

**GUIDELINES FOR FILLING UP FOR FORM-III**  
**Application for seeking prior approval of NBA for applying**  
**for intellectual property right**

(Applicable in the case of individual or joint applicants)

Sl. No.	Details	Documents/information to be furnished
1.	Full particulars of the applicant	
i)	Name :	<p>a) Name of the applicant (s) as indicated in the IPR application submitted to the Patent Office.</p> <p><b><u>Enclosures to be attached :</u></b></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 recognized 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 <b>Annex-I</b>.</p> <p>d) In case application is submitted through an Agent/ person, authorization letter as in <b>Annex-I</b>.</p> <p>e) Declaration as in <b>Annex-II</b></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><b><u>Enclosures to be attached :</u></b>  Self-attested copies of photo identity and address proof of the applicant (s) issued by the respective Government</p>
iii)	Professional profile	Complete professional profile or bio-data of the applicant (s) not exceeding one page.
iv)	Organizational Affiliation (Please attach relevant documents of authentication)	Bona fide letter in original from the institution or organisation with whom the applicant (s) is affiliated.
2.	Details of the invention on which IPRs sought	<p>a) Full and exact title and abstract of IPR on which application is made.</p> <p>b) Patent office reference number, if application is filed before the Patent Office.</p>
3.	Details of the biological resources and or/associated knowledge used in the invention	<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</p>

		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 invention 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 invention 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 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	<p>a) Name and address of the institute where research was carried out.</p> <p>b) Please provide details of collaboration with other institutions/organization/company, if any, during the course of research activities.</p> <p><b><u>Enclosures to be attached :</u></b></p> <p>a) Bona fide letter for the applicant from the institution/ organization where R&amp;D was carried out, in original.</p> <p>b) In case of collaboration with other institution or organizations, MoU/ letter of intent in original from the institution or organization containing all relevant details.</p>
7.	Details of economic, biotechnological, scientific or any other benefits that are intended or may accrue to the applicant due commercialization of the invention	<p>a) Nature of benefits envisaged</p> <p>b) Investment in Research and Development, in the current invention.</p>
	<b>Part – B - Declaration</b>	
		Ensure that the declaration has the same wordings as provided in the application format.

## GUIDELINES FOR FILLING UP FOR FORM-III

### Application for seeking prior approval of NBA for applying for intellectual property right

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

Sl. No.	Details	Documents/information to be furnished
1.	Full particulars of the applicant	
i)	Name :	<p>a) Name of the entity as indicated in the IPR application submitted to the Patent Office.</p> <p>b) Full name of the authorized representative with his designation</p> <p><b><u>Enclosures to be attached :</u></b></p> <p>a) Letter of authorization issued by the Competent Authority to the authorized representative /Head of the Organization/Institution as in <b>Annex-I</b> or Board resolution or Office order/ Memorandum.</p> <p>b) In case application is submitted through an Agent/Attorney, authorization letter as in <b>Annex-I</b> to be issued by the authorised signatory of the entity.</p> <p>c) Declaration as in <b>Annex-II</b></p>
ii)	Address	<p>a) Complete address with state/province name/country and PIN code/zip code.</p> <p>b) Telephone/ Fax Number (Landline with code)</p> <p>c) Mobile Number of Authorized representative</p> <p>d) Email address</p>
iii)	Professional profile	Complete professional profile of the entity not exceeding one page.
iv)	Organizational Affiliation (Please attach relevant documents of authentication)	<p>a) Document of incorporation or registration as per the law governing such incorporation or registration, duly attested by the authorized signatory.</p> <p>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</p>
2.	Details of the invention on which IPRs sought	<p>a) Full and exact title and abstract of IPR on which application is made.</p> <p>b) Patent office reference number, if application is filed before the Patent Office.</p>
3.	Details of the biological resources and	a) Scientific name(s) of the biological resource(s)

	or/associated knowledge used in the invention	<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 invention 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 invention 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 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	<p>a) Name and address of the institute where research was carried out.</p> <p>b) Please provide details of collaboration with other institutions/organization/company, if any, during the course of research activities.</p> <p><b><u>Enclosures to be attached :</u></b></p> <p>In case of collaboration with other institution or organizations, MoU in original from the institution or organization containing all relevant details.</p>
7.	Details of economic, biotechnological, scientific or any other benefits that are intended or may accrue to the applicant due commercialization of the invention	<p>a) Details of turnover for the last two years</p> <p>b) Nature of benefits envisaged</p> <p>c) Investment in Research and Development in the current invention.</p> <p>d) Financial details for the last two years ie. Profit before tax and after tax.</p>
	<b>Part – B - Declaration</b>	
		<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,  
5<sup>th</sup> Floor TICEL Biopark,  
CSIR Road, Taramani,  
Chennai - 600 113  
Tamil Nadu