

Model Outgoing MTA for non genebank material

In so far as this research product has been developed by the Centre with public funds provided through the Consultative Group on International Agricultural research (CGIAR) by donors from around the world, it is agreed that the material resources (hereinafter referred to as the “material”) contained here are being furnished by the stated Centre under the following conditions:

The Centre is making the material described in the attached list available as part of its policy of maximizing the utilization of material for research, breeding and training. The material was either developed by the Centre; or it was acquired prior to the entry into force of the Convention of Biological Diversity.

The material is held on trust under the terms of this agreement, and the recipient has no rights to obtain Intellectual Property Rights (IPRs) on the material or related information.

(↑This section ensures that all IPRs remain with the Centre at all times. ←)

The recipient may utilize and conserve the material for research, breeding and training and may distribute it to other parties, provided the other parties accept the terms and conditions of this agreement.

(↑This establishes the use of the material and clarifies that any third party involvement is also subject to the terms of this agreement and as such will have the same liabilities as the original signatory party. ←)

The recipient hereby agrees not to claim ownership over the material, nor to seek IPRs over that material, in the form received. The recipient also agrees not to seek IPRs over related information received. Any *derivatives* (as interpreted under the national law of the recipient institute) obtained from the material for which the recipient seeks IPRs must be notified to the Centre.

(↑No IPRs can be sought by the recipient in connection with any of the aspects of the material provided under the MTA, it stipulates that the material is provided on a purely research progress basis ←)

Although the material and associated information being supplied by the Centre were developed following careful and comprehensive research, the Centre makes no warranties as to the safety or title of the material, nor as to the accuracy or correctness of any passport or other data provided with the material. The Centre does not make any warranties as to the quality, viability, or purity (genetic or mechanical) of the material furnished. The recipient takes complete responsibility for complying with the recipient nation’s quarantine and biosafety regulations and rules as to import or release of genetic material.

(↑It is extremely important that MTAs include a disclaimer as to the quality etc of the material provided and states clearly that all transportation and quarantine obligations fall to the recipient. ←)

The recipient of material provided under this MTA is encouraged to share the benefits accruing from its use, including commercial use, through the mechanisms of exchange of information, access to and transfer of technology, capacity building and sharing of benefits.

(↑The CGIAR actively encourages sharing of information and hopes that MTAs such as the model provided here help to facilitate the easy access and transfer of mutually beneficial information. ←)

Recipients should give due acknowledgement to the Centre in their reports for having provided the resource material used for their research or to derive a process or product.

(↑As with all the work of the CGIAR, it is important that we are acknowledged for the input we had into any research progress and impact we have had on reducing poverty and increasing livelihoods of small-holder farmers. ←)

THE MATERIAL IS SUPPLIED EXPRESSLY, CONDITIONAL ON ACCEPTANCE OF THE TERMS OF THIS AGREEMENT. THE RECIPIENT'S ACCEPTANCE OF THE MATERIAL CONSTITUTES ACCEPTANCE OF THE TERMS OF THIS AGREEMENT.

(↑Ideally, the Centre will be provided with a signed and dated copy of this agreement as evidence of acceptance; however, the agreement comes into force on receipt of the material to which this agreement is attached. ←)