

# pgi\_5327

## AFFARS PGI 5327 Patents, Data, and Copyrights

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## AFMC PGI 5327 Patents, Data, and Copyrights

### **AFMC PGI 5327.7102-2 Rights in Technical Data**

(a) See the [AF Product Data Acquisition](#) page for best practices and information on Data Rights procedures.

### **AFMC PGI 5327.9001 Foreign Disclosure Reviews**

Foreign disclosure reviews are performed before the release of information to the public on all acquisitions requiring disclosure of classified or export-controlled unclassified, including sensitive unclassified information. Integrated product teams and/or contracting officers should contact their local Foreign Disclosure Office for assistance if there is any potential of foreign participation/disclosure of information in a contemplated acquisition.

(a) Foreign Disclosure Office (FDO) review(s) apply to all acquisitions requiring disclosure of classified or export-controlled unclassified, including sensitive unclassified, information in order for a contractor to submit an offer or perform a contract. Examples are acquisitions involving Statements of Work (SOWs), Statements of Objectives (SOOs), Performance Work Statements (PWSs), specifications, government property, technical orders, engineering drawings, computer hardware and software, and any information, equipment, or media involving storage, retrieval, processing, or transmission of information.

(b) Exemptions to FDO review are specifically established by Public Law or [DoD Appropriations Acts](#).

(c) The local FDO informs the program office or requiring activity when foreign participation is allowed.

(d) The FDO reviews only those acquisitions for which foreign interest has been expressed but all reviews should be done prior to issuance of a public synopsis. An appropriate notice advising potential offerors of the status of the review will be included in the synopses and/or public display copy of the solicitation.

(e) The program office/requiring activity obtains a disclosure decision from the FDO to provide to the contracting officer/buyer, including the following documentation/information, as applicable:

(1) AFMC Form 191, Foreign Disclosure Decision Worksheet;

(2) A purchase request or other initiating document, SOW, SOO, task order, AFMC Form 761 AMC/AMS Screening Analysis, EDL, or other approved document, and a release recommendation.

(f) The contracting officer/buyer ensures that FDO review has been accomplished upon receipt of a purchase request, or other initiating document, along with release recommendation. If FDO review has not been accomplished, the contracting officer notifies the program office/requiring activity.

(g) If a Broad Agency Announcement (BAA) is utilized, the BAA is considered to be a single synopsis and solicitation action. A separate pre-solicitation notice or additional individual synopses will not be accomplished for a BAA action. BAAs contain a statement concerning foreign participation and technology restriction.

(h) If a synopsis is issued by the contracting officer/buyer prior to FDO review, the notice contains a statement that advises foreign firms to express interest to a contracting officer or program manager, as appropriate. The following statement or similar statement may be used: *Foreign owned firms are advised to contact the contracting officer or program manager before submitting a proposal to determine whether there are restrictions on receiving an award.*

(i) If a contracting officer/buyer receives an inquiry from a foreign company on an effort that has not been reviewed by the FDO, is advised to forward the inquiry to the FDO for further instructions.

(j) The contracting officer/buyer is advised to consult with the FDO on unique processes and procedures that may be involved on a foreign disclosure review.

(k) This procedure does not apply if the relationship between the domestic contractor and the foreign company is that of a domestic prime to a foreign vendor. In such instances, the State Department's International Traffic in Arms Regulation (ITAR) is the governing document.

(l) Reference documents concerning Foreign Disclosure: [DoDI 5220.22](#); [AFI 31-601](#); [AFI 16-201](#); [AFM 16-101](#) and [DFARS PGI 225.79](#).

## **SMC PGI 5327**

### **Patents, Data, and Copyrights**

#### **SMC PGI 5327.304-90 Procedures**

When the contractor submits a [DD Form 882](#), "Report of Inventions and Subcontracts", the contracting officer submits the report to the assigned program attorney for appropriate action.