

No. 46756

**Denmark
and
United States of America**

Agreement between the Government of the Kingdom of Denmark and the Government of the United States of America for scientific and technological cooperation (with annexes). Copenhagen, 15 September 2009

Entry into force: *15 September 2009 by signature, in accordance with article 11*

Authentic text: *English*

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**Danemark
et
États-Unis d'Amérique**

Accord de coopération scientifique et technologique entre le Gouvernement du Royaume du Danemark et le Gouvernement des États-Unis d'Amérique (avec annexes). Copenhague, 15 septembre 2009

Entrée en vigueur : *15 septembre 2009 par signature, conformément à l'article 11*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Danemark, 19 octobre 2009*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN THE
GOVERNMENT OF THE KINGDOM OF DENMARK
AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA
FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION

The Government of the Kingdom of Denmark and the Government of the United States of America (hereinafter referred to as "the Parties");

Convinced the importance of science and technology for their economic and social development;

Recognizing that the Parties are pursuing research and technological activities in a number of areas of common interest, and that participation in each other's research and development activities on a basis of reciprocity will provide mutual benefits;

Desiring to establish a formal basis for cooperation in scientific and technological research which will extend and strengthen the conduct of cooperative activities in areas of common interest and encourage the application of the results of such cooperation to their economic and social benefit;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

1. The Parties shall encourage, develop and facilitate cooperative activities in fields of common interest where they are pursuing research and development activities in science and technology.

ARTICLE 2

For the purposes of this Agreement:

1. "Cooperative activity" means any activity which the Parties undertake or support pursuant to this Agreement;

2. "Information" means scientific or technical data, results or methods of research and development stemming from cooperative activities, and any other data relating to cooperative activities;

3. "Intellectual Property" means the subject matter listed in Article 2 of the Convention Establishing the World Intellectual Property Organization, done at Stockholm July 14, 1967, and may include other subject matter as agreed by the Parties;

4. "Participants" means any individual or entity, including, inter alia, the Parties' scientific and technological organizations and agencies, private persons, undertakings, research centers, universities and colleges, subsidiaries of Danish and U.S. entities, or any other legal entity involved in cooperative activities;

5. "Science" shall include all fields of research.

ARTICLE 3

Cooperative activities shall be conducted on the basis of the following principles:

1. Mutual benefit based on an overall balance of advantages;
2. Reciprocal opportunities to engage in cooperative activities;
3. Equitable and fair treatment for the participants; and
4. Timely exchange of information which may affect cooperative activities.

ARTICLE 4

1. Priority will be given to collaboration that can advance common goals in science and technological research.
2. The Parties may jointly pursue cooperative activities with third parties.

ARTICLE 5

1. Subject to applicable laws, regulations and policies, the Parties shall foster, to the fullest extent practicable, the involvement of participants in cooperative activities under this Agreement with a view to providing comparable opportunities for participation in their scientific and technological research and development activities.
2. Cooperative activities may take the following forms:
 - a. coordinated research projects;
 - b. joint task forces;
 - c. joint studies;
 - d. joint organization of scientific seminars, conferences, symposia and workshops;
 - e. training of PhD students, scientists and technical experts;
 - f. exchanges or sharing of equipment and materials;
 - g. visits and exchanges of PhD students, scientists, engineers or other appropriate personnel;
 - h. exchanges of scientific and technological information as well as information on practices, laws, regulations and programs relevant to cooperation under this Agreement.

ARTICLE 6

1. The coordination and facilitation of cooperative activities under this Agreement shall be carried out on behalf of the Government of the Kingdom of Denmark by the Ministry of Science, Technology and Innovation, and on behalf of the Government of the United States of America by the Department of State or a Government- appointed Executive Agent. The Parties or their duly authorized representatives shall meet regularly to decide which common goals should be given priority and how to promote the cooperation. For this purpose a joint committee with representatives from each Party shall be established.

2. Upon request of either Party, representatives of the Parties shall meet to consider matters related to the implementation of this Agreement. Groups of experts may be designated to discuss specific questions.

3. Each Party shall designate a national contact person to maintain contacts between meetings.

4. Requests for authorization for access to the waters under national jurisdiction for the purpose of scientific research shall be sent through diplomatic channels, and each Party will treat those requests with diligence, taking into account the significance of these activities to the advancement of scientific knowledge.

5. Where appropriate, cooperative activities under this Agreement shall take place pursuant to implementing arrangements concluded between the Parties or their participants. These arrangements may describe, as appropriate, the nature and the duration of cooperation for a specific area or purpose, treatment of intellectual property, funding, allocation of costs, and other relevant matters. The implementing arrangements should make a reference to this Agreement. Any arrangements deviating from any of the provisions in this Agreement, including the Annex, shall be concluded in writing.

ARTICLE 7

1. Cooperative activities shall be subject to the availability of appropriated funds, resources, and personnel and to the applicable laws and regulations, policies and programs of Denmark and the United States of America.

2. Unless otherwise provided for in an implementing arrangement, each Party or participant shall bear the costs of its participation and that of its personnel engaged in cooperative activities under this Agreement.

ARTICLE 8

1. Each Party shall take all reasonable steps and use its best efforts, within applicable laws and regulations, to facilitate entry to and exit from its territory of persons, material, data and equipment involved in or used in cooperative activities under this Agreement.

2. Each Party shall endeavor to ensure that all participants in agreed cooperative activities under this Agreement have access to facilities and personnel within its country as needed to carry out those activities.

ARTICLE 9

1. The allocation and protection of intellectual property rights under this Agreement shall be in accordance with the provisions of Annex I unless the Parties or their designees agree otherwise in writing.

2. Reciprocal security obligations related to sensitive information or equipment and unclassified export-controlled information or equipment transferred under the Agreement are contained in Annex II. Annexes I and II form integral parts of this Agreement.

ARTICLE 10

1. The Parties shall endeavour, where appropriate, to bring under the terms of this Agreement new arrangements that facilitate scientific and technological cooperation between the Parties that fall under the scope of Article

2. This Agreement is without prejudice to rights and obligations under other agreements between the Parties and any agreement or arrangement between either of the Parties and any third parties.