



जहाँ है हरियाली ।
वहाँ है खुशहाली ॥

National Biodiversity Authority

UNEP – GEF – MoEF ABS Project

***Strengthening the Implementation of the Biological Diversity Act and Rules
with focus on its Access and Benefit Sharing Provisions***

CONCEPT NOTE

Traditional Knowledge (TK) and Access Benefit Sharing (ABS) - A National Dialogue

Date: 29-30 November, 2013

Venue: Hyderabad, Andhra Pradesh

Background:

Government of India has enacted Biological Diversity Act (2002) and Rules (2004) for conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of the use of biological resources, knowledge and for matters connected therewith or incidental thereto.

Section 41(1) of the BD Act provides for relevant “chronicling of knowledge related to biological diversity”, while Section 36(5) has enabling provision in empowering the Central Government “to respect and protect the knowledge of local people relating to biological diversity, as recommended by the National Biodiversity Authority through such measures, which may include registration of such knowledge at the local, State or national levels, and other measures for protection, including *sui generis* system”.

Objectives:

- Discussing issues relevant to documentation of TK and protection through intellectual property
- To discuss the issues of community protocols for TK protection
- Developing ways to implement benefit sharing component of the Act for TK associated with biological resources.

The workshop will be conducted in the form of Plenary Sessions and working group discussions with opening and closing remarks on the thematic areas including group presentations to be generated outputs. The thematic areas identified for the working groups are given with below:

Working Group 1: Documentation of TK – issues and relevance

Traditional knowledge could be documented either in the form of TK registers at local level (e.g. PBRs) or database/digital libraries (e.g. TKDL). Traditional medicinal knowledge can be categorized in to two systems i) codified (documented) and ii) non-codified system (not documented but may be orally transmitted through generations). Therefore, TK can either be protected in the form of codified information or preserved/hidden among the families of local communities as non-codified system. This process of documentation of TK will be useful in all situations to solve the issues of misappropriation or getting wrong patents by third party.

EXPECTED OUTCOME:

- **Identifying issues relevant to documenting TK of local communities**
- **Mainstreaming TK into preparation of PBRs.**

Working Group 2: Traditional Knowledge from IP perspective

The existing IP laws like patents, trademarks, trade secret, geographical indications and industrial designs are being used to protect TK from misappropriation. Since conventional IP laws could be applied only to the “owners” who possess “new” knowledge, specific adaptations/modifications to IP law may be needed. The collective nature of TK prevented the implementation of IP related rights, then the possibility of forming trust, association, Community Corporation or similar legal bodies for communities need to be examined.

EXPECTED OUTCOME:

- **Issues of IP mainstreaming in TK and ABS**

Working Group 3: Customary norms and community protocols for TK protection

In the past, many suggestions and options were put forth by experts from different fora regarding protection and promotion of knowledge, innovation and practices of local communities. The option of community protocols were implemented legally in different parts of the country. There is a need to find out its merits and demerits at the ground.

EXPECTED OUTCOME:

- **Implementing/identifying correct options for protecting TK of various biological resources using Biocultural Protocols as needed under the Nagoya Protocol (Article 12).**

Working Group 4: Traditional Knowledge and ABS for sustainable use of biological resources

Regulating access and ensuring distribution of benefits arising out of the use of biological resources and/or associated traditional knowledge are the key inclusions in the Act and Rules.

EXPECTED OUTCOMES:

- **Identify community oriented benefit sharing procedures which could help to build/promote knowledge, innovations & practices of local communities.**



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DRAFT AGENDA

Day 1 - 29th November 2013 (Friday)			
09:00	-	09:30	Registration
09:30	-	10:00	Welcome and Programme Brief - Mr Ishwar Poojar, Project Manager, National Biodiversity Authority, Chennai
10:00	-	10:15	Presidential Address by Dr. Hampaiiah Ralladoddi, Chairman, Andhra Pradesh State Biodiversity Board on ABS Initiatives in Andhra Pradesh
10:15	-	10:20	- Launching TK Terminology booklet - About the Booklet by Dr. B. Andrews, Project Consultant, NBA
10:20	-	10:35	Keynote Address by Dr. Balakrishna Pisupati, Chairman, NBA on TK & ABS under the BD Act
10:35	-	10:45	Vote of Thanks by Andhra Pradesh State Biodiversity Board
10:45	-	11:00	Photo Session
11:00	-	11:20	Coffee/Tea Break
11:20	-	12:00	Plenary Session I - Introducing topics for the working groups (WG) <ul style="list-style-type: none"> • Documentation of TK– issues and relevance (WG1), • Traditional Knowledge from IP perspective (WG2), • Customary norms and community protocols for TK protection (WG3), • Traditional Knowledge and ABS for sustainable use of biological resources (WG4)
12:00	-	13:30	Discussion of Working Groups in separate Seminar Halls WG1 -Hall No--- WG2 - Hall No--- WG3 - Hall No---WG4 -Hall No---
13:30	-	14:30	Lunch Break
14:30	-	15:45	Discussion of Working Groups
15:45	-	16:00	Coffee/ Tea Break
16:00	-	17:00	Discussion of Working Groups
17:00	-	17:30	Discussion & Closure
Day 2 - 30th November 2013 (Saturday)			
10:00	-	10:20	Presentation I – Working Group 1 Topic: Documentation of TK – issues and relevance
10:20	-	10:40	Presentation II – Working Group 2 Topic: Traditional Knowledge from IP perspective
10:40	-	11:20	Presentation III- Working Group 3 Topic: Customary norms and community protocols for TK Protection
11:20	-	11:40	Coffee/Tea Break
11:40	-	12:00	Presentation IV- Working Group 4 Topic: Traditional Knowledge and ABS for sustainable use of biological resources
12:00	-	13:00	Discussion of Working Groups
13:00	-	14:00	Lunch Break
14:00	-	15:00	Presentation of the Documents Before the group by Team Leads – Submission of Hard and Soft Copies of Outputs to NBA
15:00	-	15:20	Coffee/ Tea Break
15:20	-	15:40	Plenary Session II
15:40	-	16:10	Open Interaction among the Working Groups
16:10	-	16:40	Closing remarks/TA Disbursements by the NBA Accounts Division