

Links:

Forms and related formats can be downloaded from:

- Form-I: <http://www.kbb.kar.nic.in/Form%20I.pdf>
- Form-A: <http://www.kbb.kar.nic.in/Form%20A.pdf>
- Form ABS Calculation: <http://www.kbb.kar.nic.in/FORM-A-SALES.pdf>
- Declaration Form: <http://www.kbb.kar.nic.in/Declaration%20form-Indian%20entities.pdf>
- Form-II: <http://nbaindia.org/content/26/59/1/forms.html>
- Form-III: <http://nbaindia.org/content/26/59/1/forms.html>
- Form-IV: <http://nbaindia.org/content/26/59/1/forms.html>
- Form-B: <http://nbaindia.org/content/26/59/1/forms.html>
- Collaborative Research Projects as per section 5 of the Biological Diversity Act, 2002: <http://nbaindia.org/content/26/59/1/forms.html>
- Format for giving approval for the Collaborative Research Projects under Section 5 by the concerned Ministry or Department: <http://nbaindia.org/content/26/59/1/forms.html>
- Form-C: <http://nbaindia.org/content/26/59/1/forms.html>
- NTC List: http://nbaindia.org/uploaded/pdf/Notification_of_Normally_Traded_Commodities_dt_7_April_2016.pdf

For more information please contact

KARNATAKA BIODIVERSITY BOARD

Department of Forest, Ecology and Environment, Vanavikas, Ground Floor, 18th Cross, Malleshwaram, BANGALORE- 560 003.
Email: kbb-ka@nic.in | Website: <http://www.kbb.kar.nic.in> Ph: 080-23448783, Fax: 080-23440535

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Arvind Madhyastha N.A., Geetha Nayak,
Mahesh S.Dodamani, Prabhudeva K.N., Ramya Ravi,
Srinivas Venkat, Veena PG, Veena A.Ramakrishna,
Vidya Pradeep Kumar, Vivek Patil.

Disclaimer:

The information provided in this booklet is designed for general information of public and is not meant to be used as a legal document. For legal purposes the relevant laws/Rules/Guidelines may be referred to.

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<http://www.karnataka.gov.in/kbb>



Karnataka Biodiversity Board

Forest, Ecology and Environment Department
Government of Karnataka

Prospectus

on

"Access & Benefit Sharing"



UNEP-GEF-MoEF-ABS PROJECT

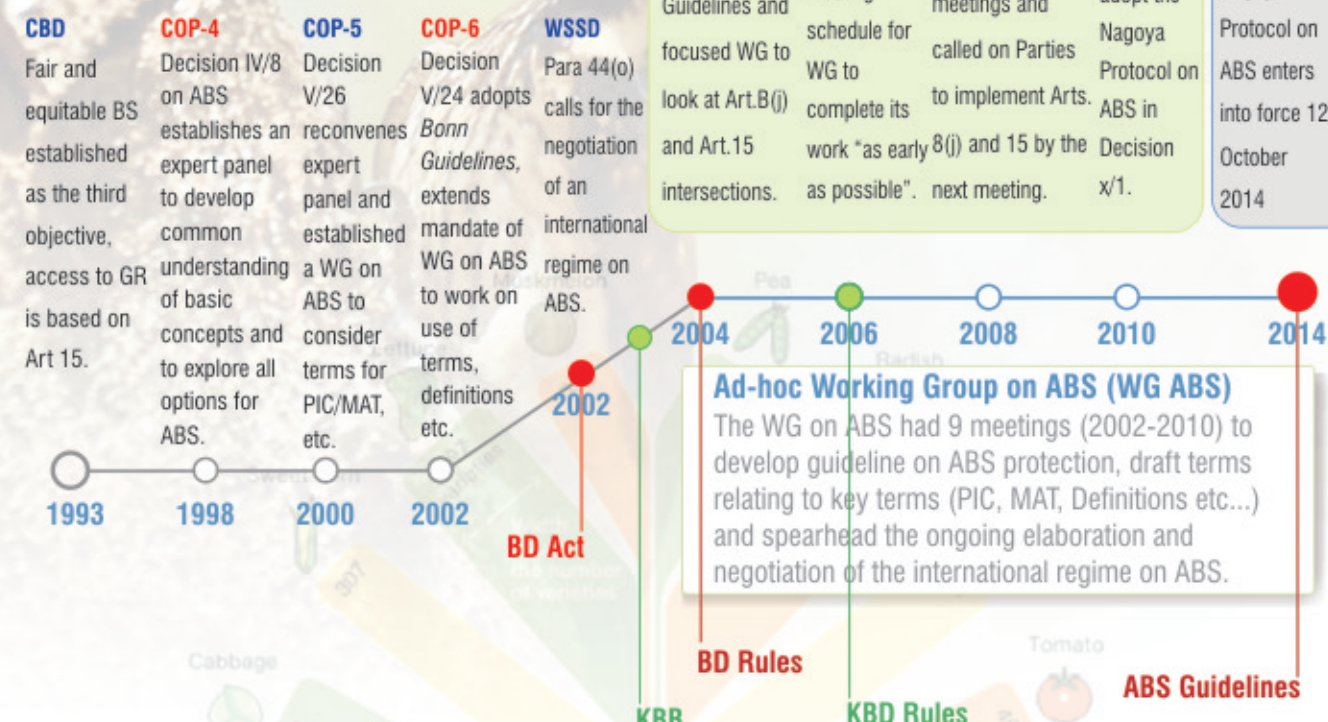
"Strengthening the implementation of the Biological Diversity Act and Rules with focus on its Access and Benefit Sharing (ABS) Provisions"



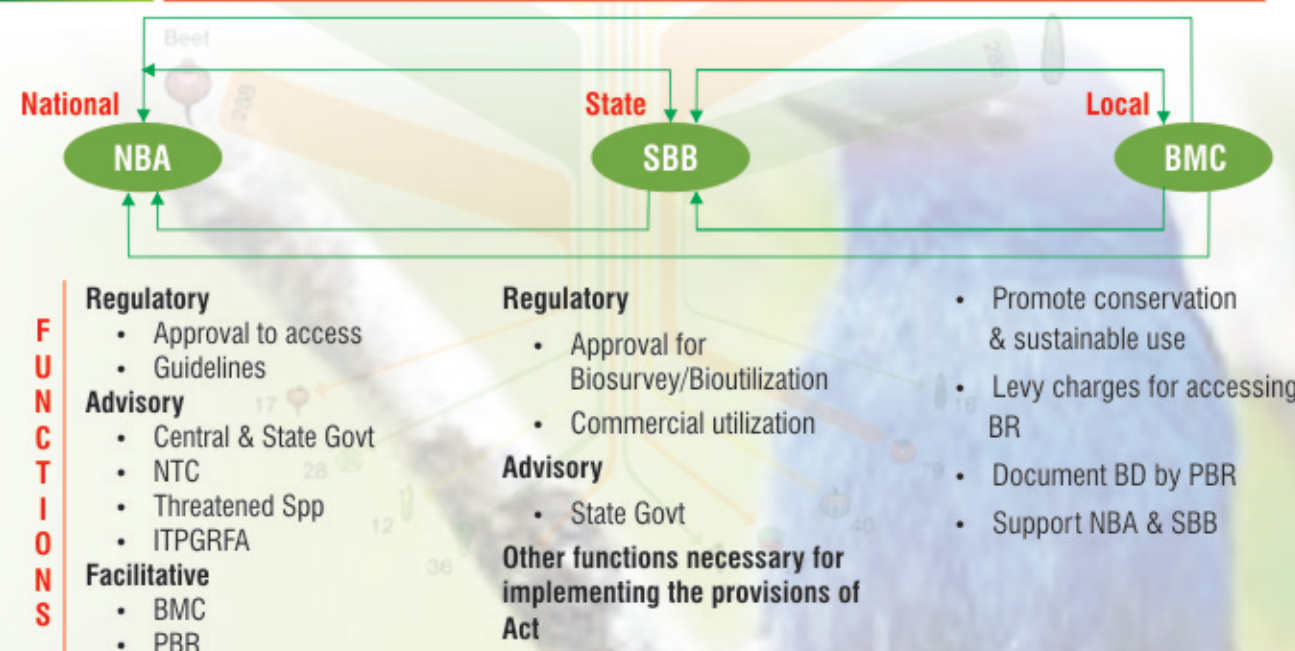
DEFINITIONS

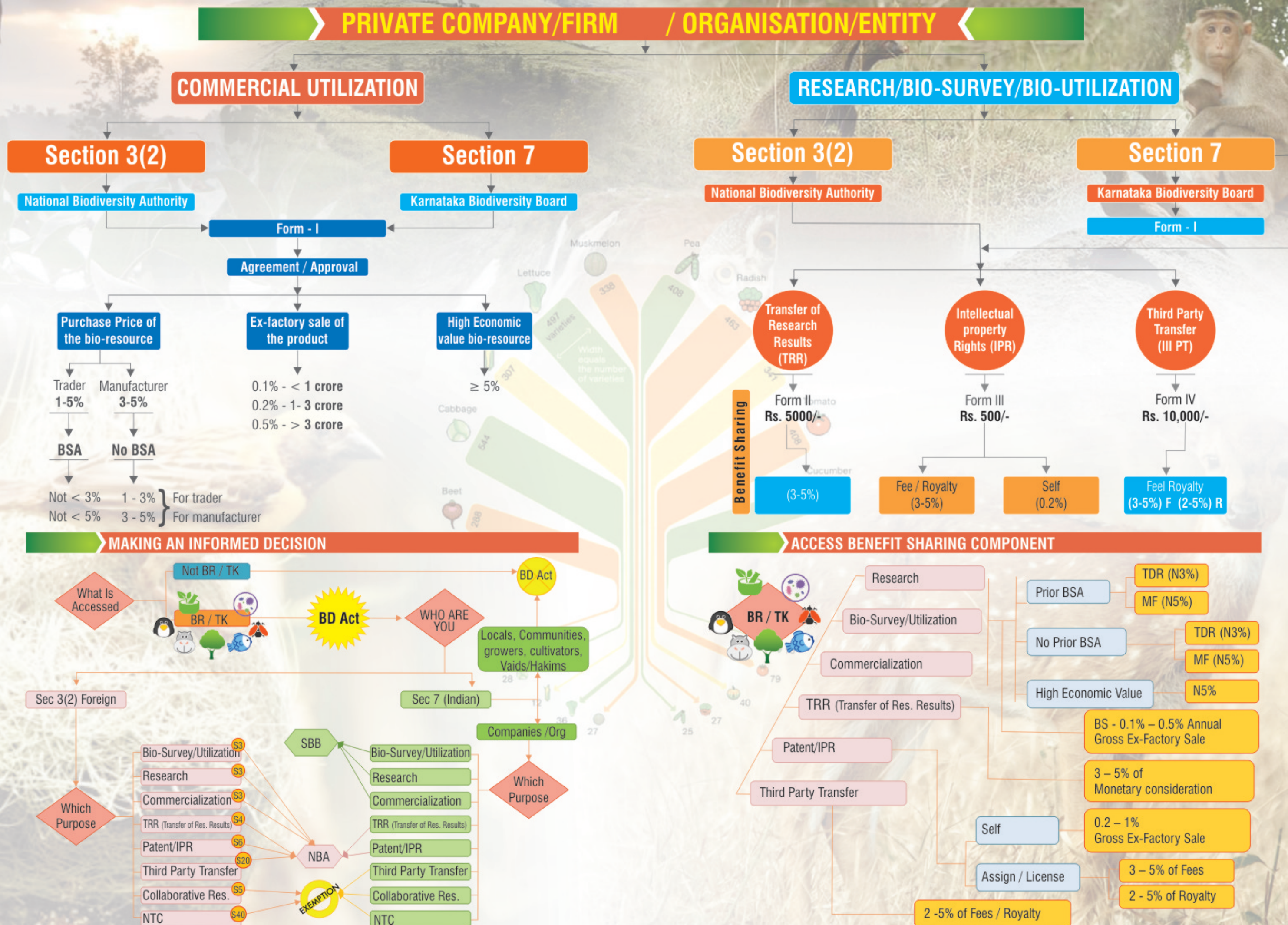
Access	To obtain biological resources or knowledge associated thereto within the jurisdiction for the purpose of research, or for commercial utilization, or for bio-survey and bio-utilization.
Agreement	An agreement is a mutual understanding between two or more legally competent persons with respect to their rights and duties regarding their past or future actions. Every promise and every set of promises forming consideration for each other are agreement(s).
Benefit Sharing	Equitable sharing of benefits (both monetary and non monetary), arising out of the use of accessed biological resources, their by-products, innovations and practices associated with their use and applications and knowledge relating thereto in accordance with mutually agreed terms and conditions between the person applying for such approval, local bodies concerned and the benefit claimers.
Biological Resources	Plants, animals and microorganism or parts thereof, their genetic material and by-products (excluding value added products) with actual or potential use or value (but does not include human genetic material)
Bio-survey/ Bioutilization	Survey or collection of species, subspecies, genes, component and extracts of biological resource for any purpose and includes characterization, inventorisation and bioassay.
Commercial Utilization	Means end uses of biological resources for Commercial Utilization such as drugs, industrial enzymes, food flavours, fragrance, cosmetic, emulsifiers, olio resins, colours, extracts and genes used for improving crops and livestock through genetic intervention, but does not include conventional breeding or traditional practices or used in any agriculture, horticulture, poultry, dairy, animal husbandry or bee keeping.
Ex- factory price	True price applied at the factory and does not include any other charges, such as delivery or subsequent taxes.
Form-I	Application form prescribed under Rule 15 of the Karnataka Biological Diversity Rules, 2005 for securing access to biological resources and associated Traditional Knowledge under the Biological Diversity Act, 2002.
Form-II	Application form prescribed under the Rule 17 of the Biological Diversity Rules, 2004 for seeking prior approval of National Biodiversity Authority for transferring the results of research to foreign nationals, companies, NRIs for commercial purposes under the Biological Diversity Act, 2002.
Form-III	Application form prescribed under the Rule 18 of the Biological Diversity Rules, 2004 for seeking prior approval of National Biodiversity Authority for applying for intellectual property right under the Biological Diversity Act, 2002.
Form-IV	Application form prescribed under the Rule 19 of the Biological Diversity Rules, 2004 for seeking prior approval of National Biodiversity Authority for third party transfer of the accessed biological resources and associated traditional knowledge under Biological Diversity Act, 2002.
Licence fee	The fee charged for processing an application filed with the competent authority to obtain licences for import or export of any biological resources.
Royalties	Source of payment for an inventor who holds the patent for a particular product or process. Royalties accrue when someone uses the patented product or process.
Research	The study or systematic investigation of any biological resource or technological application that uses biological systems, living organisms or derivatives thereof to make or modify products or processes for any use.
State Biodiversity Fund (SBF)	The fund created under the BD Act at State level that facilitates receipt of any grants and loans made to SBB, any grants or loans made by NBA, all sums received by SBB from such other sources as maybe decided upon by the State Government.
Up- front payments	Up - front payments is anything of value; usually money, delivered at the time a contract is signed.

THE CONTEXT



THREE TIER INSTITUTIONAL STRUCTURE TO IMPLEMENT THE ACT





FORMS AND FORMATS

FORM I

(See Karnataka Biological Diversity Rules 2005, Rule- 15)

Application form for prior intimation to access / collection of Biological resources for commercial utilization and associated traditional knowledge

Every application shall be accompanied by a fee of Rs. 1000 (Rupees One Thousand only) in the form of cheque or demand draft drawn in favour of the Board.

Part A

1. Full particulars of the applicant:

- Name:
- Permanent address:
- Address of the contact person / agent, if any:
- Profile of the organization (personal profile in case the applicant is an individual).
- Nature of business:
- Turnover of the organization in Indian Rupee

2. Details & specific information about nature of access sought and biological material &/or associated knowledge to be accessed (Please attach separate sheets where required)

- Identification (scientific name) of biological resources and its traditional use:
- Geographical location (including village, taluk and district) of proposed collection:
- Description / nature of traditional knowledge and its existing manifestations and uses (oral / documented):
- Any identified individual / family / community holding the traditional knowledge
- Quantity of biological resources to be collected:
- Times span in which the biological resources are proposed to be collected.
- Name and number of person authorized by the company for making the collection.
- The purpose for which the access is requested including the type and extent of research, commercial use being derived and expected to be derived from it:
- Whether any collection or use of the resource endangers any component of biological diversity and the risks which may arise from the access.

3. Estimation of benefits that would flow to communities arising out of the use of accessed bio-resources and traditional knowledge

4. Proposed mechanism and arrangements for benefit sharing

5. Any other information

Part B

I/we declare that:

- Collection and use of proposed biological resources shall not adversely affect the sustainability of the resources;
- Collection and use of proposed biological resources shall not entail any environmental impact;
- Collection and use of proposed biological resources shall not pose any risk to biodiversity, including ecosystems, species, and genetic diversity
- Collection and use of proposed biological resources shall not adversely affect the local communities;

I/we undertake to pay any fee and / or royalty, as may be levied by the Board or Biodiversity Management Committees. I/we further undertake to furnish any irrevocable bank guarantee, as may be prescribed by the Board. I/we further declare the information provided in the application form is true and correct and I / we shall be responsible for any incorrect / wrong information.

Place _____ Signed _____
Date _____ Name _____
Title _____

FORM-ABS CALCULATION

Information to be furnished for use of biological resources & sharing of benefits on the Ex-factory Sale

(Regulation no. 4 of the "Guidelines on Access to Biological Resources and Associated Knowledge & Benefit Sharing Regulations, 2014" notified in the Gazette notification on 21st November 2014 by the MOEF&CC)

Self-disclosure for the year ____

I. Full particulars of the applicant / company:

- Name:
- Permanent address with phone number and email:
- Name and address of the Chief executive/contact person:
- Nature of business:
- Profile of the organization (Indian or Non-Indian): refer Section 3 (2) and Section (7) of the Biological Diversity Act, 2002
- Purpose of accessing biological resources:
- Particulars of manufactured products:
(Amount to include taxes)

Sl. No.	Name of products manufactured	Bio-resources used	Locations / source from where Bioresources are procured (if available)	Rate per unit (kg/litre/nos)	Total Sales in units (ex-factory)	Total ex-factory sale amount
	i	ii	iii	iv	v	vi
1.						
2.						

h. Amount of benefit sharing paid for the year:

II. Benefit sharing information:

- Total ex-factory sale of products (including taxes):
- Government taxes paid:
- Balance (a-b):
- Benefit Sharing at the rate of _____: (refer table under Regulation no. 4 of the Guidelines on ABS notified on 21st Nov 2014)

III. Particulars of the amount paid:

(DD no./Cheque no. with the amount and Payee Bank)

(To be paid in favour of 'Karnataka State Biodiversity Fund' payable at Bangalore)

Undertaking

- I have read and understood the terms and conditions of ABS guidelines and I undertake to abide by relevant legal provisions applicable to biological resource.
- I undertake to obtain the approval of the NBA/ SBB before making any change in the stated purpose.
- I undertake to furnish/ share the relevant records with the NBA/ SBB, as and when required.
- I further declare that the information provided in the form is true and correct and I shall be liable for any incorrect/wrong information and wilful suppression of the facts.

Signature of the Authorized Signatory

Name of the trader/ company/ manufacturer/ Authorized Representative

Place: _____

Date: _____

FORM A

(See regulation 2)

Information to be furnished for use of biological resources by the applicant

Self-disclosure

Common Name of the biological resource proposed to be used:

Scientific Name : _____

Plants or animals or parts thereof traded : _____

Specific purpose of access: _____

Locations/source from where procured*	Quantity in Kgs	Rate per unit	State Biodiversity Board	Prospective Buyers/ Users (if known)

*List of local body/BMCs, if already identified shall be attached.

Undertaking

- I have read and understood the terms and conditions of ABS guidelines and I undertake to abide by relevant legal provisions applicable to biological resource.
- I undertake to obtain the approval of the NBA/ SBB before making any change in the stated purpose.
- I undertake to furnish/ share the relevant records with the NBA/ SBB, as and when required.
- I further declare that the information provided in the form is true and correct and I shall be liable for any incorrect/wrong information and wilful suppression of the facts.

Signature

Name of the trader/ company/ manufacturer/ Authorized Representative

Complete Address of the trader/ company/ manufacturer along with phone number and email address

Place: _____

Date: _____

SELF-DECLARATION FORM

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 person who is not citizen of India;
- a citizen of India, who is a non-resident as defined in clause (30) of the section 2 of the Income tax Act, 1961;
- 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 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.

(*Tick the box which is applicable. Submit the signed declaration to the Karnataka Biodiversity Board.)

Signature of the Applicant

Date: _____

Seal

To,

The Member Secretary
Karnataka Biodiversity Board
'Vanavikas', 18th Cross
Malleshwaram,
Bangalore-560003

FORM II

(See Rule 17)

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

- Full particulars of the applicant
 - Name
 - Address:
 - Professional profile
 - Organizational affiliation (Please attach relevant documents of authentication):
- Details of the results of research conducted
- Details of the Biological resources and /or associated knowledge used in the research.
- Geo-graphical location from where the biological resources used in the research are collected
- Details of any traditional knowledge used in the research and any identified individual / community holding the traditional knowledge
- Details of institution where R&D activities carried out.
- Details of the individual / organization to whom the research results are intend to transfer:
- Details of economic, biotechnological, scientific or any other benefits that are intended, or may accrue to the individual / organization due to commercialization of transferred research results.
- 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.
- Details of any agreement or MOU between by the proposed recipient and applicant seeking approval for transfer of results of research.

Declaration

I/we declare the information provided in the application form is true and correct and I / We shall be responsible for any incorrect / wrong information.

Place _____ Signed _____
Date _____ Name _____
Title _____

FORM III

(See rule 18)

Application for seeking prior approval of National Biodiversity Authority for applying for Intellectual Property Right

- Full particulars of the applicant
 - Name
 - Address:
 - Professional profile
 - Organizational affiliation (Please attach relevant documents of authentication):
- Details of the invention on which IPRs sought
- Details of the Biological resources and /or associated knowledge used in the invention.
- Geo-graphical location from where the biological resources used in the invention are collected
- Details of any traditional knowledge used in the invention and any identified individual / community / holding the traditional knowledge
- Details of institution where Research and Development activities carried out.
- Details of economic, biotechnological, scientific or any other benefits that are intended, or may accrue to the applicant due commercialization of the invention.

Declaration

I/we declare the information provided in the application form is true and correct and I / We shall be responsible for any incorrect / wrong information.

Place _____ Signed _____
Date _____ Name _____
Title _____

FORM IV

(See Rule 19)

Application form for seeking approval of National Biodiversity Authority for third party transfer of the accessed Biological resources and associated traditional knowledge.

- Full particulars of the applicant
 - Name:
 - Address:
 - Professional profile
 - Organizational affiliation (Please attach relevant documents of authentication):
- Details of the biological material and traditional knowledge accessed.
- Details of the access contract entered (Copy to be enclosed)
- Details of the benefits and mechanism / arrangements for benefit sharing already implemented.
- Full particulars of the third party to whom the accessed material / knowledge is intended to transfer:
- The purpose of the intended third party transfer:
- Details of economic, social, biotechnological, scientific or any other benefits that are intended, or may accrue to the third party due to transfer of accessed biological material and knowledge.
- Details of any agreement to be entered between the applicant and the third party.
- Estimation of benefits that would flow to India/ communities arising out of the third party transfer of accessed biological resources and traditional knowledge
- Proposed mechanism and arrangements for benefit sharing arising out of the proposed third party transfer.
- Any other relevant information

Declaration

I/we declare the information provided in the application form is true and correct and I / We shall be responsible for any incorrect / wrong information.

Place _____ Signed _____
Date _____ Name _____
Title _____

FORM B

(See regulation 13)

Conducting of non-commercial research or research for emergency purposes outside India by Indian researchers/ Government institutions using the biological resources

1. Name of the Applicant: Indian researcher/ Government institution	
2. Complete Address: _____	
3. Nature of research: _____	
4. Name and address of institution in India _____	
5. Name and address of the institution or organization who shall guide the proposed research / receiving the biological resources.	
6. Details of the Supervisor or Head of institution or organization who guides the proposed research or recipient of the biological resources.	
7. Name of the funding agency supporting the proposed research	
8. Brief description of the research	
9. Details of biological resources proposed to be carried along or sent for the research: _____	
10. If it is for emergency purpose, specify details	

1. Name of the Applicant: Indian researcher/ Government institution	
2. Complete Address: _____	
3. Nature of research: _____	
4. Name and address of institution in India _____	
5. Name and address of the institution or organization who shall guide the proposed research / receiving the biological resources.	
6. Details of the Supervisor or Head of institution or organization who guides the proposed research or recipient of the biological resources.	
7. Name of the funding agency supporting the proposed research	
8. Brief description of the research	
9. Details of biological resources proposed to be carried along or sent for the research: _____	
10. If it is for emergency purpose, specify details	

FORM - C

Deposition of micro-organism by Indian scientist/ researchers in non-Indian repository for claim of novel species

1. Name of the depositor	
2. Complete Address with contact details	
3. Name(s) of the micro-organism(s) to be deposited in the foreign repository	
4. Geographical location from where the microorganism was isolated	
5. Name and contact details of the foreign repository where the biological resource(s) are to be deposited	
6. Purpose of deposition	
7. Name and contact details of the Indian repository where the biological resources are deposited	
8. Accession number allotted by the Indian repository to the deposited microorganisms	

Declaration

I _____, an Indian scientist/ researcher, have read and understood the terms and conditions for depositing the microorganisms in recognized repositories outside India for claim of novel species.

I further declare and solemnly affirm that the information provided above is true and correct.

Signature of the Depositor

Place: _____

Date: _____

Note: A copy of this may be sent to the designated repository/ repository at SLNo. 7

Proforma For Collaborative Research Projects As Per Section 5, Biological Diversity Act, 2002

- Name of the Ministry :
- Name and Address of the Department :
- Name of the country with whom Collaborative Research is intended / signed :
- Name and Address of the Foreign Institution with whom Collaborative Research is intended / signed :
- Period of Collaborative Research :
- Type of Bioresource with details :
- Quantity of Bioresource to be sent / transferred :
- Remarks and Comments by NBPGR / other scientific agencies under the Ministry on the Bioresource (Enclose a copy) : Yes / No
- Purpose of the Bioresource request : Yes / No
- Whether the Collaborative Research project complies with biological diversity act, 2002 and notification (s.o. 1911 (e) Dt.08-11-2006) on guidelines for Collaborative Research Project issued by the Ministry of Environment & Forests, Govt. of India : Yes / No

- Name and Designation of the person authorised by the Ministry for sending the Bioresources :
- Name and Designation of the authorised person for receiving the Bioresources :
- Details of agreement signed between the Ministry and the Recipient Country :
- Any other relevant information :

Signature with Seal

Approval to be given by the concerned Union/State Ministry/ Department for the collaborative research project for exemption under Section 5 of the Biological Diversity Act, 2002

The undersigned hereby conveys the approval of the competent authority for the collaborative research project entitled _____ (Title of the Project) involving transfer/exchange of biological resources (Nature of the biological resources) or information relating thereto between _____ (Name of the Indian Institution) and _____ (Name of the foreign institution), as per the enclosed brief and as provided under Section 5 of the Biological Diversity Act, 2002 and the notification issued by the Ministry of Environment and Forests on 8th November, 2006.

Signature of the Authorized Signatory

Place: _____

Dated: _____

Name and Designation: _____

Seal of the Ministry/ Department: