***FORM XX / ANNEX XX***

**DECLARATION OF BACKGROUND INTELLECTUAL PROPERTY**

***TO BE COMPLETED, SIGNED &*** ***RETURNED ON TENDERER’S LETTERHEAD***

***If there is no declarations the form must still be signed and returned with a mention as*** ***“not applicable”.***

**Contract: *Supply / Service* Contract for *insert title***

**Reference: IO/*YY/PP/PR/PRO***

The present form is to be used to report on the existing background. This document is not an assignment. It simply provides a disclosure of your background to ITER Organization and to any other Contractor if any.

A printed copy of this annex will be attached as part of the agreement between the Contractor and ITER Organization. Access rights, where applicable, will be based on the present declaration.

Background shall mean Intellectual Property or Information which is held by the Contractor prior to the signature of the Contract or outside its scope and which is needed for carrying out the Contract/Grant or for using the supplied goods

As appropriate, please respond to the queries in this form with brief comments and not simply state "yes" and "no". Please feel free to provide additional comments if deemed necessary.

IMPORTANT NOTICE:

I, declare the information contained in this form is correct to the best of my knowledge.

Name : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Declaration Form (Background Intellectual Property Right) – PATENTS**

(A)

|  |  |
| --- | --- |
| Short title of the invention: |   |
| Description: |   |
| Is this background necessary to carry out the project? |  NO |   | Explain:  |
| YES |   |
| Publications: |   |
| Name of Inventor(s): |   |
| Patented (yes / No) :  |   |
| Type of patent\* | Filing date | Filing number | Grant date | Grant number | Expiration date | Owner |
|   |   |   |   |   |   |   |
|   |   |   |   |   |   |   |
|   |   |   |   |   |   |   |
|   |   |   |   |   |   |   |
| Inventor(s): |   |

*\* If the same technology has been protected through a family of patents, please give details of all the patents. Include further rows if necessary.*

(B) List of licences granted with regard to the above patent

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Lincensee | Type of licence | Expiration date | Countries | Royalty | Payment terms | Exclusivity | Registered? |
|   |   |   |   |   |   |   |   |
|   |   |   |   |   |   |   |   |
|   |   |   |   |   |   |   |   |

**Declaration Form (Background Intellectual Property Right) - COPYRIGHT**

(A)

|  |  |
| --- | --- |
| Short title of the work: |   |
| Description: |   |
| Is this background necessary to carry out the project? |  NO |   | Explain:  |
| YES |   |
| Are there are any related rights involved, such as of producers, publishers, broadcasters, etc Please explain |  |
| Publications: |   |
| Name of creator(s): |   |
| Ownership of the work:  |   |
| Legal Deposit (yes / No) :  |   |
| If yes | Name of notary or collecting society : |   | Date of deposit: |   | Registration Number: |   |

(B) List of licences granted with regard to the above copyright

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Lincensee | Type of licence | Expiration date | Countries | Royalty | Payment terms | Exclusivity | Registered? |
|   |   |   |   |   |   |   |   |
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|   |   |   |   |   |   |   |   |

**Declaration Form (Background Intellectual Property Right) - SOFTWARE/DATABASE**

A)

|  |  |
| --- | --- |
| Short title of the work: |   |
| Description (including details of the intended purpose, programming language, hardware minimun requirements, etc…) |   |
| Is this background necessary to carry out the project? |  NO |   | Explain:  |
| YES |   |
| Please describe the new and original aspects of the creation |   |
| Has any third party proprietary technology been used for the development of the software/database? Please give details |  |
| Has any open source or free software components been used for the development of the software/database? Please give details |  |   |   |   |   |   |
| For databases only: Has any data protected by third party copyright been used in the database? Please give details |  |   |   |   |   |   |
| Publications: |   |
| Name of creator(s): |   |
| Ownership of the work:  |   |
| Legal Deposit (yes / No) :  |   |
| If yes | Name of notary or collecting society : |   | Date of deposit: |   | Registration Number: |   |

B) List of licences granted with regard to the above software/database

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Lincensee | Type of licence | Expiration date | Countries | Royalty | Payment terms | Exclusivity | Registered? |
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**Declaration Form (Background Intellectual Property Right) – TRADEMARKS**

A)

|  |  |
| --- | --- |
| Trademark |   |
| Is this TM necessary to carry out the project? |  NO |   | Explain:  |
| YES |   |
| Owner |   |   |   |   |   |   |   |
| Description  |   |
| Lis of classes (Nice classification)  |   |
| Territorial Scope of the TM\* | Filing date | Filing number | Type of mark \* | Registration date | TM origin \*\* | Expiration date | Owner |
|   |   |   |   |   |   |   |   |
|   |   |   |   |   |   |   |   |
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|   |   |   |   |   |   |   |   |

\* If the same sign has been protected through different TM registrations please provide details for each application/registration

B) List of licences granted with regard to the above trademark

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Lincensee | Type of licence | Expiration date | Countries | Royalty | Payment terms | Exclusivity | Registered? |
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|  |  |
| --- | --- |
| Type of the trade marks |  Trade Mark origin |
| * Word
* Figurative
* 3D
* Colour
* Sound
* Hologram
* Olfactory
 | * International Application
* National Application
* Community Trade mark
 |
|  |  |

**Declaration Form (Background Intellectual Property Right) - KNOW HOW & TRADE SECRETS**

|  |  |
| --- | --- |
| Short title of the know how or trade secret: |   |
| Description: |   |
| Is this background necessary to carry out the project? |  NO |   | Explain:  |
| YES |   |
| Name of creator(s): |   |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|   |   |   | Third parties to whom the information has been disclosed | NDA\* (yes/no) | Date of NDA |
| Has the relevant information been made available to any third party |   |   |   |   |   |
|   |   |  |   |   |
|  NO |   |   |   |   |   |
| YES |   |   |  |   |   |

\* NDA stands for "Non Disclosure Agreement"

B) List of licences granted with regard to the above knowhow or trade secrets

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Lincensee | Type of licence | Expiration date | Countries | Royalty | Payment terms | Exclusivity | Registered? |
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