

Introduction to IPR with reference to WTO and TRIPS Agreement

Property

- Tangible property (Physical property)
- Intangible property (Intellectual property)

Property Rights

- Possession
- Ownership
- Enjoyment
- Control
- Application/ use
- Exclude non-owners
- Transfer, including inheritance

General nature of IPR

- Private
- Exclusive
- Limited period
- Territorial
- Transferable
- Tradable

Different Forms of IPR

- Copyright
- Trademark
- Geographical indication
- Industrial design
- Patent
- Plant breeder's right
- Lay out designs of integrated circuits
- Trade secret

Why to protect our Intellectual Property?

1. Award for inventor/ innovator and reward for investor.
2. Once protected, new knowledge is open to the public.
3. Real scientific and technological progress has taken place only in countries that provided effective IPR protection.

4. Economic progress depends on developments in science and technology with IPR protection.
5. Due to lack of protection traditional knowledge becomes confined to closed circuit and vulnerable to loss for ever.

World Trade Organization: Estd: 1.1.1995 HQ: Geneva

WTO facilitates International Trading in:

- Goods
- Services
- IPR

TRIPS Agreement

TRIPS: Trade related aspects of Intellectual property rights

- TRIPS Agreement came into force from 1.1.1995
- Members are obliged to abide by the Agreement
- TRIPS Agreement defines minimum standards of different forms of IPR
- India is Member of WTO from the beginning.

Indian IPR Laws after TRIPS

- The Patents Act, 1970 (Amend. 1999, 2002, 2005)
- The Copyright Act, 1957 (Amend. 1983, 1984, 1992, 1999)
- The Geographical Indications of Goods (Registration and Protection) Act, 1999
- The Trade Marks Act, 1999
- The Designs Act, 2000
- The Layout Designs of IC Act, 2000
- The Protection of Plant Varieties and Farmers' Rights Act, 2001

Copyright:

- Protects original works that are musical, literary, artistic works, lectures, plays, cinema, multimedia productions, models, photographs, broadcasts, computer software.
- Copyright protects only expression, not the theme or idea.
- Term of protection is Life + 60 years (For broadcasting 25 years)
- Copyright protection is automatic.
- Copyright is internationally respected.

Trademark (Brand name)

- Marks (words/ signs/ letter/ colour /number or combinations) used to distinguish the goods or services of one company from that of others.
- TM is a strong marketing tool.
- Term – 10 years (renewable again and again)

Other forms of trademarks

- **Collective Marks:** These are used to distinguish goods or services produced or provided by members of an association. Eg: Unilever, Godrej
- **Certification marks:** These are used to distinguish goods or services that comply with a set of standards and have been certified by a certifying authority. Eg: Silk Mark, Agmark.

(Industrial) Design

Design refers to aesthetic aspects, it is external appearance of the finished product. These aspects may be:

- Shape
- Configuration
- Pattern
- Ornamentation
- Compositions of lines or colors

Term of registered design

- 10 years
- Renewable for 5 years
- Design increases value of products

Geographical Indication

- An indication (trademark) which indicates geographical origin of goods where a given quality, reputation or other characteristic essentially attributable to its geographical origin
- Applicable to natural, agricultural or manufactured goods
- GI is a lawful right. Any lawful organization, Association or Authority (not individual person) can apply for registration of GI of agricultural, natural or manufactured goods.

Examples:

- Muga silk of Assam
- Assam Orthodox tea

- Darjeeling tea
- Naga Mirch
- Champagne wine

Term and rights of GI

- Term is for 10 years (perpetually renewable)
- Rights are conferred: - To obtain relief in respect of infringement
- Exclusive right to use GI
- GI rights are non-transferable.

Patent

A monopoly and exclusive right for a limited period of time over an invention granted by the govt. to the owner in lieu of disclosure of the invention

What is patentable?

Invention is patentable.

An invention (process or product) is something which is –

- New
- Involving inventive step
- Capable of industrial use

Term of Patent

- 20 Years
- Annual renewal necessary

Trade secret (Undisclosed information)

- Protects from illegal acquisition of a trade secret of a person or institution without consent of the owner.
- Civil laws protect trade secrets.

Plant Variety Protection

TRIPS Agreement

- Article 27 Section 3 (b):
- Members shall provide for protection of plant varieties either by patents or by an effective *sui generis* system or by combination of both.

Plant Breeder's Right

- Breeder has right to produce, sell, market , import /export and distribute seeds of his registered varieties and exclude others to do so.
- Breeder's authorization is necessary for production and commercial exploitation of the registered varieties.

Farmers' Rights

- Farmers have right to produce, save, sell, exchange and share seeds of registered varieties except selling as branded seeds.

Eligible varieties for PBR

- New varieties including essentially derived varieties (EDV)
- Extant varieties including farmers' varieties

Criteria for registration of Varieties

- Novelty (for new varieties)
- Distinctness
- Uniformity
- Stability
- Denomination

Term for PBR

- 18 years for trees and vines
- 15 years for annuals and biennials

Ways of technology transfer

- Assignment
- Licensing (exclusive & nonexclusive)
- By placing in public domain (for free use)(In case of joint ownership of IP, it is to be transferred by consent of all the owners.)

Issues and Challenges

- Food and nutritional security
- Health security
- Globalization
- Cultural heritages
- Market forces
- Disasters management

Farmers' rights, community right and benefit sharing-provisions in PPV&FR Act

Food security continues to be a challenge

- The World population has passed 6.8 billion people and continues to grow.
- Hunger is one of the major challenges to humankind at present and likely will be even more in the future as food requirements rise.
- Technology advances in agriculture and food production need to continue to meet these challenges.

Evolution of agricultural efficiency

Food source - timeframe	Area (ha) needed to feed one person for one year
Hunting - 10000 BP	2 500
Grazing - 5000 BP	250
Scattered plots - 2000 BP	84
Rudimentary agriculture - 500	0.333
Mid 19th century agriculture - 1840	0.070
Modern agriculture - from 1970s	0.035

Plant Breeding

Development of varieties for

- Productivity in favorable environments
- Productivity in unfavorable and marginal environments
- Quality and value addition
- Suitability to different agricultural situations
- Resistance to pests, diseases and abiotic stresses

Investments in Plant Breeding

- Large annual investment on land, equipments, greenhouses, laboratories and skilled manpower.
- Investment over several years.
- Not all plant breeders are successful and, and not all varieties are commercially successful.

- Benefits arising from the combinations of increased yield, resistance and improved quality through plant breeding are good reasons to encourage investment and taking risks.

Returns on Investment in Plant Breeding

- Food security
- Poverty alleviation
- Reduced production costs
- Less dependence on pesticides, more efficient use in water and nutrients

Need for Protection of Plant Varieties

- Process of plant breeding is long and expensive; however, but very quick and easy to reproduce a variety.
- Resource generation in public sector plant breeding.
- Attract private sector for plant breeding.

TRIPS Agreement

Article 27 Section 3 (b):

(Trips: Trade related aspects of intellectual property rights)

Members shall provide for protection of plant varieties. Three options given:

1. by patents or
2. by an effective *sui generis* system or
3. by combination of both.

India opted for *sui generis* system.

Indian legislation on plant variety protection

- India's food security, national requirements
- Economic and social status of the farming community
- Trade and environmental issues.
- International obligations

Two major elements of PPV&FR Act

- Plant breeders' right system from International Union for Protection of New Varieties of Plants (UPOV)
- Farmers' rights system from Food and Agriculture Organization (FAO) – International Treaty on Plant Genetic Resources for Food & Agriculture (ITPGRFA)

International Union for the Protection of New Varieties of Plants (UPOV)

First Treaty : 1961, 6 European Members

First Enforcement : 1968, 4 European Members

Current Membership : 68, Mostly Developed

Countries

Model Acts : UPOV 1961/1972, UPOV 1978, UPOV 1991

HQ : Geneva

Website: www.upov.int or www.upov.org

The UPOV Convention

Provides a *sui generis* form of IPR, specifically adapted for the process of plant breeding, and developed with the aim of encouraging breeders to develop new varieties of plants.

UPOV gave the concept of:

- Plant Breeders' Right (PBR)
- Essential requirements for PBR
- Duration of protection
- Researcher's and exemption

Protection of Plant Varieties and Farmers' Rights Act, 2001

"An Act to provide for the establishment of an effective system for protection of plant varieties, the rights of farmers and plant breeders and to encourage the development of new varieties of plants."

Objectives of PPV&FR Act

- Stimulate R & D for new varieties
- Facilitate growth of seed industry
- Ensure high quality seeds to farmers
- Accelerate agriculture growth

Structure of the PPV&FR Act 2001

Chapter I: Preliminary: Title, Jurisdiction and Definitions (Section 1 to 2)

Chapter II: Protection of Plant Varieties and Farmers' Rights Authority and Registry (Section 3 to 13)

Chapter III: Registration of Plant Varieties and Essentially Derived Variety (Section 14 To 23)

Chapter IV: Duration and Effect of Registration and Benefit Sharing (Section 24 To 32)

Chapter V: Surrender and Revocation of Certificate and Rectification and Correction of Register (Section 33 To 38)

Chapter VI: Farmers' Rights (Section 39 To 46)

Chapter VII: Compulsory Licence (Section 47 To 53)

Chapter VIII: Plant Varieties Protection Appellate Tribunal (Section 54 To 59)

Chapter IX: Finance, Accounts and Audit (Section 60 To 63)

Chapter X: Infringement, Offences, Penalties and Procedure (Section 64 To 77)

Chapter XI: Miscellaneous (Section 78 To 97)

Protection of Plant Varieties & Farmers' Rights Authority

- Independent and permanent body responsible for implementation of the Act.
- Broad based composition: Chairman + 15 members: scientists, state representatives, and farmers/ tribal/ women's organizations etc.
- Standing committees to advise the Authority on all issues including farmers' rights.

Criteria for registration of Varieties

- Denomination

Plant Breeder's varieties:

- Novel, Distinct, Uniform & Stable (NDUS)

Extant & Farmers' varieties:

- Distinct, Uniform & Stable (DUS)

DUS testing for registration**DUS Criteria****Distinct:**

- should be clearly distinguishable from any other variety by at least one essential characteristic

Essential characteristic:

- a heritable trait of a plant variety determined by one or more genes, that contribute to the principal features of performance or value of the variety

DUS Criteria**Uniform:**

- should be sufficiently uniform for its essential characteristics
- Some variation is natural in cross pollinated crop varieties.

Stable:

- essential characteristics should remain unchanged after repeated propagation.

Eligible Varieties

- New plant varieties including EDV of genera and species notified by Central Govt.
- Extant varieties**
- ✓ Varieties **Notified u/s 5 of the Seeds Act, 1966**
- ✓ Farmers' varieties
- ✓ Varieties in the public domain
- ✓ Common knowledge varieties

Farmers' variety

- A variety that has been traditionally cultivated and evolved by the farmers in their fields. OR
- It is a wild relative or land race or a variety about which the farmers possess the common knowledge.

- FV are those plant varieties that are homogenous traditionally cultivated by farmers, selected by farmers in their own field and is an improvement over the wild relatives and/or land races.

Non-eligible Varieties

- Varieties commercial exploitation of which may breach public order or morality or cause injury to human, animal and plant life and health or may cause serious prejudice to the environment
- Varieties containing genetic use restriction technology (GURT) and terminator technology

Period of Protection

Trees and vines : 18 (9+9) years from date of registration

Other plants : 15 (6+9) years from date of registration

Extant varieties : 15 years from date of notification

Who can apply?

- Breeders or their successors or assignees
- Farmer or group / community of farmers
- Public or private institution

Plant Breeder's Rights

- To produce, sell, market and distribute seeds of registered varieties
- To import/ export seeds of protected varieties
- Breeder's authorization for production and commercial exploitation of the protected varieties

Grounds for revocation:

- Incorrect information
- Failure to provide relevant alternate denomination in case it is found in the database
- Failure to provide seed/propagating material in required and quality

Farmers' Rights (Not privilege)

- Right to produce, save, sell, exchange, and share protected varieties except sale as branded seeds
- To register farmers' varieties
- Compensation for lower than specified yield
- Exemption from payment of fees
- Safeguard against innocent infringement

Community Rights

- Recognition of the role of traditional communities in conservation of genetic resources of land races and wild relatives of crops.
- Compensation for contribution of village or local community in evolution of a registered variety.
- Compensation determined by PPV&FR Authority and deposited in National Gene Fund first.

Benefit-sharing

- From a variety developed by using indigenously derived genetic resources
- Any person, group of persons or govt. or NGO can file claim for benefit sharing
- Benefit sharing confined to Indian citizens and organizations
- Benefit sharing for essentially derived varieties
- Quantum of benefit to be decided by the PPV&FR Authority

Researcher's right

Researchers (including plant breeders) can use protected variety for the purpose of research without prior approval from the PBR holder, but not for commercial purpose.

Compulsory License

If seeds of a protected variety are not available in adequate quantity and at reasonable price, the PPV&FR Authority may grant license to a third party without asking the breeder of registered variety to undertake seed production and distribution.

National Gene Fund**Constituted from**

- Benefit sharing proceeds
- Royalties and fees
- Communities' share of compensation
- Contributions and grants

To be utilized for

- Compensation to breeders, farmers, communities
- Conservation of genetic resources for sustainable use

Fees

1. Application Form Charges	200/-
2. DUS test fee*	
Rice, Wheat, Maize, Sorghum, Pearl millet, Pigeon pea, Mungbean, Urdbean, Chickpea, Fieldpea, Lentil, Rajmash	
	20,000/-
3. Registration Charges for Extant Variety of Common Knowledge where no DUS test is needed.	2,000/-
4. Registration Certificate charges	5,000/-
5. DUS test site visit charge/ person/ visit	500/-

Infringement

1. An unauthorized person selling, exporting, importing or producing a registered variety or selling, exporting, importing or producing beyond agreed terms.
2. Using identical denomination or deceptively similar to the denomination of a registered variety.

Punishment for infringement

- Falsely applying denomination of a registered variety: Imprisonment – 3 months to 2 years, or with fine Rs. 50000 to Rs. 500000, or both.

- Selling, or exposing for sale, or possessing for sale of any variety with a false denomination: imprisonment – 6 months to 2 years, or fine Rs. 50000 to Rs. 500000, or both.
- Falsely representing as a registered variety: imprisonment - 6 months to 3 years, or fine Rs. 100000 – 500000, or both.
- Second and subsequent offence: imprisonment for one year to three years, or fine of Rs. 2 – 20 lakh, or both.

Crop Species notified for Registration (30 species)

- | | | |
|---------------------------|-------------|--------------------|
| • Black Gram | Bread Wheat | Cotton(Tetraploid) |
| • Cotton(Diploid) | Chickpea | Black Pepper |
| • Field Pea/Garden Pea | Green gram | Jute |
| • Kidney bean/French bean | Lentil | Maize |
| • Pearl Millet | Pigeon pea | Rice |
| • Sorghum | Sugarcane | Small Cardamom |
| • Turmeric | Ginger | Indian Mustard |
| • Rapeseed | Sunflower | Safflower |
| • Castor | Sesame | Linseed |
| • Groundnut | Soyabean | Chrysanthemum |

(as on 15.7.2011)

Reward and Recognition to Farmers

- Plant Genome Savior Community Recognition Award has been instituted by the PPV&FR Authority

Protection of biodiversity and traditional knowledge

Biodiversity :

- Variation of life form (Oxford 1968)
- Variability of living organisms from all sources,, and the ecological complexes of which they are part; including diversity within species, between species and of eco-systems

(Convention Biological Diversity)

- Biological diversity is the central tenet of nature, one of its key defining features
- Evolution has produced an amazing variety of plants, animals and micro-organisms, intricately interconnected, and worthy of respect and conservation in their own right
- Biodiversity is also the basis for the continuous evolution of species
- This diversity is also the backbone of human societies and cultures in terms of the ecological functions it provides myriad survival and livelihood options
- 'biodiversity' encompass all levels of diversity, ecological and evolutionary processes, including:
 - ✓ **Natural ecosystems:** e.g. forests, grasslands, wetlands, deserts, mountains, coastal and marine areas, including the historical changes taking place in such ecosystems.
 - ✓ **Wild species and varieties:** species of plants, animals, and micro-organisms existing in their natural state and the genetic variation within each of these species.
 - ✓ **Agricultural ecosystems:** e.g. farmlands, pastures, capture fisheries, aquaculture, including historical changes in land-use patterns.
- Domesticated species and varieties: species of crops livestock (including poultry), captive-bred fish, pets, and micro organisms in ex-situ collection and the genetic variation within each of these species.
- Biodiversity exist at a various levels such as species, genetic and habitat

Reasons for conserving biodiversity

- Ethical
- Ecological
- Economic
- Aesthetic
- Evolutionary

Most widely accepted scientific methods of biodiversity conservation are:

- (i) *Ex situ* methods & (ii) *In situ* methods

Ex situ conservation

Conservation of biodiversity out side their natural habitat or ecosystem.

***In situ* conservation**

This is being done by effecting protection of Natural habitat(s) as such so as the species or stock of biological communities in their natural state is protected from human intervention e.g. Biosphere reserves, national Parks, wild life sanctuaries, sacred groves or other protected natural ecosystems or on farm agrobiodiversity.

***Ex situ* Conservation**

- Conservation outside the natural habitat
- Gene banks (seed banks, in vitro and field genebanks)
- Store samples of seeds under controlled conditions of temperature and humidity for long and medium term storage
- Materials are collected through expeditions
- Material is well documented
- Goal is to conserve PGR for future generations
- Practical purpose of conservation strategy is to make genetic resources (germplasm and information) available for use (research and breeding)

***In situ* conservation**

- **Conservation within natural habitat or the**

maintenance of entire eco-systems, which may

be for the sake of the conservation of some species or

genetic diversity

- Applied for the conservation of Semi-wild and wild relatives of crop species in their original habitats
- Forests, rangelands and other human managed ecosystems
- Conservation *in situ* is the result of use

Traditional Knowledge

Traditional knowledge is the knowledge that people in a given community have developed over time, and continue to develop.

It is based on experience, often tested over centuries of use, adapted to local culture and environment, dynamic and changing.

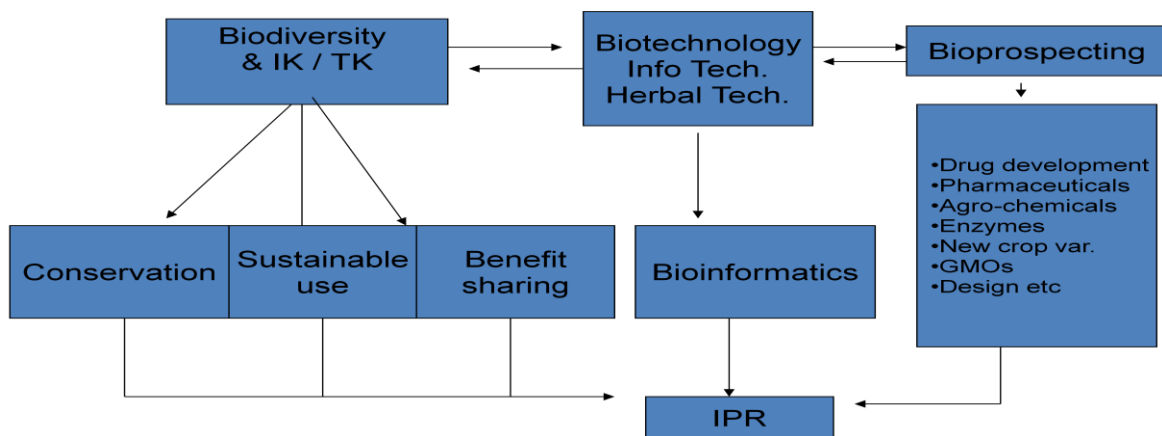
Transferable Traditional knowledge: Traditional knowledge that is indigenous to specific region (s) but having potential to be applied to other regions and having time-tested reliability

Traditional Knowledge

Criteria for TK

- Originated within communities, based on local needs, and specific to culture and context (environment and economy)
- Provides core knowledge with flexibility for local adaptation for implementation
- Uses local knowledge and skills, and materials based on local ecology
- Has been proven to be time tested and useful in disasters
- Is applied or applicable in other communities or generations

Biodiversity and IPR : linkages



Need of the hour

- ✓ Given the global trends in capturing the intellectual property markets, the nations like India now needs to look ahead for the best possible ways and means by which they can generate IPR and build up IPR covered bioindustrial regimes based on immense biodiversity and TKs.
- ✓ Biotechnology (BT), Information Technology (IT) and Herbal Technology (HT) are the three fast emerging and powerful areas of R&D in current century. The rich biodiversity, associated knowledge systems and human resources etc. are the strength of India, and therefore have the best opportunity.

Convention on Biological Diversity (CBD)**Genesis of the Global Concern on Biodiversity Conservation**

- First discussed in 1972 U. N. Conference at Stockholm
- U. N. General Assembly by a resolution on 15th December 1972 established UNEP.
- First Governing Council met in 1973 identified Conservation of Nature, Wildlife and Genetic Resources as Priority areas
- The World Commission on environment and Development (WCED) was constituted in 1983
- WCED submitted its report 'Our Common Future' in 1987 called for Conservation of Biodiversity for Sustainable Development.
- UNEP constituted an ad-hoc Working Group of Technological and Legal experts to prepare an international legal instrument for conservation and sustainable use of Biodiversity which resulted in 'CONVENTION ON BIOLOGICAL DIVERSITY' (CBD)
- 171 countries signed CBD in June 1992 during the Earth summit at Rio de Janeiro.
- CBD came into force as an International Law On 29th Dec. 1993.
- India ratified CBD on 18th February 1994 and came into force from 19th May 1994.
- 186 countries are now parties to CBD
- The convention recognized for the first time in the international law that the conservation of biological diversity is a common concern of the human kind and is an integral part of the development process.

Primary Goals of CBD :

- Conservation of biological diversity
- Sustainable use of its components
- Fair and equitable sharing of benefits arising from the genetic resources

Relevant Provisions of CBD

Biodiversity was considered to be a common property till the end of 20th century. It was in the Earth summit held in 1992, at Rio that the first time the world communities agreed on the sovereign rights of states over their bioresources and associated knowledge system

- Article 3 recognizes the sovereign rights of States over their biological resources.
- Article 15 states that when access to genetic resources is granted, it shall be on mutually agreed upon terms and subject to Prior Informed Consent.
- Incentives to biodiversity-rich countries to conserve and sustainably use their genetic resources, including joint research, access to & transfer of technology (Articles 15,16).

The Biological Diversity Act, 2002

- With the signing of the CBD, India urgently needed to formulate a set of rules and guidelines to safeguard and use its immense wealth of biological resource
- At the same time India also needed a mechanism to implement the provisions of the CBD
- After an extensive and intensive consultation process involving different stakeholders, the Govt. of India has finally brought in the Biological Diversity Act in 2002.

Salient features of Biological Diversity Act:

- It aims to regulate access to biological resources of the country and equitable sharing of benefits arising out of the use of biological resources
- Emphasis on conservation and sustainable use of biological diversity
- Setting up of National Biodiversity Authority(NBA), State Biodiversity Board(SBB) and Biodiversity Management Committee(BMC's)

- To respect and protect the traditional knowledge of local communities related to biodiversity.
- To secure sharing of benefits with local people as conservers of biological resources and holders of knowledge and information relating to the use of biological resources
- All foreign nationals/organizations require prior approval from NBA for obtaining biological resources and/or associated knowledge for use
- Indian scientists/individuals require approval of NBA for transferring results of research to foreign nationals/organizations
- Conservation and development of areas of importance from the standpoint of biological diversity by declaring them as biological diversity heritage site
- Protect and rehabilitation of threatened species
- Involvement of institutions of State Government in the broad scheme of the implementation of the Biological Diversity Act through constitution of committees.
- Protect India's rich biodiversity and associated knowledge against their use by foreign individuals and organizations without sharing benefits arising out of such use and check bio-piracy
- Indian industries need to send prior intimation to SBB to obtain bioresources. SBB has right to restrict if found to violate conservation and sustainable use of benefit sharing
- Provision for notifying heritage sites by State Government in consultation with local bodies
- Creation of National, State and Local biodiversity fund and its use for conservation of biodiversity
- Prior approval is needed from NBA for IPRs in any invention in India or outside India on Bio-resource.

The Biological Diversity Act, 2002

Management structure of Biodiversity Act 2002:

A three tier structure at the National, state and local level is envisaged

I. Formation of National Biodiversity Authority (NBA)

All the matters relating to access by foreign individuals, institutions or companies and matters related to transfer of results of research to any foreigner will be dealt with by the NBA

Functions and Powers of NBA:

- Regulate activities, approve and advise the government of India on research, commerce, bio-survey and bio-utilization
- Grant approval to section 3,4 and 6
- Certain person not to under take biodiversity related activities without the approval of the NBA(Section 3)
- Results of research not to be transferred to certain persons without the approval NBA(Section 4)
- Application for IPR not to be made without approval Of NBA(Section 6)
Perform such other functions as may be necessary to carry out the provisions of the act

Approvals by NBA:

- Any person who intends to access or apply for a patent or any other form of IPR protection whether in India or out side India referred to sub section(1) of section 6 may make an application prescribed by NBA
- Any person who intends to transfer any biological resource or knowledge associated thereto sub-section(1) of section 3 shall make an application in such form and in such manner as may be prescribed by the NBA.
- Equitable benefit sharing will be determined by NBA.

National Biodiversity Fund:

The NBA will ensure that equitable benefit sharing is made during the utilization of biological resources and the knowledge relating to them. The amount of benefit sharing will be deposited in the National Biodiversity Fund and the amount shall be paid directly to such individuals or group of individuals or organizations in accordance with the terms of any agreement in such manner as decided by the NBA

The Biological Diversity Act, 2002**II. State Biodiversity Board (SBB):**

- Every state of India is required to form a State Biodiversity Board and the state government by a notification in the Gazette can establish the SBB in the sate

- The State Biodiversity Board will advise the state government on matters relating to the conservation of biodiversity, sustainable use of components and equitable sharing of benefits arising out of the utilization of biological resources
- No State Biodiversity Board shall be constituted for a Union Territory, the NBA shall exercise its power to perform the functions of SBB for the union territory
- The member structure of the State Biodiversity Board is similar to the NBA with the exception that the members are selected within the state

The Biological Diversity Act, 2002

III. Biodiversity Management Committees:

In each state, at a local level the biodiversity management committees will promote conservation, sustainable use and documentation of biological diversity and TK

Biodiversity Register:

All the biodiversity and associated TK in an area needs to be documented.

Local Biodiversity Fund:

A fund called Local Biodiversity fund is to be created in every area notified by the state government. The fund shall be used for conservation and promotion of biodiversity in the respective states

The Biological Diversity Act, 2002

12 Chapters

65 sections and many subsections

Notified notifications and rules

Chapter-I : Preliminary- Terminologies and definitions

Chapter-II : Regulations of access to Biological Diversity(Section3)

Chapter-III : Establishment of National Biodiversity Authority

Chapter-IV : Function and powers of National Biodiversity Authority

Chapter- V : Approval by the National Biodiversity Authority for understanding certain activities ie. Transfer of biological resources or associated knowledge.

Chapter-VI : Establishment of State Biodiversity Board.

Chapter- VII : Finance Accounts and audit of National Biodiversity Authority

Chapter- VIII : Finance Accounts and audit of State Biodiversity Authority

Chapter –IX	: Duties of the Central and State governments
Chapter- X	: Constitution of State Biodiversity Management Committees
Chapter-XI	: Creation of Local Biodiversity Fund
Chapter- XII	: Miscellaneous