

**No. 47181**

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**Australia  
and  
United States of America**

**Agreement relating to scientific and technical cooperation between the Government of Australia and the Government of the United States of America (with annexes). Canberra, 28 February 2006**

**Entry into force:** *17 February 2007 by notification, in accordance with article XI*

**Authentic text:** *English*

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**Australie  
et  
États-Unis d'Amérique**

**Accord relatif à la coopération scientifique et technique entre le Gouvernement de l'Australie et le Gouvernement des États-Unis d'Amérique (avec annexes). Canberra, 28 février 2006**

**Entrée en vigueur :** *17 février 2007 par notification, conformément à l'article XI*

**Texte authentique :** *anglais*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Australie, 19 février 2010*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT RELATING TO SCIENTIFIC AND TECHNICAL  
COOPERATION BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE  
GOVERNMENT OF THE UNITED STATES OF AMERICA**

The Government of Australia and the Government of the United States of America,  
hereinafter referred to as the "Parties";

RECALLING the purposes of the Agreement Relating to Scientific and Technical  
Cooperation, done at Canberra on 16 October 1968, as extended and amended;

ACKNOWLEDGING that the Parties derive great benefits from their long and highly  
successful scientific and technological relationship;

DESIRING to set forth a framework for the conduct of the overall science and  
technology relationship between the Parties and to strengthen that relationship for  
peaceful purposes;

RECOGNIZING the importance of advancing common scientific and technical  
knowledge for the future prosperity and well-being of humanity; and

CONSIDERING the desirability, in areas of common interest, of promoting the closest  
collaboration between scientific agencies and institutions of both countries for the  
purpose of utilizing the results of research and development toward the economic and  
social benefits and industrial development of both countries;

HAVE AGREED AS FOLLOWS:

**ARTICLE I**  
**Definitions**

For the purposes of this Agreement:

1. "Cooperative activity" means any activity carried on or supported by the Parties  
pursuant to this Agreement;
2. "Information" means scientific or technical data, results or methods of research and  
development stemming from joint research, and any other data relating to cooperative  
activities.
3. "Intellectual Property" shall mean the subject matter listed in Article 2 of the  
Convention Establishing the World Intellectual Property Organization, done at  
Stockholm, 14 July 1967, and may include other subject matter as agreed by the Parties.

4. "Joint research" means research that is implemented with financial support from one or both Parties and that involves collaboration by participants from both Parties.

5. "Participant" means any individual or entity, including the employees of an individual or entity, engaged in a cooperative activity under this Agreement.

6. "Designee" means any individual or entity, including the employees of an individual or entity, authorized by a Party to enter into a cooperative activity under this Agreement.

## **ARTICLE II**

### **Principles**

1. This Agreement establishes the framework for the overall science and technology relationship between the Parties.
2. Subject to the applicable policies, laws and regulations of both countries, the Parties shall conduct their science and technology relationship on the basis of the following principles:
  - A. shared responsibilities, and mutual and equitable contributions and benefits, arising in the course of collaboration;
  - B. comparable access to government-sponsored or government-supported programs and facilities, and comparable access to and exchange of information in the field of scientific and technological research and development;
  - C. adequate and effective protection and equitable distribution of any intellectual property created in, or as a direct result of, collaboration, and adequate and effective protection of intellectual property furnished in the course of collaboration;
  - D. shared costs of collaboration, taking into account respective risks, benefits, and management shares; and
  - E. cooperation in the promotion of research and development results with the purpose of maximizing economic and social benefits and the industrial development of both countries.
3. The Parties shall, in accordance with the applicable policies, laws and regulations of both countries, strengthen their overall science and technology relationship through endeavors which may include:
  - A. continuing their commitment to open research and development and international cooperation;

- B. continuing their policies and programs of promoting the application of results of research and development towards achieving economic and social benefits and the further industrial development of both countries;
- C. further encouraging and facilitating the development of institutional research and development links;
- D. further encouraging and facilitating the development of mutually beneficial research and development projects including collaboration on large-scale projects and major research and development initiatives;
- E. further providing comparable opportunities for scientists, engineers and other appropriate personnel from the other country to engage in research and study in their respective facilities and government-sponsored or government-supported research programs in basic and applied research areas; and
- F. other activities as may be mutually agreed.

### **ARTICLE III**

#### **Coordination of Cooperative Activities**

1. Each Party shall designate an Executive Agent responsible for the coordination and facilitation of cooperative activities under this Agreement.
2. The Executive Agents of the Parties shall discuss and review, on a regular basis, the implementation of this Agreement, matters of importance in the field of science and technology, and policy issues related to the overall science and technology relationship between the Parties.

### **ARTICLE IV**

#### **Scope**

1. Under this Agreement, the Parties shall support cooperative activities for peaceful purposes in such areas of science and technology as may be mutually determined.
2. The principal objects of this cooperation are to provide opportunities to exchange ideas, information, skills and techniques and to collaborate on problems and projects of mutual interest. The Parties shall encourage the timely application of research results for the economic, social and industrial benefits of both countries.
3. Implementing arrangements for cooperative activities under this Agreement may be negotiated and concluded between the Parties or their designees to establish the specific terms of cooperation. An implementing arrangement may specify the area of cooperation, the agencies involved, the procedures to be followed, including financial arrangements, and other appropriate matters. These arrangements shall take into account applicable laws and regulations of the Party in whose jurisdiction

the particular cooperative activities are to be undertaken. Further, the terms of this Agreement shall apply to the implementing arrangements unless the Parties or their designees agree otherwise.

4. All areas of science and technology may be supported under this Agreement. Cooperative activities under this Agreement may include:
  - A. joint research projects;
  - B. joint task forces;
  - C. joint studies;
  - D. joint organization of scientific seminars, conferences, symposia, and workshops;
  - E. training of scientists and technical experts;
  - F. visits and exchanges of individual scientists, engineers and other appropriate personnel;
  - G. exchanges of information on activities, policies, practices, laws and regulations concerning research and development; and
  - H. other forms of cooperative activities as may be agreed.
5. Cooperative activities under this Agreement shall not be initiated without the prior mutual consent of the Parties, to be communicated through the Executive Agents designated pursuant to Article III.
6. The Parties shall encourage the participation in cooperative activities of researchers and organizations from all sectors, including universities, national laboratories and the private sector.
7. The Parties may include major government-sponsored or government-supported research programs as part of cooperative activities.
8. In appropriate cases, when agreed by the Parties or their designees, scientists, experts, agencies or institutions of third countries may be encouraged to participate in particular cooperative activities.

#### **ARTICLE V**

##### **Dissemination of Non-proprietary Information**

Scientific and technological information of a non-proprietary nature arising from cooperative activities under this Agreement shall be made available, unless it is otherwise agreed under specific circumstances, to the world's scientific community through