



Product Evaluation Agreement



TABLE OF CONTENTS

PARTIES: 4

PREAMBLE: 4

1. DEFINITIONS AND INTERPRETATION 4

2. LOAN OF PROUCTS 6

3. USE OF PRODUCTS 6

4. RESTRICTIONS ON USE 6

5. UNAUTHORIZED RELEASE 6

6. LOCATION OF PRODUCTS AND SECURITY OF ACCESS 6

7. RETURN OF PRODUCTS 7

8. TITLE AND INTELLECTUAL PROPERTY RIGHTS 7

9. RISK TO THE PRODUCTS 7

10. INDEMNITY FOR INJURIES OR DEATH 7

11. LIMITATION OF LIABILITY 8

12. NO WARRANTIES EXCEPT THOSE REQUIRED BY LAW 8

13. NOTICES 9

14. ASSIGNMENT 10

15. WAIVER 10

16. UNENFORCEABILITY 10

17. ENTIRE AGREEMENT 10

18. AMENDMENT 10

19. FORCE MAJEURE 10

20. NO MERGER 11

21. NO AGENCY OR PARTNERSHIP 11

22. FURTHER ASSURANCES 11

23. COUNTERPARTS 11

24. GOVERNING LAW 11

25. CONFIDENTIALITY 11

26. SPECIAL CONDITIONS 12

EXECUTED AS AN AGREEMENT..... 13
SCHEDULE..... 14

PRODUCT EVALAUTION AGREEMENT

THIS AGREEMENT is made on the date specified in the Schedule

PARTIES:

1. The party identified in the Schedule and hereinafter referred to as **“the Provider”**
2. The party identified in the Schedule and hereinafter referred to as **“the Recipient”**

PREAMBLE:

- A. The parties desire for their mutual benefit that certain Products described in the Schedule be made available by the Provider to the Recipient in order for the Recipient to evaluate such Products for the purposes disclosed in the Schedule.
- B. The Provider agrees to provide the Products to the Recipient and the Recipient agrees to receive and evaluate them on the terms and conditions set out below.

IT IS AGREED AS FOLLOWS:

1. DEFINITIONS AND INTERPRETATION

- 1.1 In this Agreement the following definitions apply unless the context otherwise requires:

“Agreement” includes the preamble and the schedules and any annexure to this document and any matter incorporated by cross-reference.

“Products” means the products identified as such in the Schedule.

- 1.2 For the purposes of interpretation of this Agreement:

- (a) a cross reference to a clause number is a reference to all its sub-clauses;
- (b) words denoting the singular number include the plural and vice versa;
- (c) words denoting any gender include all genders;