

Access arrangement

Access through the website

DSM will provide a username and a password to the institute that has obtained access through an Access Agreement signed by both parties.

Using the username and password, persons identified in the Annex to the Agreement can log in to the genomic database through the log-in location on this website.

DSM will monitor the activity of Investigators as identified through their username and password during their access to the *Aspergillus niger* genomic database. Access to the website and searches in the genomic database is per username/password restricted according to the following criteria:

- Per week, a maximum of twenty-five (25) requests (e.g. BLAST or annotation search) for information from the *A. niger* genome database may be submitted - Each request for a BLAST query may contain a maximum DNA sequence of 15000 bp or a maximum protein sequence of 5000 amino acids
- Each query will give in return a top-25 of best hits, ranked according to similarity scoring (e.g. e-value)
- As a result of the request the complete gene plus a maximum of 1000 bp up-and downstream of the gene (or shorter if next gene starts within 1000 bp) and the complete identified protein sequence will be provided for the three *A. niger* sequences with highest homology
- Alignments of the top three hits will be provided

The above criteria can be modified by DSM; please consult this website for up-to-date information.

Results from searches can be downloaded by the Investigator and investigated further off-line. Investigators are notified that on-line processing of data downloaded from the *Aspergillus niger* genomic database by applying certain internet-based software tools is not considered safe by DSM. It is regarded the responsibility of the Investigator to judge the using of such tools as complying with the Access Agreement.

Access through the stand-alone facility at DSM

Investigators interested in performing broader searches in the *Aspergillus niger* genomic database allowed via the website are invited to contact DSM for access to the stand-alone facility at the DSM Life Sciences site in Delft, The Netherlands.

Access may be granted on an individual, case-by-case basis to accommodate research that will require broad searches in the genomic database such as, e.g., questions related to comparative genomics.

Access to GeneChip® arrays

Affymetrix, Inc., has developed a proprietary GeneChip® array containing all genes identified in the *Aspergillus niger* genomic database. DSM will provide an ID listing of the genes present on the array.

This array will not be available to third parties without prior approval of DSM.

DSM Food Specialties

Memo

2003, 10 November -2-

Investigators who have entered into the Access Agreement with DSM will be mentioned by DSM to Affymetrix as licensees that are allowed to order the DSM *Aspergillus* GeneChip® array. Orders for the DSM *Aspergillus* GeneChip® array should be placed directly with Affymetrix and users should arrange for the necessary licenses to be obtained from Affymetrix to use and analyze the arrays.

Reporting and Publications

In exchange for the access granted to the *Aspergillus niger* genomic database, Investigators will report to DSM biannually on progress made in research enabled by access. Investigators will be allowed to publish or present results obtained by using the *Aspergillus niger* genomic database, provided that DSM will be given the opportunity beforehand to determine if patentable material is present or that publication would be against the interests of DSM. In either of these circumstances, DSM and the Investigator will discuss a practical and satisfactory solution within a limited timeframe. DSM will take all measures reasonably to be expected, to keep secret until publication all information obtained from the Investigator.

Patents and licensing

Investigators will be allowed to file patent applications on results obtained by using the *Aspergillus niger* genomic database. For a defined period of time, DSM will be granted an option to negotiate a license on such patent applications.

In case an Investigator is not interested to file a patent application on results obtained by using the *Aspergillus niger* genomic database, DSM will be granted the right to file patent applications and the parties will jointly discuss back-licenses possibly required by the Investigator.

Sample Analysis Agreement

Investigators can send requests detailing the information required to DSM. DSM will determine if the information can be provided under the Sample Analysis Agreement. Investigators should thereafter have the Agreement executed in duplicate by their duly authorized representatives before sending the originals of the signed documents to the address mentioned in Article of the Agreement. DSM will sign the Agreement after receipt and return one copy. DSM will then contact the Investigator to arrange for the transfer of the data.

Legal notice

This explanation is for your information only and does not contain any rights or obligations for Investigators nor DSM. We refer to the signed Access Agreement or Sample Analysis Agreement which is legally binding between the Investigator and DSM.