



Logistics Live – IP and Data Rights -- “Sustainment and Product Support”

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The Basics -- IP v. Data Rights

- **Intellectual Property – expression of a new and useful concept (“Intangible assets”)**
 - Copyrights, Patents, Trade secrets, Trademarks
- **“Data Rights” – Government’s license rights in two major categories of valuable intellectual property**
 - **Technical data (TD): recorded information of a scientific or technical nature (including computer software documentation).**
 - Does not include “data incidental to contract administration” (e.g., financial and/or management information)
 - **Computer software (CS): computer programs, source code, source code listing, object code listings, design details, algorithms, processes, flow charts, formulae and related material; enables software to be reproduce, recreated or recompiled.**
 - **Computer software documentation: owner's manuals, user's manuals, installation instructions, operating instructions; explains capabilities of the computer software or provides instruction for using the software.**
- **FAR – civilian agencies & DFARS –DoD**



IP and Data Rights Basics & Intellectual Property Strategy

- **Understanding IP and Data Rights – Foundational Concepts**
- **Developing an IP Strategy -- Strategic Planning and Thinking**
 - **What type of data or technology deliverables do you need?**
 - **How will you use it (short and long-term throughout program life cycle)?**
 - **What data rights do you need?**
 - **When do you need the data?**
 - **Contract Considerations**
 - **Are all the stakeholders at the table during all contract phases?**
 - **What are your financial considerations?**
 - **Are requirements specific and ambiguities addressed in the contract?**
 - **Data delivery and rights assertions (e.g. contract management considerations)?**
 - **IPT (PM, KO, SMEs, IP and Contracting attorneys, Product Support Managers, Finance)**