

Statement of Understanding

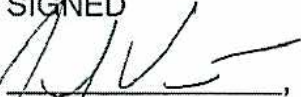
I. Dr. J. Craig Venter, Ph.D., as legal representative for the nonprofit policy and research *Institute for Biological Energy Alternatives* and its affiliates, hereafter called IBEA, in regards to the collection of marine water and other samples in jurisdictional waters of Mexico, with the purpose of obtaining samples of genetic material for genomic sequence analysis of microbial communities for studies in basic science, hereby formally acknowledges and states that:

1. Dr. J. Craig Venter or other members of the IBEA staff, will be collecting marine microorganisms in territorial waters of Mexico, in association with Dr. Valeria Souza of the Institute of Ecology of UNAM, under her *Licencia de Colector Científico* # 09443, during the month of January of 2004.
2. The representatives of IBEA are aware that the Scientific Collecting License of Dr. Valeria Souza constitutes a permit issued under Article 87 of the General Law for Ecological Balance and Environmental Protection (*Ley General del Equilibrio Ecológico y Protección al Ambiente* of México-LGEEPA).
3. Article 87 of LGEEPA allows collections made with purposes of basic science only, and not with purposes of developing biotechnological products of actual or potential commercial value, nor with the intention of obtaining intellectual property rights protection for the sequences obtained, nor developments derived from them. Nevertheless, obtention of copyright for scientific results published in books or journals is permitted.
4. By accepting to collect under Article 87 of LGEEPA, IBEA explicitly accepts that:
 - a) the results obtained from their investigations will be published in the open scientific literature,
 - b) sequences will be made available through channels accepted by the global scientific community, such as GenBank[®],
 - c) the reports of the results, including the sequences of genetic materials, will be made available to the Mexican Federal Government through the *Dirección General de Vida Silvestre* (Direction General of Wildlife) of SEMARNAT, and through the National Commission for the Knowledge and Use of the Biodiversity "CONABIO", in a period of time not longer than one year after the sequencing of the genetic materials in the samples, and in a manner defined jointly with the Mexican Partner, Dr. Valeria Souza.
5. In accordance with Article 5.7 of the NOM ECO 126, subsamples of the materials collected should be deposited in a Mexican institution with suitable facilities. The precise nature of such subsamples can be defined jointly with the Mexican Partner, Dr. Valeria Souza.

6. IBEA acknowledges with appreciation that the Institute of Ecology of UNAM will participate in this collaboration to create great benefit for the public and scientific communities in Mexico, and throughout the world, by publishing basic scientific research in the field of genomics. It is IBEA's expectation that neither party will pursue intellectual property rights to genomic sequence data and results developed from the sample collection, and that these data and results may freely be used by anyone for any purpose. Though it is not IBEA's intention, because the collection of samples and genomic sequencing contemplated in this Statement of Understanding is for basic science purposes only, should in the future IBEA wish to develop biotechnological applications based on products obtained from the samples, or part of the samples, collected in Mexican waters, or to apply for intellectual property protection to products derived from such samples, it has to reapply for a permit for biotechnological collecting under Article 87bis of LGEEPA.

DATE

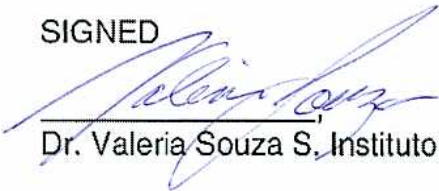
SIGNED



J. Craig Venter, Ph.D., President
The Institute for Biological Energy Alternatives

DATE

SIGNED



Dr. Valeria Souza S. Instituto de Ecología, UNAM