PART 5827 - PATENTS, DATA, AND COPYRIGHTS

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SUBPART 5827.90 – TRADEMARK RIGHTS UNDER GOVERNMENT CONTRACTS

5827.9000 Definitions

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Trademark is a word, phrase, symbol or design, or a combination that identifies your goods or services, distinguishes them from the goods or services of others, and indicates the source of your goods or services.

Service Mark is a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs, that identifies and distinguishes the source of a service of one party from that of other parties.

5827.9001 Trademark Rights Under Government Contracts

The FAR and DFARS do not address trademark or service mark rights, nor is there an official DoD policy on ownership of trademarks or service marks first used in performance of a government contract in connection with goods or services delivered to the Government. Under federal trademark law, trademark rights generally reside with the entity that controls the nature and quality of the goods or services that are identified by the trademark.

However, in certain cases, it may be in the Government’s best interest for DISA to own a trademark or service mark first created under a contract. For example, Government ownership may be desired for a mark that is to be used exclusively in connection with a government-controlled service that the contractor manages for DISA. DISA’s Office of the General Counsel should be consulted to determine if there is a need to negotiate trademark ownership rights with the contractor and seek federal trademark protection on DISA’s behalf by filing an application to register the trademark or service mark with the U.S. Patent and Trademark Office.