

GUIDELINES FOR FILLING FORM-II

Application for seeking prior approval of National Biodiversity Authority for transferring the results of research to foreign nationals, companies, NRI's, for commercial purposes

(Applicable in the case of individual or joint applicants)

Sl. No.	Contents	Documents/details to be furnished
1.	Full particulars of the applicant	
(i)	Name	<p>a) Full name of the applicant(s).</p> <p><u>Enclosures to be attached :</u></p> <p>a) Self-attested copy of relevant pages of passport of the applicant(s)</p> <p>b) In case of NRI, a self-attested copy of overseas residence card/ PIO card/ other recognised proof of NRI status.</p> <p>c) In case of more than one applicant (co-applicants or joint applicants) letter of authorization in favour one applicant or more may be submitted as in Annex-I.</p> <p>d) Declaration as in Annex-II.</p>
(ii)	Address :	<p>a) Complete address with state/province name/country and PIN code/zip code</p> <p>b) Telephone/ Fax Number (Land line with code)</p> <p>c) Mobile Number</p> <p>d) Email address</p> <p><u>Enclosures to be attached :</u></p> <p>a) Self-attested copies of the photo identity and address proof of the applicant(s) issued by the concerned Government.</p>
(iii)	Professional Profile	Complete professional profile/ bio-data of the applicant not exceeding one page.
(iv)	Organisational Affiliation (please attach relevant documents of authentication)	Bona fide letter/ letter of intent in original from the institution or organisation with whom the applicant(s) is affiliated.
2.	Details of the results of research conducted	<p>a) Provide detailed research activities carried out by using the biological resource and traditional knowledge from the time of access.</p> <p>b) Please provide details of collaboration with other institutions/organization/company, if any, during the course of research activities.</p> <p><u>Enclosures to be attached :</u></p> <p>a) Self-attested summary of results of research proposed to be transferred.</p> <p>b) In case of collaboration with other institution or organisations, MoU/ letter of intent in original from the</p>

		institution or organisation containing all relevant details.
3.	Details of the biological resources and / or associated knowledge used in the research	<ul style="list-style-type: none"> a) Scientific name(s) of the biological resource(s) b) Common name(s) of the biological resource(s) c) Details of associated knowledge used and source of such information, if applicable d) Provide copy of approval of NBA for access to biological resources and/ or associated knowledge (if the applicant is covered under Section 3(2) of BD Act)
4.	Geographical location from where the biological resources used in the research are collected	<ul style="list-style-type: none"> a) Indicate the name of village, panchayat, block, taluk, district and state from where the biological resource(s) were collected. b) If the biological resource(s) were collected or procured from the Institute/ Organization/ Company/local trader/individual, provide exact contact details (address and phone number) of such supplier and invoice/evidence for such purchase. c) Indicate whether the material was sourced from wild/cultivated
5.	Details of any traditional knowledge used in the research and any identified individual / community holding the traditional knowledge	<ul style="list-style-type: none"> a) Provide full details of individual/ communities holding such traditional knowledge b) In case this knowledge was sourced from texts, provide source of such information (<i>photocopies of relevant information may be attached wherever applicable</i>)
6.	Details of Institution where Research and Development Activities carried out	<p>Name and address of the institute/ organization where the research was carried out.</p> <p><u>Enclosures to be attached :</u> <i>Bona fide</i> letter to the applicant issued by the competent authority of the institution/ organization where R&D was carried out.</p>
7.	Details of the individual/organisation to whom the research results are intend to transfer	<ul style="list-style-type: none"> a) Details of past, on-going and anticipated collaboration with the institute to whom the research results are intended to be transferred. b) Information on the intended use of research results to be transferred.
8.	Details of economic, biotechnological, scientific or any other benefits that are intended or may accrue to the individual/ organisation	<ul style="list-style-type: none"> a) Nature of benefits envisaged b) Investment in Research and Development

	due to commercialization of the transferred research results.	
9.	Details of economic, biotechnological, scientific or any other benefits that are intended, or may accrue to the applicant seeking approval for transfer of results of research.	Nature of benefits envisaged
10.	Details of any agreement or MoU between by the proposed recipient and applicant seeking approval for transfer of results of research.	Self-attested copy of MoU or Agreement
	Part – B - Declaration	
		Ensure that the declaration has the same wordings as provided in the application format.

GUIDELINES FOR FILLING FORM-II

Application for seeking prior approval of National Biodiversity Authority for transferring the results of research to foreign nationals, companies, NRI's, for commercial purposes

(Applicable where the applicant is an Entity such as Organization/ Institution/ Company/ Government agencies)

Sl. No.	Contents	Documents/details to be furnished
1.	Full particulars of the applicant	
(i)	Name	a) Name of the entity b) Full name of the authorized representative with his designation <u>Enclosures to be attached :</u> a) Letter of authorization issued by the Competent Authority to the authorized representative /Head of the Organization/Institution. – Annex-I or Board resolution or Office order/Memorandum. b) In case the application is submitted through an Agent/Attorney, authorization letter as in Annex-I to be issued by the authorised signatory of the entity. c) Declaration as in Annex-II
(ii)	Address :	a) Complete address with state/province name/country and PIN code/zip code b) Telephone / Fax Number (Land line with code) c) Mobile Number d) Email address
(iii)	Professional Profile	Complete professional profile of the entity not exceeding one page.
(iv)	Organisational Affiliation (please attach relevant documents of authentication)	a) Document of incorporation or registration as per the law governing such incorporation or registration, duly attested by the authorized signatory of the entity. b) A copy of Memorandum of Association/Articles of Association/Bye laws governing rules and regulations of the entity, duly attested by the authorized signatory of the entity.
2.	Details of the results of research conducted	a) Detailed research activities carried out by using the biological resource and traditional knowledge from the time of access. b) Details of collaboration with other institutions/organization/company, if any, during the course of research activities.

		<p><u>Enclosures to be attached :</u></p> <p>a) Self-attested summary of results of research proposed to be transferred.</p> <p>b) In case of collaboration with other institution or organisations, MoU/ letter of intent in original from the institution or organisation containing all relevant details.</p>
3.	Details of the biological resources and / or associated knowledge used in the research	<p>a) Scientific name(s) of the biological resource(s)</p> <p>b) Common name(s) of the biological resource(s)</p> <p>c) Details of associated knowledge used and source of such information, if applicable.</p> <p>d) Provide copy of approval of NBA for access to biological resources and/ or associated knowledge (if the applicant is covered under Section 3(2) of BD Act)</p>
4.	Geographical location from where the biological resources used in the research are collected	<p>a) Indicate the name of village, panchayat, block, taluk, district and state from where the biological resource(s) were collected.</p> <p>b) If the biological resource(s) were collected or procured from the Institute/ Organization/ Company/local trader/individual, provide exact contact details (address and phone number) of such supplier and invoice/evidence for such purchase.</p> <p>c) Indicate whether the material was sourced from wild/cultivated</p>
5.	Details of any traditional knowledge used in the research and any identified individual / community holding the traditional knowledge	<p>a) Provide full details of individual/communities holding such traditional knowledge</p> <p>b) In case this knowledge was sourced from texts, provide source of such information (<i>photocopies of relevant information may be attached wherever applicable</i>)</p>
6.	Details of Institution where Research and Development Activities carried out	Name and address of the institute/ organisation where research was carried out.
7.	Details of the individual/organisation to whom the research results are intend to transfer	<p>a) Details of past, on-going and anticipated collaboration with the institute to whom the research results are intended to be transferred.</p> <p>b) Information on the intended use of research results to be transferred</p>
8.	Details of economic, biotechnological, scientific or any other benefits that are intended, or may accrue to	<p>a) Nature of benefits envisaged</p> <p>b) Investment made for this specific research</p>

	the individual/ organisation due to commercialization of the transferred research results.	
9.	Details of economic, biotechnological, scientific or any other benefits that are intended, or may accrue to the applicant seeking approval for transfer of results of research.	Nature of benefits envisaged
10.	Details of any agreement or MoU between by the proposed recipient and applicant seeking approval for transfer of results of research.	Self-attested copy of MoU or agreement.
	Part – B - Declaration	
		<p>Ensure that the declaration has the same wordings as provided in the application format.</p> <p>Common seal of the entity to be affixed in the application below the signature.</p>

AUTHORISATION LETTER FOR AGENT/REPRESENTATIVE*

I/We Mr./Ms./M/s.* _____ hereby authorize Mr./Ms./M/s.* _____ as my/our* agent/representative* to submit an application under Form I/II/III/IV* of the Biological Diversity Rules, 2004, to the National Biodiversity Authority, India (hereinafter referred to as the NBA) for the purpose of obtaining the prior approval as required under the Biological Diversity Act, 2002, for access to biological resources/knowledge associated with biological resources and/or traditional knowledge/transfer of results of research based on biological resources/application for an IPR/third party transfer of accessed biological resources.*

I/We* hereby authorize and declare that all actions committed by the agent / representative* with regard to the above purpose and all communications by the agent/representative* with the NBA in this regard shall bind me/us* entirely.

Signature of Applicant
(Common seal if applicable)

Signature of Agent
(Common seal if applicable)

Date:
Station:

Date:
Station:

Instructions

- * *Strike out whichever is not applicable*
- The signature and seal (wherever applicable) in this authorisation letter must be in original.
- The NBA shall construe that the signature and seal (wherever applicable) of the agent/representative as being verified and confirmed by the applicant.

DECLARATION

I am aware that the Section 3 (2) of the Biological Diversity Act 2002 states as under:-

Section 3 (2) - The persons who shall be required to take the approval of the National Biodiversity Authority under sub section (1) are the following, namely:

- (a) a person who is not a citizen of India;
- (b) a citizen of India, who is a non resident as defined in clause (30) of section 2 of the Income tax Act, 1961;
- (c) a body corporate, association or organization-
 - (i) not incorporated or registered in India; or
 - (ii) incorporated or registered in India under any law for the time being in force which has any non Indian participation in its share capital or management.

In this connection, I am herewith submitting the following declaration:-

I / we hereby declare that I / we ~~“fall” / “do not fall”~~ under the scope of the provisions contained in Section 3(2) of the Biological Diversity Act 2002.

** Strike out which is not applicable*

Signature of the Applicant

Date:

Seal

To

The Secretary,
National Biodiversity Authority,
5th Floor TICEL Biopark,
CSIR Road, Taramani,
Chennai - 600 113
Tamil Nadu