



## POLICY FLASH 2006-47

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**DATE:** August 11, 2006

**TO:** Procurement Directors

**FROM:** Office of Procurement and Assistance Policy, MA-61  
Office of Procurement and Assistance Management

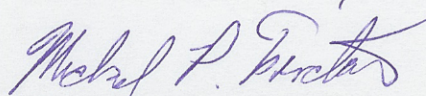
**SUBJECT:** **Class Deviation for Certain DEAR Intellectual Property Clauses**

**SUMMARY:** This Flash transmits Acquisition Letter (AL) 2006-10, Class Deviation for Certain DEAR Intellectual Property Clauses. That AL has attached the subject class deviation determination, signed by the DOE and NNSA Senior Procurement Executives, and the deviated versions of the two affected clauses, 970.5227-3, Technology Transfer Mission.

There are two major effects of the deviation determination, attached to AL 2006-10. The first effect is the alteration of the Rights in Data-Technology Transfer clause at 970.5227-2 to recognize the utility of open source software by providing the conditions under which DOE's M&O contractors may choose to subject software first produced to an open source license. The second effect is the alteration of the clause at 970.5227-3, Technology Transfer Mission, to streamline the M&O contractor's technology transfer interaction with the U.S. Trade Representative.

This Flash may be viewed at <http://professionals.pr.doe.gov>.

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