



NATIONAL BIODIVERSITY AUTHORITY

(A statutory body under the
Ministry of Environment, Forests and Climate Change, Government of India)

Tel: 044-2254 2777
Fax: 044-2254 1200
secretary@nba.nic.in
www.nbaindia.org

5th Floor, TICEL Bio Park,
CSIR Road, Taramani,
Chennai- 600 113.

NBA/Tech.Gen/22/97/13/25-26/ 2791

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CIRCULAR

Sub: Submission of Declaration (Form-10) for Use of Foreign Biological Resources and Associated Traditional Knowledge in India – Clarification on Applicability Date – reg.

The National Biodiversity Authority (hereinafter referred to as *NBA*) issues this Circular to clarify the commencement, scope, and applicability of the obligation to submit a Declaration in Form-10 under the Biological Diversity Rules, 2024.

2. The Biological Diversity Rules, 2024 were notified in the Official Gazette on 22 October 2024. In accordance with Rule 1(2) thereof, the said Rules came into force upon the expiry of sixty days from the date of notification, i.e., on 21 December 2024. Accordingly, the statutory obligation under Rule 18(1) to submit a Declaration in Form-10 became operative with effect from 21 December 2024.

3. Rule 18(1) provides that any person intending to use in India any biological resource or associated traditional knowledge obtained from a foreign country shall submit a Declaration in Form-10 on the NBA web portal, where such use is for the purposes of: (i) research, (ii) commercial utilisation, or (iii) applying for or obtaining any form of Intellectual Property Rights.

4. It is hereby clarified that the requirement to submit a Declaration in Form-10 shall apply only to cases where access to foreign biological resources, or the intent to use such resources in India for the aforesaid purposes, arises on or after **21 December 2024**.

5. Accordingly, submission of Declaration in Form-10 shall be mandatory in the following circumstances, where such actions occur on or after 21 December 2024:

(a) commencement of use in India of foreign biological resources or associated traditional knowledge for research, commercial utilisation, or IPR-related activities;

(b) filing of any application for Intellectual Property Rights in India based on such foreign biological resources.

6. The declaration mechanism under Rule 18 is intended to enable the NBA to monitor and regulate the use of foreign biological resources within India and to ensure compliance with the provisions of the Biological Diversity (Amendment) Act, 2023.

7. This Circular shall come into force with immediate effect.

This issues with the approval of the competent authority.



(B. Balaji)

Member Secretary, NBA.

To.

- 1) All Sectional Heads
- 2) Office of the Chairperson, NBA
- 3) Guard file
- 4) System Team – uploading in the NBA website