PRODUCTS RESTRICTIONS SCHEDULE

Note to drafters: Prior to RFT release drafters are to:

1. ensure that any licence restrictions applicable to TD in the Products that may affect a Tenderer's provision of the Services (not otherwise sufficiently addressed by the restrictions in clause 5.4 of the COC) are specified in this Attachment J; and
2. determine if Commonwealth requirements (addressing the Capability’s Life of Type requirements relating to licensing) mean additional licence restrictions are appropriate and specify those additional restrictions.

The examples contained in Attachment J are to be removed prior to RFT release and project specific information must be inserted where necessary. Further information on clause 5 of the draft COC and the TDSR Schedule can be found in the ASDEFCON TD / IP Commercial Handbook at:

* http://drnet.defence.gov.au/casg/commercial/CommercialPolicyFramework/Pages/Handbooks.aspx.

Note to tenderers: Attachment J identifies licence restrictions on the TD and Software rights granted under the Contract in respect of Products.

1. SPECIFIC LICENCE RESTRICTIONS
   1. Clause 5.4 of the COC sets out the terms of the licences granted by the Commonwealth to TD or Software provided as, or as a part of, Products.
   2. Table J-1 sets out the specific licence restrictions that apply to TD or Software provided as, or as a part of, Products, in addition to the terms set out in clause 5.4 of the COC.

Table J-1: LICENCE RESTRICTIONS APPLICABLE TO PRODUCTS

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Unique identifier | Reference Number | Licensor | Description of TD or Software | Identify the restriction or the licence that contains the restriction |
| a. | b. | c. | d. | e. |
| 1. *Example: J1* | 1. *ABC #1276* | 1. *EW Pty Ltd (Approved Subcontractor)* | 1. *Electronic Warfare Software Source Code* | 1. *The Contractor must not grant a sublicence of the TD to any of the following companies (or their Related Bodies Corporate):*    1. *XYZ Pty Ltd;*    2. *…* |
| 1. *Example: J2* | 1. *G-B-2* | 1. *XYZ Pty Ltd* | 1. *Combat Management System* | 1. *The Contractor must not, and must not grant a sublicence to, modify, develop or upgrade the Mission Planning Software without the prior written consent of the licensor, to be requested from the Commonwealth.* |
| 1. *Example: J3* | 1. *12345* | 1. *Contractor* | 1. *Mission Planning Software* | 1. *N/A* |

1. ADDITIONAL RESTRICTIONS
   1. Table J-2 sets out additional restrictions that apply to the TD or Software provided as, or as part of, the Products (for example, restrictions imposed by the Commonwealth, which are additional to restrictions contained in any licences set out above at section 1 of this Attachment J).

Table J-2: ADDITIONAL RESTRICTIONS ON PRODUCTS

|  |  |  |  |
| --- | --- | --- | --- |
| Unique identifier | Reference Number | Description of TD or Software | Identify the restriction or the licence that contains the restriction |
| a. | b. | c. | d. |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

1. EXPORT APPROVAL RESTRICTIONS
   1. Table J-3 sets out specific Export Approval restrictions that apply to the Contractor's provision of the Services in respect of each Product identified below.

Table J-3: EXPORT APPROVALS

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Unique identifier | Reference Number | Country of Origin | Description of Product (i.e. item or component) | Restriction |
| a. | b. | c. | d. | e. |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |