Access to Biological Resources

**Persons to apply:** Any Non-Indian / NRI / body corporate or organization having non-Indian share capital or management

**When to apply:** Before obtaining any biological resources occurring in India or knowledge associated for
- research
- commercial utilization
- bio-survey and bio-utilization

**Approvals by NBA**
1. Access (Sec 3) for:
   - Research
   - Commercial utilization
   - Biosurvey and Bio-utilisation
2. Transfer of research results (Sec 4)
3. Obtaining Intellectual Property Rights (IPRs) (Sec 6)
4. Third party transfer of Biological Resources (BRs) (Sec 20)

**Obtaining IPRs**

**Persons to apply:** Any person seeking Intellectual Property Rights within or outside India for any invention based on any research or information on any biological resources obtained from India

**When to apply:** Before seeking IPR

**Exemptions under the BD Act**

**From Section 3**
- Collaborative research projects that confirm to the policy guidelines issued by the Central Government
- Conventional breeding, traditional practices in use in any agriculture, horticulture, poultry, dairy farming, animal husbandry or bee keeping
- Access to Annex-I PGRFA of the Plant Treaty designated by the Department of Agriculture and Cooperation (DAC)

**From Section 4**
- Collaborative research projects that confirm to the policy guidelines issued by the Central Government
- Publication of research papers or dissemination of knowledge in any seminar or workshop
- Transfer of research result in relation to Annex-I PGRFA designated by the Department of Agriculture and Cooperation (DAC)

**From Section 6**
- Any right under PPVFRA in India

**No provisions of the ACT is applicable to**
- Human genetic resources,
- Value Added Products,
- Items Normally Traded as Commodities as notified by the Central Govt.
Revocation of Access or approval

NBA can revoke the approval granted
Revocation will be either suo moto or based on complaint

Grounds for revocation:
• Violation of the provisions of the Biological Diversity Act, 2002 (Act) or conditions on which the approval was granted
• Non-compliance of the terms of the benefit sharing agreement signed between applicant and NBA
• Failure to comply with any of the condition of access granted
• Overriding public interest or for protection of environment and conservation of biological diversity

Appeals
National Green Tribunal is the appellate authority in respect of
• Determination of benefit sharing by NBA
• Orders of NBA/SBBs:

The appeal needs to be filed within 30 days from the date of communication to the applicant.

Benefit Sharing Component
NBA, while granting approvals under Section 19 and Section 20, ensures sharing of benefits monetary and/or non-monetary, in accordance with MAT between the applicant and the concerned local bodies and benefit claimers.

Steps for processing the ABS applications

For Further details please contact:
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