

LMR APPENDIX C

Navy Marine Species Monitoring and Survey Data

Data Rights Agreement

1. Copyright shall not be claimed by the Contractor, Teaming Partners, or their Sub-Contractors for any material collected or produced under this contract. All data and information collected under this contract is to remain in the public domain and shall be made available, as requested, to the Navy Technical Representative (NTR), also titled Contracts Officer Representative (COR) or Alternate COR (ACOR).
2. The Navy requires the ability to use data collected under this contract for regulatory compliance, environmental planning, public outreach, and/or other reports and documents, as needed. The Navy will consult the scientist(s) collecting the data for further analysis as necessary, subject to the scientist(s) ability to meet Navy schedules and mission requirements. The Navy shall give proper credit to the Contractor or Sub-Contractor who collected the data in any presentation or report issued by the Navy.
3. The Contractor or Sub-Contractors who acquired the data retain the sole right to publish those data in the peer-reviewed scientific literature. The Navy will be provided an opportunity to review any such publications prior to final publication for informational purposes, but the Contractor shall have sole final editorial control, with the exception of information determined to have potentially sensitive national security implications. The NTR and other Navy technical experts may be included as co-authors if standard practices for scientific publication indicate that Navy staff contributed in a significant manner to the work being published. However, standard protocols for prevention of conflict of interest suggest that any Navy personnel actively involved in the collection and publication of data under the award should recuse themselves from technical and contractual oversight roles such as COR, ACOR or NTR. Proper credit shall be given to the Navy sponsor for funding this work. The Contractor or Sub-Contractor shall furnish PDF copies of each publication to the NTR at no additional expense, as a contract deliverable.
4. Reports specified within the Scope of Work are considered contract deliverable products and may be subject to QA/QC review by the primary contractor as well as review and commenting by the NTR. All comments on draft reports shall be resolved to the mutual satisfaction of both Navy and the original authors. The Navy shall not modify the language or data contained in any report (published or otherwise) without prior written permission from the Contractor or Sub-Contractor who prepared the report.

5. Contractor or Sub-Contractors may present their work to professional societies or the public through a variety of channels, including but not limited to professional conferences, media interactions, or electronic media (websites, blogs, etc.). Abstracts of presentations dealing with work funded under this contract shall be provided to the NTR prior to or concurrent with such presentations as a courtesy, but NTR approval is not required. Proper credit shall be given to the Navy sponsor for funding this work. The Contractor or Sub-Contractor shall provide a copy of the final presentation in electronic format to the NTR.

6. Use of photographs taken under the authorization of a NMFS Scientific Research Permit must be accompanied by a statement indicating that the photos were taken pursuant to a NMFS Scientific Research Permit. The Navy may use any photographs provided by the Contractor under this contract, but must attribute this material to the Contractor or Sub-Contractor and include the accompanying permit information, as required by the permitting agency (NMFS).

7. All visual survey data collected under the contract will be contributed as complete data sets (including all attributes or metadata associated with each sighting as well as survey effort and survey trackline data) for incorporation into databases specified by the NTR during development of the contractual agreement (such as OBIS-SEAMAP online database, Navy's Environmental Information Management System (EIMS), HRC Sighting Atlas database, and/or other databases) . Data format and standards should follow guidelines established in Appendix A unless otherwise directed by the NTR.

8. The procedures described in Appendix C (U. S. Navy Control Procedures for Ocean Observing Systems (OOS)) shall be followed when acoustic recordings are obtained.