PRODUCTS BEING SUPPORTED RESTRICTIONS SCHEDULE

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

1. ensure that any licence restrictions applicable to TD and Software in the Products Being Supported that may affect a Tenderer's provision of the Services (not otherwise sufficiently addressed by the restrictions in clause 5.6 of the COC) are specified in this Attachment S;
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; and
3. determine and specify Export Approval restrictions on the Products Being Supported that may affect a Tenderer's provision of the Services (i.e. being unable to provide TD to a subcontractor not listed on a Technical Assistance Agreement etc).

The examples contained in Attachment S 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 S identifies licence restrictions and export approvals on the TD and Software rights granted under the Contract in respect of Products Being Supported. The tenderer may also indicate in its tender response that it proposes to own the IP in newly created TD or Software that is, or is a part of, a Product Being Supported.

Note to drafters: Choose ONE of the following two options and delete the other option. Option A should be used if the TD and Software provided as or as part of the Products Being Supported are subject to a small number of licences which can be attached or provided, or whether the restrictions can be set out in the table. Option B should be used if the licences and restrictions are extensive and cannot be set out here, but can be provided to the Contractor in the CSA data.

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| Option A: For where there is no CSA data and/or there are less than 20 licences   1. SPECIFIC LICENCE RESTRICTIONS    1. Clause 5.6 of the COC sets out the terms of the licences granted by the Commonwealth to TD and Software provided as, or as a part of, Products Being Supported.    2. Table S-1 sets out:       1. specific licence restrictions that apply to TD and Software provided as, or as a part of, Products Being Supported, in addition to the terms set out in clause 5.6 of the COC; and       2. if the Contractor is to own IP created under the Contract or a Subcontract in respect of a particular Product Being Supported.   TABLE S-1: LICENCE RESTRICTIONS APPLICABLE TO PRODUCTS BEING SUPPORTED   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | Unique identifier | Reference Number | Licensor | Description of TD or Software | Contractor to Own New IP (Yes/No) | Identify the restriction or the licence that contains the restriction | | (a) | (b) | (c) | (d) | (e) | (f) | | 1. *S1* | 1. *ABC #1276* | 1. *EW Pty Ltd (Approved Subcontractor)* | 1. *Electronic Warfare Software Source Code* | 1. *No* | 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. *S2* | 1. *G-B-2* | 1. *XYZ Pty Ltd* | 1. *Combat Management System* | 1. *No* | 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. *S3* | 1. *12345* | 1. *Contractor* | 1. *Mission Planning Software* | 1. *Yes, Contractor is OEM of Pump* | 1. *N/A* | |

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| Option B: For where there is CSA data and/or more than 20 licences   1. APPLICABLE LICENCES    1. The restrictions that apply to the Products Being Supported provided by the Commonwealth to the Contractor under the Contract are contained in licences that are available in the CSA data [if there is no CSA data, specify the location of the licences]. |

1. ADDITIONAL RESTRICTIONS
   1. Table S-2 sets out additional restrictions that apply to the TD and Software provided as, or as part of, the Products Being Supported (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 S).

TABLE S-2: ADDITIONAL RESTRICTIONS ON PRODUCTS BEING SUPPORTED

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| --- | --- | --- | --- |
| Unique identifier | Reference Number | Description of TD or Software | Identify the restriction or the licence that contains the restriction |
| (a) | (b) | (c) | (d) |
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1. EXPORT APPROVAL RESTRICTIONS
   1. Table S-3 sets out specific Export Approval restrictions that apply to the Contractor's provision of the Services in respect of each Product Being Supported identified below.

TABLE S-3: EXPORT APPROVALS

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