



Government of Karnataka

# Section 5 of the Biological Diversity Act 2002

## KARNATAKA BIODIVERSITY BOARD



**MINISTRY OF ENVIRONMENT AND FORESTS**  
**NOTIFICATION**

New Delhi, the 8th November, 2006

**S.O. 1911(E).**— *In exercise of the powers conferred by clause (a) of sub-section (3) of section 5 of the Biological Diversity Act, 2002 (18 of 2003) the Central Government hereby makes the following guidelines namely:-*

1.(1) These guidelines may be called the Guidelines for International Collaboration Research Projects Involving Transfer or Exchange of Biological Resources or Information relating thereto between institutions including government sponsored institutions and such institutions in other countries.

(2) They shall come in to force on the date of their publication in the Official Gazette.

(3) In view of the fact that collaborative research projects have been exempted from obtaining approval of the National Biodiversity Authority established under section 8 of Biological Diversity Act, 2002, ( hereinafter referred to as the Act) and that the need for transfer and exchange of biological resources cannot be ruled out in such projects, *sponsored under the bilateral and multi-lateral agreement, Memorandum of Understanding and work plan etc. under the International Collaborative Research Projects*, these guidelines are hereby notified by the Ministry of Environment and Forests in compliance with the said provisions of the Act and for such research projects.

4 (1) The collaborative research project shall clearly state in the proposal,-

- (a) the key investigator(s) in each of the collaborating institution, who shall be responsible for all compliances and in case of any contravention, this person will be held responsible. Changes in the identity of the key investigator should be intimated to the concerned Department/Ministry of the Central Government;
  - (b) details of biological resources occurring in India and knowledge associated thereto, intended to be exchanged or transferred under the project, such as biological name, quantity, purpose, source, place of collection and such other activities;
  - (c) value addition, if any, to the biological resource and associated knowledge;
  - (d) in case the biological resource referred to in (b) above has any special status under any law in force in India or any international agreement, the details of the same may be provided, including necessary clearances from competent authority.
- (2) The collaborators shall abide by the provisions of existing national laws, regulatory mechanisms and international agreements or treaties.
- (3) The biological resource(s) and associated knowledge intended to be exchanged or transferred under such projects shall be used only for the research purpose specified in clause (b) of sub-paragraph (1) above.

- (4) The quantity of biological resource(s) intended to be transferred or exchanged shall be limited to the quantity necessary for experimental purpose, as specified in the proposal and as per the access and material transfer guidelines developed by National Biodiversity Authority.
- (5) In case the results of research from this project subsequently prove likely to lead to any Intellectual Property Rights, the collaborating partners shall enter into a fresh agreement with National Biodiversity Authority (established under section 8 of the Act) to ensure sharing of benefit in accordance with provisions of section 6 of the Act, prior to filing of the application for Intellectual Property Rights(s).
- (6) The voucher specimen of the biological resource occurring in India transferred or exchanged under the project shall be sent to the designated repository in accordance with section 39 of the Act.
- (7) In case the collaborative research projects involve exchange and transfer of dead or preserved specimen(s) and /or herbarium(s) of India on loan or on any other terms, for taxonomic studies as required by bona-fide scientists/professors of recognized universities and Government Institutions of India who are engaged in pure classical taxonomic studies, this shall be done with the approval of concerned Departments/Ministries of the Government of India.
- (8) Collaborators shall not communicate or transfer research results of the collaborative project to any third party in any manner without entering into an agreement with the National Biodiversity Authority for this purpose.
- (9) Publication of Research paper(s), book(s), bulletin(s), registered accession(s) and output(s) based on the results of the research of such projects, shall not be done without the prior approval of the Indian collaborator.
- (10) During the course of the implementation of the project, any knowledge associated with exchanged or transferred biological resource from India shall be reported to National Biodiversity Authority for facilitating documentation of such knowledge.
- (11) Any publication(s) relating to knowledge associated with biological resource exchanged and/or transferred from India under the collaborative project shall acknowledge the knowledge holders from whom this knowledge was obtained.
- (12) Any new taxon, breed(s), genetic stock(s), culture(s), strain(s) or line(s) discovered or developed through the project shall be reported to the National Biodiversity Authority and a voucher specimen shall be deposited with the designated repository in accordance with Act.
- (13) The collaborative research project shall have to be approved by the concerned Ministry/Department of the State or the Central Government.
- (14) A copy of the approval along with all relevant details shall be sent to the National Biodiversity Authority
- (15) For more details about Biological Diversity Act, 2002, National Biodiversity Authority and related issue log on [www.nbaindia.org](http://www.nbaindia.org).

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