

**3.5-2 Notice and Assistance Regarding Patent and Copyright Infringement** (February 2003)

(a) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledge.

(b) In the event of any claim or suit against the Government on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed under this contract, the Contractor shall furnish to the Government, when requested by the Contracting Officer, all evidence and information in possession of the Contractor pertaining to such suit or claim. Such evidence and information may be furnished at the expense of the Government except where the Contractor has agreed to indemnify the Government.

(c) The Contractor agrees to include, and require inclusion of, this clause in all subcontracts at any tier for supplies or services (including construction and architect-engineer subcontracts and those for material, supplies, models, samples, or design or testing services).

**(End of clause)**

**PRESCRIPTION**

Should be used in RFI/RFPs and contracts for supplies, services and research and development (including construction and architect engineering services), except when both complete performance and delivery are outside the United States, its possessions, and Puerto Rico or when the contract indicates that the supplies or other deliverables are ultimately to be shipped into one of those areas.