



Appendix: Implementation of Stage I Intellectual Property Terms and Revised Stage II and III Intellectual Property Language

DOT Implementation of Stage I IP Terms:

Several potential solvers have sought clarification from USDOT of the June 14, 2018 solver solicitation (83 FR 27823) section “Intellectual Property (IP) of Submissions” and the meaning of the grant of “unlimited rights to the government or its designees” in that section. This notice does not withdraw that solicitation. Instead, it clarifies DOT’s intended interpretation of that section. This clarification is intended to supersede any statements made during webinars following the solicitation.

As used in the solicitation, the USDOT will construe “unlimited rights to the government or its designees” to mean (1) the irrevocable right to use, modify, reproduce, create derivative works, release, perform, display, or disclose their Stage I submission, in whole or in part and in any manner known or hereafter developed for Government purposes only, and to have or permit others to do so for Government purposes only and (2) the irrevocable limited right to use, modify, reproduce, create derivative works, release, perform, display, or disclose their Stage I submission, in whole or in part and in any manner known or hereafter developed solely for the purpose of disclosing the submission, a modified version of the submission, or a derivative work of the submission to any non-federal government agency, non-profit institution, or academic institution for their internal use, subject to a prohibition against further release or disclosure.

Government purposes include competitive procurement, but do not include the right to have or permit others to use a submission for commercial purposes.

As presented here, the USDOT does not intend the grant of rights under Stage I to be broader than the grants under Stage II and Stage III, as revised below.

Revised Stage II and III IP Terms:

As stated in the Stage II and Stage III intellectual property terms in the June 14, 2018 solver solicitation (83 FR 27823) were preliminary. The following are revised Stage II and Stage III intellectual property terms for the Solving for Safety Visualization Challenge.

If a Stage II participant is selected as Finalist, that Finalist grants to USDOT a worldwide, non-exclusive, sub-licensable, royalty free, and irrevocable right to use, modify, reproduce, create derivative works, release, perform, display, or disclose their Stage II submission, in whole or in part and in any manner known or hereafter developed for Government purposes only, and to have or permit others to do so for Government purposes only. Government purposes include competitive procurement, but do not include the right to have or permit others to use a submission for commercial purposes.

Furthermore, the Finalist grants to USDOT a worldwide, non-exclusive, sub-licensable, royalty free, and irrevocable limited right to use, modify, reproduce, create derivative works, release, perform, display, or disclose their Stage II submission, in whole or in part and in any manner known or hereafter developed solely for the purpose of disclosing the submission, a modified version of the submission, or a derivative work of the



Appendix: Intellectual Property Requirements

submission to any non-federal government agency, non-profit institution, or academic institution for their internal use, subject to a prohibition against further release or disclosure.

Finalists Stage II submission represents their unrestricted right to grant such licenses.

As part of their Stage III submission, each Finalist grants to USDOT a worldwide, non-exclusive, sub-licensable, royalty free, and irrevocable right to use, modify, reproduce, create derivative works, release, perform, display, or disclose their Stage III submission, in whole or in part and in any manner known or hereafter developed for Government purposes only, and to have or permit others to do so for Government purposes only. Government purposes include competitive procurement, but do not include the right to have or permit others to use a submission for commercial purposes.

Furthermore, the Finalist grants to USDOT a worldwide, non-exclusive, sub-licensable, royalty free, and irrevocable limited right to use, modify, reproduce, create derivative works, release, perform, display, or disclose their Stage III submission, in whole or in part and in any manner known or hereafter developed solely for the purpose of disclosing the submission, a modified version of the submission, or a derivative work of the submission to any non-federal government agency, non-profit institution, or academic institution for their internal use, and subject to a prohibition against further release or disclosure.

Finalists Stage III submission represents their unrestricted right to grant such licenses.