

Defense Acquisitions

**DOD Should Take Additional Actions to Improve
How It Approaches Intellectual Property
(GAO-22-104752)**

Research Questions

- What issues were addressed in DOD's 2019 Intellectual Property (IP) Instruction?
- To what extent had DOD implemented its IP Instruction?
- How had DAU improved IP training?
- What efforts had DOD taken to develop a capability to track IP the department had acquired and licensed?

Scope and Methodology

DOD Organizations



Professional Organizations

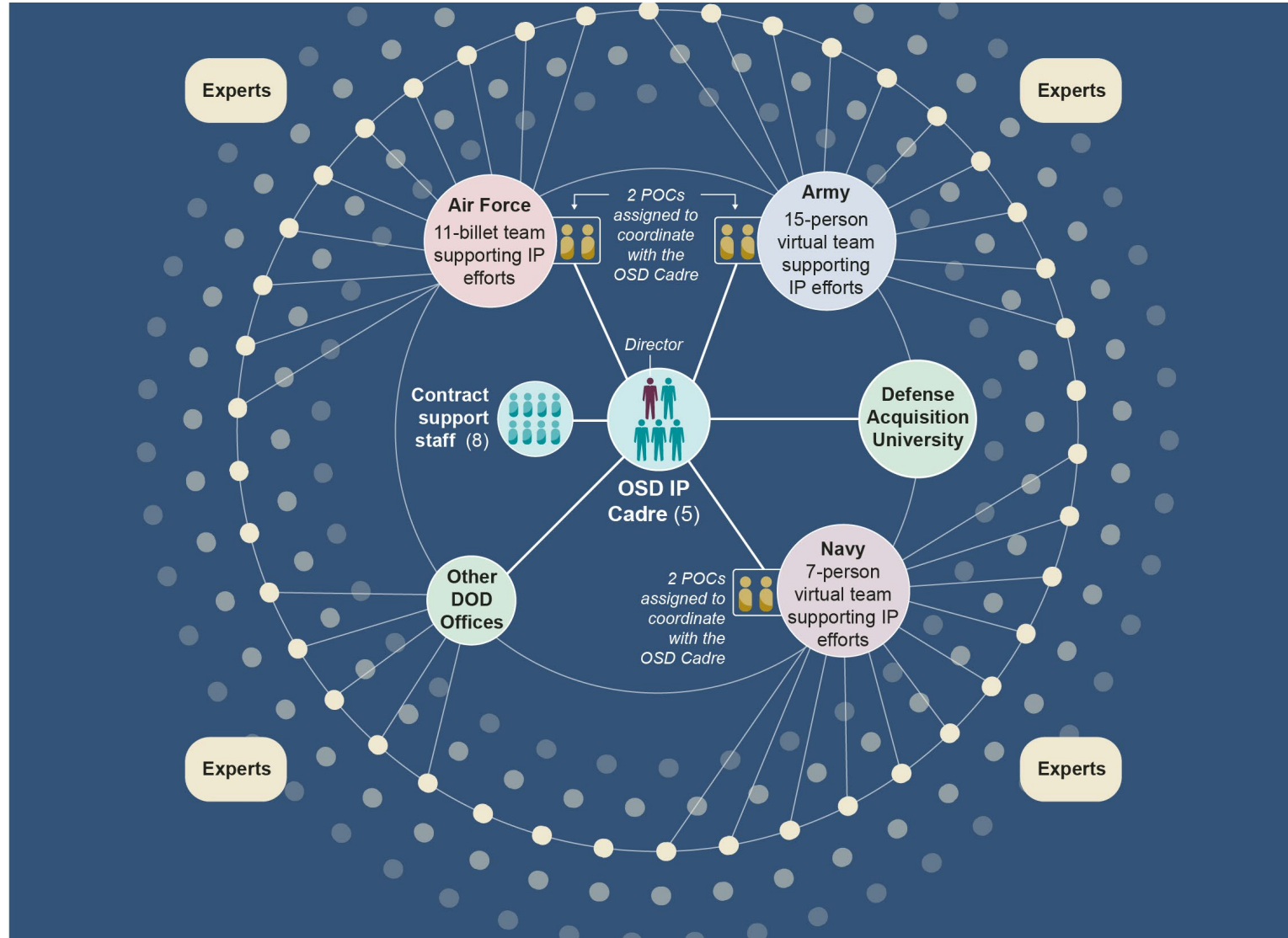
- Aerospace Industries Association (AIA)
- National Armaments Consortium (NAC)
- National Defense Industrial Association (NDIA)
- National 8(a) Association
- Professional Services Council (PSC)
- Small Business Technology Council (SBTC)

Issues Addressed in DOD's IP Instruction

- DOD integrated existing IP guidance & requirements;
 - Highlighted six core principles; and
 - Set a department-wide expectation to prioritize IP planning early in the acquisition life cycle.
- However, the instruction did not address a key challenge—acquiring Detailed Manufacturing or Process Data (DMPD) that the department needs to repair and competitively re-procure its weapons systems.
 - The 813 Panel report and IP Cadre officials attributed misunderstandings about acquiring DMPD within DOD, in part, to tensions in the regulatory framework governing IP.

DOD Implementation of IP Instruction

(Fig.) Proposed Structure for DOD IP Cadre



Most DOD organizations assigned responsibilities in the IP Instruction were working to meet them; however, DOD had not yet determined how the IP Cadre would fulfill certain responsibilities or be resourced in the future.

DAU Efforts to Improve IP Training

- DAU developed a 5-year strategic plan for improving IP training;
 - Introduced a foundational IP credential in 2020; and
 - Created an IP community of practice web portal for locating IP training and disseminating resources.
- However, DAU's ability to execute all of the potential activities in its strategic plan was limited by resource constraints.
 - DAU officials had not prioritized among 60+ potential IP activities for 2023 and beyond because the IP Cadre had not yet identified future priorities.
 - Officials representing the Directors of Acquisition Career Management (DACM) told us they needed the IP Cadre to identify specific individuals in key career fields that should receive IP training or credentials.

DOD Efforts to Track IP Within the Department

- Officials from the IP Cadre, military departments, and DARPA told us DOD had purchased very large quantities of IP, but lacked a capability to track it across the department or within components.
- The IP Cadre was partnering with the Joint Artificial Intelligence (AI) Center to pilot a new capability intended to mine existing DOD databases to locate IP that the department owned or had previously licensed.

Recommendations to DOD

- 1) USD(A&S) should ensure that DOD's planned guidebook on IP clarifies how personnel can pursue DMPD.
- 2) SECDEF should determine the collaboration and resources needed to execute DOD's proposed approach for the IP Cadre.
- 3) ASD(A) should ensure that the IP Cadre collaborates with DAU to prioritize IP-specific tasks for 2023 through 2025.
- 4) ASD(A) should ensure that the IP Cadre identifies personnel that would benefit most from IP training and credentials.