

Confidentiality and Conflict of Interest Undertaking

Biotechnology Industry Research Assistance Council (BIRAC) has invited the Expert named hereunder to provide scientific, technical and /or strategic advice and assistance with regard to evaluation of research and development proposals, implementation of project management through milestone analysis and site visits, and other related matters.

Background: BIRAC receives applications under Technical in confidence and is responsible for protecting the confidentiality of their submission and contents. For this reason, confidentiality must be maintained; therefore, DO NOT copy, quote, or otherwise use included in the Agenda.

Name of the Expert/ Reviewer:

Definitions:

Confidential Information:-

“Confidential Information” means all information (whether in oral, written or electronic form) relating to the minutia of research and development proposals, presentations, Intellectual Property stated in the research and development proposals, due diligence reports, in-house analysis reports and Freedom to operate reports, information on business and finances of the applicant organisations, proposed technology or intended inventions, budgets and strategies, minutes of the meeting(s) or other agnate materials including any notes or summaries derived from those materials of the Disclosing Party and confidential information received by the Disclosing Party from third parties, but excludes any information that:

- was lawfully in the possession of the Recipient before receiving it from the Disclosing Party.
- is provided in good faith to the Recipient by a third party without breaching any rights of the Disclosing Party or any other party.
- is or becomes generally available to, or accessible by, the public through no fault of the Recipient.
- is independently developed by the Recipient without use of the disclosed Confidential Information.
- is required by public authority, by law or decree.

Conflict of Interest:-

A conflict of interest usually involves a conflict between the public duty and the private interests of a member, in which the member has private interests which could improperly influence the performance of their official duties and responsibilities. Conflict of interest may arise in respect of a particular application in the following situations (this list is indicative and not exhaustive):

- The involvement of a Panel member in any current application– eg. as an applicant for funding or as the supervisor of an applicant;

- Membership/ Directorship of a Panel member in an organisation involved in any current submitted application under the programme; or
- Ownership of shares by a Panel member in a company involved in any current, established or submitted application, or if the future of the company will be significantly affected by the success of the application.
- Holding of any technical/scientific positions in an organization involved in any current submitted application under the programme.

The expert hereby undertakes that he/she:-

1. shall take reasonable measures to protect the secrecy of and avoid disclosure and unauthorized use of the Confidential Information of the disclosing party including discussion of the Confidential Information in any public forum which includes formal and informal discussion/lectures/publications/any other funding committee.
2. recuse self as a reviewer of an application if any conflict of interest in the project exists including the following:
 - a) Had a consulting/financial arrangement or other conflict of interest in the past 3 years, including receiving compensation of any type (e.g., money, goods, or services)
 - b) Have a known family relationship such as a spouse, child, sibling, or parent, or other relationship, such as a close personal friendship, that you think might affect your judgment or be seen as doing so by a reasonable person familiar with the relationship. (**Immediate family member**: Spouse/partner, son, daughter, sister, brother, mother or father).
3. shall disclose to BIRAC any reason that he would not be able to evaluate any Company, Institution or Entity in a fair and Unbiased manner.
4. shall comply, while performing the services, to the best of ability and guidelines established by the Government of India and BIRAC.
5. he shall fill in the 'Conflict-of-interest' form in order to reveal his potential or actual and present or past (since 5/10 years) as well as his immediate family members absence or presence of economical and non- economical interests in the proposed Company, Institution or Entity that has to be evaluated or has to undergo site visit. The 'Conflict-of-Interest' form is appended herein as **Annexure 1**.
6. **can self-reveal the fact that he/she served on the panel, but CAN NOT reveal the composition of the panel or any of the discussions during the panel meeting or during the entire review processes.**

That any breach of this Undertaking may cause irreparable harm to the disclosing party for which monetary damages may be inadequate. Accordingly, the BIRAC may be entitled to

injunctive or other equitable relief to remedy and threatened or actual breach, in addition to any other remedy available to the Disclosing party.

The Expert is entitled to the honorarium or sitting fees and prompt reimbursement for all pre-approved expenses incurred in the performance of his Duties, upon submission and approval of written statements and/or receipts in accordance with the then regular procedures of the BIRAC.

WHEREFORE, the Expert acknowledges that he has read and understood this Undertaking and voluntarily accepts the duties and obligations set forth herein.

Signature of the Expert

Full Name:-

Designation:-

Organization/Institute:-

Address (with email and Mb. No.):-_____

‘Declaration of Conflict-Of-Interest’ Form

Do you have any conflict of interest: economical or non-economical involvement (which includes technical/scientific interactions) with any Company/ Institution or Entity Mentioned in the Agenda of _____ **Meeting held on** _____ .

(Please fill the appropriate certificate)

No			
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As an Expert invited by BIRAC, I, _____ hereby certify that; Neither me nor any of my immediate family members have any affiliation with or have any interest, economical or non-economical in any Company, Institute or entity that has to be evaluated or any Company, Institute or entity that has to undergo site visit.

OR

Yes			
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As an Expert invited by BIRAC, I, _____ hereby disclose that; I / my immediate family member(s) have affiliation with or have interest, economical/ non-economical interest in the below stated Company, Institute or entity that has to be evaluated or in the below stated Company, Institute or entity that has to undergo site visit.

Name of the Company, Institute or entity:

- 1.
- 2.

Full Name and Address		Date & Place:		Signature:	
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