



National Defence

Défense nationale

National Defence Headquarters
Ottawa, Ontario
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Quartier général de la Défense nationale
Ottawa (Ontario)
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1415-25 (DMPP 8)

Potential Licensees

Re: Policy Regarding Commercial Use of Canadian Disruptive Pattern (CADPAT)

We are writing to advise you of a recent policy change with respect to the commercial use of the Canadian Disruptive Pattern (CADPAT), the camouflage pattern used within the Canadian Armed Forces (CAF). You may be aware that the Department of National Defence (DND) has recently developed a five (5) colour camouflage pattern called CADPAT Multi-Terrain (MT) which will be introduced over time to the CAF. CADPAT (MT) will join the family of CADPAT patterns already in use: CADPAT Temperate Woodland (TW); CADPAT Arid Region (AR) and CADPAT Winter Operations (WO).

Under our previous business model, the department issued a master license to the pattern manufacturer who in turn sub-licensed to a product manufacturer. Under the revised business model, a license will be issued to both the pattern manufacturer and the product manufacturer (i.e. no sub-licensing from the pattern manufacturer will be possible). In terms of process, the following will apply regarding requests by: (i) pattern manufacturers for the commercial use of one or more of the camouflage patterns listed above; or (ii) product manufacturers where the product is intended for use attached to a CAF uniform, or as part of CAF equipment:

- a. A pattern manufacturer or product manufacturer (aka “a requester”) will file an on-line copyright clearance application at the following URL: <https://www.canada.ca/en/department-national-defence/corporate/intellectual-property/apply-crown-copyright-permission.html>
- b. The application will be forwarded to the Directorate of Land Requirements (DLR);
- c. DLR will contact the requester and ask that they send a prototype of the proposed pattern or product. In the case of a product manufacturer, the requester must identify the source of the CADPAT material used in the product, a description of how the proposed product will be worn or used by a CAF member and, for mutual tracking purposes, the proposed SKU or product code intended (Note: The CADPAT material must be sourced from a pattern manufacturer licensed by DND);
- d. If the prototype and proposed use is approved, DLR will attach a “Sealed Pattern” tag authorizing the production of the item, along with a letter containing any restrictions regarding its manufacture and sale. (Note: A “Sealed Pattern” is essentially a prototype to which a lead or wax seal has been affixed. Seals and tags remain the property of DND);
- e. if the prototype and/or proposed use is NOT approved, the prototype will be returned untagged. Untagged items may NOT be advertised, manufactured or sold; and
- f. In conjunction with DLR’s approval and letter, DMPP 8 will issue a royalty-bearing license.

It is important to note that for requests related to products (whether clothing or otherwise) which are NOT intended for use attached to a CAF uniform, or as part of CAF equipment (i.e. they will NOT end up in an operational environment or worn on Canadian Forces Bases and Garrisons), DLR will not be involved in the approval process. DMPP 8 will process the request in the same manner that requests for commercial use of the department's intellectual property are normally processed (i.e. review by the relevant internal stakeholders and a royalty-bearing license issued if approved). Should the request be approved, permission to use CADPAT Demonstration (CADPAT(Demo)) will be provided. CADPAT(Demo) is similar, but not identical to, CADPAT(MT) and will be the only pattern authorized for non-operational items. The CADPAT(Demo) pattern can be sourced from any pattern manufacturer capable of producing it (i.e. a pattern manufacturer licensed by DND does not need to be used).

It is also important to note that, to the extent that a request is received for a piece of clothing that falls under the existing procurement contract between Public Services and Procurement Canada (PSPC) and the Contractor supplying uniforms to the CAF, the request will be denied to avoid undermining the existing PSPC contract which was awarded to the Contractor through a competitive bidding process.

In addition to the above, the following will apply:

- (i) No technical details, other than a photograph of the item and Sealed Pattern tag will be retained by DND. Any information retained will be held Commercial-in-Confidence;
- (ii) DND will not share any information provided by a requester with another supplier and will not use the design in any way, without requesting permission from the requester;
- (iii) the requester may comment in their advertising that the approved pattern or product is "DND approved" and may confirm it has full authority to be worn on CAF uniforms, in accordance with CAF Dress Instructions, or carried on CAF equipment; and
- (iv) if a requester is found to be selling or marketing product(s) which: (a) were not approved through the process outlined above; (b) were rejected by DND; and/or (c) represent inappropriately the DND/CAF or detract from the integrity and reputation of the DND/CAF, then any license that may have been issued to the requester will be revoked. If a license is revoked, all seals previously granted must be cut and returned to DND.

Should you have any questions regarding the contents of this letter, please do not hesitate to contact the undersigned.

Sincerely,

Intellectual Property Manager
Department of National Defence
Government of Canada