

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF
CANADA AND THE GOVERNMENT OF THE REPUBLIC OF GERMANY
FOR THE EXCHANGE OF INFORMATION IN DEFENCE SCIENCE

1. This Memorandum of Understanding sets forth the broad arrangement between the Government of Canada and the Government of the Federal Republic of Germany for the exchange of information for defence purposes in fields of defence research of these states.

2. The fields of defence science and the specific projects to which this arrangement is applicable shall be mutually agreed upon by the Minister of National Defence on behalf of Canada and the Federal Minister of Defence on behalf of the Federal Republic of Germany.

3. The undertakings pursuant to this arrangement shall be known as "Canadian-German Defence Science Information Exchange Programmes". The activity of scientific interchange within a particular and designated field of science shall be known as a "Canadian-German Defence Science Information Exchange Project".

4. In the fields agreed upon in conformity with Article 2 of this arrangement, and to such extent as is permissible under the laws of the Contracting Parties, there shall be a full and frank exchange of information; either Party shall arrange, on request, for mutually agreed representatives of the other state, hereinafter referred to as visitors, to have access to establishments, or other places where the scientific activity on agreed projects is being carried out, for the purpose of obtaining a complete disclosure of information on those projects.

5. The Government of Canada and the Government of the Federal Republic of Germany recognize that restrictions may be placed on the transmission of certain technical information, where rights respecting such information are vested or enjoyed in or by a third party or third parties. Transmission of such information shall be subject to the approval of the third party or third parties concerned. If access to establishments or other places within the meaning of Article 4 is contingent upon the approval of a third party or third parties, the Governments shall fully endeavour to obtain such approval.

For purposes of this Article the expression "third party" means a person or authority or state not a party to this arrangement.

6. Any proprietary rights in inventions, in particular industrial property rights and copyrights, shall be protected. No use shall be made of information which might endanger or violate these rights, or the acquisition thereof, without prior agreement of those enjoying the aforementioned rights. Such prior agreement shall always be obtained before any such information is used for non-military purposes.

7. The Government of the state of origin may reserve the right to make the release of certain information to governmental authorities other than those specified in Article 2, to non-governmental authorities, or persons of the receiving state, or to or into third states, subject to its explicit consent. Transmission of classified information and material to or into third states shall be permissible only on the basis of a separate arrangement.

8. For the exchange and handling of classified information and material the following shall apply:

- (a) The transmission of classified information from either state to the other state shall be governed by the regulations applicable for NATO classified information and material. Documents and other material