



GUIDE TO FILLING IN THE FOREGROUND DECLARATION

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1. OBJECTIVE OF THE FOREGROUND DECLARATION

The Foreground declaration is a compulsory form established in the *Information and Intellectual Property Provisions* of F4E contracts.

The management of the Intellectual Property rights within Fusion for Energy (F4E) contracts is equally important as the supply of goods and the manufacturing of components resulting from them. Therefore, F4E pays special attention to the completeness and significance of the information contained in the Foreground declaration.

The objective of the Foreground declaration is to identify the Information and Intellectual Property rights, whether protectable or not, generated under a contract. This form is used by the contractor to notify F4E about the following:

- the development of a design, a process, a method, the configuration of a product, a source code, a database;
- the type of protection (patent, trade secret, copyright, industrial design) for the declared asset;
- any dependence or independence of the generated asset with pre-existing Intellectual Property rights (the so-called Background Intellectual Property)
- the intention to use the created Intellectual Property for its own purposes

The Foreground declaration is compared with the Background declaration attached to the contract upon its signature in order to establish a clear understanding of the ownership regime and access rights for all the Intellectual Property assets within an F4E contract, i.e. what has been generated under F4E contracts (Foreground) and what was brought by the supplier to the contract or grant (Background).

In this document you will find the necessary instructions to fill in the Foreground declaration. The document begins by explaining how to fill in the summary page of the declaration, the first page in the template. Instructions on how to fill in the description of each of the items included in the declaration are provided.

2. HOW TO FILL IN THE SUMMARY PAGE

The first page of the declaration is a summary of the information included in the declaration. It contains information such as the name of the Declaring Entity and the signature of the representative of the Declaring Entity.

In order to explain how to fill in each of the fields of the Foreground Declaration form, figure 1 shows the summary page with reference numbers that will be referred to when explaining the different fields in the form.



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**FOREGROUND
DECLARATION FORM**

1	Contract Ref.	F4E-OPE-XXX-XX
2	Title of the Contract	
3	Declaring company/entity	<input type="checkbox"/> Contractor: <input type="checkbox"/> Subcontractor:
4	Contact person of the declaring company/entity	Name: E-mail address:
5	List of items included in this Foreground declaration	1. Item #1 2. Item #2 3. Item #3
6	List of Confidential items included in this Foreground declaration	1. Item #1 2. Item #2
7	Signature of the present Foreground declaration by the declaring company/entity	Signature: Name and position of the Undersigned: Date and place of the signature:

In case you need assistance filling in this form, please, refer to the [Industry Portal IP Section](#)

1 Contract reference

This field contains the contract reference number as it appears in the contract document.

The complete F4E reference number including the Lot, Task Order, or Specific Grant number should be indicated.

Contract Ref.	F4E-OPE-111 -01-01
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Note: this number must be indicated at the header of each page of the declaration form.

2 Title of the Contract

This field contains the title of the contract. Please indicate the complete title of the Task Order/Specific Contract as it appears in the Contract document.

Title of the Contract	Design of the glazing of component X
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3 Declaring Company/Entity

This field identifies the Declaring Company or Entity.

The name of the “Company” or Entity should be its legal name. Brand names cannot be indicated.

The Declaring Company/Entity tends to be the Contractor but it may also be the Subcontractor. This is the case when the Subcontractor has been clearly/properly identified before the award of the contract or during its execution, and it is the developer of the declared Information and Intellectual Property.

The example below refers to the contractor as Declaring company since it is the most common case in practice:

Declaring company/entity	<input checked="" type="checkbox"/> Contractor: TECH S.L. <input type="checkbox"/> Subcontractor:
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4 Contact Person of the declaring company

This field is used to identify the contact details of the person managing the foreground declaration in the Declaring Entity. Example:

Contact person of the declaring company/entity	Name: John Smith E-mail address: John.smith@tech.com
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5 List of items included in this Foreground declaration

This field contains a list with references to all the Items declared in the Foreground declaration regardless of whether they are protected or not or whether they are of a confidential nature or not.

List of items included in this Foreground declaration	<ol style="list-style-type: none"> 1. Design of the glazing of component X 2. Invention of a new combination of minerals producing an anti-frost effect. 3. Software for controlling the procedure for manufacturing laminated glazing
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6 List of Confidential items included in this Foreground declaration

This field should be used by the Declaring Entity to identify which of the Items listed in field 5 are Confidential. Confidentiality in the Foreground Declaration means that the item has not been disclosed to any third party by the Declaring Entity or F4E without any measures to maintain its confidential nature, i.e. without signing a Non Disclosure Agreement (NDA). The items included in this list must be agreed between F4E and the Declaring Entity beforehand.

F4E shall not be held liable for the disclosure of any information whose confidential nature has not been previously declared and agreed.

List of Confidential items included in this Foreground declaration	<ol style="list-style-type: none"> 1. Design of the glazing of component X 2. Invention of a new combination of minerals producing an anti-frost effect. 3. Source code of software for controlling the procedure for manufacturing laminated glazing
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7 Signature of the present Foreground declaration

This field should contain the signature of an authorized representative of the Declaring Entity. The signatory should be entitled to legally sign on behalf of the Declaring entity.

Signature of the present Foreground declaration by the declaring company/entity	Signature: Name and position of the Undersigned: Adam Johnson, Executive Manager Date and place of the signature: London, 15 th October 2015
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3. HOW TO FILL IN THE DESCRIPTION OF EACH ITEM

For each of the items listed in the *List of items included in this Foreground declaration* (5) further description should be provided in pages 2-4 of the template.

In order to explain how to fill in each of the fields of the description of an item, *figure 2* is provided containing reference numbers that will be referred to when explaining the different fields in the form.

For each field an example will be provided. At the end of this section a whole declaration with the examples for all fields is enclosed as *Figure 3*".

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FOREGROUND DECLARATION FORM

1 **Contract Ref.:**

8	1. ITEM #1	
9	Confidential	<input type="checkbox"/> YES <input type="checkbox"/> NO
10	Technology Code (4 digits) (see list)	<input type="text"/>
11	Description	Description of the Item



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1	Contract Ref.:	Item : Item #1
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12	Owner	<input type="checkbox"/> F4E <input type="checkbox"/> Contractor <input type="checkbox"/> Subcontractor <input checked="" type="checkbox"/> Joint ownership <input type="checkbox"/> Third party
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13	Type of protection (check more than one box if necessary)	<input type="checkbox"/> Patent Publication/Application no.: <input type="checkbox"/> Patent is being considered. <input type="checkbox"/> It is not patentable (does not accomplish legal requirements for patentability). <input type="checkbox"/> Trade secrets, it is kept confidential. <input type="checkbox"/> Protection via copyright. <input type="checkbox"/> Other:
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In case you need assistance filling in this form, please, refer to the [Industry Portal IP Section](#)



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**FOREGROUND
DECLARATION FORM**

1	Contract Ref.:	Item: Item #1
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14	Publications (e.g. scientific papers, conferences)	<input type="checkbox"/> YES, Publication References: <input type="checkbox"/> NO
15	Is it related to any deliverable of the contract?	<input type="checkbox"/> YES, IDM references: <input type="checkbox"/> NO
16	Does it depend on declared items in the Background declaration? (check more than one box if necessary)	<input type="checkbox"/> YES, OWN PRIOR IP: <input type="checkbox"/> YES, BELONGING TO A THIRD PARTY, e.g. Licenses granted to Contractor/Subcontractor: <input type="checkbox"/> NO
17	Intention of use or licensing of the Foreground by the Contractor/Subcontractor	<input type="checkbox"/> YES, for internal use only <input type="checkbox"/> YES, for licensing <input type="checkbox"/> NO
18	Possible applications beyond the subject matter of the Contract	<ul style="list-style-type: none"> • •

In case you need assistance filling in this form, please, refer to the [Industry Portal IP Section](#)

1 Contract Reference

This field should contain the contract reference as included in *Contract Reference 1*, of the summary page. This number should be included in the header of every page of the declaration. The title of the item to be described will also be included in the header of the page if the field is present. This allows for a quick and easy identification of all pages in the declaration.

Contract Ref.	F4E-OPE-111 -01-01
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8 Reference of the Item

This field should make reference to the item to be described in the following pages of the form. The reference should match the one included in the *List of items included in this Foreground declaration 5*, and if applicable in the *List of Confidential items included in this Foreground declaration 6*, of the summary page of the declaration.

1. Design of the glazing of component X

9 Confidential

This field should be checked in case the Item being described is confidential and, thus, needs to be included in the *List of Confidential items of the Foreground declaration (section 6)*.

Confidential	<input checked="" type="checkbox"/> YES
	<input type="checkbox"/> NO

10 Technology Code

This field should contain the Technology Code corresponding to the item under description. A list of technologies with its respective codes to be used is available in the [Intellectual Property section of the Industry Portal](#).

Technology Code (4 digits) (see list)	0705 Logistics
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11 Description

This field should contain a more detailed description of the item being declared. The declaration should provide enough information to explain the nature of the item, its different uses and features such as functionality, structure, etc.

Description	<p>Build-to-print design. The design includes measures, configurations, composition of the materials, welding procedures, of the product consisting of a laminated glazing.</p> <p>2D drawings and a 3D CAD model are also included in the design.</p> <p>The design of the component provides robustness to the component while also keeping a high degree of flexibility.</p> <p>Component X may be used in in glass made protection elements.</p>
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12 Owner

This field should indicate the ownership of the item as established in the Intellectual Provisions of the Contract.

Owner	<p><input checked="" type="checkbox"/> F4E</p> <p><input type="checkbox"/> Contractor</p> <p><input type="checkbox"/> Subcontractor</p> <p><input type="checkbox"/> Joint ownership</p> <p><input type="checkbox"/> Third party</p>
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13 Type of protection

This field should indicate the type of Intellectual Property right protecting the item. It is possible to have more than one options checked. For instance when a patent is being considered for the protection of an item, the option *“Trade secret, is to be kept confidential”*

should also be ticked. Another example would be when the declaration of a confidential source code of a software, in which case it should be declared as both “copyright” (software is protected under copyright law) and “trade secret” (to maintain confidentiality).

<p>Type of protection</p> <p>(check more than one box if necessary)</p>	<p><input type="checkbox"/> Patent Publication/Application no.:</p> <p><input type="checkbox"/> Patent is being considered.</p> <p><input type="checkbox"/> It is not patentable (does not accomplish legal requirements for patentability).</p> <p><input checked="" type="checkbox"/> Trade secrets, it is kept confidential.</p> <p><input checked="" type="checkbox"/> Protection via copyright.</p> <p><input type="checkbox"/> Other:</p>
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14 Publications

This field should contain the details of any dissemination activity (scientific paper, poster, conference, etc.) relating to the item. It must be taken into account that authorisation for any dissemination activity should be obtained in accordance with the contract provisions. F4E needs to be informed at least 45 days in advance of any publication.

<p>Publications (e.g. scientific papers, conferences)</p>	<p><input type="checkbox"/> YES, Publication References:</p> <p><input checked="" type="checkbox"/> NO</p>
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15 Related to deliverables of the contract

This field should indicate if the declared item is associated to one or more of the deliverables of the Contract. In such a case, the IDM reference to the relevant deliverable should also be provided. It is not necessary that the item matches exactly the information in one deliverable. It may just refer to part of the deliverable or cover more than one deliverables at the same time. An example could be the case of some drawings and a describing document that together would constitute the design of a component as a whole. In such a case the different references should be included.

Is it related to any deliverable of the contract?	<input checked="" type="checkbox"/> YES, IDM references: folder containing all the documents of the design IDM ref 123ABD <input type="checkbox"/> NO
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16 Dependence on Background Items

This field should indicate whether the use of the item under declaration requires the use of any pre-existing technology/item included in the Background declaration. For example, this would be the case where a result of the contract is a design which includes some background elements which are essential to the use of the item.

It is to be noted that referring to any background that is not explicitly contained in the background declaration is not considered as a declaration of the background and does not confer any additional rights to the declarant about any of the items.

If the declaring Entity does not own the background items, then the relevant field should be checked and the name of the owner provided.

Does it depend on declared items in the Background declaration? (check more than one box if necessary)	<input checked="" type="checkbox"/> YES, OWN PRIOR IP: granted patent no. GB12345678, filed on 14 th February 2005 <input type="checkbox"/> YES, BELONGING TO A THIRD PARTY, e.g. Licenses granted to Contractor/Subcontractor: <input type="checkbox"/> NO
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17 Intention of use

This field should be used by the Declaring Entity to inform F4E about its intention of using the declared Foreground under certain conditions.

The use of any Foreground shall comply with the obligations established in the contract. The declaring entity shall and/ or ask F4E for permission. F4E will discuss the conditions of use and grant a non-exclusive license to the declaring entity.

Intention of use or licensing of the Foreground by the Contractor/Subcontractor	<input type="checkbox"/> YES, for internal use only <input type="checkbox"/> YES, for licensing <input checked="" type="checkbox"/> NO
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18 Possible applications

This field is used by the supplier to provide information about possible uses in any technical field, i.e. not necessarily fusion technologies, for the generated foreground. By providing feedback in this sense, the supplier helps F4E to identify possible technology transfer opportunities, most likely in favor of the supplier.

Possible applications beyond the subject matter of the Contract	<ul style="list-style-type: none"> The design achieves the technical requirements of the ITER <u>project</u>, its use for other components would need further development.
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4. EXAMPLE OF A FULLY FILLED OUT DECLARATION

The full declaration with the items showed above is available along with these instructions in the IP section of the [industry portal](#). Other IP items are also included in the same declaration for illustrative purposes.

5. FOREGROUND DECLARATION WHEN THERE IS NOTHING TO DECLARE

The obligation to fill in the Foreground declaration is not dependent on the existence of relevant foreground. In the unlikely case that no foreground has been generated within a contract, the contractor still needs to provide a signed declaration stating that no foreground is to be declared.

In such a case the Declaring Entity should indicate this in the List of items included in this Foreground declaration (5.). In this case only the first page duly signed of the Foreground declaration would be needed and the rest of pages would be ignored.

The sentence recommended would be “I, hereby, declare that no foreground is declared”.

A sample is provided here below:



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DECLARATION FORM**

Contract Ref.	F4E-OPE-111-01-01
Title of the Contract	Design of the glazing of component X
Declaring company/entity	<input checked="" type="checkbox"/> Contractor: Tech S.L. <input type="checkbox"/> Subcontractor:
Contact person of the declaring company/entity	Name: John Smith E-mail address: John.smith@tech.com
List of items included in this Foreground declaration	I, hereby, declare that no foreground is declared.
List of Confidential items included in this Foreground declaration	1.
Signature of the present Foreground declaration by the declaring company/entity	Signature: Name and position of the Undersigned: Adam Johnson, Executive Manager Date and place of the signature: London, 15 th October 2015

In case you need assistance filling in this form, please, refer to the [Industry Portal IP Section](#)