

法規名稱：MEMORANDUM OF UNDERSTANDING BETWEEN THE TAIPEI ECONOMIC AND CULTURAL OFFICE, AUSTRALIA AND THE AUSTRALIAN COMMERCE AND INDUSTRY OFFICE REGARDING PROMOTION AND FACILITATION OF TWO-WAY INVESTMENT IN BIOTECHNOLOGY

簽訂日期：民國 89 年 09 月 10 日

生效日期：民國 89 年 09 月 10 日

The Taipei Economic and Cultural Office (TECO), Australia and the Australian Commerce and Industry Office (ACIO) (hereinafter referred to as "the Parties"):

Conscious of the enormous commercial opportunities flowing from the development of new and novel biotechnology products for the international market;

Also conscious of the priority accorded by the governments in the territories represented by the Parties to the development of an internationally competitive biotechnology industry;

Noting in particular the importance attached by the governments in the territories represented by the Parties to promotion of two-way investment under the "Look South" policy and the Asia Pacific Regional Operations Center;

Recognizing the complementarity that exists between the respective strengths of each territory in the field of biotechnology;

Desirous of realizing the potential for cooperation between the companies of the territories represented by the Parties in the biotechnology industry;

Have reached the following understandings.

Implementation and Coordination

In order to ensure the efficient and effective promotion and fa-

cilitation of investment and commercial collaboration in the biotechnology industry, the following agencies will be the implementing and coordinating agencies for this Memorandum :

The Industrial Development Bureau (IDB) of the Ministry of Economic Affairs and other relevant government agencies in the territory the TECO represents; and

The Australian Trade Commission (Austrade), in association with Invest Australia of the Department of Industry, Science and Resources, and other relevant government agencies in the territory the ACIO represents.

Each Party will designate a coordination point within its office and a representative from its Implementing Agency who will be responsible for ensuring effective communication and implementation of this Memorandum. Where necessary and mutually determined, these designated representatives may hold working meetings to enhance the effectiveness of their cooperation.

Scope

The scope of the Memorandum will include, but not be restricted to, the promotion and facilitation of investment and other commercial activities in the fields of:

- medical biotechnology and pharmaceuticals;
- environmental biotechnology;
- food biotechnology; and
- biotechnology with agricultural applications.

The forms of cooperation covered by this Memorandum will include , but not be restricted to, the following kinds of commercial activities between companies and organisations:

- investment in research and the commercial development of biotechnology products in either territory;

- investment in the manufacturing of biotechnology products in either territory;
- investment or commercial collaboration in the international marketing of biotechnology products developed in either territory.

Strategic Objectives

The objective of promotion and facilitation activities pursuant to this Memorandum is to maximize the development of the biotechnology industries in both territories by harnessing complementary strengths and capabilities. These complementarities include their respective strengths and capabilities in research and development, commercialization, financing and international marketing. The Parties believe these complementarities provide a strong basis for mutually-beneficial strategic business partnerships. To this end, the Parties and Implementing Agencies will make every effort to promote and facilitate two-way investment in the biotechnology industry.

Promotion and Facilitation

In order to achieve the objectives of this Memorandum, the Parties in conjunction with the Implementing Agencies will actively promote and facilitate investment between companies from the territories represented by the Parties to this Memorandum in the biotechnology industry. This will include, but not be restricted to, the following assistance.

Each Party and Implementing Agency will:

- Provide and regularly update information to the other Party and its Implementing Agency on regulations governing investment in biotechnology in its territory and incentives available to facilitate and assist investment in biotechnology in its

territory.

- Provide information and contacts from the biotechnology industry in its territory.
- Provide information on sources of public and private investment and venture capital funding from their respective territories, and where possible encourage those potential investors to consider biotechnology investments in the territory of the other Party.
- Assist the other Party, its Implementing Agency and companies from the territory they represent to identify possible investment opportunities in its territory.
- Introduce companies from its territories to biotechnology investment opportunities in the territory of the other Party.
- Facilitate arrangements for biotechnology investment missions and investment-related study visits.
- Utilize all available governmental mechanisms to streamline and facilitate biotechnology investments in its territory.
- Encourage commercial cooperation in research and development between companies and organizations of the territories represented by the Parties.
- Arrange workshops and seminars designed to improve understanding of the investment opportunities present in the territory represented by each Party and to promote and facilitate two-way investment.

Intellectual Property Rights

The allocation of intellectual property rights arising out of cooperative activities between companies and organizations pursuant to this Memorandum will be determined by the companies and organizations themselves in their joint business agreement.

In the case of intellectual property arising directly from cooperative activities between the Parties, implementing agencies or associated agencies, each Party will jointly determine the allo-

cation of those rights within its jurisdiction and the Parties will jointly determine the allocation of rights in third jurisdictions.

Confidentiality

Neither Party will disclose or distribute any information that is supplied and marked, or stated to be "In-Confidence" by the originating Party, except as, and to the extent authorized by the originating Party.

Commencement and Duration

This Memorandum will come into effect on the date of its signature and will remain effective until otherwise decided. It may be altered or terminated at any time by means of submitting to the other Party a written notice at least 90 days before the suggested date of amendment or termination. Amendments will be subject to the written mutual consent of both Parties.

The termination of this Memorandum will not affect the terms of those activities which are in progress at the time of the notification of termination of the Memorandum.

In witness whereof, the undersigned being duly authorized thereto, have signed this Memorandum of Understanding in the English language

Signed in duplicate in the English language at Sanctuary Cove on this tenth day of September, Two thousand.

For the Taipei Economic and
Cultural Office, Australia

For the Australian Commerce and
Industry Office

Timothy C.T. Yang

Sam Gerovich

Representative

Representative