

CLIENT ALERT

DoD Agrees To Improve How It Approaches Intellectual Property Under Government Contracts

December 8, 2021

In Section 839 of the Fiscal Year 2021 National Defense Authorization Act, Congress directed the Government Accountability Office (“GAO”) to prepare a report evaluating the implementation of Department of Defense (“DoD”) Instruction 5010.44 relating to Intellectual Property Acquisition and Licensing, including but not limited to, DoD’s establishment of a cadre of intellectual property (“IP”) experts previously directed by Congress. On November 30, 2021, GAO issued a [final report](#) to Congress entitled “DOD Should Take Additional Actions to Improve How It Approaches Intellectual Property” (“Report”). The Report made four recommendations: (1) DoD’s planned guidebook on IP (currently expected to be published in the first quarter of 2022) should clarify how DoD personnel can pursue detailed manufacturing or process data; (2) DoD should determine the collaboration, staffing, and resources needed to execute DoD’s proposed approach for the IP Cadre; (3) the Director of the IP Cadre should collaborate with the President of Defense Acquisition University (“DAU”) to prioritize IP-related tasks that DAU should undertake between 2023 through 2025; and (4) the Director of the IP Cadre should develop additional guidance to help identify the DoD personnel in key career fields that would benefit most from receiving IP training and credentials. In response to a draft of the Report, DoD concurred with each of these recommendations.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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