

GENERAL INSTRUCTION MANUAL

ISSUING ORG. ENGINEERING SERVICES, PUBLIC RELATIONS DEPARTMENT, LAW

ISSUE DATE
Aug 2007REPLACES
NEW

SUBJECT PROTECTION OF INTELLECTUAL PROPERTY

APPROVAL

PAGE NO.
1 OF 13**Content:**

This General Instruction (GI) sets forth definitions, procedures, and inter-departmental responsibility for protecting intangible Intellectual Property (IP) assets via patent, copyright, trade secret, and trademark mechanisms. The text includes:

1. Introduction
2. Purpose
3. Conditions
4. Procedure
5. Responsibilities
6. Definitions and Abbreviations

1.0 Introduction

- 1.1 Company POLICY: INT-9 states “This policy is intended to guide the management of Intellectual Property at Saudi Aramco. Intellectual Property shall be acquired, developed, protected, used and exploited in a manner that will maintain its confidentiality and maximize the Company’s profit from its use and exploitation. Intellectual property shall be managed in the same manner as other valuable Company assets, e.g., identified with asset number, value, custodianship, etc.”
- 1.2 This General Instruction has been prepared jointly by Intellectual Assets Management (IAM), Information Technology (IT), Public Relations Department (PRD), and the Law Department. This GI addresses the steps that should be followed to properly identify, secure, protect, use, and exploit the Company’s Intellectual Property and to allow the Company to safeguard and profit from this valuable category of assets. The purpose of this GI is to define IP and its management and protection processes.

2.0 Purpose

- 2.1 The main goals of this GI are the following:
 - 2.1.1 Raise corporate awareness of the importance and value of Intellectual Property.
 - 2.1.2 Develop and enforce practices which will adequately protect the Company’s Intellectual Property assets.
 - 2.1.3 Implement policies which will foster development of a valuable Company Intellectual Property portfolio.
 - 2.1.4 Ensure that standardized procedures are followed in the development, protection, and distribution of Intellectual Property assets.

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- 2.1.5 Guide Company personnel in the proper use and protection of proprietary and confidential trade secret information.

3.0 Conditions

- 3.1 All IP conceived or developed by a Company employee which relates to or arises out of the employee's assigned duties or which pertains to any aspect of the business of the Company which would not have been developed without the use of Company facilities, means, or data shall become the property of the Company.
- 3.2 Any application for patent protection filed by an employee or former employee within two years from the date of termination of employment shall be deemed as if submitted during the term of employment and shall belong to the Company (See Saudi Law of Patents, Art. 6 (c)).
- 3.3 Ownership of IP developed by consultants, contractors, or contractor employees shall be governed by the applicable agreement or contract.
- 3.4 As set forth in the General Terms and Conditions of Employment for Company employees, employees agree to inform the Company of all inventions, discoveries and improvements whether patentable or not which relate to or arise out of employee's assigned duties.
- 3.5 In the initiation and formation of contracts, clauses should be negotiated to adequately protect the Company's IP interests. As a general principle, IP generated with substantial use of Saudi Aramco's resources, or that purchased by Saudi Aramco, shall be owned by Saudi Aramco and reserved for use by the company.

4.0 Procedure

- 4.1 **Patents & Inventions:** A patent is a grant of a property right by a government office to an inventor of a novel and non-obvious process, machine or apparatus, business method, composition of matter, or any new improvement thereof.
- 4.1.1 Managers should encourage employees to report potential inventions to IAM.
- 4.1.2 IAM will assist business lines to identify, evaluate, develop, monitor, prioritize and the use of all Company's Intellectual Property (patents, copyrights, trademarks, trade secrets, etc.).
- 4.1.3 Legal questions with regard to the appropriate method of protecting and exploiting the Company's Intellectual Property and determining the extent of its rights in the same shall be referred for the advice and necessary action of the Law Department.

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4.1.4 IAM will be the responsible organization to process patent applications with assistance from Law Department.

4.1.5 The Law Department will be the responsible to file patent applications and take other necessary steps, to secure registration and ownership of the Company's Intellectual Property, to assert and defend the Company's interests against outside infringement, and to advise business lines regarding potential infringement of the Intellectual Property rights of others.

4.1.6 The procedure for development and administration of patent disclosures by IAM and the Law Department shall be as follows:

4.1.6.1 Upon receipt of a potential patent disclosure prepared with the instruction and assistance of IAM, IAM will make all reasonable efforts to work with the inventors and others to promptly evaluate the disclosure for patentable subject matter, technical feasibility, and relationship to company business strategy, priority, business potential, IP valuation and commercialization potential. Based upon this evaluation, IAM may undertake actions which may include:

- 1) advise the inventor regarding the need for further development of the technology;
- 2) request additional information and data from the inventor to complete the patent disclosure;
- 3) submit formal Disclosure Documents to the Law Department for further evaluation and possible prosecution of patent applications;

4.1.6.2 Inventors are responsible for preparing timely written disclosures of inventions using the appropriate Intellectual Assets Disclosure Document (by utilizing <http://iam>), to cooperate with IAM and Law in promptly providing additional information or data as requested, to promptly review documents and applications, and to execute assignments and other documents necessary for the protection of the invention and/or to convey rights to Saudi Aramco for the Intellectual Property.

4.2 **Copyrights:** Copyright is a form of legal protection provided to the author of "original works of authorship" including written material, articles, photographs, music, computer software, and other tangible intellectual works. Copyright protection is available for both published and unpublished works and gives the owner exclusive rights to the work.

4.2.1 Copyright protection is secured automatically for a piece of work when it is created and placed into a tangible form (i.e., written or produced). No publication or registration is required to secure protection of a copyright.

4.2.2 A "Notice of Copyright" should be affixed to all Saudi Aramco Intellectual Property. The Notice of Copyright must contain the following three elements:

The symbol "© " and word Copyright;
The year(s) of creation of the work; and

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The name of the owner(s), (for material owned by the Company, the owner is "Saudi Aramco").

An example would be:

© Copyright 2003-2007 Saudi Aramco. All Rights Reserved.

The notice is to be affixed to the document and any copies in such a manner and location as to give reasonable notice of the claim of copyright. It should be affixed to all written Intellectual Property whether for Saudi Aramco's internal use or for release and/or distribution.

- 4.2.3 For all "on-line" displays of any written Saudi Aramco Intellectual Property, including software, the first screen should display the following copyright notice:

© Copyright 2003-2007 Saudi Aramco. All Rights Reserved.

This software contains confidential and proprietary information of the Saudi Arabian Oil Company which is protected by copyright, trade secret, and/or trademark law.

- 4.2.4 If the document or software is determined by IAM to contain patentable subject matter, it will be handled as patentable intellectual property under the scope of this General Instruction. If disclosed software is determined by IAM and Law not to be patentable but meriting copyright registration based on underlying business needs, IAM will work with Law to formally register the copyright.
- 4.2.5 Formal copyright registration may not provide particular advantages and should therefore only be pursued for those works deemed by IAM and Law to benefit from such registration. Justifications of the registration for copyright shall include industry best practices such as commercialization of the copyrighted work and/or initiation of legal proceedings to enforce the Company's rights against third-party infringers.
- 4.2.6 The statement of copyright policy applies to all copyright Intellectual Property developed by or for Saudi Aramco and by contractors when produced as a "work for hire" or under a development contract for Saudi Aramco where, under the terms of the development contract, Saudi Aramco obtains at least partial ownership of the copyright in the Intellectual Property.

4.3 Trademarks

A trademark is a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identify and distinguish the source of the goods of one party from those of others. Trademarks are an important part of the Company's corporate identity and brand image.

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- 4.3.1 The Public Relations Department will be responsible to develop, monitor, promote, and administer the Company's Corporate Identity. Public Relations will issue guidelines relating to the use and application of the Company's trademarks, visual image, and brand attributes.
- 4.3.2 All Saudi Aramco organizations shall comply with the guidelines and directions issued by Public Relations for their use of the Company's name, logo, or trademarks. This includes use of trademarks on business stationery, signage, vehicles, advertising and promotional materials, publications, and any other items, including Internet-related materials, which use the trademarks. Any questions with regard to use of the trademarks should be referred to PRD.
- 4.3.3 Business organizations shall not develop their own slogans, brand names, logos, or other trademarks for commercial or other public use. All issues related to corporate branding should be referred to PRD to ensure consistency. Any new brand name, slogan, trademark, or use of Corporate Identity must be approved by PRD. In the event that a new product is developed by the Company which may be used commercially, the organization developing the product should seek the assistance of PRD to develop a brand strategy and the assistance of the Law Department to secure legal protection for any new trademark. IAM will assist as needed, as trademarks are significant intellectual properties for Saudi Aramco.
- 4.3.4 No contractor, vendor, concessionaire or other third party shall be authorized to make any use of the Company's trademarks, thereby suggesting that goods or services provided by the contractor, vendor or concessionaire are, in fact, provided by the Company. In the rare event that business needs suggest the need to allow a third party to use the Company's trademarks, prior approval must be granted by Public Relations and such use must be according to the terms of a Trademark License Agreement shall contain appropriate quality control assurance provisions prepared and approved by the Law Department.

4.4 Confidentiality or Non-Disclosure Agreements (NDA)

- 4.4.1 All employees shall ensure that the proprietary and confidential trade secrets of the Company are appropriately safeguarded. When it is necessary to release such information to individuals outside the Company, employees should only disclose such information after an acceptable NDA has been executed to protect the Company. When an NDA is executed, all parties must comply with its terms and obligations of confidentiality and non-disclosure agreements. Organizations shall seek advice from IAM for developing appropriate non-disclosure agreements. IAM may consult with Law as deemed appropriate. Non-Disclosure Agreements shall normally be in a standard form approved by Law Department. If a non-standard form is proposed, it shall be referred to the Law Department for review and approval

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4.4.2 Procedures for Receiving and Distributing Intangible Property: Saudi Aramco employees shall consult with IAM concerning the terms of exchange of any confidential information, collaboration efforts, and research materials before exchanging and/or distributing any intellectual property, intangible research data, or confidential information.

4.4.3 An NDA specifying the rights and obligations of each party exchanging confidential information shall be executed pursuant to the signature authority for general contracts as set forth in the Saudi Aramco Management Guide. NDAs may not be used to procure services, goods, products, or contain any scope of work. NDAs may not contain any provisions for the payment of any money.

4.4.4 GI 710.002 defines the company policy on classification and handling of sensitive information, which for the purposes hereof includes the Company's Intellectual Property.

4.5 Publications Procedures

4.5.1 External Publication: All technical publications and presentations to be submitted to any outside organization must satisfy the following:

4.5.1.1 Review and Approval by PRD for content and logo use as outlined in GIs 0850-006 and 0850-003.

4.5.1.2 If the submitting department, PRD, or a third party suspects or identifies proprietary information (trade secrets and potentially patentable subject matter, as outlined in GI 0850-006), a review and approval by IAM must be obtained. A document titled "Intellectual Asset Management Declaration for Publication or Presentation" should be completed by the author's management to seek appropriate approval. This declaration form can be obtained by contacting either Public Relations or IAM (see <http://engsvcs.aramco.com.sa/ESTech/>).

4.5.1.3 The copyright to the publication or presentation shall remain the property of Saudi Aramco. As necessary, a temporary license agreement, in a form provided by PRD, may be used to permit the outside organization to publish or display the publication or presentation. Public Relations Department should be contacted for the appropriate required documents or form such as a "Limited Use License Agreement."

4.5.1.4 Where an outside organization makes copyright transfer a condition of publication, the alternative of providing a limited license agreement should be presented to the outside organization. Advice and assistance in the use of this license may be sought from Public Relations, IAM, and Law. If the outside organization rejects the license alternative, the author's Manager, if authorized, may transfer copyright on behalf of the Company (see section 5.2.3 of this General Instruction). Copyrights transferred to an outside party are no longer the property of the

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Company and any further use by the author or the Company shall require the specific permission of the copyright's new owner.

4.5.1.5 Where copyrighted materials belonging to outside organizations are to be used or reproduced, the copyright ownership of the outside organization must be acknowledged and permission for publication must be obtained in writing prior to publication of the material by any Saudi Aramco organization. Legal questions regarding the potential infringement of third party copyrights should be referred to the Law Department for advice.

4.5.1.6 Inventors and authors should provide the IAM with timely prior written notice of any proposed publication that reports, describes, or discloses any invention to allow time for adequate protection of any Intellectual Property asset prior to public disclosure.

4.5.1.7 Inventors and authors shall inform all Saudi Aramco internal and external collaborators of this policy's terms and conditions and any contractual agreements that might substantially affect rights to inventions or works created by those collaborators.

4.5.1.8 IAM will assist inventors and authors in assessing whether or not a presentation or publication impacts patentability or copyright protection and in explaining this policy to collaborators.

4.5.2 All Publications: Company business units of the Company intending to publish or disseminate materials are subject to protection as described in this General Instruction and must receive approval by PRD prior to publication/distribution. Publications including the work produced by the employees as a part of their normal duty, e.g., summary of company innovations or other copyrightable materials such as journal articles, newsletters, computer software, or booklets must receive approval by PRD prior to distribution. All materials prepared or presented for internal events such as Technical Exchange Meetings, in which an individual not employed by Saudi Aramco is present (including employees' dependents or guests) must also be reviewed by IAM. Items submitted for publications for internal events such Innovation Event shall be reviewed by IAM.

5.0 Responsibilities**5.1 Employees:**

The protection of the Company's intellectual assets is the responsibility of every Saudi Aramco employee. All Saudi Aramco employees are required to comply with the Intellectual Property Policy: Int-9 and the requirements of this General Instruction and will be held accountable for noncompliance. All employees shall safeguard IP against theft, unauthorized disclosure, misuse, infringement, and indiscriminate handling. Accordingly, all employees have the following responsibility:

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- 5.1.1 Comply with the laws and regulations applicable to the creation and protection of Saudi Aramco IP.
- 5.1.2 Comply with the laws, regulations, and contractual commitments protecting the valid and enforceable IP rights of third parties. Saudi Aramco employees must refrain from infringement or misuse of the valid and enforceable IP rights of third parties.
- 5.1.3 Recognize that IP is a valuable asset. Report promptly and in detail to the Company in writing through department head all inventions and discoveries related to Company business.
- 5.1.4 Cooperate with IAM and Law in the prosecution of patent applications.
- 5.1.5 Report violations of the IP Policy and this General Instruction to appropriate management.
- 5.1.6 Record Keeping: A patent will only be issued to the inventor who first conceived the invention (assuming other requirements are met). Laboratory notebooks, records and documents shall be managed, issued, used, and stored according to intellectual property best practices. Ideas for patentable ideas may be submitted to IAM via the Company intranet website: <http://Innovation.aramco.com>.

5.2 Department Head or Management:

The management of a Saudi Aramco Organization is responsible for protecting intellectual property generated within that organization.

- 5.2.1 The Department Manager shall consult with IAM regarding identification of intellectual property for further development and possible protection.
- 5.2.2 Department management shall be responsible for ensuring that the appropriate Copyright Notice is affixed to appropriate Saudi Aramco materials suitable for copyright protection.
- 5.2.3 Department Manager, as authorized by the Saudi Aramco Management Guide, may transfer copyright ownership of a publication or presentation, or grant access to "Confidential Information," subject to an appropriate NDA, to an outside organization, after consultation with IAM.
- 5.2.4 Management must instill proper record-keeping practices in employees and periodically determine compliance with these policies. Please find the following link regarding record keeping procedures: <http://hronline.aramco.com>. Ideas for patentable ideas may be submitted to IAM via the Company intranet website: <http://Innovation.aramco.com>.

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PAGE NO.
9 OF 13**5.3 Saudi Aramco Intellectual Assets Management Group:**

Saudi Aramco Intellectual Assets Management Group has the primary responsibility for the implementation of this General Instruction. The IAM Group, with support from Law Department, will serve as the principal resource to management and employees in the following areas:

- 5.3.1 Awareness and Education: Failure to recognize and take the appropriate proactive measures may ultimately result in the loss of intellectual property rights and Company assets. To avoid such problems Saudi Aramco has implemented proactive policies to harvest and protect our intellectual property assets. IAM is responsible for developing future IP policies, procedures, strategies, and instructions, as needed to harmonize existing policy to safeguard company intellectual property. IAM will also educate and motivate employees to comply with these policies, procedures, and instructions.
- 5.3.2 Together with PRD, ensure that potential publications are properly reviewed for copyright protection, as well as to avoid inadvertent disclosure of sensitive, confidential, or patentable information.
- 5.3.3 IAM will serve as the primary resource for issues related to Intellectual Property management by establishing and maintaining the tools and the expertise necessary to develop, evaluate, monitor, prioritize, strategize and utilize the Company's Intellectual Property. As appropriate, IAM will also identify the initial value of IP to determine commercialization potential with the proponent organizations or inventors. IAM may also support the proponent organizations on the intellectual property aspects of business plans, as requested.
- 5.3.4 IAM is responsible for reviewing all submitted content based on this GI.

5.4 Public Relations Department (PRD):

PRD is responsible for the review and approval of material intended for publication or presentation outside the Company, as outlined in GI 0850-006. PRD is also responsible for administering, protecting the use of the Company's Corporate Identity logos, and other trademarks, as outlined in GI 0850-003.

- 5.4.1 The person creating a work must seek appropriate approval prior to publication or release outside of the company (see IP Release).
- 5.4.2 PRD has the authority to permit the temporary and limited use of the Saudi Aramco logo by outside organizations.

5.5 Law Department

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- 5.5.1 Advise all business lines regarding the Company's legal rights and liabilities with respect to the creation, use, protection, and exploitation of all Intellectual Property.
- 5.5.2 Advise all business lines regarding the formation and interpretation of all contracts and agreements.
- 5.5.3 Legal questions with regard to the appropriate method of protecting or exploiting the Company's Intellectual Property, or the extent of its rights in the same, shall be referred for the advice of and necessary action by the Law Department.

6.0 Definitions and Abbreviations

- 6.1 Intellectual Property (IP) "Intellectual Property" is defined in the Company policy: INT-9 as "intangible property that has been created by the human mind or intellect in such a manner that it has value and is subject to protection by copyright, patent, trademark and trade secrets." The Company's Intellectual Property includes inventions, know-how, software, data, written material symbols and other such property that is owned by the Company.
- 6.2 Invention or Inventions means any novel idea and/or its reduction to practice which relates to, but is not limited to: new processes or methods of producing a new and useful industrial result; any composition of matter, including chemical and micro-biological compounds; any new devices; any new plant; any new design in connection with the production or manufacture of an article; any new computer hardware and/or software programs; any know-how supporting these inventive ideas, systems, devices, compositions, programs or processes; novel business methods, and any new use or improvement of existing systems, devices, compositions, programs or processes.
- 6.3 Inventorship is determined by identifying the individual(s) who contributed to the conception of the invention. Conception is the mental step of contemplating a new means for achieving the useful result that defines the invention. Conception is the formation in the inventor's mind of a definite and permanent idea of a complete and operable invention. Assistance that involves only reducing an invention to practice (i.e., embodying the invention in some physical form) is insufficient to create inventorship.
- 6.4 Inventor or Inventors means any individual or group of individuals responsible for an invention.
- 6.5 A patent is a document, issued by a government office, which describes an invention and creates a legal right in which the patented invention can be exclusively used or exploited (made, used, sold, imported) by, or with the authorization of, the patentee. The protection of inventions is limited in time (generally 20 years from the filing date of the application for the grant of a patent).
- 6.6 Copyright protects original works of authorship, whatever their mode of expression. Copyright is a form of protection granted by law for original works of authorship fixed in a

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tangible medium of expression. The subject matter of copyright is usually described as literary, scientific, and artistic works, that is, original creations in the fields of literature, science and the arts. The form in which such works are expressed may be words, symbols, software, pictures, three-dimensional objects, or combinations thereof (as in the case of music, performance, or a motion picture). Copyright covers both published and unpublished works. Copyright does not protect facts, ideas, systems, or methods of operation, although it may protect the way these things are expressed.

- 6.7 A trademark protects words, phrases, symbols, or designs identifying the source of the goods or services of one party and distinguishing them from those of others. A logo is a trademark. The Company's trademarks, which include the Energy Burst Design and other elements of the Corporate Identity, are an essential part of Saudi Aramco's brand development and public relations strategy.
- 6.8 A trade secret is the legal term for confidential business and technical information. It is defined as all forms and types of financial, business, scientific, technical, economic or engineering information, including patterns, plans, compilations, program devices, formulas, designs, prototypes, methods, techniques, processes, procedures, programs, or codes, whether tangible or intangible, compiled, or memorialized physically, electronically, graphically, photographically, or in writing. Trade secrets are valuable only if they remain secret. Data integrity is vital. Information must meet three criteria to qualify as a trade secret. First, the information must not be "generally known or readily ascertainable" through proper means. Second, the information must have "independent economic value due to its secrecy." And third, the trade secret holder must use "reasonable measures under the circumstances to protect" the secrecy of the information. Examples of trade secrets include customer identities and preferences, vendors, product pricing, marketing strategies, company finances, manufacturing processes and other competitively valuable information.
- 6.9 Confidentiality Agreements or Non-Disclosure Agreements (NDA) are binding and enforceable contracts which impose obligations of confidentiality and restrict a party's permissible use of the confidential information of the other party which is designed to protect company trade secrets and confidential business information.
- 6.10 Computer software includes system software, and applications software. Such software will be manifested in one or more of the following forms: a) Source and object code on any internal or external media; b) Program Listings; c) Specifications, including Functional and Implementation; or d) User Manuals, Operating Instructions and other operating material.
- 6.11 Published works are approved works distributed to the public by publication, sale or other transfer of ownership. This includes works distributed to the public by rental or lending, but does not include works licensed under a license agreement, or other type of agreement which incorporates retention of ownership and confidentiality provisions.
- 6.12 Unpublished works are works which have not been published for general use by the public. They are to be distributed to licensees under Saudi Aramco license agreements, or other

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Saudi Aramco agreements incorporating retention of ownership and confidentiality provisions. Unpublished works are also those works that are distributed internally with a duty of confidentiality or those that have not been distributed yet.

- 6.13 Substantial use of Saudi Aramco Resources means the use of Saudi Aramco resources, funds, programs, equipment, research space or other substantial physical assets that go above and beyond those customarily and currently provided to all employees. Offices, office equipment, library access, desktop and laptop computers, photocopy equipment, telephone, and fax machines, which are customarily provided, are excluded from determination of substantial use of Saudi Aramco resources.
- 6.14 Sensitive information: As defined in GI-710.002, information because of its nature or content must not be disclosed without proper authorization. Improper disclosure of sensitive information could have a negative financial or competitive impact on the Company, impair its operational effectiveness, impact its image/reputation or disclose information of a private personal nature. This information is designated as "Restricted," "Confidential," or "Government Confidential" and may only be disclosed to authorized users. Such information, if accessed by unauthorized persons, could negatively impact the Company's operational effectiveness, result in financial loss, provide advantage to a competitor or contractor, or negatively impact customer confidence or the Company's business reputation. Access and usage is limited to authorized Company employees and contractors on a need-to-know basis to satisfy business requirements.

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