misleading information

FDA has authority to assess civil money penalties for these violations. If a responsible party does not take adequate corrective action within 30 calendar days after receiving a Notice of Noncompliance, that responsible party may be subject to civil money penalties. Additionally, these violations could result in other regulatory or enforcement actions such as injunctions or criminal prosecution.

When considering civil money penalties, FDA will consider any corrective action that is taken by a responsible party after receiving a Pre-Notice and a Notice of Noncompliance. See Civil Money Penalties Relating to the ClinicalTrials.gov Data Bank and 21 CFR part 17 for more information.

The table below lists the Notices of Noncompliance sent by FDA and the amount of civil money penalties assessed, if any, for each responsible party or submitter listed.

Information on FDAAA 801 Violations

Notices of Noncompliance [FDA]

Available on ClinicalTrials.gov	Issued by FDA	Study Record Submitted	Notice Type	FDAAA 801 Notice
2025-09-03	2025-08-04	2024-12-20	Violation Identified by FDA	Failure to Submit. The entry for this clinical trial was not complete at the time of submission, as required by law. This may or may not have any bearing on the accuracy of the information in the entry.

Consequences of Noncompliance

- Civil money penalties (amounts adjusted annually[1])
- Grant funding actions
- Injunction and/or criminal prosecution

[1]45 CFR 102.3

Key FDA Messages

- Informed consent forms for studies that are ACTs must include a statement regarding ClinicalTrials.gov[1]
- Responsible Parties are responsible for submission of registration information, results information, and updating the ClinicalTrials.gov registry

[1]21 CFR 50.25(c)

ClinicalTrials.gov Resources

- PRS User's Guide | ClinicalTrials.gov
- FDA's Role: ClinicalTrials.gov Information | FDA
- FDAAA 801 Final Rule (42 CFR Part 11)