

No. 33340

**AUSTRALIA
and
INDONESIA**

Agreement for cooperation in scientific research and technological development (with annex). Signed at Canberra on 24 August 1994

Authentic text: English.

Registered by Australia on 5 November 1996.

**AUSTRALIE
et
INDONÉSIE**

Accord de coopération dans les domaines de la recherche scientifique et du développement technologique (avec annexe). Signé à Canberra le 24 août 1994

Texte authentique : anglais.

Enregistré par l'Australie le 5 novembre 1996.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF AUSTRALIA
AND THE GOVERNMENT OF THE REPUBLIC OF INDONESIA
FOR COOPERATION IN SCIENTIFIC RESEARCH AND TECH-
NOLOGICAL DEVELOPMENT

THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE
REPUBLIC OF INDONESIA (hereafter referred to as the "Parties"),

DESIRING to promote further the close and friendly relations existing between the
Parties;

CONSIDERING their common interest to promote and encourage their scientific
research and technical progress and of the reciprocal advantages resulting from
cooperation in the fields of mutual interest;

CONVINCED of the need for effective cooperation in the scientific research and
technical fields which will enhance the economic and social development of both
countries:

HAVE AGREED as follows:

Article 1

For the purposes of this Agreement:

1. "Territory":

- (a) In respect of the Republic of Indonesia means the territory under the
sovereignty of the Republic of Indonesia and such parts of the continental
shelf and adjacent seas over which the Republic of Indonesia has sovereignty,
sovereign rights as well as other rights in accordance with the 1982 United
Nations Convention on the Law of the Sea.²
- (b) In respect of Australia means the territory under the sovereignty of Australia
and the adjacent seas over which Australia exercises its sovereignty consistent
with the 1982 United Nations Convention on the Law of the Sea, and other
adjacent seas and the continental shelf over which Australia exercises
sovereign rights and other rights in accordance with that Convention.

2. "Intellectual Property" shall have the meaning provided for in Article 2 of the
Convention establishing the World Intellectual Property Organization, done at
Stockholm, 14 July 1967,³ and shall include all rights relating to plant varieties,

¹ Came into force on 21 August 1996 by notification, in accordance with article 11.

² United Nations, *Treaty Series*, vol. 1833, 1834 and 1835, No. I-31363.

³ *Ibid.* vol. 828, p. 3.

Confidential Information, circuit layouts and semi-conductor chip products, unregistered trade marks and service marks.

3. "Background Intellectual Property" means Intellectual Property that has been developed independently of a Cooperative Activity and that is made available by one of the Participants for use in a Cooperative Activity.
4. "Foreground Intellectual Property" means Intellectual Property created in, or as a direct result of, a Cooperative Activity.
5. "Participant" means any person, legal entity, research institute, government agency or any other body participating in a Cooperative Activity under this Agreement, including the Parties themselves.
6. "Cooperative Activity" means an activity carried on under this Agreement and undertaken jointly by Participants.
7. "Implementing Arrangements" means the Arrangements referred to in Article 5.
8. "Confidential Information" means all trade secrets and know-how, show-how, scientific or technical data, results or methods of research and development, commercial or financial information or other information of whatever description and in whatever form (whether written or oral, visible or invisible) that meets all of the following conditions:
 - (a) is secret in the sense that it is not, as a body or in the precise configuration and assembly of its components, generally known among or readily accessible to persons within the circles that normally deal with the kind of information in question;
 - (b) has commercial value because it is secret; and
 - (c) has been subject to reasonable steps under the circumstances, by the person lawfully in control of the information, to keep it secret.

Article 2

1. The Parties shall, on the principle of equality and mutual benefit, promote scientific and technological cooperation between them.
2. Scientific and technological cooperation may be undertaken in the following areas:
 - (a) human resources development;
 - (b) global weather and environment;

- (c) marine scientific research and technology;
- (d) biotechnology;
- (e) agriculture;
- (f) aircraft and space;
- (g) telecommunications and information technology;
- (h) instrumentation;
- (i) energy; and
- (j) other areas of cooperation as may be mutually decided.

3. A Cooperative Activity, involving collaborative research, shall not proceed under this Agreement unless the Parties are satisfied that the Participants have agreed to an Implementing Arrangement or the Parties have decided that an Implementing Arrangement is not necessary.

Article 3

Forms of the Cooperative Activities under this Agreement may include:

- (a) exchange of information;
- (b) visits and exchanges of scientists and other experts or technical personnel;
- (c) meetings of various forms, such as joint seminars, workshops and exhibits on scientific research and technological development;
- (d) execution of joint or cooperation projects and programs;
- (e) provision of necessary materials and equipment;
- (f) education, training, and participation in on going programs; and
- (g) other forms of cooperation as may be mutually decided.

Article 4

1. Each Party shall designate an Executive Officer responsible for the coordination and facilitation of Cooperative Activities under this Agreement.