



Standard Material Transfer Agreement

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PROCESS

- **First Meeting of the CGRFA acting as Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture Rome, 9 - 11 October 2002**
- **Expert Group**

PROCESS

- **QUESTIONS TO EXPERT GROUP**
- **What constitutes commercialization?**
- **What constitutes a product?**
- **What constitutes incorporation of material?**
- **When would a product be considered to be available without restriction to others?**
- **What should be the level, form and manner of payments?**

PROCESS

- **First Meeting of the Expert Group on the Terms of the Standard Material Transfer Agreement Brussels, 4 - 8 October 2004**
- **Options, views and comments on options**
- **Draft Structure of the SMTA**

PROCESS

- **Second Meeting of the CGRFA acting as Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture Rome, 15 - 19 November 2004**
- **Contact Group on the Terms of the Standard Material Transfer Agreement**



PROCESS

- **First Draft Standard Material Transfer Agreement prepared by the Secretariat**



PROCESS

- **First Meeting of the Contact Group on the Terms of the Standard Material Transfer Agreement, Hammamet, Tunisia 18 - 22 July 2005**
- **FIRST DRAFT OF THE STANDARD MATERIAL TRANSFER AGREEMENT ESTABLISHED BY THE CONTACT GROUP FOR THE DRAFTING OF THE STANDARD MATERIAL TRANSFER AGREEMENT**



STRUCTURE OF FIRST DRAFT

1. PREAMBLE
2. PARTIES TO THE AGREEMENT
3. DEFINITIONS
4. SUBJECT MATTER OF THE MTA
5. GENERAL PROVISIONS
6. RIGHTS AND OBLIGATIONS OF THE PROVIDER

STRUCTURE OF FIRST DRAFT

7. RIGHTS AND OBLIGATIONS OF THE RECIPIENT
8. [APPLICABLE LAW][INTERPRETATION]
9. DISPUTE RESOLUTION/SETTLEMENT
10. ADDITIONAL ITEMS
11. [SIGNATURE/ACCEPTANCE]
[SIGNATURE]



STRUCTURE OF FIRST DRAFT

APPENDIX 1

LIST OF PROVIDED MATERIALS

APPENDIX 2

PAYMENT OF BENEFIT SHARING



MAJOR ISSUES

- **DEFINITIONS**
 - ✓ Product
 - ✓ To incorporate
 - ✓ Available without restrictions



MAJOR ISSUES

- **GENERAL PROVISIONS**
 - ✓ Third Party Beneficiary

MAJOR ISSUES

- **RIGHTS AND OBLIGATIONS OF THE RECIPIENT**
 - ✓ Intellectual Property
 - ✓ Subsequent Transfer of Material
 - ✓ Payment
 - ✓ Information
 - ✓ Non-monetary Benefits



MAJOR ISSUES

- **DISPUTE RESOLUTION/SETTLEMENT**
 - ✓ Arbitration



MAJOR ISSUES

- **PAYMENT OF BENEFIT-SHARING**
 - ✓ Level, Form and Manner of payments