INTELLECTUAL PROPERTY MANAGEMENT (IPM) COURSE & TOOLKIT FOR ICT PROCUREMENT

The IPM Course and Toolkit for Information and Communication Technology (ICT) Procurement was developed with support from the Ministry of Law, the Ministry of Finance and GovTech, as a follow-up to the currently-running programme, IP Management Course and Toolkit for Procurement Officers.

The course aims to equip officers involved in procurement or ICT projects as well as legal counsel with an understanding of IP/IPM considerations in the ICT procurement process; mitigating risks of infringement during procurement; and adopting best practices for handling and managing IP issues in ICT procurements.

The course aims to provide the following knowledge and skills to participants:

- Navigate the typical forms of ICT procurement (e.g. Software, Hardware, Services), as well as ICT procurement contract documents (e.g. Government bulk tenders and ICT procurement contract templates).
- Identify the types of IP relevant in common ICT procurements (e.g. IT/ICT consulting services, off-the-shelf software, turnkey systems, etc.) and what are some of the IP-related concerns to note in relation to such procurement.
- Use of a decision tree to choose the relevant template for various ICT procurements.
- Understand the Government policies and guidelines relating to ICT procurement and the importance of public officers complying with policies and guidelines relating to ICT contracts.
- Understand the key IP Issues in ICT Procurement (with reference to relevant template clauses, where applicable):
  - Ownership vs. licence
  - Use of third party IP (e.g. pass-through licences, open source software)
  - IP warranties and indemnities
  - Mitigate infringement risks
  - Modifications to and maintenance of the system
  - Source code escrow
  - Transitioning services
  - Data and databases (i.e. on ownership and use)
- Discuss examples of common push-backs on IP issues in direct contracting that vendors may raise based on the position under the AGC templates.
- Acquire learning points relating to IP/IPM issues from case study discussions of ICT procurement scenarios.

Duration
1 day

Time
9am - 5pm (Registration starts at 8.30am)

Venue
IP Academy
1 Paya Lebar Link
#11-03, PLQ 1, Paya Lebar Quarter
Singapore 408533

Fees
$577.80 (with GST)

Note
In addition to the course materials, the course fees also include:
- Pre-course reading materials
- IP/IPM Toolkit for ICT Procurement
- 2 tea breaks & networking lunch

Please click here to register.

To better serve our stakeholders, IPOS International, IP Academy and IP ValueLab will be coming together as one single entity. We look forward to sharing more details with you in the coming months and at IP Week 2019!
PROGRAMME OUTLINE

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
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<tbody>
<tr>
<td>0900 - 0945</td>
<td>• Ice Breaker Activities and Recap</td>
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<tr>
<td></td>
<td>➢ Scenario Discussion</td>
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<td>➢ Quiz on Pre-Reading Materials</td>
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<tr>
<td>0945 - 1045</td>
<td>• Government Policies and Guidelines relating to ICT procurement</td>
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<td>• Types of ICT Procurement</td>
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<td>1045 - 1100</td>
<td>Tea Break</td>
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<tr>
<td>1100 - 1300</td>
<td>• Which relevant template for ICT procurement and its implications</td>
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<td>• Key IP Issues in ICT Procurement</td>
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<td>1300 - 1400</td>
<td>Lunch Break</td>
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<tr>
<td>1400 - 1530</td>
<td>• Case Study Discussion (see sample Case Study Scenario attached)</td>
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<td>1530 - 1545</td>
<td>Tea Break</td>
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<tr>
<td>1545 - 1620</td>
<td>• Discussion on Other IT/ICT Issues</td>
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<td>• Direct Contracting</td>
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<td>1620 - 1645</td>
<td>• Introduction to Toolkit Materials</td>
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<td>1645 - 1700</td>
<td>• Recap of key learning points and takeaways</td>
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<td>• Q&amp;A</td>
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WHO SHOULD ATTEND?

This course is recommended for Procurement Officers, ICT Officers, Legal Counsel, Project Officers, Project Managers and other Officers (e.g. procurement users and evaluators) across Public Agencies, who handle ICT procurement matters involving intellectual property.

Participants are assumed to have knowledge about IP in procurement. Otherwise they are strongly encouraged to attend the IP Management Course and Toolkit for Procurement Officers (link to course details) prior to attending this course.

PRE-COURSE READING MATERIALS

The materials will equip participants with the fundamentals of IP and IPM before they come for the course.

IP/IPM TOOLKIT MATERIALS FOR ICT PROCUREMENT

The IPM Toolkit for ICT Procurement comprises (a) Annotations to the IP/IPM related clauses in the ICT procurement contract templates and Government bulk tenders; (b) Frequently Asked Questions (FAQs) relating to IP/IPM in ICT procurement; (c) List of Do’s and Don’ts relating to IP/IPM in ICT Procurement; (d) Glossary of IP/IPM terms; (e) Relevant checklist and decision tree in relation to managing IP in ICT procurement; (f) IP/IPM Resource List.

REGISTRATION

IP Academy sends regular email blasts to the MOF-PDG and public officer mailing lists with the upcoming course dates and registration instructions for the programme. Officers who are interested to sign up may also do so via the IPA website.
SAMPLE CASE STUDY SCENARIO

Agency decides to use the cloud services of a Vendor to store its data. As part of the cloud services provided by the Vendor to the Agency, the Vendor will also process the data for the Agency.

The procurement contract is silent on who owns the data as well as results which are derived from the processing of the data by the Vendor.

The Agency regularly collaborates with Statutory Board A in numerous projects, for which Statutory Board A requires access to the Agency’s data. The Agency did not see the need for Statutory Board A to be granted a separate licence for the use of the cloud services of the Vendor, as the Agency was of the opinion that the licence between Statutory Board A and Vendor could be implied, given the close working relationship between the Agency and Statutory Board A.

The Agency later receives a letter of demand from a third party, alleging that the cloud services infringe the intellectual property rights of the third party, and requiring the Agency to cease use of the cloud services.

The Agency did not obtain warranties and indemnities from the Vendor in respect of their use of the cloud services, and as a result, finds that it is unable to continue using the cloud services.

Questions

(i) What are some ways in which the Agency could have mitigated the risk of intellectual property infringement?

(ii) If the agreement is silent on the ownership of data, what are some issues that may arise?

(iii) Can the Agency rely on an implied licence as the basis for Statutory Board A to use the cloud services?