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**Israel
and
Australia**

Agreement between the Government of the State of Israel and the Government of Australia on bilateral cooperation in technological innovation and research and development. Sydney, 23 February 2017

Entry into force: *30 April 2018 by notification, in accordance with article VIII*

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**Israël
et
Australie**

Accord entre le Gouvernement de l'État d'Israël et le Gouvernement de l'Australie relatif à la coopération bilatérale sur l'innovation technologique et la recherche et le développement. Sydney, 23 février 2017

Entrée en vigueur : *30 avril 2018 par notification, conformément à l'article VIII*

Textes authentiques : *anglais et hébreu*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT

BETWEEN

THE GOVERNMENT OF THE STATE OF ISRAEL

AND

THE GOVERNMENT OF AUSTRALIA

ON

**BILATERAL COOPERATION IN TECHNOLOGICAL INNOVATION
AND RESEARCH AND DEVELOPMENT**

The Government of the State of Israel (hereinafter referred to as "State of Israel") and the Government of Australia (hereinafter referred to as the "Australia"), hereinafter referred to as the "Parties";

DESIRING to develop and strengthen economic, industrial, technological and commercial cooperation between Australia and the State of Israel;

RECOGNISING that the challenges of stimulating innovation and economic growth are of mutual concern to both Parties;

CONSIDERING their mutual interest in making progress in research, development and technological innovation and the resulting advantages for both Parties;

DESIRING to enhance their competitiveness through cooperation in technological innovation and to develop and strengthen economic and commercial cooperation between Australia and the State of Israel;

RESOLVING to undertake a sustained effort to promote, facilitate and support joint technological innovation projects, between entities from the two countries;

Have agreed as follows:

Article I - Definitions

For the purpose of this Agreement:

1. "Background Material" means Material developed before or outside the scope of the Cooperative Activity and is being used by an Entity in a Cooperative Activity.
2. "Cooperative Activity" means any activity, including cooperative projects, partnerships or collaborations supported by the Parties or the Implementing Authorities under this Agreement.
3. "Entity" or "Entities" means, *inter alia*, persons, businesses, corporations and enterprises.
4. "Foreground Material" means Material created in, or as a direct result of, a Cooperative Activity.
5. "Implementing Authorities" are described in Article III (1).
6. "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.
7. "Material" includes information, research, development or other material (whether biological or non-biological).

Article II – Objectives

1. The objectives of this Agreement are:
 - (a) To promote the activities of the Parties' respective technological sectors in order to intensify bilateral cooperation in innovation for peaceful purposes on the basis of mutual advantage;
 - (b) To encourage Cooperative Activities between Entities from Australia and from the State of Israel that could lead to cooperation in innovation;
 - (c) To support Cooperative Activities in innovation between Entities from the two countries leading to commercialisation in the global market;
 - (d) To establish a framework for financial support under which the Implementing Authorities or the Parties may support jointly approved Cooperative Activities in innovation between Entities from the two countries leading to commercialisation in the global market.
2. The implementation of this Agreement and any activity hereunder shall be in accordance with the respective applicable domestic laws, rules, procedures, policies, programs, benefit plans and mechanisms in the State of Israel or Australia, as the case may be.
3. The activities of each Party including those of the Implementing Authorities, carried out pursuant to this Agreement, will be subject to the availability of funds and other resources.

Article III - Implementing Authorities

1. The National Technological Innovation Authority of the State of Israel and the Department of Industry, Innovation and Science of Australia, and their successors, shall be responsible for the implementation of this Agreement (hereinafter the "**Implementing Authorities**"). They shall be responsible for their respective costs in promoting and administering the objectives of this Agreement such as travel expenses, organisation of seminars and publications.
2. The Implementing Authorities may encourage, facilitate and support including where appropriate financially, the development of contacts, cooperation projects or cooperative activities between entities of their respective countries.

Article IV – Cooperative Activities in innovation

1. The Parties shall encourage and support Cooperative Activities in innovation undertaken by Entities from Australia and from the State of Israel.
2. Each Entity which is involved in a Cooperative Activity will be subject to the provisions of the domestic laws, regulations, rules, procedures, policies, programs, benefit plans and mechanisms applicable in its State, including the level of any support that may be provided and the terms and conditions under which that support may be provided, and if applicable, the obligation to pay royalties.

3. Cooperative Activities may comprise:
 - (a) Organisation of meetings for Entities from Australia and from the State of Israel to jointly assess cooperation opportunities;
 - (b) Performance of any other activities to promote possibilities for cooperation between Entities from Australia and the State of Israel agreed upon in writing between the Implementing Authorities.

Article V - Disclosure of information

1. Each Party commits, subject to its domestic laws, regulations, rules procedures, policies, programs, benefit plans and mechanisms, as applicable, not to transmit, without written approval of the other Party, any confidential information, marked as such, received from the other Party, to any third party or Entity.
2. In the event that a Party is required by its domestic laws, regulations, rules, procedures and mechanisms to transmit information, as referred to in Article V(1), each Party shall notify the other immediately when it becomes aware that it may be compelled by law to disclose information or documents received from the other party in relation to this Agreement which would otherwise be confidential.
3. The Party required to disclose shall in any event use its best endeavours to ensure that the person, organisation or court, as applicable, to whom the disclosure of information is made maintains the confidentiality of the information at all times.

Article VI - Intellectual Property Rights (IPR)

1. The Parties agree that it is the sole responsibility of Entities undertaking a Cooperative Activity to take all necessary steps, including obtaining expert professional advice, to ensure that their legal and commercial positions are adequately and effectively protected, and to ensure adequate legal and physical protection for Background Material (including related Intellectual Property rights), Foreground Material (including related Intellectual Property rights) and confidential information, in accordance with the respective applicable domestic laws of each Party.
2. The Parties agree that matters relating to the protection and ownership of Intellectual Property rights in Background Material or Foreground Material which are created or used by Entities for a Cooperative Activity shall be the responsibility of, and agreed by, the affected Entities.
3. The Parties shall endeavour to facilitate the dissemination of scientific and technological information of a non-proprietary nature derived from Cooperative Activities, unless otherwise jointly decided by the Entities in accordance with implementing arrangements established in accordance with Article III, to any third party in accordance with the normal policies and procedures of the Entities.