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National Seminar**

on

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

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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, 1993.¹ 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.² To protect or enhance biological diversity, efforts have been initiated to save biodiversity both by ex-situ and in-situ conservation.³ 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 2014.⁴ 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.⁵ India is one of the mega biodiverse nation in the world.² In the initial

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