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on

**IPR Management in Biodiversity Conservation:
Implications of Access Benefit Sharing, TRIP/CBD
and Biodiversity Acts**

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Editors:

Dr. Sunita Shekhawat

Associate Professor

Department of Zoology

Kanoria PG Mahila Mahavidyalaya

J.L.N Marg, Jaipur Rajasthan

Dr. Ritu Jain

Assistant Professor


Department of Botany

Kanoria PG Mahila Mahavidyalaya

J.L.N Marg, Jaipur, Rajasthan

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Bioprospecting and Biopiracy: Impact on Biodiversity

Dr Aparna B Rathore

Assistant Professor, Department of Botany

Kanoria P G Mahila Mahavidyalaya, Jaipur

Email: aparna1515@gmail.com

Abstract

Bioprospecting is the process of innovation and commercialization of new products based on biological resources useful in many fields like pharmaceuticals, agriculture, bioremediation, and nanotechnology. While, biopiracy is a practice in which ethnic knowledge of nature, originating with tribal, is used by others for profit, without approval or reimbursement to the ethnic people themselves. It ultimately leads to the denial of the rights, of the country of origin. Both, bioprospecting and biopiracy have become the fastest spreading mafia in the world today. Biodiversity is the variation of life forms including genes and species within a given ecosystem, biome, or an entire planet. Around 90% of the world's remaining biodiversity is concentrated in tropical and sub-tropical regions within developing countries, especially in key centers of mega-diversity. But the endemic biodiversity of many nations especially the developing nations is at risk due to bioprospecting and biopiracy. This paper based on secondary sources, attempts to critically analyze how by bioprospecting and biopiracy the developed nations have patented the natural herbs and their bioproducts, already in use since centuries by the indigenous peoples of the developing nations. This paper makes recommendations to protect biodiversity against biopiracy and bioprospecting.

Keywords: Biopiracy, bioprospecting, biodiversity protection

Introduction

Biodiversity is highly complex, varied and dynamic foundation of life on the earth. Biodiversity is the variation of life forms including genes and species within a given ecosystem, biome, or an entire planet. Around 90% of the world's remaining biodiversity is concentrated in tropical and sub-tropical regions within developing countries. Biodiversity can be divided into three categories, 1) Ecosystem diversity (includes climate, soil, water, fire, rocks, wind, landscapes etc.), 2) Species diversity (diversity among species) and 3) Genetic diversity (genetic variation in a population and among different populations of the same species). Biodiversity is crucial for the functioning of ecosystems which provide products and services like oxygen, food, fresh

water, fertile soil, medicines, shelter, protection from storms and floods, stable climate etc. without which human cannot live. The endemic biodiversity of many nations especially the developing nations is at risk due to bioprospecting and biopiracy¹. Recently, the major issue involving biopiracy is the exploitation of biological resources or knowledge of farmers and traditional communities and indigenous tribes by many organizations and multinational companies for patents. The innovations and discovery of the pharmaceutical and agricultural researches are not new as to qualify as invention as they are based on centuries of knowledge of the traditional societies³. This paper, based on secondary sources, attempts to critically analyze how by bioprospecting