

subject to the conditions set out below. (The Recipient acknowledges that they are acting as a duly authorised representative of the institution they represent, and that the terms of this Agreement shall be binding on all present and future employees of their organisation, for as long as this agreement remains in force.)

**Acceptance by the Recipient of the Material will constitute an agreement by Recipient to comply with the conditions below.** The Material is supplied by the NBI in consideration of the undertaking by Recipient to comply with the conditions herein. Should the Recipient be unwilling to comply with these conditions, the Material must be returned to the NBI forthwith.

The supply of any and all biological material by the NBI to Recipient, including any Material to be supplied under this agreement, will be subject to the following conditions:

1. Subject to clauses 2 and 4 below, Recipient may use the Material and progeny or derivatives thereof (such as modified or unmodified extracts) for non-commercial purposes only.
2. Recipient will provide NBI with a fair and equitable share of any benefits obtained by Recipient arising out of any utilisation by Recipient of the Material or its progeny or derivatives, including benefits such as research results, copies of papers, acknowledgement of the NBI as the Source of the material.
3. **Under this Agreement, Recipient may not commercialise<sup>2</sup> the Material or any progeny or derivatives thereof.**
4. If, at any point, in the future the Recipient wishes to commercialise the Material or its progeny or derivatives, Recipient must first obtain the written permission of the NBI. Any commercialisation to which NBI agrees will be subject to a separate agreement between Recipient and NBI consistent with NBI's policy.
5. **Recipient may not transfer** the material or any progeny or derivatives thereof to any third party<sup>3</sup> other than Recipient or NBI without the prior informed consent, in writing, of NBI and then only under legally binding written agreement containing terms no less restrictive than those contained in this Agreement unless otherwise agreed in writing by NBI. The Recipient agrees to take every reasonable precaution to prevent the material coming into the possession of any unauthorised third party.
6. NBI makes no representation or warranty of any kind whether express or implied:
  - (a) as to the identity, safety, saleability or fitness for any particular purpose of the Material or its progeny or derivatives or
  - (b) that the Material provided to Recipient under this Agreement is or will remain free from any further obligation to obtain prior informed consent from, to share benefits with or to comply with restrictions on use imposed by the national, provincial or local authorities. Recipient will indemnify NBI from any and all liability arising out of the Material or its progeny or derivatives and their use.
7. The biological Material is provided at no cost, or with an optional transmittal fee solely to reimburse the NBI for its collection, preparation and distribution costs. If a handling fee is requested the amount will be indicated here: .....

<sup>2</sup> "Commercialise" and "Commercialisation" shall include but not be limited to any of the following: sale, filing a patent application, obtaining or transferring intellectual property rights or other tangible or intangible rights by the sale or licence or in any other manner, commencement of product development, conducting market research and seeking pre-market approval.

<sup>3</sup> "Third Party" shall mean any person other than the NBI and Recipient.

**Agreement B**



NATIONAL BOTANICAL INSTITUTE  
AGREEMENT (B) FOR THE SUPPLY OF BIOLOGICAL  
MATERIAL

The National Botanical Institute (NBI) is a corporate body constituted under the Forest Act No. 122 as amended (1991) and its mission is "to promote the sustainable use, conservation, appreciation and enjoyment of the exceptionally rich plant life of South Africa for the benefit of all its people".

In its work, the NBI intends to honour the letter and spirit of the 1992 Convention on Biological Diversity, the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora and national and provincial laws concerning biodiversity in the use of its collections.

On receipt of the Agreement **signed by Recipient below** and because Recipient has agreed to comply with the terms and conditions set forth in this Agreement, the NBI will supply to Recipient such of the biological material (the material)<sup>1</sup> requested by Recipient as is, in the NBI's judgement, reasonable and appropriate. (The Recipient acknowledges that they are acting as a duly authorised representative of the institution they represent, and that the terms of this Agreement shall be binding on all present and future employees of their organisation, for as long as this agreement remains in force.) Such biological material as is supplied to Recipient will be accompanied by a copy of this Agreement and an itemised list of the biological material being supplied.

---

I understand that any Material supplied to me by NBI pursuant to this Agreement will be subject to, and I agree to comply with, the conditions above.

SIGNED BY: .....  
for and on behalf of *[Insert name of recipient institution]*  
("Recipient").....

---

<sup>1</sup> "Biological Material" shall include plants, plant parts or propagation material (such as seeds, cuttings, roots, bulbs, corms or leaves) fungi or other fungal material and any other material of plant, microbial, fungal or other origin and the genetic resources contained therein.  
"Genetic Resources" shall mean any biological material of actual or of potential value containing functional units of heredity including DNA, transferred under this Agreement and its progeny and derivatives, including modified or unmodified extracts and purified compounds

SIGNED BY: .....

for and on behalf of the NBI

Name of Recipient ..... Name .....

Title ..... Date .....

Date .....

Address of Recipient .....

.....

.....

The supply of any and all biological material by the NBI to Recipient, including any Material to be supplied under this agreement, will be subject to the following conditions:

1. Subject to clauses 2 and 4 below, Recipient may use the Material and progeny or derivatives thereof (such as modified or unmodified extracts) for non-commercial purposes only.
2. Recipient will provide NBI with a fair and equitable share of any benefits obtained by Recipient arising out of any utilisation by Recipient of the Material or its progeny or derivatives, including benefits such as research results, copies of papers, acknowledgement of the NBI as the Source of the material.
3. **Under this Agreement, Recipient may not commercialise<sup>2</sup> the Material or any progeny or derivatives thereof.**
4. If, at any point, in the future the recipient wishes to commercialise the Material or its progeny or derivatives, Recipient must first obtain the written permission of the NBI. Any commercialisation to which NBI agrees will be subject to a separate agreement between Recipient and NBI consistent with NBI's policy.
5. **Recipient may not transfer** the material or any progeny or derivatives thereof to any third party<sup>3</sup> other than Recipient or NBI without the prior informed consent, in writing, of NBI and then only under legally binding written agreement containing terms no less restrictive than those contained in this Agreement unless otherwise agreed in writing by NBI. The Recipient agrees to take every reasonable precaution to prevent the material coming into the possession of any unauthorised third party.
6. NBI makes no representation or warranty of any kind whether express or implied:
  - (a) as to the identity, safety, saleability or fitness for any particular purpose of the Material or its progeny or derivatives or
  - (b) that the Material provided to Recipient under this Agreement is or will remain free from any further obligation to obtain prior informed consent from, to share benefits with or to comply with restrictions on use imposed by the national, provincial or local authorities. Recipient will indemnify NBI from any and all liability arising out of the Material or its progeny or derivatives and their use.
7. The biological Material is provided at no cost, or with an optional transmittal fee solely to reimburse the NBI for its collection, preparation and distribution costs. If a handling fee is requested the amount will be indicated here: .....

<sup>2</sup> "Commercialise" and "Commercialisation" shall include but not be limited to any of the following: sale, filing a patent application, obtaining or transferring intellectual property rights or other tangible or intangible rights by the sale or licence or in any other manner, commencement of product development, conducting market research and seeking pre-market approval.

<sup>3</sup> "Third Party" shall mean any person other than the NBI and Recipient.

## Useful References

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- HEYWOOD, C.A., HEYWOOD, V.H. & WYSE JACKSON, P.S. 1990. *International Directory of Botanical Gardens*. 5<sup>th</sup> edn. Koeltz Scientific Books on behalf of WWF, BGCS & IABG. 1021 pp.
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- WYSE JACKSON, P.S. & SUTHERLAND, L.A. 2000. *International agenda for botanic gardens in conservation*. Botanic Gardens Conservation International, U.K. 56 pp.
- WYSE JACKSON, P.S., LEADLEY, E. & HOBSON, C. 1999. A review of international conventions which affect the work of botanic gardens. *Botanic Gardens Conservation News* 3(2): 29-54.



## Useful Internet Addresses

Australian Botanic Gardens & Arboreta  
(Directory)  
<http://www.anbg.gov.au/chabg/bg-dir/>

Australian National Botanic Gardens  
<http://www.anbg.gov.au/anbg/>

Australian Network for Plant  
Conservation  
<http://www.anbg.gov.au/anpc>

Biodiversity Action Network  
<http://www.bionet-us.org>

Biodiversity Planning  
<http://www.undp.org/bpsp>

Biodiversity Policy and Law  
<http://www.bionet-us.org/website.html>

BioNet International  
<http://www.bionet-intl.org/>

Botanic Gardens Conservation  
International  
<http://www.bgci.org.uk>

Botanical Gardens and Arboreta Around  
the World  
<http://www.helsinki.fi/kmus/botgard.html>

Botanical Society of South Africa  
<http://www.botanicalsociety.org.za>

Brooklyn Botanic Garden, USA  
<http://www.bbg.org/>

Butchart Gardens, Victoria, Canada  
<http://www.com/butchart/>

Canadian Botanical Conservation  
Network  
<http://www.rbg.ca/cbcn/en/startup.html>

Center for Plant Conservation  
<http://www.mobot.org/CPC/>

CITES  
<http://www.cites.org/>

Conservation/Geography  
<http://www.esri.com/conservation>

Convention on Biological Diversity  
<http://www.biodiv.org>

Environmental Organisation Web  
Directory  
<http://www.webdirectory.com/General/Environmental/Interest/>

Food and Agricultural Organisation (FAO)  
<http://www.fao.org>

Harvard Citation system  
<http://www.lmu.ac.uk/lss/l/docs/docfront.htm>

Index herbariorum and Plant Specialists  
Index  
<http://www.nybg.org/bsci/ih/ih.html>

Indonesian Network for Plant  
Conservation (InetPC)  
<http://www.bogor.indo.net.id/inetpc/>

Inter-American Biodiversity Information  
Network (IABIN)  
<http://www.nbii.gov/iabin/>

Internet Directory of Botany  
<http://www.helsinki.fi/kmus/botmenu.html>

Internet Directory of Plant Conservation  
Resources  
<http://www.anbg.gov.au/anpc/web.html>

IUCN Species Survival Commission  
<http://www.iucn.org/themes/SSC/>

Missouri Botanical Garden, USA  
<http://www.mobot.org/>

National Botanical Institute, South Africa  
<http://www.nbi.ac.za>

New York Botanical Garden, USA  
<http://www.nybg.org/>

New York Botanical Garden: Electronic  
Catalogue of vascular plant types  
<http://www.nybg.org/bsci/hcol/vasc/>

Peace Parks Foundation  
<http://www.peaceparks.org.za/>

People and Plants  
<http://www.kew.org.uk/peopleplants>

Royal Botanic Garden, Edinburgh,  
Scotland, UK  
<http://www.rbge.org.uk>

Royal Botanic Gardens, Hamilton/  
Burlington, Ontario, Canada  
<http://www.rbg.ca>

Royal Botanic Gardens, Kew, UK  
<http://www.kew.org.uk/>

Royal Botanic Gardens, Melbourne,  
Australia  
<http://www.rbgmelb.org.au/>

Royal Botanic Gardens, Sydney, Australia  
<http://www.rbg Syd.gov.au/>

SABONET  
<http://www.sabonet.org>

Science in Africa  
<http://www.sciencein africa.co.za/>

Society of Wetland Scientists (SWS)  
<http://www.sws.org/>

South African Association of Botanists  
<http://botany.ru.ac.za/SAAB/SAAB.htm>

Succulent Society of South Africa  
<http://www.succulents.net>

The Wise Gardener  
<http://www.thewisegardener.com>

Threatened Plants  
<http://www.wcmc.org.uk/threatened-plants/>

Threatened Trees Database  
<http://www.wcmc.org.uk/cgi-bin/SaCGI.cgi/trees.exe>

UNESCO  
<http://www.unesco.org>

Wetlands International, Africa, Europe  
and Middle East  
<http://www.wetlands.agro.nl/>

World Conservation Monitoring Centre  
(WCMC)  
<http://www.wcmc.org.uk>

World Conservation Union (IUCN)  
<http://www.iucn.org/>

World Intellectual Property Organisation  
(WIPO)  
<http://www.wipo.int>

World Resources Institute (WRI)  
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## About SABONET

This publication is a product of the Southern African Botanical Diversity Network (SABONET), a programme aimed at strengthening the level of botanical expertise, expanding and improving herbarium and botanic garden collections, and fostering closer collaborative links among botanists in the southern African subcontinent.

The main objective of SABONET is to develop a strong core of professional botanists, taxonomists, horticulturists and plant diversity specialists within the ten countries of southern Africa (Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia and Zimbabwe). This core group will be competent to inventory, monitor, evaluate, and conserve the botanical diversity of the region in the face of specific development challenges, and to respond to the technical and scientific needs of the Convention on Biological Diversity.

To enhance the human resource capacity and infrastructure available in the region, SABONET offers training courses, workshops and collaborative expeditions in undercollected areas. The programme produces a newsletter, *SABONET News*, and a series of occasional publications, the *Southern African Botanical Diversity Network Report Series*, of which this publication is part.

SABONET is cofunded by:

- The United States Agency for International Development (USAID)/World Conservation Union—Regional Office for southern Africa (IUCN-ROSA)
- The Global Environment Facility (GEF)/United Nations Development Programme (UNDP)

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