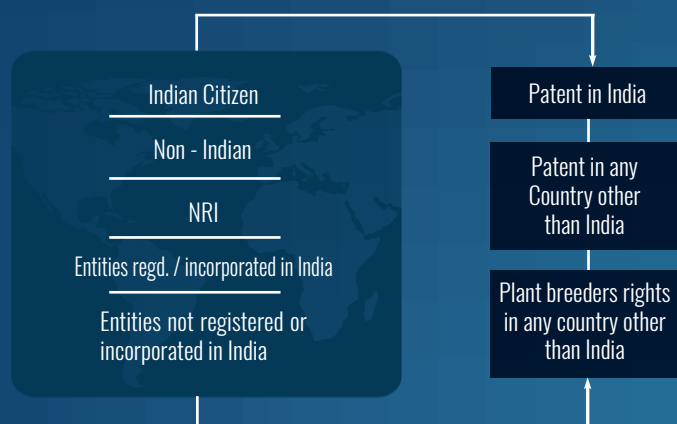


Form III – To apply for IPR

Form - III
Application Fee
INR. 500/-



When to Apply:

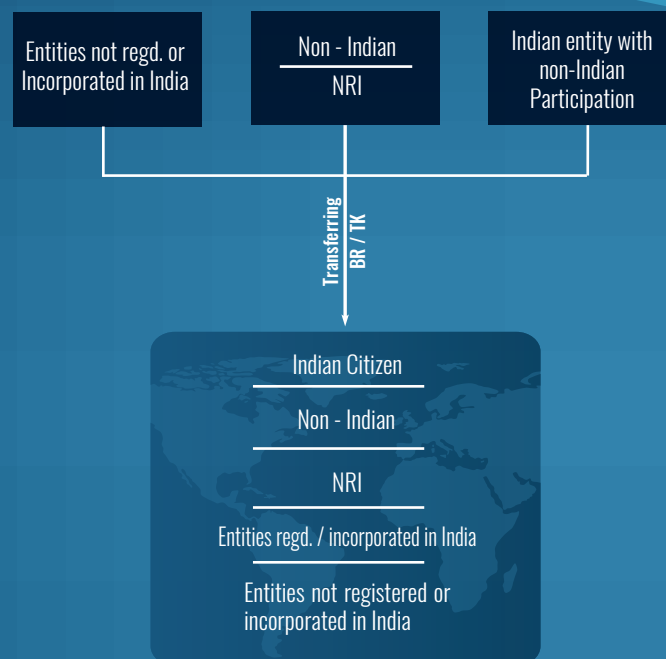
- ▶ To apply under Form III, the invention must be based on any research or information on a biological resource.
- ▶ The biological resources used in the invention must have been obtained from India
- ▶ Form III application must be filed before filing the patent application in India or outside.
- ▶ Permission of NBA shall be obtained prior to the grant of IPR.
- ▶ Approval will be granted to obtain IPR only in the countries specified in the application.
- ▶ NBA is mandated to dispose of the application within a period of 90 days from the date of receipt as far as possible.

For more details about filling Form III refer
<http://nbaindia.org/uploaded/pdf/guidelines/Guidelines-for-filling-up-of-Form-III.pdf>

Form IV - Transfer of biological resource/ associated knowledge

Form - IV
Application Fee
INR.10000/-

Applicant - A person / entity who had already obtained the biological resource/knowledge under Form I



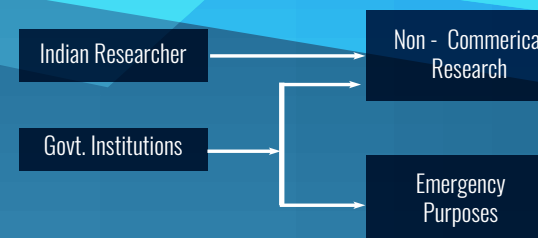
- ▶ Any person / entity which had already accessed any biological resource/ associated knowledge under Form I should obtain prior approval before transferring the same to any person/entity

For more details about filling Form IV refer
<http://nbaindia.org/uploaded/pdf/guidelines/Guidelines-for-filling-up-of-Form-IV.pdf>

Form B

Sending / carrying of biological resource for conducting non-commercial research or research for emergency purpose outside India

Applicant



- ▶ The biological resource carried / transferred must be used only for the purpose mentioned in the application
- ▶ Both the transferor and the recipient shall not put to commercial utilization and shall not seek any IPR claim over the biological resource used in the research
- ▶ In the event of commercial utilization or claim of IPR, the transferor / recipient as the case may be, shall obtain prior approval of NBA.

Contact us

The Secretary,
National Biodiversity Authority,
5th Floor, TICEL BIO PARK, CSIR Road,
Taramani, Chennai - 600 113. Tamil Nadu, India.
Phone : 044 2254 1075 / 1335 Fax: 044 2254 1200
Email : secretary@nba.nic.in
Web : www.nbaindia.org

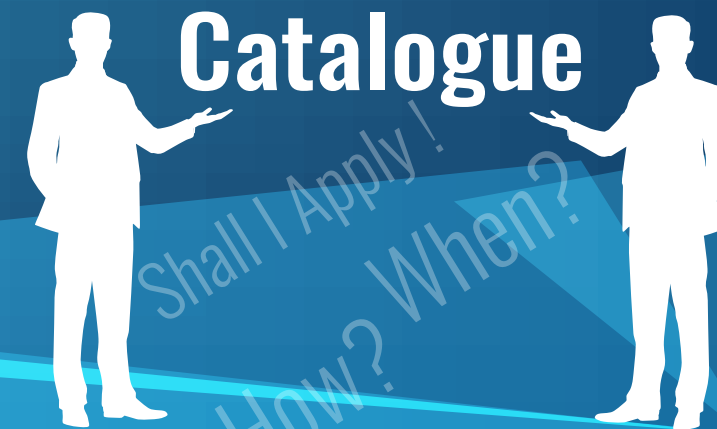
Designed & Developed by : **CEBPOL, NBA**



NATIONAL BIODIVERSITY AUTHORITY



Application Catalogue





National Biodiversity Authority (NBA) is a statutory body mandated to regulate specified activities over biological resources and associated knowledge in India. It also aims to secure fair and equitable sharing of benefits arising out of the utilization of such biological resources and knowledge associated therewith. The regulatory powers of NBA extend to granting approvals for

- ▶ Accessing biological resources and associated knowledge
- ▶ Transfer of research results relating to biological resources and associated knowledge
- ▶ Obtaining IPR over invention using biological resources and/or any information related to them
- ▶ Transfer of biological resources/associated knowledge already accessed with the approval of NBA and
- ▶ Transfer of biological resources for non-commercial research / research for emergency propose outside India

Biological resource

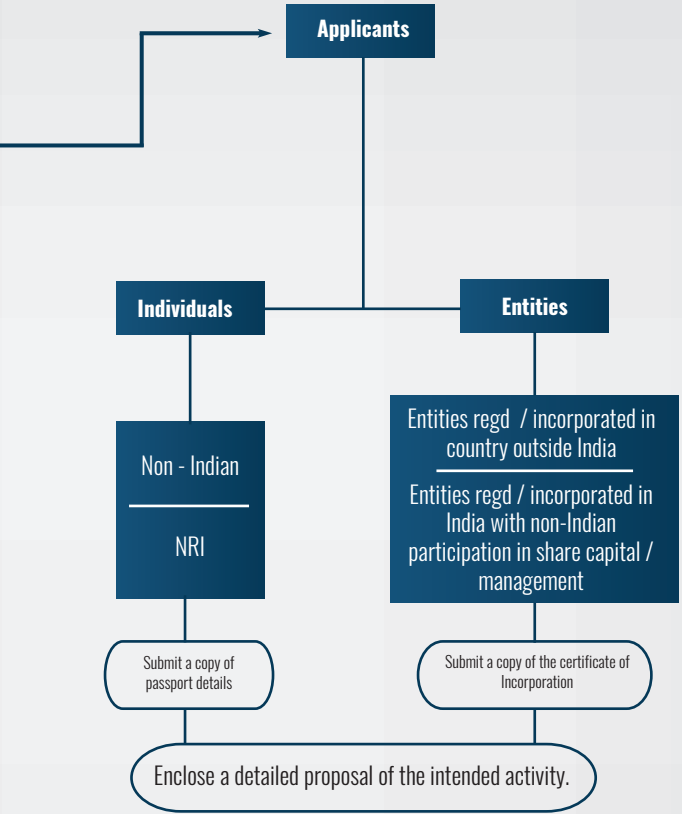
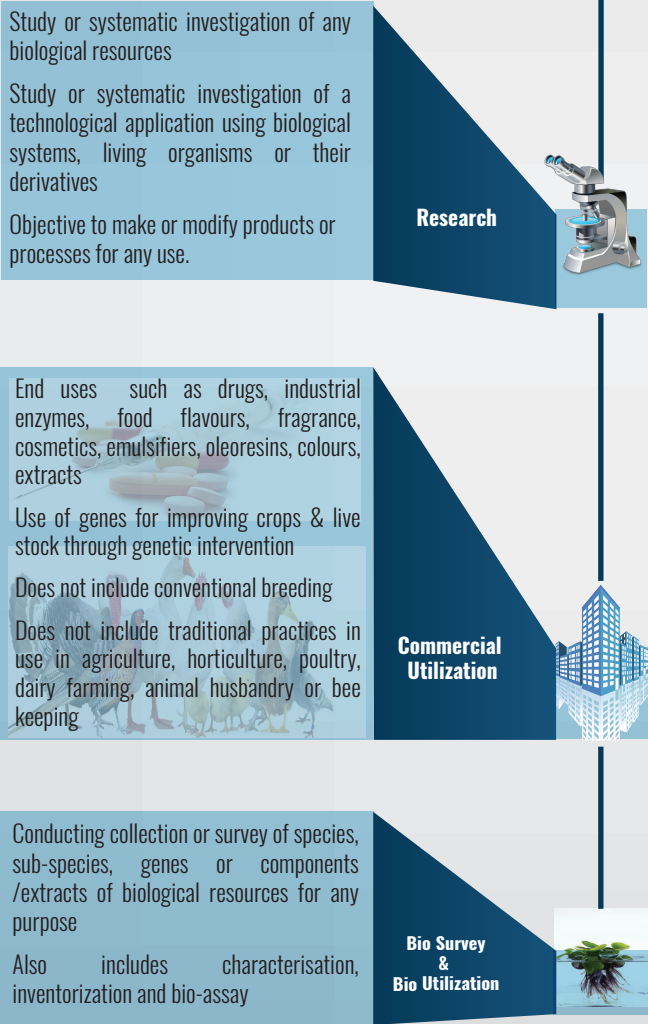
The primary factor to be ascertained before filing any application in NBA is to identify whether the applicant is dealing with a biological resource as defined by the Biological Diversity Act.

- ▶ Includes plants, animals and micro-organisms, or their parts, genetic material or by-products with actual or potential use or value
- ▶ Does not include human genetic material
- ▶ Value added products are exempted from the broader category of by-products. If the by-product contains portions or extracts of plants and animals in unrecognizable and physically inseparable form, it will be treated as a value added product, and will not fall within the definition of biological resources.

NBA Approvals

There are five different forms under which an applicant should apply before NBA to obtain prior approval for different activities regulated under the Biological Diversity Act. They are Form I, II, III, IV and B.

Form I - To access biological resource/knowledge to do



Form - I
Application Fee
INR. 10000/-

Form - II
Application Fee
INR. 5000/-

Form II - Transfer of the results of research



- ▶ Transfer of research result should not involve transfer of any biological resource
- ▶ Absence of consideration in kind or cash in return for transfer of research result does not absolve the applicant from the obligation to file Form II application
- ▶ Publication of research papers or dissemination of knowledge in any seminar or workshop does not require prior approval of NBA.