

MEMORANDUM OF COOPERATION

Between the
CONSORTIUM FOR THE BARCODE OF LIFE
And its
Member Organizations

The Consortium for the Barcode of Life (CBOL) is an unincorporated international collaboration hosted by the Smithsonian Institution in Washington, DC¹. During the period covered by the initial Memorandum of Cooperation (2004-2009), more than 200 Member Organizations from 50 countries joined CBOL. CBOL's membership will continue to be international and future outreach efforts will strive to increase global participation in DNA barcoding. CBOL's governance is set forth in Terms of Reference², and it operates through collaborative activities with natural history museums, herbaria, biological repositories, government agencies, together with academic and commercial experts in biotechnology, informatics, genomics, taxonomy, and computer science. This Memorandum of Cooperation sets the terms for these collaborations.

CBOL and its Member Organizations are committed to creating a public, freely accessible, and non-commercial library of DNA barcode data records that are linked to voucher specimens maintained in secure biorepositories. Existing methods used to obtain barcode records are in the public domain and available for use without restriction or fee. CBOL encourages its Member Organizations to develop new methods and primers for obtaining barcode records and to place such methods in the public domain. Member Organizations may pursue patent and other intellectual property protection permitted under their national laws for new barcoding-related technology, products or processes they have developed³. In general, IPR protection requires that the technology, product or process is non-obvious (i.e., involving an inventive step beyond 'prior

¹ Support for CBOL's operations, including salary and expenses related to the operation of CBOL's Secretariat Office, have been provided by a series of grants from the Alfred P. Sloan Foundation of New York. This support began on 1 May 2004 and has been provided through the period ending on 30 April 2010. Renewal of funding will be proposed in January 2010. The Executive Secretary of the CBOL is an employee of the Smithsonian Institution and performs the duties of the CBOL in that official capacity.

² See CBOL's Terms of Reference, <http://www.barcoding.si.edu/governance.html>

³ Article 27 of the WTO's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), notes that national legislation may place limits on patentability.

art'), and useful (having potential as commercial applications).

CBOL's mission is to promote DNA barcoding as a global standard for species identification by:

- Setting international standards for laboratory and data protocols that will make DNA barcode data accurate, consistent, and reliable for species identification;
- Accelerating the construction of a public global reference library of DNA barcodes for eukaryotic species linked to voucher specimens and taxonomic names;
- Promoting the use of DNA barcodes for research and applications that benefit science and society;
- Encouraging the development of new and innovative technologies, products, and services that make DNA barcoding faster, cheaper, and more accurate, reliable, and portable;
- Contributing to the goals of the Global Taxonomy Initiative of the Convention on Biological Diversity;
- Contributing to the application of taxonomy to multilateral initiatives such as the Convention on International Trade in Endangered Species, the International Plant Protection Convention, and the Convention on Migratory Species; and
- Expanding participation in DNA barcoding to all regions and countries through outreach and training.

The purpose of this Memorandum of Cooperation (MOC) is to specify the terms of cooperation between CBOL and its Member Organizations, and to ensure their active involvement in its activities and success. The MOC provides a foundation for the members to work together on issues of common interest and upon which the members can jointly plan and carry out mutually beneficial programs, projects, and activities, including the operations of the Secretariat. The members agree that it is in their common interest and to their mutual benefit to work cooperatively through CBOL in a manner consistent with each member's mission and objectives.

Executive Committee:

CBOL's strategic direction is set by an Executive Committee composed of members nominated and approved by the Member Organizations, according to procedures specified in

CBOL's Terms of Reference.

Secretariat:

CBOL's Secretariat conducts day-to-day operations and provides financial and administrative support for activities that serve the strategic goals set by the Executive Committee. These operations include but are not limited to international outreach, facilitating the activities of CBOL's Working Groups, committees, and initiatives, convening planning meetings to launch new activities, representing CBOL to other biodiversity initiatives, government agencies, potential donors, and others who might contribute to CBOL's mission. Any project or initiative that requires reimbursement or contribution of funds by one signatory of the MOC to another will be set forth in a separate written agreement and handled in accordance with applicable laws, regulations, and procedures. This MOC does not represent a commitment to fund any specific project or initiative.

Membership and Member Responsibilities:

Members are expected to support and promote the goals of CBOL, and will invest resources in DNA barcoding activities through local, regional and global barcoding activities. Contributions may be via existing or new projects funded from core institutional sources, existing or new externally funded projects and/or access to specimens or other resources. CBOL will not own any data or voucher specimens, and will not operate, host or maintain the data repository for DNA barcode data records. Member Organizations will be expected to deposit their DNA barcode data records in the International Nucleotide Sequence Database Collaboration (INSDC; www.insdc.org), which currently includes GenBank, the European Molecular Biology Laboratory's Nucleotide Sequence Database, and the DNA Data Bank of Japan. In compliance with the barcode data standards, these records ordinarily will be linked to voucher specimens deposited in a suitable repository and the specimen data specified in the barcode data standards will be made public. Each Member Organization is solely and fully responsible for the data that it contributes to the participating public databases, and for complying with all terms and conditions of the public databases. In addition, Member Organizations will be expected to create DNA barcode records that meet the BARCODE data

standards⁴ whenever possible.

Code of Conduct

In promoting international collaborations involving biological materials and genetic resources, CBOL recognizes national sovereignty over the utilization of each country's genetic resources, as stated in the Convention on Biological Diversity. CBOL encourages its Member Organizations to abide by national regulations governing access and benefit sharing, including adherence to the principles of prior informed consent, mutually agreed terms, and requirements for material transfer agreement, and to adhere to high ethical standards in the conduct of their barcoding activities as exemplified by:

- Codes of professional conduct, such as MOSAICC⁵;
- Manuals of best practice such as the Swiss Academy of Science's "Access and Benefit Sharing: Good practice for academic research on genetic resources"⁶; and
- Institutional policies that support the Convention on Biological Diversity, such as policies based on the guidelines developed by 21 botanical gardens⁷.

This MOC may be modified or amended upon the request of any signatory party with the concurrence of all others. Any signatory party may terminate its participation in this MOC with written notice to the Secretariat 60 days prior to such withdrawal.

This MOC will be effective from 1st September 2009 for a period of five years. At the end of the term, the MOC will be subject to review by the Executive Committee and renewal by the signatories.

⁴ CBOL's Database Working Group developed the BARCODE data standards in 2005; see <http://www.barcoding.si.edu/protocols.html>

⁵ MOSAICC is the Micro-Organisms Sustainable use and Access regulation International Code of Conduct, developed under a European Commission project for microbial resource centers; see <http://bccm.belspo.be/projects/mosaicc/>

⁶ See <http://absbonn.pbworks.com/f/Swiss-GoodPractice.pdf>

⁷ 21 botanical gardens developed guidelines for institutions concerning CBD and access and benefit sharing; see <http://www.kew.org/conservation/principles.html>