

7. OWNERSHIP OF DOCUMENTS

Every report, memo, letter, map, report, photograph and other document prepared by CONSULTANT under this Agreement and provided to the OWNER (the “Deliverables” or “Deliverable”) will be the property of the OWNER. By this Agreement, CONSULTANT will be deemed to transfer to the OWNER all right, title and interest in the Deliverables. To the extent any Deliverable constitutes a copyrightable work, then the work under this Agreement will be considered a specially commissioned work for hire, and CONSULTANT agrees that the OWNER is the owner of all right, title and interest in the Deliverable. The OWNER will have the nonexclusive, royalty free, worldwide, perpetual right to use, reproduce, publish, display, broadcast, transmit, exhibit, distribute and exploit any Deliverable and to prepare derivative and additional documents or works based on any Deliverable.

All of the materials prepared or assembled by CONSULTANT pursuant to performance of this Agreement are confidential and CONSULTANT agrees that they will not be made available to any individual or organization without the prior written approval of the OWNER, except that CONSULTANT may produce the materials to a third party if required to do so by service of a subpoena or other legal process.