



NATIONAL ENERGY TECHNOLOGY LABORATORY

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October 16, 2012

MEMORANDUM FOR ANTHONY V CUGINI
DIRECTOR, NATIONAL ENERGY TECHNOLOGY
LABORATORY

THROUGH: CYNTHIA A POWELL
DIRECTOR, OFFICE OF RESEARCH AND DEVELOPMENT

FROM: CHRISTOPHER GUENTHER
DIVISION DIRECTOR, COMPUTATIONAL SCIENCES DIVISION

SUBJECT: Advanced Approval to Assert Copyright in Works Authored during
the Performance of Work under the Carbon Capture Simulation
Initiative Program

On February 1, 2011, following a scientific peer review under the direction of the assistant secretary for fossil energy, the Carbon Capture Simulation Initiative Program (CCSI), led by the National Energy Technology Laboratory (NETL) and consisting of collaborators at Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, and Pacific Northwest National Laboratory, was approved to begin work to develop the CCSI toolset, a set of computational tools, models, and methodologies designed to accelerate the commercial development of carbon capture technology.

The CCSI has developed an intellectual property management plan (IPMP) specifying how the intellectual property resulting from the funded work would be protected, allocated among the CCSI members, and commercialized. The IPMP named numerous members of the CCSI, which includes universities, Department of Energy (DOE) national laboratories, and a non-profit institute. The IPMP provides for the consolidation of licensing of the CCSI intellectual property with a lead institution with each member being able to provide the lead institution with rights to its intellectual property for licensing.

This advanced approval to assert copyright serves as DOE's approval for all non-federal CCSI participants in the CCSI and to assert copyright in any works created while performing CCSI work. Since new computer codes will be a substantial part of the components of the CCSI toolset it is essential for participants to provide the lead institution copyright rights necessary for the licensing of the intellectual property covering the CCSI toolset. This disposition of copyright will be reflected in a modified data rights clause incorporated into all subcontracts under the CCSI program.

Pursuant to the authority provided in DEAR 970.5227-2, RIGHTS IN DATA – TECHNOLOGY TRANSFER (Dec 2000), it is also concluded that it is in the best interests of the United States and the general public to approve the assertion of copyright by all non-federal CCSI participants. Therefore, it is ordered that the assertion of copyright by all CCSI participants as described in the attached Statement of Considerations is hereby granted. The advanced approval is subject to all the limitations, terms, and conditions set forth in the (foregoing) Statement of Considerations. The assistant general counsel for technology transfer and intellectual property shall be responsible for issuing instructions for implementation of this blanket approval in accordance with DOE regulations.

RECOMMENDATION: That the advanced approval to assert copyright be approved.

APPROVE: JS 11.8.12 DISAPPROVE: _____

Robert Romanosky Date: 11/8/12
Robert Romanosky
Technology Manager
U.S. Department of Energy
National Energy Technology Laboratory

Lisa A. Baker Date: 11/09/12
Lisa A. Baker
Intellectual Property Counsel
U.S. Department of Energy
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