§ 1274.208 Intellectual property.

(a) Intellectual property rights. A cooperative agreement covers the disposition of rights to intellectual property between NASA and the recipient. If the recipient is a consortium or partnership, rights flowing between multiple organizations in a consortium must be negotiated separately and formally documented, preferably in the Articles of Collaboration.

(b) Rights in patents. Patent rights clauses are required by statute and regulation. The clauses exist for recipients of the agreement whether they are—

(1) Other than small business or nonprofit organizations (generally referred to as large businesses) or

(2) Small businesses or nonprofit organizations.

(c) Inventions. There are five situations in which inventions may arise under a cooperative agreement—

(1) Recipient Inventions;
(2) Subcontractor Inventions;
(3) NASA Inventions;
(4) NASA Support Contractor Inventions; and
(5) Joint Inventions with Recipient.

(d) Recipient inventions. (1) A recipient, if a large business, is subject to section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457) relating to property rights in inventions. The term “invention” includes