

Ministry of Defence

**INTELLECTUAL PROPERTY RIGHTS**

**PART A - Notification of Technical Data Restrictions**

**Notes for the Completion of PART A**

1. This part of the Annex L will form the contractual record of any technical data to be provided under the Contract for which the Authority will not enjoy the broadest scope of IPR user rights as provided for under the Contract Clauses (e.g. Unlimited Rights, Full Rights etc).
2. Where the following Sub-Clause is part of the Contract Clauses, this part shall serve as:
  - Notifications under Sub-Clause 72.19
3. You must provide details in your Tender of any technical data which is to be delivered under the Contract which will be, or is likely to be, subject to any IPR restrictions or any other restriction on the Authority's ability to use or disclose the technical data in accordance with the Clauses of any resulting Contract, including export restrictions. In particular, you must identify:
  - a. any restriction on the provision of information to the Authority; any restriction on disclosure or the use of information by the Authority; any obligations to make payments in respect of IPR, and any Patent or Registered Design (or application for either) or other IPR (including unregistered Design Right) owned or controlled by you or a Third Party;
  - b. any allegation made against you, whether by claim or otherwise, of an infringement of Intellectual Property Rights (whether a Patent, Registered Design, unregistered Design Right, Copyright or otherwise) or of a breach of confidence, which relates to the performance of any resultant contract or subsequent use by or for the Authority of any Contractor Deliverables;
  - c. the nature of any allegation referred to under sub-paragraph 3.b, including any obligation to make payments in respect of the Intellectual Property Right of any confidential information and / or;
  - d. any action you need to take or the Authority is required to take to deal with the consequences of any allegation referred to under sub-paragraph 3.b.

Block 1. Enter the associated ITT or contract number as appropriate.

Block 2. No Action – This sequential numbering is to assist isolation and discussion of any line item.

Block 3. Enter a unique identification number for the Article(s) associated with the technical data. If no unique identification number exists, identify a unique label (name) such that the Authority can identify the technical boundary to any user rights limitation e.g. The RADAR or DASS Controller, IFF Box etc. This identification should be at the lowest level of replaceability of the Article(s) or part thereof. If the Limited Rights data only pertains

to a document, then a unique identification number for the document should be specified. (Any entry without a unique identifier shall be treated as a nil entry)

Block 4. Identify a reference number for the technical data i.e. a document reference / file number etc.

Block 5. This is a freeform narrative field to allow a short explanation justifying why this Article / Document has limited rights Technical Data applying to it.

Block 6. Identify who is the owner of the Intellectual Property in the Technical Data i.e. if it is a Sub-Contractor or supplier please identify this also.

1. <u>ITT / Contract Number</u>				
2. <u>Line Item Identifier</u>	3. <u>Unique Article Identification Number / Label</u>	4. <u>Unique Technical Data Reference Number / Label</u>	5. <u>Supportive Statement for User Rights Restriction</u>	6. <u>Ownership of the Intellectual Property Rights</u>
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Ministry of Defence

**INTELLECTUAL PROPERTY RIGHTS**

**PART B – Notification of Single Source COTS, Privately Funded, Pre-Existing, Contract Articles within the Design**

**Notes for the Completion of PART B**

This Annex L Part B shall form the contractual record of Single Source COTS, Privately Funded (i.e. not funded by the Authority) Articles that existed prior to the Contract and that are proposed to be included within a proposed design to be supplied under any resulting Contract.

NOTE: Single Source - Where any Contractor Deliverables (or a direct functionally interchangeable equivalent) are available from a multitude of suppliers it is not necessary to list the item below.

Examples:

1. *M6 Bolt used on a structure* – this type of product is a Commercial-Off-The-Shelf (COTS) item and as it is widely obtainable from many sources is not necessary to specify it within this Annex.
2. *Special High Tensile Bolt* used in a high-risk bulkhead. If this product is specific to one supplier it must be listed in Part B. If the product is readily obtainable from a multitude of suppliers it does not need to be listed.
3. *Gear box used in a tank*. It is likely that the platform has been designed around a specific gear box configuration and specification and unless there is a direct form, fit and function alternative available on the open market, it will need to be listed in Part B.
4. *Generator used in a ship system*. It is likely that the platform has been designed around a specific Generator configuration and specification and unless there is a direct form, fit and function alternative available on the open market, it will need to be listed in Part B.
5. *RADAR used in a platform*. It is likely that the platform has been designed around a specific Generator configuration and specification and unless there is a direct form, fit and function alternative available on the open market, it will need to be listed in Part B.

Block 1. Enter the associated ITT or contract number as appropriate.

Block 2. No Action – This sequential numbering is to assist isolation and discussion of any line item.

Block 3. Working in a configurable manner, as part of a product breakdown structure, list any privately funded Contract Articles or parts thereof which the Authority has not, or will not, fund the development of. It is acceptable to specify the highest level of structure to which the private venture IPR applies i.e. there is no need to specify each sub-system if the entirety of the parent system was privately funded. If no unique identification number exists, identify a unique label (name) such that the Authority can identify the system / sub-system boundary. (Any entry without a unique identifier or label shall be treated as a nil entry)

Block 4. This is a freeform narrative field to allow a short explanation justifying why this Contract Article is private venture in nature.

Block 5. Identify who is the owner of the Intellectual Property in the technical data associated with the Article i.e. if it is a Sub-Contractor or supplier please identify this.

1. <u>ITT/Contract Number</u>			
2. <u>Line Item Identifier</u>	3. <u>Article Unique Identifier</u>	4. <u>Supportive Statement</u>	5. <u>Ownership of the Intellectual Property Rights</u>
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