

CONTRACT: F414 DATA RIGHTS
REMARK D70 (11/19/92)

REPRESENTATION OF RIGHTS IN TECHNICAL DATA AND COMPUTER SOFTWARE

(1) THE DEFINITIONS CONTAINED IN DFARS 252.227-7013 (OCT 88), "RIGHTS IN TECHNICAL DATA AND COMPUTER SOFTWARE," ARE INCORPORATED HEREIN BY REFERENCE.

(2) THE U.S. GOVERNMENT HAS CREATED SPECIAL PROVISIONS IN THE F414 PRIME CONTRACT WHICH, IN GENERAL AND IN PART, REQUIRE THAT ALL TECHNICAL DATA AND COMPUTER SOFTWARE WILL BE PROVIDED WITH UNLIMITED RIGHTS UNLESS IDENTIFIED AS HAVING BEEN DEVELOPED EXCLUSIVELY AT PRIVATE EXPENSE OR SUBJECT TO PATENTS UNDER WHICH THE GOVERNMENT DOES NOT HAVE A LICENSE.

(3) FOR QUOTATION PURPOSES, YOU MUST INCLUDE AS PART OF YOUR QUOTATION AN IDENTIFICATION OF THOSE ITEMS THAT WILL BE FURNISHED WITH EITHER LIMITED RIGHTS IN TECHNICAL DATA OR GOVERNMENT PURPOSE LICENSE RIGHTS. THIS IDENTIFICATION IS NOT REQUIRED FOR STANDARD COMMERCIAL ITEMS MANUFACTURED BY MORE THAN ONE SOURCE OF SUPPLY, OR TO COMPUTER SOFTWARE SOLD IN SUBSTANTIAL QUANTITIES TO THE GENERAL PUBLIC.

(4) FOR PURCHASE ORDERS WHICH HAVE BEEN PREVIOUSLY ISSUED, THE SUPPLIER MUST IDENTIFY WITHIN SIXTY (60) DAYS FROM THE DATE OF NOTIFICATION OF THIS REQUIREMENT THOSE ITEMS THAT WILL BE FURNISHED WITH EITHER LIMITED RIGHTS IN TECHNICAL DATA OR GOVERNMENT PURPOSE LICENSE RIGHTS. THIS IDENTIFICATION DOES NOT APPLY TO STANDARD COMMERCIAL ITEMS MANUFACTURED BY MORE THAN ONE SOURCE OF SUPPLY OR TO COMPUTER SOFTWARE SOLD IN SUBSTANTIAL QUANTITIES TO THE GENERAL PUBLIC.

(5) THE SUPPLIER AGREES THAT, UNLESS IDENTIFIED IN THE QUOTATION OR PURSUANT TO THE NOTIFICATION AS SPECIFIED IN PARAGRAPHS (3) AND (4) ABOVE, ALL TECHNICAL DATA AND COMPUTER SOFTWARE DELIVERED UNDER THIS PURCHASE ORDER SHALL BE PROVIDED TO THE U.S. GOVERNMENT WITH UNLIMITED RIGHTS.

(6) IF THE SUPPLIER DETERMINES AFTER THE PURCHASE ORDER AWARD OR NOTIFICATION THAT ITEMS BEING FURNISHED UNDER THIS PURCHASE ORDER WILL BE SUBMITTED WITH LIMITED RIGHTS IN TECHNICAL DATA OR GOVERNMENT PURPOSE LICENSE RIGHTS, A LIST OF THOSE ITEMS SHALL BE SUBMITTED TO GEAE IN A TIMELY MANNER AS PROPOSED ADDITIONS TO THE LIST SUBMITTED WITH THE ORIGINAL QUOTATION OR RESPONSE TO THE NOTIFICATION. THESE ITEMS WILL REQUIRE U.S. GOVERNMENT APPROVAL FOR INCLUSION IN THE PRIME CONTRACT.

(7) NEITHER THE LISTING NOR ACCEPTANCE OF ANY TECHNICAL DATA MARKED WITH GOVERNMENT PURPOSE LICENSE RIGHTS OR LIMITED RIGHTS LEGENDS OR COMPUTER SOFTWARE MARKED WITH RESTRICTED RIGHTS LEGENDS SHALL CONSTITUTE A DETERMINATION OR ACCEPTANCE OF SUCH MARKING BY THE U.S. GOVERNMENT.