



Proceedings of the  
National Seminar

on

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

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## INDEX

S. No.	Author(s)	Title	Page No.
1.	Dr. Abhishek Kr. Tiwari	Biodiversity and Genetically Modified Crops: Issues and Challenges	1-5
2.	<b>Akanksha Ganda</b>	Managing Intellectual Property Rights in the Advertising Industry	6-8
3.	<b>Anamika Singh</b>	Legal Issues and Environment Protection Laws in India	9-14
4.	<b>Dr. Anita Gajraj</b>	Intellectual Property Rights: A Significant Tool for Biodiversity Conservation	15-19
5.	<b>Dr. Aparna B Rathore</b>	Bioprospecting and Biopiracy: Impact on Biodiversity	20-24
6.	Bharati Pareek	Biodiversity and conservation of <i>Salvadora persica</i> (Linn.) in Indian Arid Zone	25-27
7.	<b>Dr. Chetna Sharma,</b> Dr. Shalini Sharma	Public Health and Intellectual Property Rights	28-31
8.	Divya Pareek	Intellectual Property Rights: Key to Entrepreneurs Sustainability	32-35
9.	<b>Jyoti Kapil,</b> <b>Neetika Mathur</b>	Intellectual Property Rights: Boon or Bane for Protecting the Farmer's Rights	36-40
10.	Prof (Dr.) Komal Audichya	The Biological Diversity Act 2002 and the Access and Benefit Sharing	41-47
11.	<b>Dr. Kumud Tanwar,</b> <b>Dr. Swati Singh,</b> <b>Dr. Arti Mishra</b>	Laws and Policy Framework for Environmental Protection	48-50
12.	<b>Dr. Leena Bhatia</b>	Intellectual Property Rights – A curse or a boon for India as a developing country	51-57
13.	<b>Dr. Manisha Mathur</b>	International Property Rights: An Overview of History of Patent Laws	58-63
14.	<b>Medha Babel</b>	Sustainable Forestry: An Approach of Biodiversity Management	64-65

  
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S. No.	Author(s)	Title	Page No.
15.	Dr. Meenakshi Punia	Bioprospecting and Biopiracy: Challenging Grounds for India and its Bio Diversity Laws	66-71
16.	Dr. Meenal Sharma	Role of Intellectual Property in Innovation and New Product Development	72-80
17.	Dr. Neelam Bageshwari, Dr. Sunita Shekhawat	Geographical Indication in Intellectual Property Rights	81-84
18.	Dr. Neeta Agrawa	Why Intellectual Property should be Protected	85-89
19.	Poonam Sharma, Kamakshi Tomar	Role of Government Agencies in the Regulation of IPR	90-92
20.	Priyanka Jangid	A Review: Legal Framework on Environmental Protection	93-95
21.	Dr. Ranjana Agrawa	Intellectual Property Rights in Science: Issues and Challenges	96-101
22.	Dr. Ritu Jain, Dr. Sunita Shekhawat	Bio-Diversity, Bio-Piracy & Bio-Prospecting: Indian Perspective	102-109
23.	Rukshar	Environmental Degradation and Management in India: A Review	110-113
24.	Dr. Surabhi Sharma	Awareness of IPR (Intellectual Property Rights) among the Research Scholars in Jaipur City	114-118
25.	Vandita Srivastava, Dr. Sangita Sinha	Enabling the Community through IPR Awareness	119-124
26.	Yogita Solanki, Reema Solanki, Pooja Mangal	Relevance of Access Benefit Sharing in Biodiversity Conservation	125-128
27.	डॉ. शीतल शर्मा	हमारी पारम्परिक बौद्धिक सम्पदा : अध्यात्म	129-132
28.	Dr. Nidhi Gupta	Biodiversity : A Review	133-136

  
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**Relevance of Access Benefit Sharing in Biodiversity Conservation**

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**Abstract**

In present scenario, biodiversity maintenance is an important issue for the world. Biodiversity maintenance is directly related to a sustainable utilization of the biological resources. Biodiversity is in threat due to unsustainable uses of resources by human being. In early period, bioresources of a country was utilized by other countries and created wealth for the users not for the providers. The contemporary term explaining this concept is biopiracy. Currently bioresources are being utilized for a commercial purpose and the challenges in commercialization is identifying the limit for exploitation. To prevent unapproved uses of genetic resources Nagoya Protocol was approved to the convention on Biological Diversity in 29 October 2010 and implemented on 12 October 2014. Access and Benefit Sharing is a three-tier system, i.e., NBA at the national level, the State Biodiversity Board (SBB) and Biodiversity Management Committees (BMCs) at local level. It deals with the requests for access to genetic resources and condition to secure equitable sharing of benefits. ABS is contributing to channel benefits to the conservers of biological resources, the conservation of areas where biological resources are found and the socio-economic development of that areas.

**Key words:** Biological resources, biodiversity maintenance, biopiracy, access and benefit sharing

**Introduction**

Biodiversity maintenance is essential for human well-being. It is influenced by climate change, human activities and landscape changes, which leads to species loss and ecosystem changes. The convention of biodiversity and ecosystem emerged as a worldwide mandate at international level leading to the approval of the UN Convention on Biological Diversity (CBD) in 1992. CBD has become legally effective worldwide from December 29, 1993.<sup>1</sup> India with only 2.4% of the world's land area has 7-8% of the world's total biodiversity. India has 10 biogeographical regions.<sup>2</sup> To protect or enhance biological diversity, efforts have been initiated to save biodiversity both by ex-situ and in-situ conservation.<sup>3</sup> In this reference the Biological Diversity Act of India 2002 and the Biological Diversity Rules 2004, has been implemented by the NBA

(National Biodiversity Authority). Three objectives of CBD are conservation of biodiversity, the sustainable use of its components and the fair and equitable sharing of benefits. To initiate the third objective of the CBD, the Nagoya Protocol on an Access to genetic resources and the Fair and Equitable Sharing of benefit was adopted in 29 October 2010 and implemented in 2014.<sup>4</sup> Genetic resources themselves are not intellectual property and therefore cannot be directly protected as Intellectual Property. However, inventions based on or developed using genetic resources may not be patentable. Nagoya Protocol is an additional agreement to the CBD for sustainable use of biodiversity and conservation. Implementation of Access and Benefit Sharing (ABS), CBD gives a transparent and legal framework.<sup>5</sup> India is one of the mega biodiverse nation in the world.<sup>2</sup> In the initial

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