

# OBJECT OF AN MTA

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- **TRANSFER OF**
  - **MATERIALS**
  - **ASSOCIATED INFORMATION**

# PURPOSE of TRANSFER

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- Safekeeping
- Research
- Breeding
- Training
- Multiplication/production (direct use)

# Typical clauses in MTAs: Bonn Guidelines

- **Description of covered genetic resources covered, including accompanying information**
- **Permitted uses of the GRs, their products or derivatives. Statement that any change of use would require new prior informed consent and material transfer agreement**

# Typical clauses in MTAs: Bonn Guidelines

- Whether IPRs may be sought and if so under what conditions
- Terms of benefit-sharing arrangements, including commitment to share monetary and non-monetary benefits
- No warranties guaranteed by provider on identity and/or quality of the provided material

# Typical clauses in MTAs: Bonn Guidelines

- Whether the GRs and/or accompanying information may be transferred to third parties and if so conditions that should apply
- Duty to minimize environmental impacts of collecting activities

# ”BOILER PLATE” CLAUSES

- **DURATION/TERMINATION**
- **CONSEQUENCES OF NON-COMPLIANCE**
- **APPLICABLE LAW**
- **JURISDICTION**
- **NOTIFICATIONS**
- **SIGNATURE**

# Possible options for AnGrs

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- **Standard MTA**
- **Model/s MTA**
- **Model clauses**

# STANDARD MATERIAL TRANSFER AGREEMENT –FAO TREATY

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**Uniform agreement**

**Mandatory provisions**

**Pre-established optional provisions**

# Centre for Genetic Resources- Wageningen University

- Exchange, Use and Conservation of Animal Genetic Resources. Policy and regulatory options (2006)

# Is a standard MTA for AnGrs necessary or desirable?

- **Reduce transaction costs**
- **Adress inequalities in parties' bargaining power/experience**

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- **How can a standard MTA be adopted, monitored and enforced?**
    - **National laws**
    - **International treaty (bilateral, multilateral)**

# Model contracts/clauses

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- **Reduce transaction costs**
- **Facilitate negotiations**

# Nagoya Protocol

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- **Each Party shall encourage, as appropriate, the development of model contractual clauses for ...mutually agreed terms (article 15).**