



PREP ASSIGNMENT
SEASON 2023, EPISODE SIXTEEN
FAR PART 27:
INTELLECTUAL PROPERTY

Preparation Assignment (20 points each)

Fill In the Blank Questions:

1. Generally, the Government will not refuse to award a contract on the grounds that the prospective contractor may _____ a _____. The Government may authorize and consent to the use of _____ in the performance of certain contracts, even though the _____ may be covered by U.S. _____.
[Hint: Check out **FAR 27.102**]
2. Upon receipt of a patent application under paragraph _____ or _____ of the clause at _____, Filing of Patent Applications-Classified Subject Matter, the contracting officer shall ascertain the proper _____ of the patent application. If the application contains classified subject matter, the contracting officer _____
_____ in accordance with procedures provided by legal counsel. If the material is classified "Secret" or higher, the contracting officer shall _____ within 30 days of the Government's determination, pursuant to paragraph (a) of the clause.
[Hint: Check out **FAR 27.203**]
3. Whenever a _____ or a _____ considers including a particular clause in a subcontract to be inappropriate or a subcontractor refuses to accept the clause, the _____, in consultation with _____, shall resolve the matter. [Hint: Check out **FAR 27.304**]
4. Generally, the contractor must obtain _____ of the _____ prior to asserting rights in any copyrighted work containing data first produced in the performance of a contract. However, contractors are normally _____, without _____ of the contracting officer, to assert _____ in technical or scientific articles based on or containing such data that is published in _____, _____ or _____ and similar works.
[Hint: Check out **FAR 27.404**]
5. When contracting other than from GSA's _____ for the acquisition of commercial _____, no specific contract clause prescribed in this subpart need be used, but the contract shall specifically address the Government's rights to _____, _____, _____, and _____ the _____.
[Hint: Check out **FAR 27.405-3**]

“Look ‘Em Ups” (Enter the FAR cite and Answer)

1. What rights does the Government obtain to data included in a contractor’s proposal responding to a solicitation that contains FAR 52.227-23? What if anything can a contractor do to limit these rights?
2. What is a contracting officer permitted to do if she receives a notice from a contractor that “unmarked” data provided under the contract be modified to include a proper “restrictive rights” or “limited rights” legend? For purposes of this question presume the notice is provided within 6 months of delivery of the data and no disclosures of the data have been made outside of the Government?

FAR Questions: What are march-in rights? For an additional 20 “fun” points. Under what circumstances, should the Government not exercise its “march in” rights?

FUN Question: Speaking of “March”, what is the full name of the famous Shakespearean play that refers to the “Ides of March”? For an additional twenty (20) “fun” points, tell me the name of the character in the play who first speaks of the “ides”.