

# 52.227-10 Filing of Patent Applications-Classified Subject Matter.

As prescribed at [27.203-2](#) , insert the following clause:

## Filing of Patent Applications-Classified Subject Matter (Dec 2007)

(a) Before filing or causing to be filed a patent application in the *United States* disclosing any subject matter of this contract classified "Secret" or higher, the Contractor *shall*, citing the 30-day provision below, transmit the proposed application to the *Contracting Officer*. The Government *shall* determine whether, for reasons of national security, the application *should* be placed under an order of secrecy, sealed in accordance with the provision of [35 U.S.C. 181-188](#), or the issuance of a patent otherwise delayed under pertinent *United States* statutes or regulations. The Contractor *shall* observe any instructions of the *Contracting Officer* regarding the manner of delivery of the patent application to the *United States* Patent Office, but the Contractor *shall* not be denied the right to file the application. If the *Contracting Officer* *shall* not have given any such instructions within 30 days from the date of mailing or other transmittal of the proposed application, the Contractor *may* file the application.

(b) Before filing a patent application in the *United States* disclosing any subject matter of this contract classified "Confidential," the Contractor *shall* furnish to the *Contracting Officer* a copy of the application for Government determination whether, for reasons of national security, the application *should* be placed under an order of secrecy or the issuance of a patent *should* be otherwise delayed under pertinent *United States* statutes or regulations.

(c) Where the subject matter of this contract is classified for reasons of security, the Contractor *shall* not file, or cause to be filed, in any country other than in the *United States* as provided in paragraphs (a) and (b) of this clause, an application or registration for a patent containing any of the subject matter of this contract without first obtaining written approval of the *Contracting Officer*.

(d) When filing any patent application coming within the scope of this clause, the Contractor *shall* observe all applicable security regulations covering the transmission of classified subject matter and *shall* promptly furnish to the *Contracting Officer* the serial number, filing date, and name of the country of any such application. When transmitting the application to the *United States* Patent Office, the Contractor *shall* by separate letter identify by agency and number the contract or contracts that require security classification markings to be placed on the application.

(e) The Contractor *shall* include the substance of this clause, including this paragraph (e), in all subcontracts that cover or are likely to cover classified subject matter.

(End of clause)

**Parent topic:** [52.227](#) [Reserved]