



अहं है लक्ष्मिणी ।
कर्ण है खुशहाली ॥

NATIONAL BIODIVERSITY AUTHORITY



Proceedings of the 21st Authority Meeting

09th August, 2011

Venue

Conference Room-II,
NASC Complex, Pusa, New Delhi

Proceedings of the 21st Meeting of the National Biodiversity Authority

Date: 09 August, 2011

Venue: Conference Room -II, NASC Complex,
Pusa, New Delhi

Twenty first meeting of the National Biodiversity Authority (NBA) was held on 09th August, 2011 in the NASC complex, Pusa, New Delhi under the Chairmanship of Shri M.F.Farooqui, IAS., Chairman, NBA to consider the agenda items circulated earlier by email on 01st August, 2011 as well as by speed post. The list of participants is given in **Annex-I**.

At the outset, the Chairman welcomed the members of the NBA and invitees to the meeting. The Secretary, NBA gave a brief about the activities carried out during the interregnum and action taken on the decision of the previous meeting.

Thereafter, the agenda items were considered and discussed as under:-

21.1: Confirmation of Proceedings of the 20th Meeting of the Authority

It was informed that the comments as received from different members were suitably incorporated and have been circulated. The authority confirmed the proceedings of the 20th Authority Meeting.

21.2: Action taken report

The decisions arrived at in the previous meeting were complied with partly. It was pointed out by Dr. R.S. Rana that some issues raised by him during the last meeting, relating to some inadequacy in provisions of the BDA for certain activities, required further discussion and decisions for guidance of the EC on ABS. Further, he has stated that these might be considered when Dr.L.Pushpakumar's report on the Nagoya Protocol on ABS is taken up for discussion.

Action: Secretary, NBA

21.3: Consideration of the proceedings of the 16th Meeting of Exp. Comm. on ABS held on 26th July, 2011

Recommendations of the 16th meeting of the Expert Committee on ABS, held on 26th July at Chennai, were presented by its Chairman, Dr. R.S. Rana, on a case by case basis. He informed that out of the 23 applications considered under the four prescribed categories, 18 were recommended for approval with the suggested terms for benefit sharing while the rest were referred back for more information. All the recommendations were discussed and accepted by the Chairman and all the members while making some useful suggestions. It was pointed out that there were no pending applications at present with the Secretariat that have not been processed by the EC-ABS.

The Authority discussed the recommendation of the EC on a case by case basis and decision in each case is annexed (Annex-II).

In case the applicants are using traditional knowledge in the IPR, the modalities for identifying communities/individuals for sharing the benefits have to be ascertained in a holistic manner. In this regard, Authority desired that a note may be submitted for detailed discussion.

Further, the Authority after examining application no. NBA/Tech appl/9/458/11 of Dr.B.S.Vivek desired a detailed note to be prepared on

- 1.The extant provisions of the BD Act covering the National/International organizations including CGIARs and private sectors/ multinational companies having their offices located in India which are involved in the import of bioresources into India and exporting them to other International/National organizations and Private Sectors / multinational companies located outside India under different Conventions/Treaty obligations.
2. The issue here is that the bioresources are either maintained in labs/stores or grown on fields of India for propagation, improvement, and trials etc. Therefore, a doubt has arisen whether the bioresources

can be sent out of India without obtaining prior approval of NBA though they were imported earlier? This has to be examined, studied in detail, so that violation if any can be brought to the notice of all concerned.

Action: Secretary, NBA

21.4: To consider the action to be taken by NBA and SBBs on violators of the provisions of the BD Act 2002

The Authority has reiterated the decision related to Bt brinjal taken in its 20th Meeting and authorized the Chairman NBA to proceed accordingly on the matter. In respect of Ongole bull case, the Chairman, Andhra Pradesh SBB's letter was circulated which stated that they are conducting enquiry into the issue and they will be submitting the report on return of Member Secretary, AP SBB from foreign tour. Regarding the export of embryos of Gir breed of cattle to Brazil, additional information is being sought for from Gujarat.

Action: Secretary, NBA

21.5: To consider the draft guidelines for exchange of Germplasm for research purpose

NBA has received draft guidelines (vide Lr.No.4-12/2010 IC-II dated 26th May 2011 of the DARE, MOA) for exchange of Germplasm for research purpose which was prepared by the Department of Agricultural Research and Education, Ministry of Agriculture, Govt. of India for concurrence. The legal opinion obtained from the consultant has revealed that the said guideline lacks clarity. This was discussed in detail by the Members. It was decided that these guidelines shall be examined by the Expert committee on Agrobiodiversity constituted by the NBA as delegation of powers by a statutory body to a person or organization outside its administrative jurisdiction is generally discouraged. Further, to gain better understanding by the EC on the said guidelines, the committee may seek the views from representatives of the

institutions like ICAR, PPVFRA, NBPGR, ICFRE, IFGTB, DARE etc was also suggested.

Action: Secretary, NBA

21.6: To consider the priority areas to be focussed by NBA in future and the time line for the activities

As a consequence to the 18th Meeting of NBA, the concept notes on the priority areas to be focused by the NBA in future were provided by the Members. This was discussed and decided. The outcome of the discussion is reflected in the annexure (**Annex-III**).

Action: Secretary, NBA

21.7: To consider checklist for processing applications developed by the EC on ABS

The checklist for processing of applications prepared by the EC on ABS in its 15th Meeting was discussed and necessary modifications were made for use by the NBA Secretariat and EC. The format is annexed (**Annex- IV**).

Action: Secretary, NBA

21.8: For information and ratification

The item 21. 8. (a), (b), (c), (d) and (e) have been noted/ratified.

Action: Secretary, NBA

Annex-I

OFFICIAL MEMBERS

1. Shri M.F.Farooqui, I.A.S.,
Chairman, NBA
2. Shri Hem Pande, I.A.S.,
Joint Secretary,
Ministry of Environment and Forests, Paryavaran Bhavan,
CGO Complex, Lodhi Road, New Delhi - 110003.
3. Shri Arun K Bansal,
Addl. Director General of Forests (FC),
Ministry of Environment & Forests,
Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi - 110 003.
4. Dr.Meenakshi Negi,
Director,
National Medicinal Plant Board,
(Represented Dr.Bala Prasad)

NON OFFICIAL MEMBERS

1. Dr.R.S.Rana
Chairman, Bio-Link,
D-43, Indraprastha Apartments, Sector 14, rohini, New Delhi-110 025.
2. Dr. Darshan Shankar,
Advisor, FRLHT, Chairman, Institute of Ayurveda and Integrative Medicine
(IAIM) 74/2, Jarakabande Kaval, Post Attur, Via Yelahanka, Bangalore - 64.
3. Dr. S. Subramaniyan
54, VGP, Golden Sea View,
Part-II, 2nd Main Road, 5th Cross Street, Palavakkam, Chennai-600 041.
4. Dr. Uppeandra Dhar,
11, SBI Apartments, Near Eicher School, Sector 46, Faridabad-121 002,
Haryana.

Secretary, NBA

1. Shri C. Achalender Reddy, I.F.S.,

INVITEES

1. Dr.Sujata Arora,
Director, Ministry of Environment and Forests, Paryavaran Bhavan,
CGO Complex, Lodhi Road, New Delhi - 110003.

LEAVE OF ABSENCE GRANTED TO OFFICIAL MEMBERS

1. Dr. Swapan Kumar Dutta,
Deputy Director General, ICAR, Division of Crop Science,
Krishi Bhavan, New Delhi 110 114.
2. Dr. B. Harigopal,
Adviser, Dept. of Science & Technology,
Technology Bhavan, New Mehrauli Road, New Delhi.
3. Shri Pankaj Kumar,
Joint Secretary (Plant Protection),
Dept. of Agri. and Cooperation, Krishi Bhavan, New Delhi.
4. Dr. Renu Swarup,
Advisor, Department of Biotechnology, CGO Complex, Block No. 2
Lodhi Road, New Delhi - 110 003.
5. Shri A. K. Srivastava,
Director, Ministry of Tribal Affairs, Shastri Bhavan, New Delhi
6. Dr. Bala Prasad, I.F.S.,
Chief Executive Officer,
National Medicinal Plants Board, Dept. of AYUSH, New Delhi 110 001
(but represented by Dr.Meenakshi Negi)
7. Shri P. Madeswaran,
Director, Ministry of Earth Science, Block -12, CGO Complex,
Lodhi Road, New Delhi - 110003.

LEAVE OF ABSENCE GRANTED TO NON OFFICIAL MEMBERS

1. Dr. K.M. Bujarbaruah,
Vice-Chancellor, Assam Agriculture University, Jorhat-785013.

1	Application Number	:	NBA/Tech Appl/9/447/11/
2	Name of the Applicant	:	Shri.Gajanan Uddhaorao Kapure, Principal Researcher, M/s. Tata Steel Limited, R&D Division, Burmamines, Jamshedpur- 831 007.
3	Form used and Date:	:	Form III, dt. 21.04.2011
4	Title of the invention	:	A Process for analyzing the hexavalent chromium in chromite material treated with organic reductant.
5	Type of Bioresources	:	<i>Terminalia chebula</i> (Myrobalam)
6	Geographical Location	:	Procured through a supplier based at Kolkata
7	Partner agency	:	Nil
8	Remarks	:	

Decision: Approved with benefit sharing terms and conditions as follows:-

i. Benefit sharing shall be in any of the options of non-monetary benefits, as provided under Section 21 read with Rule 20, on mutually agreed terms.

OR

ii. Benefit sharing shall be in monetary form as stated below:

- a. The applicant shall pay royalty @ 3% of the ex-factory sale price of the product sold or kept for captive consumption.
- b. Regular reports on the progress of commercialization and sale of the product, along with verifiable documents, shall be submitted to the NBA with supportive documents by 30th April every year.
- c. In case the applicant assigns/licenses the process/product to a third party, the licensee, for commercialization, the applicant shall pay to NBA @5% of the license fee received by him from the Licensee.
- d. The licensee shall also enter into a fresh agreement with NBA and agree to pay royalty @4% of the ex-factory sale price of the product sold, and also kept for captive consumption, annually.

Additional Terms to be followed are - *(which are applicable to both (i) & (ii) options given above)*

- I. The applicant undertakes to inform NBA within 90 days from the date when the patent is granted.
- II. The applicant, if he is an Indian citizen, shall give prior intimation to the concerned SBB for the location and quantity of the bioresource to be accessed by him, and shall follow the benefit sharing terms and also the restrictions, if any, imposed by the SBB (and BMC, where applicable) in the interest of promoting conservation and sustainable use.
- III. In case the applicant is covered under Section 3(2) of BDA, he shall apply for access to the required bioresource to NBA in Form I, with the prescribed fee.
- IV. No further transfer of the license shall be permitted without prior approval of NBA.

While taking a decision in respect of this case Members expressed that a monitoring mechanism should be in place to over see the activities made by applicants during post-approval period.

16.2

1	Application Number	: NBA/Tech Appl/9/448/10
2	Name of the Applicant	: Shri.Gajanan Uddhaora Kapure, Principal Researcher, M/s. Tata Steel Limited, R&D Division, Burmamines, Jamshedpur- 831 007.
3	Form used and Date	: Form III, dt. 21.04.2011
4	Title of the invention	: A process for reducing hexavalent chromium from solid chromite materials.
5	Type of Bioresources	: <i>Terminalia chebula</i> (Myrobalam)
6	Geographical Location	: Procured through a supplier based at Kolkata
7	Partner agency	: Nil
8	Remarks	:

Decision: Approved with benefit sharing terms and conditions as follows:-

- i. Benefit sharing shall be in any of the options of non-monetary benefits, as provided under Section 21 read with Rule 20, on mutually agreed terms.

OR

- ii. Benefit sharing shall be in monetary form as stated below:
- c. The applicant shall pay royalty @ 3% of the ex-factory sale price of the product sold or kept for captive consumption.
 - d. Regular reports on the progress of commercialization and sale of the product, along with verifiable documents, shall be submitted to the NBA with supportive documents by 30th April every year.
 - c. In case the applicant assigns/licenses the process/product to a third party, the licensee, for commercialization, the applicant shall pay to NBA @5% of the license fee received by him from the Licensee.
 - d. The licensee shall also enter into a fresh agreement with NBA and agree to pay royalty @4% of the ex-factory sale price of the product sold, and also kept for captive consumption, annually.

Additional Terms to be followed are - (which are applicable to both (i) & (ii) options given above)

- I. The applicant undertakes to inform NBA within 90 days from the date when the patent is granted.
- II. The applicant, if he is an Indian citizen, shall give prior intimation to the concerned SBB for the location and quantity of the bioresource to be accessed by him, and shall follow the benefit sharing terms and also the restrictions, if any, imposed by the SBB (and BMC, where applicable) in the interest of promoting conservation and sustainable

use.

III. In case the applicant is covered under Section 3(2) of BDA, he shall apply for access to the required bioresource to NBA in Form I, with the prescribed fee.

IV. No further transfer of the license shall be permitted without prior approval of NBA

16.3

1	Application Number	: NBA/Tech Appl/9/450/11/
2	Name of the Applicant	: Dr.Priya Davidar, Dean, Department of Ecology & Environment Science, School of Life Science, Pondicherry University, Kalapet, Puducherry - 14.
3	Form used and Date:	: Form IV, 11-05-2011
4	Purpose	: To transfer leaf samples for DNA analysis to Ohio State University, USA.
5	Type of Bioresources	: Solanum Species (<i>Brinjal or eggplant- Solanum melongena var. insanum and Solanum incanum</i>) Proposed to collect 600 leaf samples and DNA samples from 150 Fruits to assess genetic diversity and outcrossing rates based on microsatellite marker variation using standard scientific protocols.
6	Geographical Location	: 1. Tamilnadu State: Niligiris District, Gudalur Block, Masinagudi Panchayat, Mavanallah Village. 2. Karnataka: Chamarajnagar District, Gundlupet Taluk, Hangala Town Panchayat. 3. Kerala: Mallapuram District, Nilambur Taluk, Vazhikkadavu Panchayat
7	Partner agency	: Dr.Allison Snow, Dept. of evolution, ecology and organismal biology, The Ohio State University, Columbus, Ohio, USA
8	Remarks	: <ul style="list-style-type: none">• Applicant has enclosed a copy of MoU between The Ohio state University, USA & Pondicherry University, India. • The consent sought from the Tamil Nadu, Kerala, and Karnataka SBBs on the collection of bioresource is yet to be received.

Decision: Considering that the applicant has asked for a personal discussion on this case for providing clarification, she may either make a presentation during the next EC meeting or send information by email on the following aspects:-

1. Whether the requested bioresource is to be carried personally by any research scholar going abroad for training in study of gene flow between brinjal and its wild relatives?
2. The applicant undertakes to get these bioresources samples destroyed after the proposed study is over.

3. An agreement to this effect may be signed by the applicant, also undertaking that a report on the outcome of the research work will be sent to NBA and no IPR on the outcome of the proposed study will be filed without NBA's prior approval.
4. Samples of these bioresources will be deposited in the designated national repository for reference.

The application may be re-examined by the EC for further consideration on receipt of the required information.

16.4

1	Application Number	: NBA/ Tech Appl/9/451/11/
2	Name of the Applicant	: Shri Dhiraj Pant, Lead Regulatory Affairs, M/s Monsanto Holdings Pvt. Ltd., Ahura Centre 5th Floor, 96, Mahakali Caves Road, Andheri (East), Mumbai - 400 093
3	Form used and Date:	: Form I, 28.06.2011
4	Purpose	: To license 2 pairs of CMS lines MS 48 and MS 65, Male sterile lines (line A) and fertile maintainer lines (Lines B) of onions, developed by IIHR, Bangalore.
5	Type of Bioresources	: Onion (The IIHR shall furnish 25g each of Male sterile (A line) and Maintainer (B Line) of MS 48 & MS 65 to MHPL).
6	Geographical Location	: Indian Institute of Horticultural Research, Bangalore
7	Partner agency	: IIHR, Hesaraghatta lake Post, Bangalore - 560 089, Karnataka.
8	Remarks	: It has been proposed that ➤ MHPL shall pay to the IIHR on the execution of this Agreement a sum of Rs. 5,00,000/- (Rupees Five lakh only) for A-Male sterile, B-Maintainer of MS 48 and 5,00,000/- (Rupees Five lakh only) for -Male sterile, B-Maintainer of MS 65 as a onetime license fees plus service tax. ➤ In the event of MHPL commercializing the hybrid seeds developed using any one of the parental lines; MHPL must pay royalties @ 2.5% on the net sale. ➤ Royalty payments shall be made on a yearly basis and accounts shall be settled before the 30th of April of the subsequent financial year.
		The consent sought from the Karnataka SBB is yet to be received.

Decision: The Authority took note that there was no letter of intent from the IIHR agreeing to this proposal and recommended that comments on this case may be obtained from the Deputy Director General (Horticulture), ICAR, Krishi Bhawan, New Delhi and the application may be re-examined by the EC along with the required information.

16.5

1	Application Number	: NBA/Tech Appl/9/452/11/
2	Name of the Applicant	: <u>Applicant Name:</u> Ministry of Agriculture, Al Khuwair, Musca, Sultanate of Oman <u>Application Signed by :</u> Shri Humatd Ali Sultan Al-Maani, Ambassador of Oman to Republic of India <u>Contact Person:</u> Ms.Susan Pradeep, #410, 4 th Floor, A-Cross, 2 nd Block, HRBR Layout, Kalyan Nagar, Bangalore-43.
3	Form used and Date:	: Form I, 13.05.2011
4	Purpose	: Sending of <i>Santalum album</i> (Sandal wood) & <i>Dalbergia latifolia</i> (Rose wood) - 20 plants each to Oman for Agriculture purpose.
5	Type of Bioresources	: <i>Santalum album</i> (Sandal wood) <i>Dalbergia latifolia</i> (Rosewood)
6	Geographical Location	: Institute of wood Science & Technology, ICFRE, P.O. Malleswaram, Bangalore-560003.
7	Partner agency	: Institute of wood Science & Technology, P.O. Malleswaram, Bangalore-560 003.
8	Remarks	: The consent sought from the Karnataka SBB on the collection of bioresource is yet to be received

Decision: Place the application in the next meeting of EC on ABS after obtaining the confirmation from the Head office of ICFRE in respect of recommendation made by IWST, Bangalore. Further NoC obtained from Karnataka SBB also be placed before EC.

16.6

1	Application Number	: NBA/Tech Appl/9/453/11/
2	Name of the Applicant	: Dr.Sandhya Mishra Scientist, CSMCRI, (CSIR), 2, Rafi Marg, New Delhi-110 001.
3	Form used and Date:	: Form IV, 28.05.2011
4	Purpose	: Sending the microalgal cultures as patent deposit to ATCC (American Type Culture collection centre), US for filing International Patent
5	Type of Bioresources	: <i>Chlorella variabilis</i>
6	Geographical Location	: Longitude N 20 ° 41.341', Latitude and E70° 53.734' Longitude - Place - Jalandhar Beach, Village-Diu, Taluka- Diu, District-Diu, State - Diu (Union Territory)
7	Partner agency	: Nil
8	Remarks	: Repository for culture deposit (for patent purpose to obtain IPR) is not available in India.
<p>Decision: Approved since internationally recognized repository for the deposit of proposed culture is not yet available in India and such deposition is pre-requisite for filing of the proposed patent abroad.</p>		

16.7

1	Application Number	: NBA/Tech Appl/9/454/11
2	Name of the Applicant	: Dr.Sandhya Mishra, Scientist, CSMCRI, (CSIR), 2, Rafi Marg, New Delhi-110 001.
3	Form used and Date:	: Form IV, 28.05.2011
4	Purpose	: Sending of microalgae consortium <i>Microspora sp.mat and Cladophora sp. mat</i> to American Type Culture collection centre (ATCC), US. (For filling International Patent).
5	Type of Bioresources	: <i>Microspora sp.mat and Cladophora sp. mat</i>
6	Geographical Location	: <i>Microspora mat</i> - Longitude 70°54.959' and Latitude 20°42.391 Place- Diu, Village-Diu, Taluka-Diu, District- Diu, State- Diu (Union territory), India. <i>Cladophora mat</i> - Longitude N 22°23.975 and Latitude E 069°3.038, Place Mithapur, Village-Mithapur, Taluka- Dwarka, District-Jamnagar, State-Gujarat, India
7	Partner agency	: Nil
8	Remarks	: The consent sought from the Gujarat SBB on the collection of bioresource is yet to be received.

Decision: Approved since internationally recognized repository for the deposit of proposed culture is not yet available in India and such deposition is pre-requisite for filing of the proposed patent abroad.

16.8

1	Application Number	: NBA/Tech Appl/9/456/11
2	Name of the Applicant	: Dr. Sandhya Mishra, Scientist, CSMCRI, (CSIR), 2, Rafi Marg, New Delhi-110 001
3	Form used and Date	: Form III, 30.05.2011
4	Title of the invention	: The invention related to a process for engine worthy fatty acid methyl ester (biodiesel) from nature and cultured microalgae mat.
5	Type of Bioresources	: <i>Microspora sp</i> and <i>Cladophora sp</i>
6	Geographical Location	: <i>Microspora</i> mat - Longitude 70°54.959' and Latitude 20°42.391 Place- Diu, Village-Diu, Taluka-Diu, District- Diu, State- Diu (Union territory), India. <i>Cladophora</i> mat - Longitude N 22°23.975 and Latitude E 069°3.038, Place Mithapur, Village-Mithapur, Taluka- Dwarka, District-Jamnagar, State-Gujarat, India
7	Partner agency	: Nil
8	Remarks	: The consent sought from the Gujarat SBB on the collection of bioresource is yet to be received.

Decision: Approved with benefit sharing terms and conditions as follows:-

I. Benefit sharing shall be in any of the options of non-monetary benefits, as provided under Section 21 read with Rule 20, on mutually agreed terms.

OR

II. Benefit sharing shall be in monetary form as stated below:

- a. The applicant shall pay royalty @ 3% of the ex-factory sale price of the product sold or kept for captive consumption.
- b. Regular reports on the progress of commercialization and sale of the product, along with verifiable documents, shall be submitted to the NBA with supportive documents by 30th April every year.
- c. In case the applicant assigns/licenses the process/product to a third party, the licensee, for commercialization, the applicant shall pay to NBA @5% of the license fee received by him from the Licensee.
- d. The licensee shall also enter into a fresh agreement with NBA and agree to pay royalty @4% of the ex-factory sale price of the product sold, and also kept for captive consumption, annually.

Additional Terms to be followed are - *(which are applicable to both (i) & (ii) options given above)*

- I. The applicant undertakes to inform NBA within 90 days from the date when the patent is granted.
- II. The applicant, if he is an Indian citizen, shall give prior intimation to the concerned SBB for the location and quantity of the bioresource to be accessed by him, and shall follow the benefit sharing terms and also the restrictions, if any, imposed by the SBB (and BMC, where applicable) in the interest of promoting conservation and sustainable use.
- III. In case the applicant is covered under Section 3(2) of BDA, he shall apply for access to the required bioresource to NBA in Form I, with the prescribed fee.
- IV. No further transfer of the license shall be permitted without prior approval of NBA

16.9

1	Application Number	:	NBA/TechAppl/9/457/11/
2	Name of the Applicant	:	Dr. Sandhya Mishra, Scientist, CSMCRI, (CSIR), 2, Rafi Marg, New Delhi-110 001.
3	Form used and Date:	:	Form III, 30.05.2011
4	Title of the invention	:	The invention relates to an integrated process of Microalgal methyl ester (MME) preparation from <i>Chlorella</i> sp. in a cost effective manner.
5	Type of Bioresources	:	<i>Chlorella variabilis</i> - marine microalgae
6	Geographical Location	:	West coast of India (located between N20 41.341' latitude and E 70 53.734' longitude - Place - Jalandhar Beach, Village - Diu, Taluka - Diu, District, Diu, State - Diu (Union Territory), India.
7	Partner agency	:	Nil
8	Remarks	:	

Decision: Approved with benefit sharing terms and conditions as follows:-

- i. Benefit sharing shall be in any of the options of non-monetary benefits, as provided under Section 21 read with Rule 20, on mutually agreed terms.

OR

- ii. Benefit sharing shall be in monetary form as stated below:
- a. The applicant shall pay royalty @ 3% of the ex-factory sale price of the product sold or kept for captive consumption.
 - b. Regular reports on the progress of commercialization and sale of the product, along with verifiable documents, shall be submitted to the NBA with supportive documents by 30th April every year.
 - c. In case the applicant assigns/licenses the process/product to a third party, the licensee, for commercialization, the applicant shall pay to NBA @5% of the license fee received by him from the Licensee.
 - d. The licensee shall also enter into a fresh agreement with NBA and agree to pay royalty @4% of the ex-factory sale price of the product sold, and also kept for captive consumption, annually.

Additional Terms to be followed are - (which are applicable to both (i) & (ii) options given above)

- i. The applicant undertakes to inform NBA within 90 days from the date when the patent is granted.

- ii. The applicant, if he is an Indian citizen, shall give prior intimation to the concerned SBB for the location and quantity of the bioresource to be accessed by him, and shall follow the benefit sharing terms and also the restrictions, if any, imposed by the SBB (and BMC, where applicable) in the interest of promoting conservation and sustainable use.
- iii. In case the applicant is covered under Section 3(2) of BDA, he shall apply for access to the required bioresource to NBA in Form I, with the prescribed fee.
- iv. No further transfer of the license shall be permitted without prior approval of NBA

16.10

1	Application Number	: NBA/Tech Appl/9/462/11/
2	Name of the Applicant	: Dr. T.S. Suryanarayanan, Director, Vivekananda Institute of Tropical Mycology (VINSTROM), Ramakrishna Mission Vidyapith, 45, Oliver Road, Mylapore, Chennai - 600 004.
3	Form used and Date:	: Form IV, 15.07.2011
4	Purpose	: Carrying three fungal cultures to USA for research purpose.
5	Type of Bioresources	: Three fungal cultures namely 1. <i>Bartalinia</i> <i>robillardoides</i> , 2. <i>Chaetomium indicum</i> 3. <i>Pestalotiopsis besseyi</i>
6	Geographical Location	: Collected from the soil of Neelankarai, Chennai.
7	Partner agency	: Dr. Venkat Gopalan, Department of Biochemisty, 707 Biological Sciences Building 484 West 12th Avenue, Columbus, OH 43210 - 1292, Ohio State University, USA
8	Remarks	: The consent sought from Tamil Nadu SBB on the use of bioresource is yet to be received.

Decision : Approved subject to the following conditions :-

1. The applicant may sign an agreement undertaking to get the bioresource samples destroyed after the proposed study is over, also undertaking that a report on the outcome of the research work will be sent to NBA and no IPR on the outcome of the proposed study will be filed without NBA's prior approval and without signing an agreement with NBA for sharing benefits.
2. Samples of these bioresources will be deposited in the designated national repository for reference.

16.11

1	Application Number	: NBA/TechAppl/9/460/11/
2	Name of the Applicant	: Dr.V.R.Bapat 375, 1 st 'B' Main, 1 st Phase, Girinagar, Bangalore-560 085
3	Form used and Date:	: Form III, 05.07.2011
4	Title of the invention	: Herbal medicines for different types of vaginitis WH-I
5	Type of Bioresources	: 1. Ext.Dhataki eq.to (Fire Flame Bush) - Woodfordia floribunda flower (<i>Woodfordia fruticosa</i>) 2. Ext. Musts eq. to (Nut grass) - <i>Cyperus scariosus</i> rhizome (Synonym <i>Cyperus rotundus</i>) 3. Ext. Shalmali eq. to (Silk cotton tree) - <i>Cyperus</i> <i>scariosus</i> rhizome (Synonym <i>Bombax ceiba</i> Linn. Stem bark) 4. Pulveris Lodhra (Symplocos bark) - <i>Symplocos</i> <i>recemosa</i> Dried stem bark 5. Pulveris Kokilaksha (Indian Burberry) - Caesalpinia bonduc seed (<i>Asteracantha</i> <i>longifolia</i>) 6. Ghee-Clarified cow's butter
6	Geographical Location	: Local market at Bangalore avenue road, Karnataka
7	Partner agency	: Nil
8	Remarks	: The consent sought from Karnataka SBB on the use of bioresource is yet to be received.

Decision: Approved with benefit sharing terms and conditions as follows:-

- i. Benefit sharing shall be in any of the options of non-monetary benefits, as provided under Section 21 read with Rule 20, on mutually agreed terms.
 - 1. OR**
- ii. Benefit sharing shall be in monetary form as stated below:
 - a. The applicant shall pay royalty @ 3% of the ex-factory sale price of the product sold or kept for captive consumption.
 - b. Regular reports on the progress of commercialization and sale of the product, along with verifiable documents, shall be submitted to the NBA with supportive documents by 30th April every year.
 - c. In case the applicant assigns/licenses the process/product to a third party, the licensee, for commercialization, the applicant shall pay to NBA @5% of the license fee received by him from the Licensee.
 - d. The licensee shall also enter into a fresh agreement with NBA and agree to pay royalty @4% of the ex-factory sale price of the product

sold, and also kept for captive consumption, annually.

Additional Terms to be followed are - *(which are applicable to both (i) & (ii) options given above)*

- I. The applicant undertakes to inform NBA within 90 days from the date when the patent is granted.
- II. The applicant, if he is an Indian citizen, shall give prior intimation to the concerned SBB for the location and quantity of the bioresource to be accessed by him, and shall follow the benefit sharing terms and also the restrictions, if any, imposed by the SBB (and BMC, where applicable) in the interest of promoting conservation and sustainable use.
- III. In case the applicant is covered under Section 3(2) of BDA, he shall apply for access to the required bioresource to NBA in Form I, with the prescribed fee.
- IV. No further transfer of the license shall be permitted without prior approval of NBA

16.12

1	Application Number	: NBA/Tech Appl/9/390/10
2	Name of the Applicant	: Prof. Dr. Rudiger Wehner, Brain Research Insitutte, University of Zurich, Winterthurer Strasse 190, CH-8057 Zurich, Switzerland.
3	Form used and Date:	: Form I, 11.01.2010
4	Purpose	: Collected Desert ants for taxonomic identification
5	Type of Bioresources	: Desert ants - <i>Cataglyphis</i>
6	Geographical Location	: Ants already collected 60 km west of Jodhpur and Transferred to Prof. Dr. Raghavendra Gadagkar
7	Partner agency	: Prof. Dr. Raghavendra Gadagkar (<i>Former Member of NBA</i>) Centre for Ecological Scineces, Indian Institute of Science, Bangalore-560 012.
8	Remarks	: The 13 th EC on ABS committee noted that the NBA has already written to the applicant seeking clarifications on some important points. The case may be re-submitted after getting the required information. The same was endorsed by the Authority members.
<p>Decision : Approved subject to the following conditions:-</p> <ol style="list-style-type: none"> i. Preserved specimens shall be sent through IIS, Bengaluru and samples will be duly deposited in the designated national repository for reference. ii. Research will be restricted to the purpose already specified by the applicant and a report of the outcome of the research will be sent to NBA while duly acknowledging the source of the bioresource. iii. No IPR on the outcome of the study will be applied without prior approval of NBA. 		

16.13

1	Application Number	: NBA/Tech Appl/9/442/11
2	Name of the Applicant	: Dr.Colin Lazarus, School of Biological Science, University of Bristol, Woodland Road, Bristol B88 1UG, United Kingdom. <u>Contact Person:</u> - Dr.J.Muthumary, Center for Advance Studies in Botany, Univ. of Madras, Ch.
3	Form used and Date:	: Form I, 04-03-2011
4	Purpose	: Genome sequencing of <i>Phyllosticta</i> genus of endophytic fungi for taxol production.
5	Type of Bioresources	: <i>Phyllosticta</i> genus of endophytic fungi
6	Geographical Location	: Materials already exists within culture collection of Dr.J.Muthumary, University of Madras, Chennai
7	Partner agency	: Dr.J.Muthumary, Center for Advance Studies in Botany, University of Madras, Guindy Campus, Chennai-600 025.
8	Remarks	: <ul style="list-style-type: none"> ➤ Applicant has mentioned against the sl.no.4 in the application that the sample will be sent to the school of Biological Sciences, University of Bristol, UK. All research will be carried out solely at this institution as agreed with Dr.Muthumary. ➤ Tamil Nadu SBB has given consent on the use of bioresource, dt.25.05.11. ➤ In the 15th EC on ABS, it was commented that as considerable research work has already been done by the CAS in Botany, University of Madras and the sequencing of the genome of the endophytic fungi under study is linked to taxol production, a suitable collaborative research project may be developed for this purpose between the two Institutions as per the guidelines notified by MoEF vide 8th Nov 2006. ➤ This application was placed in the 20th Authority meeting and the authority deferred the same as it required re-examination.

Decision: Noted that this request by Dr.Lazarus of UK pertains to obtaining a sample from cultures of an endophytic fungus developed by Dr.Muthumary, CAS in Botany, University of Madras, and a letter of consent for this purpose from her is required before further consideration of this application. It is recommended that the secretariat may obtain her comments in this context, also stating how Dr. Lazarus got information about these cultures. The application may be re-submitted along with this information.

16.14

1	Application Number	: NBA/Tech Appl/9/424/10
2	Name of the Applicant	: Shri Puneet Luthra, Regulatory Affairs Manager, M/s. Monsanto Holdings Pvt. Ltd., Ahura Centre 5 th Floor, 96, Mahakali Caves Road, Andheri (East), Mumbai - 400 093, Maharashtra.
3	Form used and Date:	: Form II, 24-09-2010
4	Purpose	: Export of Lyophilized cotton leaf tissues, containing, Cry1Ac, Cry2Ab and Vip3A gene (Events Mon 15985 and COT 102) to Monsanto, USA.
5	Type of Bioresources	: Lyophilized cotton leaf tissues, containing, Cry1Ac, Cry2Ab and Vip3A gene (Events Mon 15985 and COT 102).
6	Geographical Location	: The applicant mentioned that they have not utilized any naturally occurring biological resources in India while developing transgenic events namely MON 15985 and COT102. The introgressed lines may contain some Indian germplasm but some Indian germplasm but such lines are not intended to be exported.
7	Partner agency	: M/s. Monsanto Company, Edgar Valencia, Delta and Pine Land, USA.
8	Remarks	: The 14 th EC on ABS, recommended this application for approval. However, considering that these proprietary genetic elements, developed by M/s. Monsanto and M/s. Syngenta, are attached with host genotypes, presumably of Indian origin, the seed company is required to enter into an agreement with NBA binding it to benefit sharing terms in case an improved version of the gene elements/process/product enters commercial use. It was noted that the application has been made in Form-II (with payment of Rs.5000/-) which is meant for transfer of research results only. The application was recommended for approval subject to the condition that the application in Form-IV will be submitted along with the prescribed fee of Rs.10,000/- The same was endorsed in the 18 th Authority meeting. Subsequently, the same was conveyed to the applicant. Accordingly, the applicant has submitted the application in Form IV and paid the prescribed fee. Further, the present application, the

		event Mon 531 has been newly added. The clarification given by the applicant is enclosed herewith.
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Decision: Taking note of the applicant's admission that the introgressed cotton materials containing the three transgenic events, under export, may contain components of Indian cotton germplasm, and also expecting that the applicant had authorized access to this bioresource germplasm, Approved in principle subject to the following conditions:-

1. Appropriate evidence of authorized access to Indian cotton germplasm shall be submitted by the applicant to NBA.
2. The purpose of export for further research on these three transgenic events may be specified.
 - To be cleared only after receipt of information on point (1) & (2).

16.15

1	Application Number	: NBA/Tech Appl/9/414/10
2	Name of the Applicant	: M/s. Piramal Life Sciences Ltd., 1-Nirlon Complex, off Western Express Highway, Goregaon (E), Mumbai - 400 063. Contact Person: Dr. Arun Balakrishnan, Vice President, External Liaison & Screening, Piramal Life Sciences Ltd.,1-Nirlon Complex, off Western Express Highway, Goregaon (E), Mumbai - 400 063.
3	Form used and Date:	: Form I, 05-07-2010
4	Purpose	: Herbal product development from <i>Indigofera heterantha</i> roots for research purpose only.
5	Type of Bioresources	: <i>Indigofera heterantha</i> - 07-10 tonnes per year
6	Geographical Location	: 1. District: Uttarkashi Block: Bhatwadi (village: Sukhi-Jhala, Gangnani, Alet) Block: Dunda (village: Bon-Barsali, Brahmkhal) Block: Purola (village: Banal-Chandeli, Radi) 2. District: Tehri, Saklana Patti (village: Uniyalgaon, Kaddukhal)
7	Partner agency	: Nil
8	Remarks	: In the 14 th EC on ABS, it was decided that this application may be put up again after receiving the responses from the concerned SBBs. Now, Uttarakhand SBB has given no objection to collect roots of <i>Indigofera heterantha</i> in the mentioned locations. Further, the board has stated that the firm will have to earmark 5% of the assessed benefits for the Uttarakhand SBB if a product (for human use) is developed. Also necessary clearance from the local authorities of the Forest dept. in uttarakashi and Tehri dist. may be obtained prior to collection of the roots of said species.

Decision: Taking note that the applicant proposes to have access to 7-10 tonnes of roots every year of *Indigofera heterantha* for research purpose and consent has already been obtained from the Uttarkhand SBB but special attention is needed to ensure sustainable use of this bioresource, as EC suggested, the applicant may be asked to justify the quantity of bioresource to be used for research purpose and also declaring further that the accessed bioresource will not be put to commercial use. This case may be re-submitted to EC with the required information.

- Authority also desired to know about the possible use of TK in this case.

16.16

1	Application Number	:	NBA/Tech Appl/9/375/09/
2	Name of the Applicant	:	Dr. N. Vasudevan, Professor, Centre for Environmental Studies, Anna University, Guindy, Chennai - 600 025. & Mr. P. Arulazhagan, Research Scholar, Centre for Environmental Studies, Anna University, Guindy, Chennai - 600 025.
3	Form used and Date:	:	Form III, dt. 18.11.2011
4	Title of the invention	:	Method for the Biodegradation of PAHs in wastewater.
5	Type of Bioresources	:	This work pertains to a halotolerant bacterial strain identified as <i>Ochrobactrum</i> sp. to degrade polycyclic aromatic hydrocarbons such as anthracene and pyrene under laboratory conditions
6	Geographical Location	:	The bacterial strain namely <i>Ochrobactrum</i> sp. was isolated from shipping site (sea water) at port of chennai
7	Partner agency	:	Nil
8	Remarks	:	<p>The application was placed in the 13th EC on ABS, dt. 17th 18th May, 2010. The EC recommended for approval without charging royalty considering the public and environment interest involved in this process when commercialized.</p> <p>The application was referred to the Tamil Nadu Biodiversity Board for consent on the access/ use of bioresource. The board has given consent subject to the condition that royalty should be paid to NBA for commercial use of the IPR.</p> <p>As the recommendation of the SBB is differing from that of the recommendation of EC, the same is being placed before the EC again for consideration and guidance.</p>

Decision: Approved with benefit sharing terms and conditions as follows:-

- i. Benefit sharing shall be in any of the options of non-monetary benefits, as provided under Section 21 read with Rule 20, on mutually agreed terms.

OR

- ii. Benefit sharing shall be in monetary form as stated below:
 - a. The applicant shall pay royalty @ 3% of the ex-factory sale price of the product sold or kept for captive consumption.

- b. Regular reports on the progress of commercialization and sale of the product, along with verifiable documents, shall be submitted to the NBA with supportive documents by 30th April every year.
- c. In case the applicant assigns/licenses the process/product to a third party, the licensee, for commercialization, the applicant shall pay to NBA @5% of the license fee received by him from the Licensee.
- d. The licensee shall also enter into a fresh agreement with NBA and agree to pay royalty @4% of the ex-factory sale price of the product sold, and also kept for captive consumption, annually.

Additional Terms to be followed are - *(which are applicable to both (i) & (ii) options given above)*

- I. The applicant undertakes to inform NBA within 90 days from the date when the patent is granted.
- II. The applicant, if he is an Indian citizen, shall give prior intimation to the concerned SBB for the location and quantity of the bioresource to be accessed by him, and shall follow the benefit sharing terms and also the restrictions, if any, imposed by the SBB (and BMC, where applicable) in the interest of promoting conservation and sustainable use.
- III. In case the applicant is covered under Section 3(2) of BDA, he shall apply for access to the required bioresource to NBA in Form I, with the prescribed fee.
- IV. No further transfer of the license shall be permitted without prior approval of NBA

16.17

1	Application Number	: NBA/Tech Appl/9/427/10
2	Name of the Applicant	: Mr. Muhammad Asim, Regulatory Affairs Lead, M/s. Monsanto Pakistan Agritech Pvt. Ltd., Lahore. 54792, P.O.Box No: 10148, Pakistan.
3	Form used and Date:	: Form I, dt. 08.12.2010
4	Purpose	: Import of cotton <i>Gossypium hirsutum</i> L. the Bollgard II hybrids to Pakistan developed by Monsanto Holdings Private Ltd (India).
5	Type of Bioresources	: <i>Gossypium hirsutum</i> Bollgard II cotton hybrids
6	Geographical Location	: Monsanto Holdings private Ltd, Kallakal, Medak Dist., Andhra Pradesh as in-house R&D unit.
7	Partner agency	: Monsanto Holdings private Ltd, Kallakal, Medak Dist., Andhra Pradesh.
8	Remarks	<p>: Applicant mentioned that the quantity will be exported during two years period (2011 and 2012) in multiple shipments.</p> <p>In the 14th EC on ABS, it was commented that the application in Form-I is meant for requesting access to India's bioresources for research/biosurvey and bioutilisation for commercial purpose. However this application from M/s. Monsanto, Pakistan is not for seeking access to India's bioresources but requests NBA's approval for importing 19 quintals of seeds of 18 cotton hybrids, produced by its counterpart company in India, for commercial cultivation in Pakistan. Considering that the proposal involves export of bulk seed materials for commercial use outside India, opinion from Union Department of Agriculture & Co-operation may be obtained in the context of prevailing shortage of hybrid cotton seed materials in our country. The application may be put up for further consideration on receipt of DAC's advice in this matter and this may be done via e-mail to expedite the process.</p> <p>Accordingly, a communication has been sent to the Agricultural Commissioner, DAC, MoA, New Delhi. The response received from the Asst. Commissioner (seeds) is placed herewith for further guidance.</p>
<p>Decision: It was noted that the applicant had requested NBA's approval for importing 19 quintals seeds of 18 cotton hybrids that were proprietary materials of M/s. Monsanto Holdings Pvt Limited. It was concluded that the applicant may approach the proprietor (M/s. Monsanto Holding Pvt Ltd) for export of their seeds to him through appropriate channel. The applicant may be informed accordingly.</p>		

16.18

1	Application Number	: NBA/Tech Appl/9/458/11/
2	Name of the Applicant	: Dr. B.S. Vivek, CIMMYT- India, C/o, ICRISAT, Patancheru - 502 324, Hyderabad (AP).
3	Form used and Date:	: Form IV, dt. 30.5.2011
4	Purpose	: Export of proprietary maized inbred lines Zea Mays to Thailand for research purpose
5	Type of Bioresources	: Zea Mays (list enclosed 81 entries with 50 seeds)
6	Geographical Location	: CIMMYT-India received from global offices in Zimbabwe, Kenya, Colombia and Mexico.
7	Partner agency	: M/s. Syngenta Seeds Ltd., Thailand Ind., 90 Tower A, Cyber World Tower, 25th Floor Ratchadapisek Road, Huai Khwang Road, Huai Khwang District, Bangkok 10310.
8	Remarks	: <ul style="list-style-type: none"> ➤ It was mentioned that no Indian biological resources and/or associated knowledge were used in the research. ➤ In the application under Sl. no.6 it is stated that the material supplied would be evaluated by Syngenta Seeds Ltd. Thailand Inc., for further research to develop drought - tolerant maize for the benefit of small holder farmers in Asia. ➤ It was requested to provide the import (EC numbers) details from the applicant. In this regard, the applicant has given certain EC numbers to the entries and mentioned that they don't have a record of the exact EC number of these entries. The same is placed in the page no. 24 & 25 for further guidance.

Decision: Considering that the seed materials are proposed to be supplied by CIMMYT to a Multinational Seed Company, the Authority has approved in principle but suggested that the CIMMYT (who are custodians of these materials and not owners) should enter into a suitable material transfer and benefit sharing agreement with the seed company and a copy of that agreement may be sent to NBA for reference. Further, the Authority desired the general view of the Dept. of Agricultural Cooperation in this case be sought.

16.19

1	Application Number	: NBA/Tech Appl/9/425/10/
2	Name of the Applicant	: Dr. Gururaj G. Kulkarni, Regional PVP/R Expert, APAC M/s. Syngenta IndiaLtd., Maharashtra.
3	Form used and Date:	: 18.07.2011, Form-IV
4	Purpose	: Export of corn inbred to Philippines for research purpose.
5	Type of Bioresources	: The proprietary maized inbred lines Zea mays (IN0001-1/10 to IN0017-1/10)
6	Geographical location	: It was mentioned that all the 17 lines were imported from Brazil, Zimbabwe & Thailand.
7	Partner agency	: Syngenta, Philippines
8	Remarks	: This application was placed in the 14 th EC on ABS and decision is as follows:- These inbred lines are stated to be imported by M/s. Syngenta from Philippines more than 6 years back and they are presumably available there. EC suggests that the company may be asked to clarify the purpose for which these inbred lines are being re-exported to the same country. For transferring bioresources out of India, the application is to be made in Form-IV with the prescribed fee of Rs.10,000/- in place of Form-II (with fee of Rs.5000/-these materials were introduced in their hybrid development programme. The same has been communicated to the Applicant. On receipt of information, the same was placed before the 15 th Ec on ABS. The EC further took note of the clarification provided by the applicant stating that the 17 lines under discussion were not imported from Philippines but from other countries. In support of its statement, the applicant has given reference to three import permit numbers issued in 2001 and 2004. However, the EC has not been provided with suitable information establishing that these 17 lines are the same that were originally imported from Brazil, Zimbave and Thailand vide permits cited in the application. In addition, these lines have been grown for nearly a decade and evolved under Indian conditions, developing resistance to locally prevalent pathogens and pests. On this basis, these may be considered as naturalized stocks and, hence,

		<p>Indian bioresource for all practical purposes. The same was endorsed in the 20th Meeting of NBA.</p> <p>In this regard, this recommendation was communicated to the applicant. Subsequently, the applicant has applied in Form-IV and given a reply to the EC's observation, as follows:-</p> <p>We reiterate that all these 17 lines were imported from Brazil, Zimbabwe & Thailand to India with proper channel/country regulations (NBPGR). These 17 lines are parental lines and are not grown in farmer's fields/commercialized in India. These lines are only grown in our own R&D farm/s under strict supervision of corn breeder/s for research purpose only. Therefore, the question of considering these lines as Indian bioresources, does not arise.</p> <p>This application is placed for consideration.</p>
<p>Decision: Authority noted that the 17 Maize lines (collected by Syngenta from Brazil, Zimbabwe and Thailand), claimed to have been imported by the applicant into India about 10 yrs ago, are proposed to be re-exported to Philippines. Keeping in view that it is difficult to ascertain whether the seed materials belong to the same original samples that were imported nearly 8-10 yrs ago, the case is approved subject to the following conditions:-</p> <ol style="list-style-type: none">1. No product, coming out of the proposed research project, shall be commercialized without entering into benefit sharing agreement with NBA.2. No IPR shall be applied on any product coming out from the proposed research without prior approval of NBA and without signing of agreement with NBA for sharing of benefits.3. Report on the progress and final outcome of the proposed research shall be submitted to NBA.		

16.20

1	Application Number	: NBA/ Tech Appl/9/455/11/
2	Name of the Applicant	: Dr. Rajendra Singh Fartyal, Assistant professor, Department of Zoology & Biotechnology, Chauras Campus, HNB Garhwal University (A Central University) Srinagar Garhwal - 246 174, Uttarakhand.
3	Form used and Date:	: Form IV, 23.06.2011
4	Purpose	: Sending of insect samples (Drosophila) to Japan for identification purposes.
5	Type of Bioresources	: Drosophila's Fauna - Fruit flies (Class - Insecta and family Drosophilidae) <ul style="list-style-type: none"> • 500 unknown species specimens • Number of flies in each vial containing is about 10 male and females
6	Geographical Location	: Garhwal Region particularly in area of Dehradun, Rishikesh, Devprayag, Srinagar, Pauri, Chamoli, Uttarkashi, Rudraprayag, Mandal, Chopta and some local area of Pauri District. These Collection localities (as domestic and Forest areas) are located in Garhwal region, Uttarakhand.
7	Partner agency	: Prof. D.J. Toda, Environmental Biology Division, Institute of Low Temperature Science, Hokkaido University Museum, Sapporo, Japan
8	Remarks	: It is mentioned that the applicant will send about 500 samples in five phase according to requirement of the ongoing study but not all in one time (it is 100 samples in one time which is unknown species specimens). The consent sought from the Uttarakhand SBB on the collection of bioresource is yet to be received.
<p>Decision: Approved subject to the following conditions:-</p> <ol style="list-style-type: none"> 1. Only preserved specimens will be sent for the proposed identification. 2. Report on the outcome of the proposed study shall be submitted to the NBA. 3. No IPR on the outcome of the proposed study shall be applied without prior approval of NBA and without signing of agreement with NBA for sharing of benefits. 		

16.21

1	Application Number	: NBA/Tech Appl/9/433/11/
2	Name of the Applicant	: Shri Rajeev Upadhyay, Manager, International Business, Nuziveedu Seeds Pvt. Limited, NSL ICON, 4th Floor, #8-2-684/2/A, Road No. 12, Banjara Hills, Hyderabad 500034, Andhra Pradesh, India.
3	Form used and Date:	: Form IV, 10-01-2011
4	Purpose	: Export of Bt cotton hybrid seeds (<i>G.hirusutum</i>) to Pakistan for trial purpose.
5	Type of Bioresources	: a. Hybrids Cotton (<i>G. hirusutum</i>) seeds 1. NCS-855 Bt II (20 Kg) 2. NCS-9013 Bt II (20Kg) b. Transgenic seed of Bt II containing <i>Cry 1 Ac</i> and <i>Cry 2 Ab</i> genes
6	Geographical Location	:
7	Partner agency	: M/s. Monsanto Pakistan AgriTech (pvt) Ltd., Lahore, Pakistan
8	Remarks	: In the 15 th EC on ABS recommended as follows:- The EC discussed this case at length and suggested that the company may be asked to clearly specify its status whether it comes under the purview of Sec. 3(2) of the BD Act. This application may be put up again to the EC after obtaining the required information.
<p>Decision: Considering that the Bt cotton hybrids NCS 855 & NCS 9013 have been cleared by the GEAC, export of 20kg seeds of each of these two hybrids is approved subject to the following conditions:-</p> <ol style="list-style-type: none"> 1. Progress reports on the proposed research shall be submitted to NBA after every crop season. 2. NBA's prior approval shall be taken before commercialization of any of the hybrids under export or applying for IPR over them and signing of agreement with NBA for sharing of benefits. 		

16.22

1	Application Number	: NBA/Tech Appl/9/434/11/
2	Name of the Applicant	: Dr. P. Sathish Kumar, Director, Prabhat Agri Biotech Ltd, 6-3-541, Opp. Heritage Office, Punjagutta, Hyderabad-82
3	Form used and Date:	: Form IV, 10.01.2011
4	Purpose	: Export of Bt cotton hybrid seeds to Pakistan for trail purpose.
5	Type of Bioresources	: a. Hybrid Cotton (<i>G.hirusutum</i>)-PCH-9611 Bt II (20 Kg). b. Transgenic seed of Bt II containing Cry 1 Ac and Cry 2 Ab genes.
6	Geographical Location	:
7	Partner agency	: M/s. Monsanto Pakistan AgriTech (Pvt.) Ltd, 2nd Floor, RBS Building 310-Upper Mall, Lahore 54000, Pakistan.
8	Remarks	: In the 15th EC on ABS recommended as follows:- The EC discussed this case at length and suggested that the company may be asked to clearly specify its status whether it comes under the purview of Sec. 3(2) of the BD Act. This application may be put up again to the EC after obtaining the required information.

Decision: Considering that the Bt cotton hybrid PCH-9611 has been cleared by the GEAC, export of its 20kg seeds, for conducting field trials, is approved subject to the following conditions:-

1. Progress reports on the proposed research shall be submitted to NBA after every season.
2. NBA's prior approval shall be taken before commercialization of any of the hybrids under export or applying for IPR over them and signing of agreement with NBA for sharing of benefits.

16.23

1	Application Number	: NBA/Tech Appl/9/446/11/
2	Name of the Applicant	: Dr.P.Karnan Lead -Regulatory Affairs, Rasi seeds (P) LTD, 273, Kamarajanar road, Attur - 636 102, Salem, TamilNadu -India.
3	Form used and Date:	: Form IV, 18.04.2011
4	Purpose	: Export of Bt cotton hybrid seeds to M/s. Monsanto Pakistan for field trials.
5	Type of Bioresources	: 1. RCH 602 BG - II (10 kg) 2. RCH 650 BG - II (10 kg) 3. IT 440 BG - II (10 kg)
6	Geographical Location	: ----
7	Partner agency	: M/s. Monsanto Pakistan Agritech (Pvt.) Ltd. 330-Z, Commercial Area, Phase - III DHA, Lahore, Pakistan
8	Remarks	: In the 15th EC on ABS recommended as follows:- The EC The EC discussed this case at length and suggested that the company may be asked to specify clearly that it doesn't come under the purview of Sec. 3(2) of the BD Act. This application may be put up again in the EC after obtaining the required information.
<p>Decision: Considering that only two of the Bt cotton hybrids, namely, RCH 602 BG - II & RCH 650 BG - II have been cleared by the GEAC, export of 10kg seeds of each of them, for conducting field trials, is approved subject to the following conditions:-</p> <ol style="list-style-type: none"> 1. Progress reports on the proposed research shall be submitted to NBA after every season. 2. NBA's prior approval shall be taken before commercialization of any of the hybrids under export or applying for IPR over them and signing of agreement with NBA for sharing of benefits. 		

**Important Priority Areas suggested by Members of NBA
– Time Line for Action Plan**

Sl. No.	Priority Areas	Time line in months
1	Recruiting additional personnel for administrative, scientific and technical positions on contractual basis. This is a high priority area as the work load and its complexity has increased tremendously and the Authority cannot cope up with the heavy work imposed on it with the existing permanent and contractual staff. The performance audit by CAG has raised number of queries and to comply with all the recommendations of performance audit, the selection of additional personnel on contract basis has to be done on war footing.	3
2	On-line facility for making access applications and website development with adequate biodiversity related information for user groups.	6
3	Developing national database on biodiversity information (IBIS)	4
4	Develop a suitable referral library at the NBA containing database on threatened plant and animal species included in the Red Data Books prepared by the BSI and the ZSI and listed under the Government of India's EXIM policy, the IUCN Red list and the CITES.	6
5	Guidelines on Access and Benefit Sharing and TK	4
6	Sharing of benefits (Royalty) with conservers/ collectors/producers of biological resources.	On going activity
7	Monitoring of approvals, as well as follow up on the agreements	On going activity
8	Capacity building at different level, including all the three tiers of our national system	On going activity
9	Providing technical guidance to SBBs and BMCs in discharging their functions.	On going activity
10	Instruction manual for different categories of users to access bioresources, and associated TK	4
11	Accelerating the work on Biodiversity Heritage Sites	On going activity
12	Accelerating the documentation of PBRs.	On going activity
13	Capacity to report on cases of violations and awarding quick penalties.	On going activity

14	Procedure of collecting/acquiring information about patents which are being filed/granted in other countries on biological resources and TK obtained from India illegally.	On going activity but first report to be prepared in next 6 months.
15	Implementing the NBSAP	On going activity
16	Promoting conservation and sustainable use practices for the threatened species	4
17	Organizing of National level biodiversity sammelan at New Delhi.	6

National Biodiversity Authority – Chennai
Checklist for processing of Applications in the NBA Secretariat

Reference File No.

Part A: To be filled by the NBA Secretariat

1. Name & Address of the Applicant:
 2. (a) Diary No. & Date:
 - (b) Category of Application Form: I / II / III / IV / others (specify)
 - (c) Whether the prescribed application Form has been used: Yes/ No
 - (d) Whether the Application contains all the required information: Yes/ No
 - (e) Whether the Applicant is Indian/Non Indian/Indian having Non- Indian participation in its share capital or management:
 - (f) Application Fee received : Rs.
 3. (a) Nature of the requested bio-resources:
Plant parts/ Animals /Microbes /Others
 - (b) Name of the species:
Common Name:
Scientific Name:
 4. Geographical location for access of the bioresource:
 5. Quantity of bioresource:
 6. (a). Whether SBB/BMC Consultation is required: Yes / No
[If already consulted, a copy of the Comments/
Recommendations of SBB/BMC is to be attached]
 7. Proposed use of the bioresource: Research / Commercial / Bio-survey and Bio-utlization/Transfer of Research Results/ IPR/ Third Party Transfer*/
- * Copy of NBA's approval for access is required where applicable.*
8. Objective for seeking NBA's approval -
 9. Time taken between receipt of application and its placement before EC on ABS:
 - a) Reasons for inordinate delay if any -

10. Any other remarks -

Signatures of:

Expert consultant (if any)

Technical Assistant

Technical staff (on contract)

Technical Officer (BS)

Advisor (Law)

Counter signed: Secretary, NBA

Part B: To be checked by the Expert Committee

11. Whether Traditional Knowledge has been used :
12. Screening of the bioresource species:
(a) Whether Rare / Endemic/ Endangered/ Threatened :
(b) Whether listed under Wildlife Act/ CITES/BDA, etc :
(c) Whether restricted/ prohibited under
EXIM policy/ DGFT guidelines/rules :
(d) Whether listed in NTC by MoEF :
12. Whether the original file of the applicant was placed before the EC : Yes /No
13. Whether the proposal is likely to have an
adverse impact on environment/sustainability
of use/livelihoods/national interest :
14. Whether this application of the applicant had already been
Examined/considered by the EC? : Yes / No
If 'Yes" then mention the date and the earlier recommendation :
15. Any other item :

Recommendations of the Expert Committee on ABS:

Signature of Chairman and Members (present) of committee on ABS.