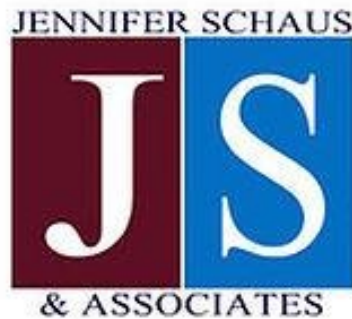


Get “FAR” Sighted In 2020

Join us in this complimentary webinars series as we uncover each Part of The FAR (Federal Acquisition Regulations) so you can better understand the rules of the (federal contracting) game.

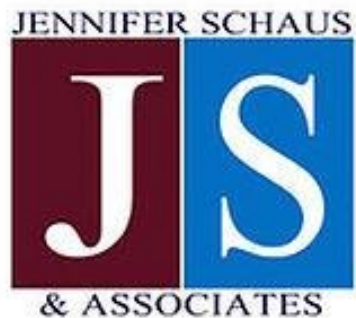




The FAR, or Federal Acquisition Regulation is the official rule book for how the Federal Government purchases. It sets uniform policies and procedures for the federal acquisition and procurement process.

Webinars are complimentary and recorded.

NOTE: *Recordings are posted to our website and YouTube channel.*





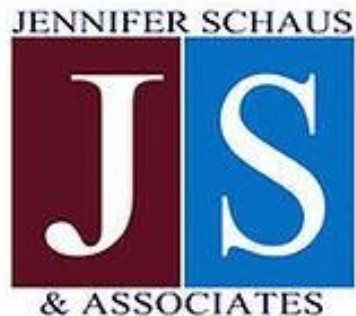
About Us:

Washington DC Based

Professional Services For Federal Contractors

- GSA Schedule
- SBA 8(a) Certification
- Proposal Writing & Pricing
- Contract Admin

Clients: Products / Professional Services / Software





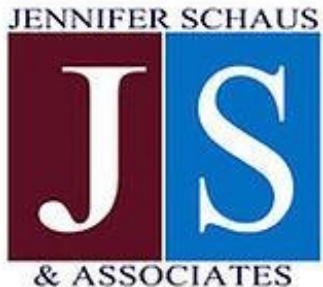
About Our Speaker:

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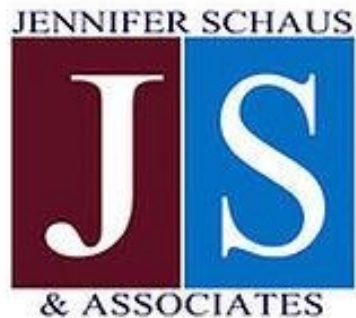
FAR PART 27

Patents, Data, And Copyrights

Link:

<https://acquisition.gov/content/part-27-patents-data-and-copyrights>

June 19, 2020





FAR Part 27 Introduction

- **Copyrights**
- **Patents and Inventions**
- **Data and Software Rights**





FAR Part 27 Introduction

- Focus - rights of U.S. Government & contractors
- Generally a distinction between things created during performance vs outside of performance
- U.S. Government can infringe and allow others to infringe – USG can be sued to pay
- Covers data & inventions



FAR Part 27 Copyrights

- **Generally – exclusive right to reproduce, create derivative works, distribute, or perform/display**
- **Specific rights: US Copyright Act & related cases**
- **FAR addresses: Who can assert and when**



FAR Part 27 Copyrights

Works Created During Contract Performance

- Contractor may copyright
 - Must first obtain CO permission – unless
 - Technical/scientific article containing data from journal or symposium



FAR Part 27 Copyrights

Works Created During Contract Performance

- **Government’s License Rights**
 - **Paid-up, nonexclusive, irrevocable license to**
 - **Reproduce**
 - **Prepare derivative works**
 - **Distribute**
 - **Perform or Display**



FAR Part 27 Copyrights

Works Created Outside of Contract Performance

- FAR addresses: Can it be delivered to government
 - Only if contractor obtains CO permission; or
 - Acquires or grants a copyright license to USG
 - License – same as works created during contract performance



FAR Part 27
Patents & Inventions
Created During Contract Performance (Subject Inventions)
Ownership Rights

- **Generally – Contractor Can Elect To Retain**





FAR Part 27 Patents & Inventions Created During Contract Performance (Subject Inventions) Ownership Rights

- **Exceptions – must assign to Government**
 - Not in US or subject to foreign control
 - Exceptional circumstances
 - Foreign intelligence/counterintelligence
 - DOE nuclear propulsion or weapons
 - Statute or agency regulations



FAR Part 27 Patents & Inventions Created During Contract Performance (Subject Inventions) Ownership Rights

- **Other – Government retains title**
 - **Disclosures not timely**
 - **Fails to make timely election**
 - **Fails to file a timely patent**
 - **Decides not to continue patent or defend**



FAR Part 27
Patents & Inventions
Created During Contract Performance (Subject Inventions)
License Rights

- **When Contractor Retains**
 - **Government – paid-up, nonexclusive, irrevocable, nontransferable**
 - **World-wide**



FAR Part 27
Patents & Inventions
Created During Contract Performance (Subject Inventions)
License Rights

- **When Government Obtains Title**
 - **Contractor – paid-up, nonexclusive, revocable**
 - **Transfers – CO must approve unless to successor**



FAR Part 27

Patents & Inventions

Created Outside Contract Performance

- FAR 52.227-1 – authorization and consent
- Government pays royalties
 - FAR 52.227-6 – offerors must provide royalty information
 - Government must notify offerors it is a licensee



FAR Part 27

Data & Software

Data: Any recorded information

- Technical Data
- Computer Software

Part 27.4: Specifies government’s rights

- Contract dictates deliverables



FAR Part 27 Data & Software

Unlimited Rights

- Use, copy, distribute/perform/display publicly, prepare derivative works
- Allow others to do same





- ## FAR Part 27 Data & Software
- ### Unlimited Rights Data
- First produced during performance
 - Form, fit and function
 - Manuals & training materials for installation, operation, maintenance, repair
 - All delivered data except limited rights data or restricted computer software



FAR Part 27

Data & Software

Limited (Data) & Restricted (Software) Rights

- Confidential/proprietary data or software
- Developed at private expense





FAR Part 27

Data & Software

Limited (Data) & Restricted (Software) Rights
Limited Rights Data (data other than software)

- Trade secret or commercial/financial and confidential or privileged
- Relates to items/components/processes developed at private expense



FAR Part 27 Data & Software Limited (Data) & Restricted (Software) Rights Restricted Rights Software

- Developed at private expense
- Trade secret, commercial/financial and confidential or privileged, or copyrighted





FAR Part 27

Data & Software

Limited (Data) & Restricted (Software) Rights

Limited Rights & Restricted Rights

- Generally – contractors can withhold and deliver form, fit and function instead
- Must identify data/software withheld



FAR Part 27

Data & Software

Limited Rights – data delivery required

- Cannot - without permission - use to manufacture or disclose outside of government – except as set forth in limited rights notice
 - Examples – support service contractors, emergency repairs or overhaul
- Disclosures – subject to prohibitions against further disclosures



FAR Part 27 Data & Software

**Restricted Rights – software delivery required
Cannot be used, copied or disclosed – except**

- Used or copied on specified computers
- Used or copied for backup computer
- Copied for safekeeping or backup
- Modified or combined w other software if restricted
- Disclosed/copied for support service contractors
- Used/copied for replacement computer



FAR Part 27

Data & Software

- Other data and software rights – SBIR/STTR, commercial software rights
- Markings/Notices
 - Incorrect notices can be ignored
 - Missing notices – presumption data & software delivered with unlimited rights

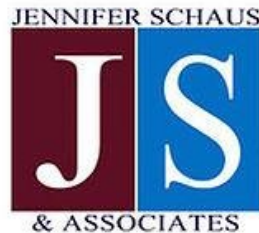
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Thank You For Joining Us!

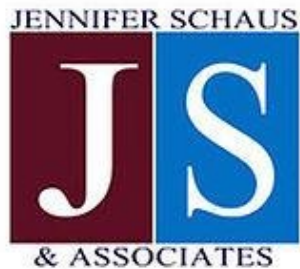
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