

Via Email (eh@pricklyresearch.com)

October 1, 2012

Edward Hammond
3103 Powell Cir
Austin TX 78704

Re: September 27, 2012 Request for Open Records

Dear Mr. Hammond:

The Georgia Institute of Technology (“Georgia Tech”) received your September 27, 2012 Open Records Act request for records. Specifically, you requested **“a copy of the (two) memoranda of understanding with the Fijian government referenced in the material transfer agreements with Bristol Myers.”**

Attached are the responsive records.

Regards,

Mary Ruth Raskind

Mary Ruth Raskind
Legal Services Coordinator
raskind@gatech.edu

/mrr

Attach.

C: Mark.Hay@biology.gatech.edu
Kathleen.Gosden@legal.gatech.edu

Georgia Institute of Technology
Atlanta, Georgia 30332-0495 U.S.A.
PHONE 404.894.4812
FAX 404.894.3120



**MINISTRY OF AGRICULTURE, FISHERIES & FORESTS
DEPARTMENT OF FISHERIES**

MOU between 1) Georgia Institute of Technology, United States of America 2) the people of Lau Province and 3) Fisheries Department of the Ministry of Agriculture, Fisheries and Forests.

This Memorandum of Understanding [MOU] is a binding agreement between 1) Georgia Institute of Technology, United States of America, 2) the people of the Lau Province – as owners of customary fishing right areas and 3) Fisheries Department of the Ministry of Agriculture, Fisheries and Forests – as representative of Fiji Government, pertaining to the taking of living marine organisms within Fiji fisheries waters for the general purpose of research work.

Summary:

The Intellectual Property Right Unit [IPRU] of the Ministry of Agriculture, Fisheries and Forests is in place, where its primary purpose is fully covered under the provisions in the Convention of Biological Diversity, which Fiji has ratified. The role of the IPRU is to ensure the protection of indigenous rights and resources from the exploits of outside forces and demands. It is paramount that indigenous and rural communities participation in the development of their natural resources are respected by all parties, and that sustainable resource use are the over-arching goals, and that any benefits derived should be equally enjoyed by the same.

Conditions:

The following conditions shall apply:

1. All developments pertaining to the taking of living marine organisms within customary fishing right areas in the Fiji Islands shall be subjected to consent by the custodian resource owners;
2. Any removal of live marine organisms [biological material] or materials derived therefrom as specimens out of the country for the purpose of scientific research work will require formal certification from the Fisheries Department;
3. Relevant copies of reports on these scientific research work will be made available to Fisheries Department and customary fishing right owners as and when required for their information, reference and record;
4. Permission must be obtained from the Permanent Secretary for Agriculture, Fisheries and Forests before the samples covered in this agreement are conveyed to any third party or any commercial use is made of the samples except for taxonomic identification purposes only;
5. Any scientific research work undertaken on these specimens for commercial purposes should have definite benefit sharing in place for the customary fishing right owners, the Fisheries Department and the country as a whole.
6. A local sample collection center shall be set up in Fiji, with the assistance of Institute of Applied Sciences, University of the South Pacific.

Acknowledged and agreed on:

this day of 20

1) Georgia Institute Technology, 2) People of Lau Province
United States of America



N. Tolosa
3) Chief Executive Officer for
Agriculture Fisheries and Forests

Qoliqoli: *Moala*
Signature: *[Signature]*

MINISTRY OF FISHERIES AND FORESTS
Fisheries Department
P O Box 3165, Lami, Fiji Islands

Memorandum of Understanding between 1) Georgia Tech Research Corporation, United States of America 2) the people of REWA Province, Fiji Islands and 3) Fisheries Department of the Ministry of Fisheries and Forests, Fiji Islands.

This Memorandum of Understanding [MOU] is a binding agreement between 1) Georgia Tech Research Corporation, United States of America [GTRC] 2) the people of the REWA Province, Fiji Islands - as owners of customary fishing right areas and 3) Fisheries Department of the Ministry of Fisheries and Forests - as representative of Fiji Government pertaining to the taking of living marine organisms within Fiji fisheries waters for the general purpose of research work.

Summary:

The Intellectual Property Right Unit [IPRU] of the Ministry of Fisheries and Forests is responsible for administering the provisions of the Convention of Biological Diversity which Fiji has ratified. The role of the IPRU is to ensure the protection of indigenous rights and resources from the exploits of outside forces and demands.

Conditions:

The following conditions shall apply:

- 1) Any taking of living marine organisms within customary fishing right areas in the Fiji islands shall be subject to consent by the custodian resource owners;
- 2) Any removal of living marine organisms [biological material] or materials derived there from as specimens out of the country for the purpose of scientific research work will require formal certification from the Fisheries Department;
- 3) Subject to U.S. export laws and regulations, relevant copies of reports on these scientific research work will be made available to Fisheries Department and customary fishing right owners as and when required for their information, reference, and record provided, however, that before such reports are made available a reasonable amount of time shall be allowed for the filing of any necessary intellectual property protection and/or the negotiation of a non-disclosure agreement among GTRC and the Fisheries Department and customary fishing right owners to protect the confidentiality of information contained in such reports;

- 4) Permission must be obtained from the CEO for Fisheries and Forests before the samples covered in this agreement are conveyed to any third party or any commercial use is made of the samples except for taxonomic identification and ecological studies purposes only;
- 5) Any scientific research work undertaken on these specimens for commercial purposes should have definite benefit sharing in place for the customary fishing right owners and the Fisheries Department and the country as a whole, such benefit sharing to be negotiated in good faith and on fair and reasonable terms.

Acknowledged and agreed on:

Investigators:

By: Mark Hay

Printed Name: Mark Hay

Title: Professor

Date: 15-3-2004

People of REWA Province

By: L. K. Mara

Printed Name: L. K. MARA

Title: ROKO TUI DREKETI

Date: 15. 3. 2004

Georgia Tech Research Corporation

By: Jilda Diehl Garton

Printed Name: JILDA DIEHL GARTON
GENERAL MANAGER

Title: _____

Date: October 4, 2004

CEO for Fisheries and Forests

By: Mitsei Bateman

Printed Name: MITSEI BATEMAN

Title: Chief Executive Officer

Date: 12 - 3 - 2004