

DHS COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENT (CRADA) DEFINITIONS

“Agreement” means a Cooperative Research and Development Agreement or CRADA.

“Background”—when used in connection with any form of intellectual property—means that the form of intellectual property was not created through the collaboration contemplated under this Agreement.

“Collaborator” means the non-Federal Party to an Agreement.

“Contractor” means individuals, contractors, or organizations retained by the Government in its performance of an Agreement.

“Cooperative Research and Development Agreement (CRADA)” means any agreement between one or more Federal laboratories and one or more non-Federal parties under which the Government, through its laboratories, provides personnel, services, facilities, equipment, intellectual property, or other resources with or without reimbursement (but not funds to non-federal Parties) and the non-Federal parties provide funds, personnel, services, facilities, equipment, intellectual property, or other resources toward the conduct of specified research or development efforts which are consistent with the mission of the laboratory.

“Effective Date” means the date on which the last Party signs the Agreement.

“Equipment” means tangible equipment provided by one or both Parties for test and evaluation.

“Export-Controlled Items” means items subject to the Export Administration Regulations (EAR) (15 CFR Parts 730-774) or the International Traffic in Arms Regulations (ITAR) (22 CFR Parts 120-130). The term includes:

- a. “Defense items,” defined in the Arms Export Control Act, 22 USC 2778(j)(4)(A), as defense articles, defense services, and related technical data, and further refined in the ITAR, 22 CFR Part 120.
- b. “Items,” defined in the EAR as “commodities”, “software”, and “technology,” terms that are also defined in the EAR, 15 CFR 772.1.

“Invention” means any Invention or discovery that is or may be patentable under Title 35 of the United States Code.

“Party” means a company, organization, Federal agency, or other entity that is actively participating in the work described in the Statement of Work and is a signatory to an Agreement.

“Patent Application” means U.S. or foreign patent application, continuation, continuation-in-part, divisional, reissue and/or reexamination on any Invention.

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“Proprietary Information” means Information which embodies (i) trade secrets or (ii) commercial or financial information which is privileged or confidential under the Freedom of Information Act (5 USC § 552 (b)(4)), either of which is developed at private expense outside of this CRADA and which is marked as Proprietary Information.

“Sponsor” means the Department of Homeland Security (DHS) group, division, or laboratory that is a Party and signatory to an Agreement.

“Technical Data” means all recorded information of any kind regardless of the form or method of the recording, including computer software.