

52.227-9 Refund of Royalties.

As prescribed in 27.202-5(c), insert the following clause:

Refund of Royalties (Apr 1984)

- (a) The contract price includes certain amounts for royalties payable by the Contractor or subcontractors or both, which amounts have been reported to the *Contracting Officer*.
- (b) The term "royalties" as used in this clause refers to any costs or charges in the nature of royalties, license fees, patent or license amortization costs, or the like, for the use of or for rights in patents and patent applications in connection with performing this contract or any subcontract hereunder.
- (c) The Contractor *shall* furnish to the *Contracting Officer*, before final payment under this contract, a statement of royalties paid or required to be paid in connection with performing this contract and subcontracts hereunder together with the reasons.
- (d) The Contractor will be compensated for royalties reported under paragraph (c) of this clause, only to the extent that such royalties were included in the contract price and are determined by the *Contracting Officer* to be properly chargeable to the Government and allocable to the contract. To the extent that any royalties that are included in the contract price are not in fact paid by the Contractor or are determined by the *Contracting Officer* not to be properly chargeable to the Government and allocable to the contract, the contract price *shall* be reduced. Repayment or credit to the Government *shall* be made as the *Contracting Officer* directs.
- (e) If, at any time within 3 years after final payment under this contract, the Contractor for any reason is relieved in whole or in part from the payment of the royalties included in the final contract price as adjusted pursuant to paragraph (d) of this clause, the Contractor *shall* promptly notify the *Contracting Officer* of that fact and *shall* reimburse the Government in a corresponding amount.
- (f) The substance of this clause, including this paragraph (f), *shall* be included in any subcontract in which the amount of royalties reported during negotiation of the subcontract exceeds \$250.

(End of clause)

Parent topic: 52.227 [Reserved]