A project of the European Anti-Cybercrime Technology Development Association (EACTDA)

D3.3 Pre-existing tools-results catalogue management handbook

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1.0	30/09/2023	Eva Skruba (EACTDA)	Final version, ready to be submitted

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1. Introduction

1.1. Main objective of this document

EACTDA is the acronym of the European Anti-Cybercrime Technology Development Association, which is a private non-profit association, established in San Sebastian, Spain. The members of the Association include European Union (EU) public entities fighting cybercrime, universities and research technology organisations, for-profit private companies, and other relevant actors in the field of the EU security research and innovation.

The Tools4LEAs projects are a series of projects that receive a Direct Award under the ISFP programme, and which main goal is to facilitate and promote the uptake of innovative technologies by EU public entities fighting cybercrime. EACTDA, via the Tools4LEAs projects, aims at further developing pre-existing assets, mainly from EU-funded security research and development projects, so that they are offered with no license cost and with access to the source code to EU public entities fighting cybercrime.

In the first Tools4LEAs project (v1; Jul'21 to Jun'23), the focus was on designing and setting up the infrastructures, processes, and governance / decision-making mechanisms, whilst delivering the first set of "fully-tested and operational-ready" tools via Europol's Tool Repository. Though 11 tools were further developed in the v1 project, it is expected that 3 of them will not be released to their targeted audience as they do not pass the pre-established quality threshold of "operational-ready". Also, an End-User Advisory Board (EUAB) composed as of Jul'23 by 23 members from 14 EU member states and co-chaired by two Europol units (EC3 and Innovation Lab) was established and it is the body responsible for identifying and prioritising end-user needs and which has veto right over the decisions done by EACTDA/Tools4LEAs with regard to the tool development roadmap.

In the second Tools4LEAs project (v2; Jul'23 to Jun'25), it is proposed to double the number of tools delivered. Also, the repository of tools implemented in v1, and currently used to host the results of the Tools4LEAs projects, will be enhanced and reused to host the results of EU-funded security research projects (when relevant in the field of cybercrime). EACTDA will play the role of custodian of these results, and the technical, IPR, and administrative aspects needed to create this new repository of security research results will be put in place. In addition, the v2 project will include a pilot to proof the concept of initial and limited support&maintenance periods for a selection of tools. Besides, a pilot of the concept of EACTDA National Nodes (NN) will be included, with nodes planned in Lithuania, France, Spain, and maybe one or two additional ones. Also, a platform for end-users to evaluate online tools will be implemented. Finally, the v2 project will include activities to further build the community of Tools4LEAs stakeholders and to promote the creation and/or adoption of technical blueprints, and in general, of commonly accepted best practices.

1.2. Relation to other deliverables

This deliverable is closely related to the following deliverables:

- D1.8 Report on EUAB activities

- D1.9 Final report on EUAB activities

- D2.1 Communication and Dissemination Management Handbook

- D2.2 Report on Communication and Dissemination Management activities

- D2.3 Exploitation Management Handbook

- D2.4 Report on Exploitation Management activities

- D1.6 IPR Management Handbook

1.3.   Structure of the deliverable

Section 2 of this document introduces the concept of the Catalogue of pre-existing tools and how does it fit in the Tools4LEAs project implementation. The overview of managing the Catalogue is described in this section using 5 steps: Collecting end user needs, Identification of technology providers, owners of technologies/results, potentially interesting for Tools4LEAs end users, Items of the Catalogue, Tools4LEAs prioritization exercises, The results of the Tools4LEAs prioritization exercise.

Section 3 describes those 5 steps more in detail.

Finally, section 4 summarises the goal and key aspects of this document, it acknowledges that there is still work to be done to improve the document, and it presents some of the areas of future work that have already been identified.

2. Introduction to the pre-existing tools-result catalogue

2.1. Overview of the Tools4LEAs project and how does the catalogue fit in it

Tools4LEAs is an end user driven project, meaning end users, represented in the project by the End Users Advisory Board (EUAB), have a decision-making role through the whole project implementation. They prioritise the Catalogue items according to their needs, they can veto the project proposals and they evaluate the results of the Tools4LEAs new tool development projects, the enhanced tools.

There are two main implementation approaches in the Tools4LEAs project; the top-down and the bottom-up approach. The top-down approach consists of gathering, documenting and editing end user needs. The bottom-up approach is identifying existing technological assets that the end users could potentially benefit from after enhancing them through the Tools4LEAs funding. Results of both approaches are listed in the Catalogue for prioritisation exercises, where the voting results become new tool development projects.

The role of the Catalogue is therefore crucial in the most important steps of the project implementation.

STEP 1:

Collecting end user needs

For the purpose of identifying end user needs in the Tools4LEAs project, two complementary approaches are being implemented. The "Top-down" approach is used to identify, collect, document, and prioritise end user needs, following the inputs and directions of the project's End User Advisory Board. The EUAB members are frequently asked about their needs by the Capability Manager, who gathers the needs with a template of End user needs fiche (Annex I). The EUAB input consist of its members professional assessments as well as feedback from end-users in their existing networks in projects such as ENLETS, ENFSI, CYCLOPES etc.

In the "Bottom-up" approach the Capability Manager identifies relevant technology providers that own tools and assets that could be relevant to Tools4LEAs. This approach focuses on identification of pre-existing tools and assets, mainly (but not only) coming from security research projects, that are considered relevant to the scope of the Tools4LEAs project.

STEP 2:

Identification of technology providers, owners of technologies/results, potentially interesting for Tools4LEAs end users

The technology providers, owners of assets/tools, potentially interesting for project's end users, are represented through private entities, higher education institutions, research institutions, project consortia etc. Most of the projects identified are from security research/development area.

When reaching out to them, they are informed about the objectives of the project and of course, about the two main prerequisites of the Tools4LEAs project: the enhanced tool is offered to the EU member states public security practitioners without license costs and with access to the source code. It is also crucial for them to be introduced to the Tools4LEAs Licensing scheme. The scheme contains 3 licensing agreements: Licensing-In, Licensing-Out and Licensing-Back.

Before technology provider decides to offer the technology/technologies to Tools4LEAs, a Pre-Agreement needs to be signed between the technology provider and EACTDA (see Annex III).

STEP 3:

Items of the Catalogue

The technology providers, offering their technological assets to EACTDA, need to provide a set of information about the technology, according to the categories of the Catalogue (template in Annex II). Some information can be added later on, especially links to demo videos and some supporting material. A similar process applies for end user needs; the fiches can be edited, information added etc. These documents are evolving and collected end user needs and offered pre-existing technologies are presented to the EUAB members for the prioritisation exercises, however, the list is always a bit different, depending on the items added and prioritised, becoming enhanced technologies.

STEP 4:

Tools4LEAs prioritization exercises

The Capability Manager asks the End-user Advisory Board to prioritise the end-user needs twice per year. The items/end user needs in the Catalogue are organised and the Catalogue is facilitated to the EUAB members for a review and to conduct a prioritisation exercise.
There are different prioritisation methods and techniques that can be used, some of them in combination. The EUAB members can conduct a prioritisation exercise using "Importance and Urgency" and "100 points" methods. In the end, the objective is to obtain a ranked list of prioritised needs. The top prioritised items are to become Tools4LEAs new tool development projects.

STEP 5:

The results of the Tools4LEAs prioritization exercise

Once the end-user needs have been validated and prioritised by the End-user Advisory Board, the Capability Manager produces a set of Business Requirements (BR). The technology providers of top ranked items are contacted and informed about their technology/technologies being prioritised and that very likely a new tool development project with their collaboration is going to start very soon.

The Business Requirements form the most important part of the document Request for Project Proposal and the technology providers, owners of the top prioritised tools, are invited to contribute when preparing the document.

2.1. History, status and future plans for the catalogue

2.1.1. History

The Catalogue was created during month 7 of the Tools4LEAs v1 by the Business Manager and it contained 20 items, mainly technological assets from different research projects. Several items have been added to the Catalogue since then and there have been 4 prioritisation exercises during the Tools4LEAs v1.

5 from 6 top prioritised items became new tool development projects after the January 2022 EUAB voting session. All 5 of those items were pre-existing technologies, results of the Bottom-up approach.

The only end user need from the top 6 list did not become a Tools4LEAs project because no matching technology, available for project's end users, has been found.

The top 6 results of the May 2022 prioritisation exercise were Bottom-up items. Unfortunately, one technology provider could not commit to a Tools4LEAs new tool development project, however, 3 did and the technologies were enhanced under the Tools4LEAs. 2 items were put on a waiting list.

The third prioritisation exercise in June 2022 resulted in 2 Bottom-up and 4 Top-down items among the top 6. This prioritisation exercise was not definite, since there have been no or very little funds left from the Tools4LEAs v1 and therefore, it has been decided that the exercise is going to be repeated next year. The top 6 items did not become new tool development projects.

The last prioritisation exercise of the Tools4LEAs v1 project was conducted in June 2023 and from the top 4 Bottom-up items only 1 is becoming new tool development project (it is expected that the project will start soon). The funding source for these projects is Tools4LEAs v2. The technology provider of one of the top prioritised items did not have human resources for further development under the Tools4LEAs project and the other technology provider decided to change the scope of the offered technology, therefore, the item needs to be listed in the Catalogue and can be prioritised during the next prioritisation exercise. Negotiations with the fourth technology providers will start soon. There are no available matching technologies for 1 item from the Top-down approach and the existing technology that addresses the other Top-down end user need is still in a research phase, meaning it is out of scope for a Tools4LEAs enhancement project.

Due to the issues listed above, the possibility for a new tool development project has expanded to more than top 6 prioritised items and 2 more items from the Bottom-up approach are becoming new tool development projects. Before the June 2023 prioritisation exercise, the EUAB agreed to add to the list of further developed tools also the 2 items, left on the waiting list from May 2022 prioritisation exercise.

2.1.2. Status of the Catalogue

The items of the Catalogue of pre-existing tools are divided into 6 sections: Pre-existing solutions, Discarded tools, Prioritised tools - under dev., Prioritised tools, Less relevant tools.

There are currently 47 items in the Catalogue of pre-existing tools, Pre-existing solutions. 11 of them have been added to the Catalogue in 2021, 30 in year 2022 and 3 in 2023.

1 item has been discarded.

5 items are in the section Prioritised tools - under dev; 2 of them were added to the Catalogue in 2021, 1 item in 2022 and 2 in 2023.

3 tools, added in 2022, are in the Prioritised tools section and haven't been further developed yet, whereas 8 of the items, some added in 2021 and some in 2022, have been successfully further developed and have become results of the Tools4LEAs new tool development projects.

There are no items in Less relevant tools.

The gathered end users needs are listed in the Inventory of end user needs, however, once the Catalogue is presented to the EUAB for the purpose of the prioritisation exercise, the items are consolidated in one document.

The List of end user needs displays 3 sections: there are 4 end user needs in the List of needs, 5 end user needs in the Prioritised section and 2 in the List of discarded needs.

2.1.3. Future plans for the Catalogue

During the Tools4LEAs v1 project, more Bottom-up assets have been identified than end user needs from Top-Down approach gathered. The Top-down approach can be quite challenging, since no matching pre-existing technologies can be found to work with or/and the need is too broad and therefore out of scope for the Tools4LEAs project.

During the Tools4LEAs v2 the implementation of both approaches is going to continue and hopefully, the examples of good practice and networking efforts will contribute to the number of items added.

3. How the catalogue is to be managed

This part of the document describes the steps taken to manage the Catalogue of pre-existing tools more in detail.

3.1.   Collecting end user needs

Two complementary approaches are used in order to identify the end user needs and relevant pre-existing technologies for the Tools4LEAs implementation: Bottom-up and Top-down.

In the "Bottom-up" approach the Capability Manager identifies relevant technologies that could be relevant to Tools4LEAs end users, EU public security practitioners fighting cybercrime.

The offered technological assets are described in the Catalogue through many categories (see Annex II). One of the most important categories is the Proposed enhancements that outlines the future project and the possible development. This part is of course easier to describe if there has already been interaction with the tool by some end users that provided feedback.

Not all technologies can be listed in the Catalogue; the assets need to be relevant for end users of the project, therefore, some filtering needs to be applied before an item can be listed. The description of the filtering approach is going to be defined during the Tools4LEAs v2.

In order to shorten the list of offered tools, the EUAB might use the "Importance and Urgency" method, used for the prioritisation exercises. That way, the items of the lowest priority will be moved to the Less relevant tools section of the Catalogue.

	Important	**Not So Important**
Urgent	*High priority*	*Don't Do This*
Not So urgent	*Medium priority*	*Low priority*

Figure 1 - Urgent & Important based prioritisation technique

In the "Top-down" approach, the Capability Manager requests the members of the EUAB to provide information related to their needs. Based on the inputs collected, the Capability Manager documents the end-user needs in their corresponding fiches (Annex I).

The EUAB members are encouraged to contribute to the pool of needs in their individual professional capacity, but they are not responsible for collecting, documenting, distributing (etc.) all the needs that will be processed. End user needs can also be collected elsewhere, from other end users, for example at events etc.

As seen from section 2 of this document, none of the prioritised end user needs has become new tool development project during Tools4LEAs v1. The main issues identified are: in case there is an existing underlying technology, the license of it is often very expensive and the technology provider does not have an interest in collaborating with EACTDA under the licensing scheme of Tools4LEAs. Some open-source solutions do not have an interested development team behind to work on the further

development of the tool. Some end user needs are just too generic, not specific enough and it is difficult to find technologies that would meet the needs.

3.2. Identification of technology providers, owners of technologies/results, potentially interesting for Tools4LEAs end users

The technology providers, owners of assets/tools, potentially interesting for project's end users, are represented through private entities, higher education institutions, research institutions, project consortia etc.

Research projects (not only from the security area) are contacted regularly by EACTDA and invited to an online EACTDA/Tools4LEAs presentation. Tools4LEAs can be a great exploitation path for project results and the sooner a collaboration is established, the better. An example of good practice is the collaboration Tools4LEAs has established with the project STARLIGHT, where Tools4LEAs is going to become one of the exploitation ways for the assets developed.

Research and higher education institutions are sources of innovative solutions, however, the results many times don't reach the operational level due to lack of interest, personnel and/or funding. Tools4LEAs could be a funding source for them and an opportunity to reach end users. Many contacts have been established already, however, the results haven't reached the Catalogue of pre-existing tools yet.

Tools4LEAs licensing scheme might not be a very lucrative business model for private entities, however, some companies have agreed to share their assets through Tools4LEAs. The reasons may vary, but end users using their tools through Tools4LEAs can become their clients and a very interesting reference in the future.

The most important message Tools4LEAs sends across when establishing connections with technology providers are the objectives of the project and of course, the two main prerequisites of the Tools4LEAs project: the enhanced tool is offered to the EU member states public security practitioners without license costs and with access to the source code. It is also crucial for them to be introduced to the Tools4LEAs Licensing scheme. The scheme contains 3 licensing agreements: Licensing-In, Licensing-Out and Licensing-Back. A high-level figure of the scheme can be seen below:
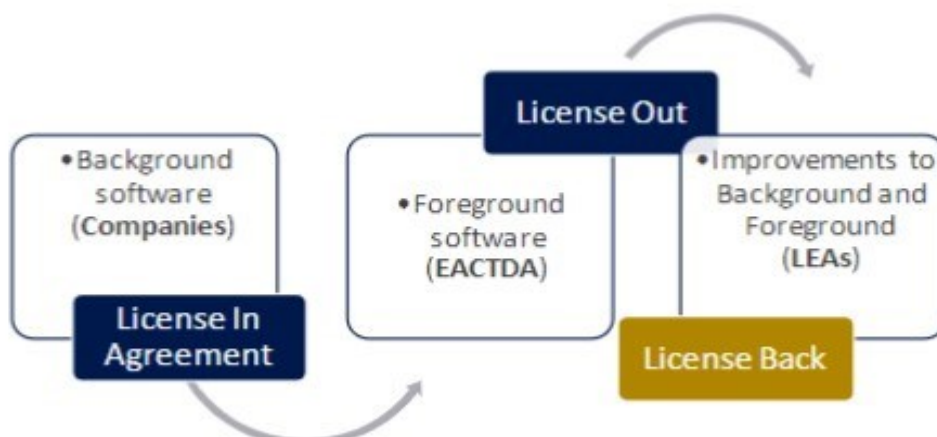

Figure 2 – Licensing Scheme high level

Licensing-In Agreement is signed with the technology providers of the top prioritised items, ready to become new tool development projects at the same time as the Collaboration Agreement. After the development, testing and evaluation of the tool is finished, the Licensing Out to LEAs and to technology providers can be signed. In case of any further development, improvements done on the tool, the Licensing-Back is signed and the enhancements made available to all parties involved.

Before technology provider decides to offer the technology/technologies to Tools4LEAs, a Pre-Agreement needs to be signed between the technology provider and EACTDA (see Annex III). It is important to know that the technology provider agrees with the terms and conditions of the Tools4LEAs project and the licensing scheme.

3.3. Items of the Catalogue

When documenting the items of the Catalogue of pre-existing tools, it is important for the technology providers to be aware of the information presented to the end users about their asset(s) and that the Catalogue is the document end users review before prioritising the tools. Therefore, any additional material such as videos or presentations about the tool are very welcome and will "sell" the product. They can always create the supporting material and add information to the catalogue later on, as the document constantly evolves.

 A similar process applies for end user needs; the fiches can be edited, information added etc. The end users sometimes gather additional about a specific end user need and that can be added to the fiche and the inventory. Having an end user need described in detail enables finding a matching pre-existing technology and addressing the end user need.

EACTDA has been collaborating with a local higher education institution for 2 years already and a small group of their students conducts dedicated research in order to support EACTDA's activities. One of the research topics of the last academic year was trying to address the prioritised end user needs that haven't been matched with any known pre-existing technology that could be further developed. The research they have conducted on a specific end user need is still in an early stage, and it does not reach the Technology Readiness Level Tools4LEAs could start working from, however, it might become a research project and meet the need in the future.

The items of both documents, Catalogue of pre-existing tools and Inventory of end user needs are listed together in one document and presented to the EUAB members for the purpose of prioritisation exercises.

3.4. Tools4LEAs prioritisation exercises

The prioritisation exercises are conducted by the Tools4LEAs EUAB members and the EUAB Chairs (Europol). They are presented with the Catalogue that contains items from Top-down and Bottom-up approach in advance in order to review the document and familiarise themselves with the items offered. The technology providers of the newly added items are invited to make a short presentation of their technology before the prioritisation exercise and the EUAB members can receive their clarifications and answers in case of doubts.

There are different prioritisation methods and techniques that can be used, some of them in combination. In the end, the objective is to obtain a ranked list of prioritised needs. A well-known "Importance and Urgency" method (Figure 1) uses two criteria to make a first grouping of the items that are being prioritised, in this case, end-user operational needs. This simple technique though does

not work well when there are multiple items to be prioritised because each of the three priority categories (High, Medium, Low) will end up with a large list of equally ranked items.

Another technique that can be used to be more precise is called the "100 points" method. This method works better when multiple stakeholders (voters) participate in the prioritisation process. The technique works as follows: All stakeholders get a conceptual 100 points, which they can distribute among the different items. The maximum number of points that can be given to a single item is 50 and points have to be allocated to at least three different items. The higher the amount allocated to each item, the higher its priority will be. At the end, the total is counted, and the items are sorted based on the number of points received.

Operational need	Voter #1	Voter #2	Voter #3	TOTAL:
Need #1	100	25	10	135
Need #2	0	25	30	55
Need #3	0	25	10	35
Need #4	0	25	50	75
TOTAL:	100	100	100	

Figure 3 – Illustrative example of "100 points" prioritisation method

There are currently 22 Tools4LEAs EUAB members from 14 different EU MS, meaning some countries are represented with more than one entity. In that case the weighting factor is applied, as each country only has one vote in the board's decision-making process, regardless of the number of full board members representing the country.

3.5. The results of the Tools4LEAs prioritisation exercise

The following step is the consolidation of the voting sheets from the EUAB members and the owners of the top prioritised items are informed about the voting results. They need to express potential constraints and doubts regarding the upcoming development project, such as staff shortage, time constraints in relation to other projects etc. The process of project documentation preparation can start and end users are encouraged to collaborate in and contribute to the projects as volunteer domain experts. The roles of domain experts might vary from project to project, however, the main task is to provide feedback: from evaluating incoming technology and suggesting enhancement, new functionalities for the tool to reviewing the Request for Project Proposal documents and participating at some meetings in case of doubts during the development phase. The most important feedback they provide is during the User Acceptance Testing, the final testing process stage.

In the phase of drafting the RFPP, the technology providers are actively participating and providing clarifications. RFPP document contains a detailed description of business requirements, functional and non-functional, that form the base of enhancements, implemented during the Tools4LEAs new tool development projects.

4. Summary

4.1. Conclusion

This document describes in detail the concept of the Catalogue of pre-existing tools and its relevance for the Tools4LEAs project implementation. The level of details described can indicate the time input for each step and the main conclusion here would be that the catalogue demands constant dedication throughout the project implementation.

4.2. Evaluation

The approach of managing the catalogue has given good results in the Tools4LEAs v1, therefore the steps described will continue also in the Tools4LEAs v2 catalogue management, with possible minor changes.

4.3. Future work

Reaching out to technology providers, especially research and development projects, is still Tools4LEAs main strategy in order to add items to the Catalogue. Tools4LEAs will strive to be recognised as one of the main exploitation paths in the community, as well as having the capacity of building communities around the tools after the tools are released.

ANNEX I – End user need fiche template

Tools4LEAs ⬡   EACTDA

End users need fiche template

ID:	*<Unique ID; this field will be provided by EACTDA Capability Manager>*		
Title:	*<Name or short description of the end-user need>*		
Status[2]			
Requested by:	*<List the people/organisations that have requested the need>*		
Owner:	*<Name and email of the person that can be consulted by the EACTDA/Tools4LEAs team>*		
History:	**Version**	**Date**	**Changes**
	01	*Dd/mm/yyyy*	
	02		
	…		
End-user(s) description:	*<Profile of the "typical" end-user(s) that has this need>*		
Broader context:	*<Describe the broader context (or contexts, if there are more than one) in which there is this need>* *<e.g., type of investigation/work/operation>*		
Description of the need:	*<Detailed description of the end-user operational need; describe the capability needed by the end-users to solve a problem or to achieve an objective; avoid subjective words and ambiguity; when possible, use quantifiable data>*		
Typical scenario(s):	*<Describe the typical scenario(s) in which there is this operational need>*		
Expected benefits:	*<Describe the expected benefits that the new capability should provide; be as specific as possible; avoid subjective words; when possible, use quantifiable data>*		
Existing/known solutions:	*<List the existing/known solutions that are currently being used by the end-users to tackle the need; when possible, describe also the strengths and weaknesses of each of them>*		
Other observations:	*<Add here any additional information that is relevant to document the need>*		
Referenced documents:	*<Add here references and links to relevant documentation that can help better understanding the need>*		

[2] Status options are: (1) WIP: work in progress; the information is incomplete and/or can still change and the Capability Manager has not finalised a complete draft yet; (2) Draft: end-user validation pending; (3) Validated: validated by the End-User Advisory Board of the Tools4LEAs project; (4) Under revision: previously validated, now under revision to include new changes/updates; (5) Deprecated: discarded or obsolete.

ANNEX II – Catalogue/Inventory of pre-existing tools template

EACTDA

TITLE:	Inventory of **PRE-EXISTING RESULTS/ASSETS**	
THOR(S):	EACTDA	
DATE CREATED:		
LAST UPDATE:		

ID	Name / Title	Description	Category	Main features	Maturity level	Provider(s)	Contact details	Proposed enhancements	Targeted end-users	Known end-users already using the tool or interested in it	IPR / License type	Licensed to EACTDA? (y/n)	Available at	Related project(s)	Observations	More info at

ANNEX III – Pre-Agreement template

Pre-Agreement
REF #: [***UNIQUE ID TO BE PROVIDED BY EACTDA SECRETARIAT***]

This agreement is made the _____ day of _____ 202_ (the "Effective Date"),

BY AND BETWEEN

THE EUROPEAN ANTI-CYBERCRIME TECHNOLOGY DEVELOPMENT ASSOCIATION, a non-profit organization with tax identification number G75235697 and registered address at Paseo Mikeletegi 71, 3ʳᵈ floor, Office A.1.2, 20009 Donostia/San Sebastian, Gipuzkoa, Spain, represented by Juan Arraiza Irujo, Business Manager, hereinafter referred to as "**EACTDA**"

AND

[*****NAME OF THE TECHNOLOGY PROVIDER PARTICIPATING IN THIS COLLABORATION***], a company with tax identification number [*] and registered address at [*], represented by [***NAME OF THE LEGAL REPRESENTATIVE***], [***POSITION OF THE LEGAL REPRESENTATIVE***], hereinafter referred to as "[*****TECHNOLOGY PROVIDER'S ACRONYM***]"**

EACTDA and [*TP's acronym] collectively referred to as "the Parties" an individually as a "Party".

RECITALS

I.   Whereas EACTDA is a non-profit organization the purpose of which is to develop and provide technological solutions to European Law Enforcement Agencies and Forensic Laboratories, for their use in the fight against cybercrime.

II.   Whereas [*TP's acronym] is a company focused on software development in the field of [*].

III.   Whereas the Parties wish to set the basic legal framework of future collaborations between them.

The Parties therefore agree to enter into this agreement (the "**Pre-Agreement**"), governed by the following

CLAUSES

I.   DEFINITIONS AND INTERPRETATIONS

Asset	means any material (including, but without being limited to, any piece of software, tool and prototype) belonging to the Technology Provider, which will be offered to EACTDA under the respective agreement.
Background Technology	means all inventions, software, tools, prototypes, data, know-how, trade secrets, designs, samples, ideas, methodologies, specifications, copyrightable works and other technology belonging to the Technology Provider, in particular the Assets, prior to the signing date of the Pre-Agreement, regardless of whether there are Intellectual Property rights protecting them or not. Background Technology also includes any general consulting tool or methodology created by the Technology Provider.
Foreground Technology	means all inventions, software, tools, prototypes, data, know-how, trade secrets, designs, samples, ideas, methodologies, specifications, copyrightable works and other technology which are reached or developed by EACTDA from the Assets provided by the Technology Provider, as well as any improvements thereof.
Intellectual Property Rights	means any intellectual property right that could be applicable to the Background Technology and/or the Foreground Technology, including any patents and utility

	models, and any divisional or continuation applications of the same, as well as any trademarks, designs, copyright and neighbouring rights, regardless of their status as applications or granted rights.
Source Code	means a form in which a computer program's logic is easily deduced by a human being with skill in the art, such as a printed listing of the program or a form from which a printed listing can be easily recognized.

II.   PURPOSE OF THE AGREEMENT

The purpose of this Pre-Agreement is to define the intent of collaboration between the Parties for further development and enhancement of the Assets, as well as to establish the basic collaboration framework under which [***TECHNOLOGY PROVIDER'S ACRONYM***] will offer the Assets to EACTDA and conduct the further development of them in case they are prioritised by the End-User Advisory Board. The Foreground Technology, which may well include Background Technology (the Assets), will be made available by EACTDA to EU public security entities fighting cybercrime via a royalty-free license and with a permission to access the Source Code for the purpose of developing possible improvements for internal and non-commercial use.

Specifically, regarding the process to be formally followed between the Parties when offering Assets to EACTDA, the following conditions shall apply:

1. [***TECHNOLOGY PROVIDER'S ACRONYM***] shall internally identify those Assets that may be offered to EACTDA.
2. [***TECHNOLOGY PROVIDER'S ACRONYM***] shall inform EACTDA, via e-mail to capabilitymanager@eactda.eu, providing the name and description of the offered Asset, the reference ID of this Pre-Agreement and the information requested at the "*Tools4LEAs_Offered-tool_Information-sheet (TEMPLATE)*" (which may be requested to EACTDA via the aforementioned e-mail address). With the offered Asset, the [***TECHNOLOGY PROVIDER'S ACRONYM***] also agrees upon conducting the further development of those Assets in case they are prioritised by the End-User Advisory Board.
3. EACTDA shall include the Assets in a list of tools that can be further developed. The EACTDA End-User Advisory Board will vote on the listed tools and prioritize them according to their needs. After that, EACTDA will initiate the process of launching new projects for further development of the tools that are listed as top-priority.
4. In case the Assets are among the top-priority tools, EACTDA will contact the [***TECHNOLOGY PROVIDER'S ACRONYM***] in order to initiate the process of negotiating and launching new or further development projects.
5. [***TECHNOLOGY PROVIDER'S ACRONYM***] may at any time contact EACTDA for obtaining detailed information on policies, terms and conditions of the Tools4LEAs project, as well as for requesting information about the licensing scheme of said project.

Following are the basic conditions of the license agreement to be eventually entered into between [***TECHNOLOGY PROVIDER'S ACRONYM***] and EACTDA, should Assets of the former be chosen as top-priority tools:

1. The license shall be royalty-free and free of any other costs.
2. The license shall be non-exclusive. However, EACTDA shall be authorized to sublicense the Assets to third parties, when they are incorporated in the Foreground Technology to be licensed by EACTDA to said parties.
3. The license shall comprise, in particular, the rights of reproduction, distribution, communication to the public and transformation (meaning the right to create derivative works). "Public" shall mean EACTDA's licensees, i.e., EU public security entities fighting cybercrime.
4. The Background Technology, the Assets and the Intellectual Property Rights thereof shall be the sole property of [***TECHNOLOGY PROVIDER'S ACRONYM***]. The Foreground Technology and Intellectual Property Rights thereof shall be the sole property of EACTDA, and [***TECHNOLOGY PROVIDER'S ACRONYM***] shall not oppose any use by EACTDA of derivative works included in the Foreground Technology.
5. EACTDA shall grant [***TECHNOLOGY PROVIDER'S ACRONYM***] a license over the Foreground Technology with substantially similar characteristics as those of the license granted by the latter to the former. The license shall be for non-commercial purposes, royalty-free and not sublicensable.

III.   ENTRY INTO FORCE, DURATION, AND TERMINATION

This Pre-Agreement shall have effect from the Effective Date. It may be terminated by mutual agreement of the Parties or by the unilateral decision of one Party, upon written communication. The Pre-Agreement will be terminated after 30 natural days from the receipt of such a notification.

Termination of this Pre-Agreement shall not affect the obligations and undertakings agreed upon by the Parties in the license agreements which might be in force at the termination date. Either Party may terminate this Pre-Agreement by written notification to the other Party. This Agreement shall expire 30 days after the date of such notification.

IV.   ENTIRETY, AMENDMENTS AND SEVERABILITY

This Pre-Agreement, including all annexes (if any), Agreement the sole and final agreement between the Parties with respect to the subject matter hereof and supersedes and cancels all prior agreements, correspondence, letters of intent and any other oral or written agreements previously existing between the Parties. No other statement, promise, agreement or undertaking has been made with respect to the subject matter of the Pre-Agreement, which is contrary to it.

No modification to this agreement shall be operative or effective unless reflected in writing and unequivocally signed by both Parties.

The unlawfulness, invalidity or ineffectiveness of any of the clauses of this Pre-Agreement shall not affect the rest of them, provided that the rights and obligations of the Parties derived from the same were not affected in an essential manner. Essential is understood to be any situation that would seriously harm the interests of any of the Parties, or that would affect the object of the Pre-Agreement itself. Said clauses shall be replaced or integrated with others that, being in accordance with the law, respond to the purpose and spirit of the replaced clauses

V.   CONFIDENTIALITY

The Parties acknowledge that all information related to the subject matter of this Pre-Agreement is confidential. The Parties shall not disclose any confidential information to third parties, and shall be entitled to disclose it only to their personnel, staff, agents and lawyers, on a need-to-know basis and only for the purpose of this Pre-Agreement. Before disclosing any confidential information, the Parties shall make sure that proper confidentiality agreements are entered into with said third parties.

EACTDA shall also be entitled to disclose the confidential information to the competent EU authorities and bodies, including EU public security entities fighting cybercrime.

VI.   APPLICABLE LAW AND JURISDICTION

This Agreement is governed by Spanish law.

The Parties undertake to attempt to resolve amicably any disagreement that may arise in connection with this Agreement and its execution, failing which disputes shall be subject to the jurisdiction of the ordinary courts. In the event of a dispute that cannot be resolved amicably, the Parties shall submit, expressly waiving any other jurisdiction that may correspond to them, to the exclusive jurisdiction of the Spanish courts, being territorially competent the courts and tribunals of the city of San Sebastian, Spain.

VII.   PRINCIPAL CONTACTS

The principal contact people for the management and successful implementation of this Pre-Agreement are:

FOR EACTDA   FOR [*** TECHNOLOGY PROVIDER ***]

Name:	Juan Arraiza Irujo		Name:	[*** NAME ***]
Position:	Business Manager		Position:	[*** POSITION ***]
Email:	juan.arraiza@eactda.eu		Email:	[*** EMAIL ***]
Telephone:	(+34) 676 82 15 35		Telephone:	[*** TELEPHONE ***]

IN WITNESS whereof the parties hereto have signed this Agreement on the day and year first above written by the undersigned authorised representatives.

FOR EACTDA

Name: Juan Arraiza Irujo
Title: Business Manager
Date: [*** DD/MM/YYYY***]

Stamp of the institution:

FOR [*** TECHNOLOGY PROVIDER ***]

Name: [*** NAME ***]
Title: [*** TITLE ***]
Date: [*** DD/MM/YYYY***]

Stamp of the institution: