
IDENTIFICATION OF BACKGROUND INTELLECTUAL PROPERTY (BIP)

BY PROSPECTIVE SUBCONTRACTOR _____
FOR ITER PROGRAM WORK SOLICITATION No. _____
WORK DESCRIPTION: _____

Definitions: For the purpose of answering the questions below, the following terms have the following meanings:

Background data means limited rights data, restricted computer software, and other protected data owned or controlled by the Subcontractor at any time through completion of the subcontract and developed outside the scope of the subcontract:

- Limited rights data means data (other than computer software) developed at private expense that embody trade secrets or are commercial or financial and confidential or privileged.
- Restricted computer software means computer software developed at private expense and that is a trade secret, is commercial or financial and is confidential or privileged, or is published copyrighted computer software; including minor modifications of such computer software.
- Other protected data means data other than limited rights data and restricted computer software that can be legally protected from public disclosure for a definite period of time.

Other Background Intellectual Property means (1) a patent or patent application covering an invention or discovery which is not a Subject Invention and (2) data other than Background data subject to intellectual property protection, e.g., copyright, each of which is owned or controlled by the Subcontractor at any time through the completion of the subcontract:

- Which the Subcontractor, but not the Government, has the right to license to others without obligation to pay royalties thereon, and
- Infringement of which cannot reasonably be avoided upon the practice of any specific process, method, machine, manufacture or composition of matter (including relatively minor modifications thereof) which is a subject of the research, development, or demonstration work performed under the subject ITER Program Work Solicitation.

Questions: Please provide answers to the following questions:

1. Will any Background data be incorporated into the items, including but not limited to, equipment, components, software, manuals, instructional training materials, or any other

IDENTIFICATION OF BACKGROUND INTELLECTUAL PROPERTY (BIP)

deliverables under the proposed subcontract that is or will be required: (a) to construct, operate, use or integrate technology for research and development in relation to the ITER facilities; (b) to maintain or repair the items; or (c) for safety, for quality assurance and quality control reasons? _____

If yes, please provide the following information (in unrestricted form) about each Background data:

a. Description (including details of the intended purpose, programming language, hardware minimum requirements, etc.):

b. Owner of the Background data:

c. Copyright registered (filed for registration) in following countries/territories:

d. Submission date for copyright registration:

e. Copyright registration date:

f. Short description of how this Background data is to be incorporated into the work/deliverables of the subcontract or how it is necessary for the subcontract work:

2. Will any Other Background Intellectual Property be incorporated into the items, including but not limited to, equipment, components, software, manuals, instructional training materials or any other deliverables under the proposed subcontract that is or will be required: (a) to construct, operate, use or integrate technology for research and development in relation to the ITER facilities or (b) to maintain or repair the item provided? _____

If yes, please provide the following information (in unrestricted form) about each Other Background Intellectual Property:

a. Description (including details of intended purpose, solution solved, novelty of invention, etc.):

IDENTIFICATION OF BACKGROUND INTELLECTUAL PROPERTY (BIP)

- b. Owner of the Other Background Intellectual Property:

- c. Countries in which Other Background Intellectual Property is protected:

- d. Filing date (if applicable):

- e. Filing number (if applicable):

- f. Grant/Issue date (if applicable):

- g. Identification number (if applicable; e.g., patent number, registration number)

- h. Short description of how this Other Background Intellectual Property is to be incorporated into the work/deliverables of the subcontract or how it is necessary for the subcontract work:

Subcontractor Representative (Typed Name) _____

Subcontractor Representative (Signature) _____

Subcontractor Representative Title: _____

Date: _____