

MEMORANDUM:

July 31, 2007

TO: File, LB07003592 Toyota Motor Engineering & Manufacturing North America
FROM: Rick Inada
SUBJECT: Review of foreign country in Cooperative Research and Development Agreements

Toyota Motor Engineering & Manufacturing North America (TEMA) is a company that currently has its headquarters in Japan. TEMA has requested LBNL's scientist Adam Weber to work with them on a CRADA project entitled: Understanding Water and Thermal Management in Polyme-Electrolyte Fuel Cells.

Since TEMA is a foreign controlled entity, I reviewed the requirements of Contract 31 to ensure compliance with the provisions relevant to CRADAs and licensing technology to a foreign licensee. On reviewing the draft changes to the current DOE CRADA Manual, I reviewed the website indicated in Clause 1.92(f)(1)(ii)(C) of Contract 31 (i.e. <http://www.ustr.gov>) to ensure that the Japanese government allows United States agencies, organizations or other persons to enter into cooperative research and development agreements and licensing agreements, and has policies in place to ensure the protection of United States intellectual property rights.

After navigating through many of the primary links in the website and a number of the secondary links, I found no indication that there are any policies currently in place in Japan that prohibit cooperative research and development agreements or license agreements with United States entities nor was there any indication that the Irish government did not enforce U.S. intellectual property rights.