

Annex II
To the Agreement Between the Department of Energy
of the United States
and the U.S.-Spain Joint Committee for
Scientific and Technological Cooperation
in
Cooperation in the Field of Toroidal Confinement
Device TJ-II

WHEREAS, the Department of Energy of the United States (hereinafter referred to as "DOE") and the U.S.-Spain Joint Committee for Scientific and Technological Cooperation (hereinafter referred to as the "Joint Committee") have entered into an Agreement in Energy Research and Development signed on December 12, 1985 (hereinafter referred to as the "Agreement");

WHEREAS, DOE and the Joint Committee (hereinafter referred to as the "Parties") recognize that it would be beneficial to both Parties to cooperate in the field of toroidal confinement devices.

Therefore, the Parties agree as follows:

ARTICLE 1

SCOPE

The specific tasks to be performed by DOE and by the Joint Committee, represented by the Junta de Energía Nuclear (JEN), are as follows:

1. DOE and JEN shall collaborate on the selection of an optimal magnetic configuration for the TJ-II device in Spain. A wide range of stellarator - type configurations shall be investigated using analytic and computational techniques developed by DOE during the conceptual design of the Advance Toroidal Facility (ATF) at the Oak Ridge National Laboratory as part of the ATF Program; these investigations shall involve work by DOE scientists and JEN staff scientists on assignment to ORNL. Existing scientific computer codes shall be adapted or new codes developed, as appropriate, for the selected TJ-II configuration. DOE shall provide JEN information developed by the ATF Program during these investigations, including copies of the scientific computer codes adapted or developed.

2. DOE shall provide conceptual design support for the TJ-II through the training of JEN engineers assigned to ORNL for participation in the ATF, share stellarator computer codes used in the design of magnetic configurations, interact with the ATF physics/design team to reconcile the engineering and physics constraints of the selected configuration for TJ-II, and design reviews by ORNL scientists and engineers of the TJ-II conceptual design by JEN. Assignments of JEN staff scientists shall include work on the electron cyclotron resonance heating system of the ATF. DOE shall provide to JEN information used in and developed through these activities.

ARTICLE 2

INFORMATION

1. The Parties agree that information provided, exchanged or arising under this Annex may be given wide distribution, subject to the provisions of Article 3. Such information may be made available to the public by either Party through customary channels and in accordance with normal procedures of the Parties.

2. The application or use of any information provided, exchanged or arising under this Annex shall be the responsibility of the Party receiving it, and the other Party does not warrant the suitability of such information for any particular use or application.

3. For the purpose of this Article, the term "Parties" shall mean DOE and the Government of Spain.

ARTICLE 3

PATENTS

1. With respect to any invention or discovery made or conceived by JEN personnel in the course of or under a personnel assignment under this Annex:

(A) The Government of Spain shall acquire all right, title and interest in and to any such invention or discovery in Spain, subject to a non-exclusive, irrevocable, non-transferable, royalty-free license to DOE, its Government, and its nationals;

(B) DOE shall acquire all right, title and interest in and to any such invention or discovery in the United States, subject to a non-exclusive, irrevocable, non-transferable, royalty-free license to the Government of Spain and its nationals; and

(C) Ownership of any such invention or discovery in third countries shall be by the mutual written agreement between the Parties on an equitable basis and set forth as an amendment to this Annex. In any event, the Party obtaining all right, title and interest in and to any such invention or discovery shall do so subject to a non-exclusive, irrevocable, non-transferable, royalty-free license to the other Party, its Government, and its nationals. If the Party having first option to file in accordance with the amendment to this Annex does not wish to exercise that option as to any third country, that Party shall notify the Joint Committee, and the other Party then has the right to take title in such country, subject to a non-exclusive, irrevocable, non-transferable, royalty-free license to the other Party, its Government, and its nationals.

2. Information regarding inventions on which patent protection is to be obtained shall not be published or publicly disclosed by the Parties until a patent application has been filed in either country of the Parties; provided, however, that this restriction on publication or disclosure shall not extend beyond six months from the date of reporting of the invention. It shall be the responsibility of the Party reporting the invention to the other Party to mark appropriately reports which disclose inventions that have not been appropriately protected by the filing of a patent application.

3. Each Party shall take all necessary and appropriate steps to provide for the cooperation of its authors and inventors which is required to carry out the provisions of this Article and Article 2. Each Party shall assume the responsibility for any awards or compensation to be paid to its nationals in accordance with its laws and regulations.

4. For the purpose of this Article, the term "Parties" shall mean DOE and the Government of Spain.

ARTICLE 4

MANAGEMENT

The Program Coordinators for this Annex shall be:

For the DOE, Arthur Katz, Chief of Planning and Analysis.

For the Joint Committee _____, of the Junta de Energía Nuclear.

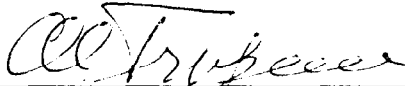
The Principal Investigator for this Annex shall be _____

ARTICLE 5

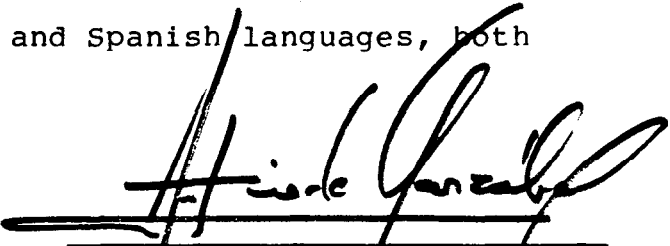
Duration

This Annex is effective upon the date of the last signature and shall continue for 3 years.

Done in duplicate in the English and Spanish languages, both texts being equally authentic.


FOR THE DEPARTMENT OF ENERGY
OF THE UNITED STATES OF
AMERICA

Date: December 16, 1985


FOR THE U.S.-SPAIN JOINT
COMMITTEE FOR SCIENTIFIC AND
TECHNOLOGICAL COOPERATION

Date: November 14th, 1985