



# Data collection and reporting in National ABS systems in the context of the post-2020 proposed headline indicators

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**Dr. S. Kerketta**

Adviser & CBD Focal Point,  
Ministry of Environment, Forest and Climate  
Change, New Delhi.  
s.kerketta66@gov.in

**Dr. V. B. Mathur**

Chairperson  
National Biodiversity Authority, Chennai  
CBD Bureau Member (Asia-Pacific Region)  
chairman@nba.nic.in & vbm.ddn@gmail.com

*Presented at Webinar on the Proposed Headline Indicators for Access And Benefit-sharing: Goal C And Target 13 of the Post-2020 Global Biodiversity Framework held on 23 November, 2021 @ 9:30-11.00 am EST (GMT-5)*

# India and the Convention on Biological Diversity (CBD)

1992

Convention on Biological Diversity

2002

The Biological Diversity Act, 2002

2006

First ABS Agreement - MAT

2011

Nagoya Protocol Signed

2012

100<sup>th</sup> ABS Agreement - MAT

2014

ABS Guidelines

2014

ITPGFRA Notification

2015

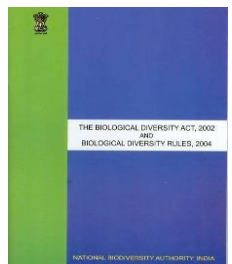
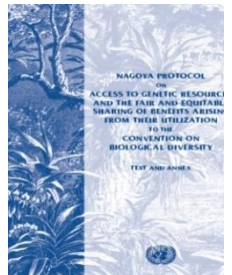
First IRCC issued

2019

1000<sup>th</sup> ABS Agreement - MAT

2021

2070 IRCC's Issued



# Institutional Mechanism to implement the Biological Diversity Act, 2002



Ministry of Environment , Forests  
& Climate Change

**MoEFCC**

**NBA**

**National Body**

**SBB's & UTBCs**

**28 State Bodies &  
8 Union Territory Biodiversity  
Councils**

**BMC's**

**(2,76,156)**

**Local Bodies**



# Types of Application Forms

- **Form 1:** Application form for access to Biological resources and associated traditional knowledge.
- **Form 2:** Application for seeking prior approval of NBA for transferring the results of research to foreign nationals, companies, NRI's, for commercial purposes.
- **Form 3:** Application for seeking prior approval of NBA for applying for IPR.
- **Form 4:** Application form for seeking approval of NBA for 3<sup>rd</sup> party transfer of the accessed biological resources and associated traditional knowledge.
- **Form B:** Conducting of non-commercial research or research for emergency purposes outside India by Indian researchers/Government institutions using the biological resources
- **Form C:** Deposition of microorganism in non-Indian repository for claim of novel species.

The screenshot displays the NBA website interface. At the top, there is a navigation bar with links: Home, Edit Profile, Change Password, and Logout. Below this, the NBA logo and name are shown, along with the text: "National Biodiversity Authority (An Autonomous and Statutory Body of the Ministry of Environment, Forests and Climate Change, Government of India)". To the right, there is a "Signed in as : nicest" notification and a "Helpdesk" icon. Below the main header, there is a secondary navigation bar with links: Home, Apply Online, Download, and Notifications. The main content area lists six application forms, each with a blue button labeled "FORM I" through "FORM C" and a description of the form's purpose. The forms are: FORM I (Application form for access to biological resources and associated traditional knowledge), FORM II (Application form for transferring the results of research to foreign nationals, companies, NRIs for commercial purposes), FORM III (Application form for applying for Intellectual Property Right), FORM IV (Application form for third party transfer of the accessed biological resources and associated traditional knowledge), FORM B (Conducting of non-commercial research or research for emergency purposes outside India by Indian researcher's Government institutions), and FORM C (Deposition of micro-organism by Indian scientist / researchers in non-Indian repository for claim of novel species). At the bottom, there is a footer with links: About Us, Blog, Contact Us, and a copyright notice: "This website is designed & developed by National Biodiversity Authority 2016. All Rights Reserved."

Form	Description
FORM I	Application form for access to biological resources and associated traditional knowledge.
FORM II	Application form for transferring the results of research to foreign nationals, companies, NRIs for commercial purposes.
FORM III	Application form for applying for Intellectual Property Right.
FORM IV	Application form for third party transfer of the accessed biological resources and associated traditional knowledge.
FORM B	Conducting of non-commercial research or research for emergency purposes outside India by Indian researcher's Government institutions.
FORM C	Deposition of micro-organism by Indian scientist / researchers in non-Indian repository for claim of novel species.

# Online filing of Access Application: A tool for national data collection systems on ABS

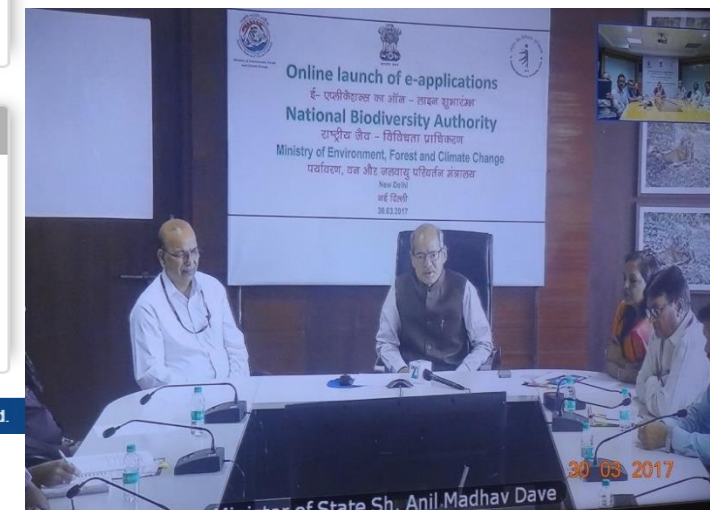
The screenshot displays the NBA website interface. At the top, there are logos for the Government of India, the NBA, and the Ministry of Environment, Forest and Climate Change. A 'New Registration' button is visible. Below the header, a green button labeled 'ABS e-filing' is prominent. The main content area includes a detailed description of the NBA's role in implementing the Biological Diversity Act, 2002, and its functions regarding biodiversity conservation and access to biological resources. It also mentions the Biological Diversity Rules, 2004. To the right, a 'Sign In to your account' section features input fields for Username, Password, and Captcha, along with a 'Login' button and links for 'Forgot Password' and 'Forgot UserName'. Below this, a 'Reference Corner' section lists links for 'Instructions to Applicant', 'User Manual', 'FAQs', and 'Know Your Application'. On the left, a 'Latest Update' section announces the 'LAUNCHING OF E-FILING OF ABS APPLICATION PORTAL' by Shri Anil Madhav Dave, Hon'ble Minister of State for Environment, Forest and Climate Change. A 'Video' section shows a thumbnail for 'ABS e-filing NBA'. The footer contains navigation links (About Us, Blog, Contact Us) and a copyright notice: 'This website is designed & developed by National Biodiversity Authority 2016. All Rights Reserved.'

*Login page is facilitated with*

- User Manual / Instructions
- Video Tutorial / Helpline

Introduced in 2018

3500 applications received



<http://absefiling.nic.in>



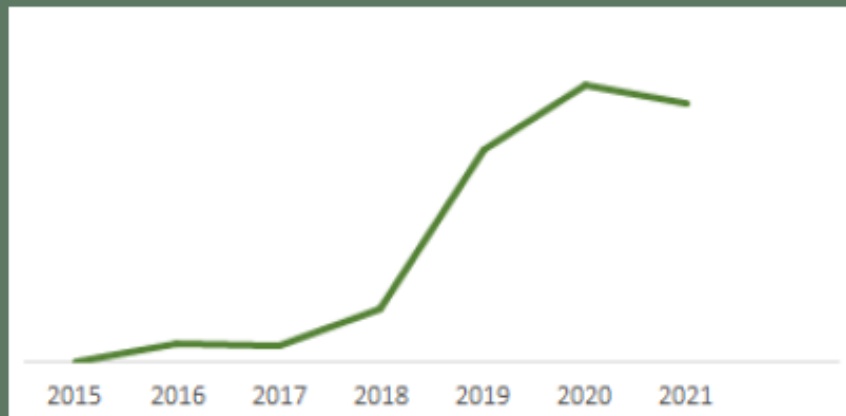
# IRCC

Internationally Recognized Certificate of Compliance

GlobALLY RANKED NUMBER 1

## MONITORING & ENHANCING

*transparency about the utilization of  
bio-resources along the value chain.*



*Number of compliance certificates issued since 2015*

Source: <https://absch.cbd.int/countries>

## Internationally Recognized Certificates of Compliance

[Issued by India as per Art.17 of Nagoya Protocol]

Total Number of IRCCs Issued* Globally	Total Number of IRCCs Issued* to India	Percentage
2997	2070	69%
*as on 24.09.2021		

# **Guidelines on Access to Biological Resources and Associated Knowledge and Benefits Sharing Regulations, 2014**

## **(Monetary & Non-monetary benefits)**

**MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE**

**(National Biodiversity Authority)**

### **NOTIFICATION**

New Delhi, the 21st November, 2014

**G.S.R 827.**—In exercise of the powers conferred by section 64 read with sub-section (1) of section 18 and sub-section (4) of section 21 of the Biological Diversity Act, 2002 (18 of 2003), hereinafter referred to as the Act, and in pursuance of the Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization to the Convention on Biological Diversity dated the 29<sup>th</sup> October, 2010, the National Biodiversity Authority hereby makes the following regulations, namely.—

#### **Short title and commencement.—**

(1) These regulations may be called Guidelines on Access to Biological Resources and Associated Knowledge and Benefits Sharing Regulations, 2014.

## Fair and Equitable Benefit Sharing Options

The following options, either one or more, may be applied in accordance with mutually agreed terms between the applicant and the NBA, on a case by case basis, in accordance with the provisions of sub-rule (3) of rule 20 of the Biological Diversity Rules, 2004. These options are indicative in nature and other options, as approved by the NBA in consultation with the Central Government, may also be adopted:

### **(a) Monetary benefits options:**

- (i). Up-front payment;
- (ii). One-time payment;
- (iii). Milestone payments;
- (iv). Share of the royalties and benefits accrued;
- (v). Share of the license fees;
- (vi). Contribution to National, State or Local Biodiversity Funds;
- (vii). Funding for research and development in India;
- (viii). Joint ventures with Indian institutions and companies;
- (ix). Joint ownership of relevant intellectual property rights.



# Fair and Equitable Benefit Sharing Options

## **(b) Non-monetary benefits options:**

- (i). Providing institutional capacity building, including training on sustainable use practices, creating infrastructure and undertaking development of work related to conservation and sustainable use of biological resources;
- (ii). Transfer of technology or sharing of research and development results with Indian institutions/ individuals/entities;
- (iii). Strengthening of capacities for developing technologies and transfer of technology to India and/or collaborative research and development programmes with Indian institutions/ individuals/ entities;
- (iv). Contribution/ collaboration related to education and training in India on conservation and sustainable use of biological resources;
- (v). Location of production, research, and development units and measures for conservation and protection of species in the area from where biological resource has been accessed, contributions to the local economy and income generation for the local communities;
- (vi). Sharing of scientific information relevant to conservation and sustainable use of biological diversity including biological inventories and taxonomic studies;
- (vii). Conducting research directed towards priority needs in India including food, health and livelihood security focusing on biological resources;
- (viii). Providing scholarships, bursaries and financial aid to Indian institutions/ individuals preferably to regions, tribes/ sects contributing to the delivery of biological resources and subsequent profitability if any;
- (ix). Setting up of venture capital fund for aiding the cause of benefit claimers;
- (x). Payment of monetary compensation and other non-monetary benefits to the benefit claimers as the NBA may deem fit.

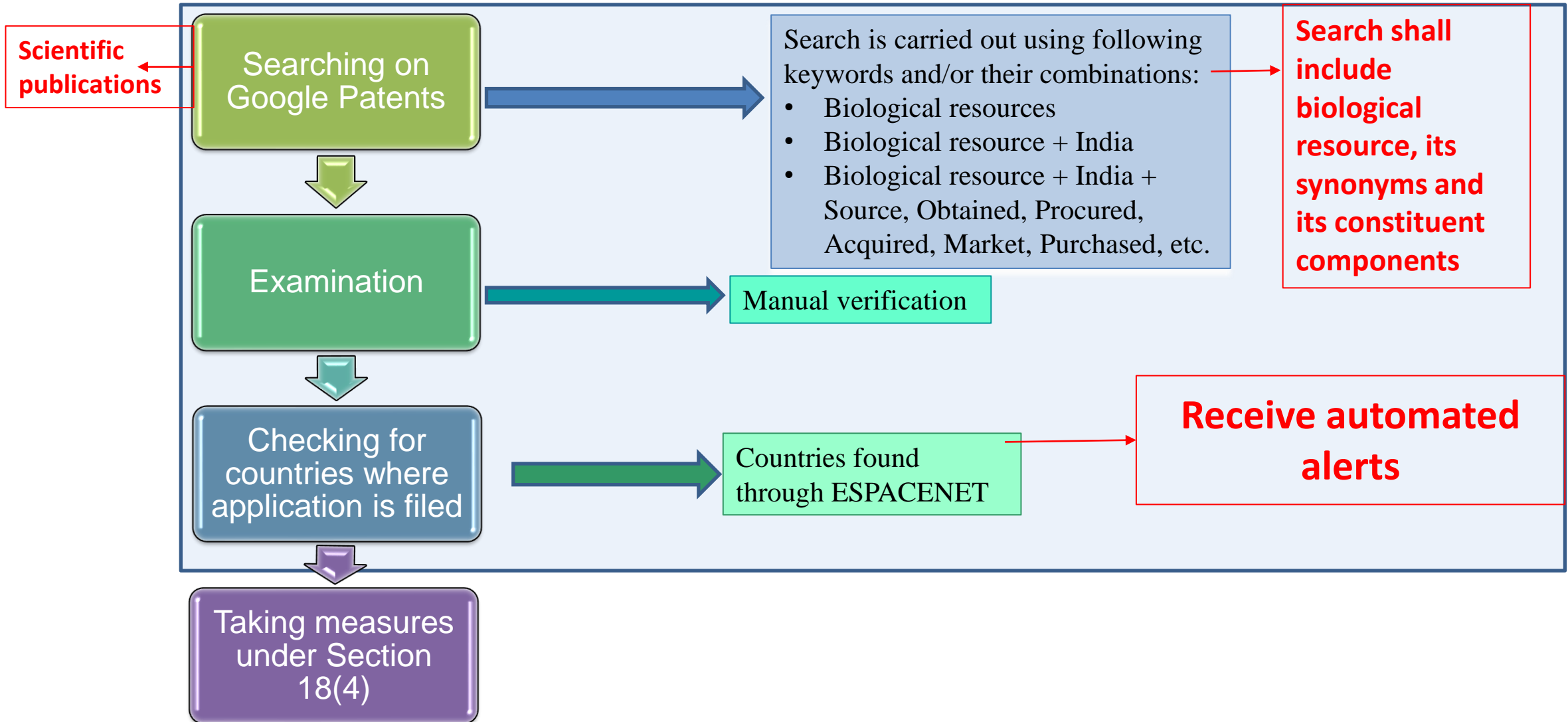
# **Opposition Measures Under Section 18(4)**

## **&**

## **Issues of Tracking & Monitoring**

**“The National Biodiversity Authority may, on behalf of the Central Government, take any measures necessary to oppose the grant of intellectual property rights in any country outside India on any biological resource obtained from India or knowledge associated with such biological resource which is derived from India”.**

# Detection Strategy u/s Section 18 (4)



## Strategy followed by NBA

- Monitoring patent publications in IPO and Foreign patent offices
- Establishing the use of biological resource
- Detecting Non-compliant Patents
- Alerting the patent office and the applicant about ABS compliance requirement
- Support the applicant in compliance
- Further follow up

Foreign Patent Office	No. of cases
EPO	23
USPTO	32
Canada	10
China	1
Japan	1
WIPO	1
Australia	5
Taiwan	1
Total	74

## INDIA'S SUGGESTIONS ON HEADLINE INDICATORS

*for Improved data gathering and effective implementation*

**Goal C** - The benefits from the utilization of genetic resources are shared fairly and equitably, with a substantial increase in both monetary and non-monetary benefits shared, including for the conservation and sustainable use of biodiversity

### Proposed Headline Indicators

**C.0.1** Monetary benefits received from utilization of genetic resources as a result of an ABS agreement, including traditional knowledge

**C.0.2** Number of research and development products from an ABS agreement

### INDIA'S SUGGESTIONS

- Number of ABS agreements permits issued with MAT at the National level
- Amount of monetary benefits received from the access to genetic resources (US dollars)
- Percentage of monetary benefit sharing with Providers (BMCs/IPLCs)
- Number of user's providing non-monetary benefit benefits
- Number of custodians/providers getting non monetary benefits for GR and TK
- Number of Internationally Recognized Certificates of Compliance (IRCC) published
- Evidence of contribution of access and benefit sharing to conservation and sustainable use.– *can also go under Target 4.*



## INDIA'S SUGGESTIONS ON HEADLINE INDICATORS

*for Improved data gathering and effective implementation*

**Target 13** - Implement measures at global level and in all countries to facilitate access to genetic resources and to ensure the fair and equitable sharing of benefits arising from the use of genetic resources and, as relevant, of associated traditional knowledge, including through mutually agreed terms and prior and informed consent.

### Proposed Headline Indicators

**13.0.1** Indicators of operational legislative, administrative or policy frameworks which ensure fair and equitable sharing of benefits, including those based on PIC and MAT

### INDIA'S SUGGESTIONS

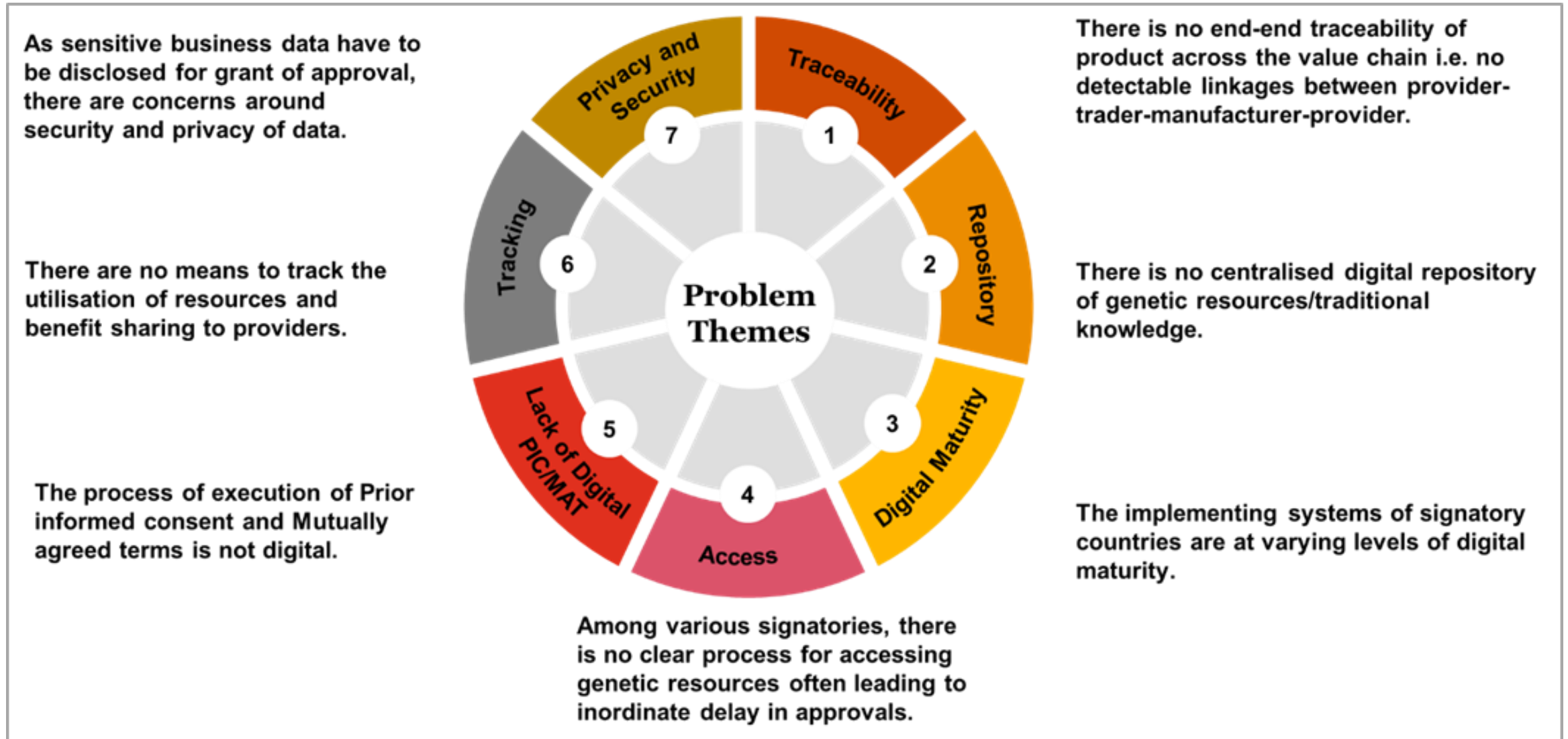
- Number of countries that have adopted legislative, administrative and policy frameworks to ensure fair and equitable sharing of benefits (*indicator, SDG Indicator 15.6.1*)
- Number of countries with measures to ensure MAT and PIC for providing genetic resources and associated TK within their jurisdiction
- Number of countries with measures to protect traditional knowledge— *can go under Target 21*
- Number of community or biocultural protocols available on the ABS Clearing House
- Types of Non Monetary Benefits identified at national level

# Challenges in ABS Implementation

- ❖ Inadequate Awareness
- ❖ Establishing Traceability
- ❖ Incentivizing ABS
- ❖ Building Capacity

# An Overview of the Problems Detected in Application of Nagoya Protocol

(Source: PwC Danışmanlık Hizmetleri A.Ş. (PwC Turkey), 2021)



# **‘Access and Benefit Sharing’ is a strong candidate for a technology intervention spearheaded by Blockchain**

*Execution of a Pilot Blockchain on  
Nagoya Protocol (UNDPIRH-202011-  
RFP-23-ABS)*

*Report 2*

*Innovation Proposal /To-Be  
Report*

Submitted by:

*PwC Danışmanlık Hizmetleri A.Ş. (PwC Turkey)*

30<sup>th</sup> April 2021



# Incentivizing ABS

[Voluntary Certification Scheme for Incentivization of Access and Benefit Sharing]

## Logo and its Illustration



### Illustration

THE LOTUS



=

The graphic of a plant depicts the biological/medicinal values and the lotus leaf symbolizes both enlightenment and deep-rooted Indian cultural ethos.

THE HANDS AND FINGERS



=

The hands and fingers reflect both care and protection provided by the users and conservers of the genetic resource. They also reflect progress, innovation and resource sustainability.

THE CIRCLE



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The circle or circular shape highlights the 360-degree holistic approach the ABS process besides stressing on inherent fair and equitable sharing of benefits.

THE ACRONYM ABS

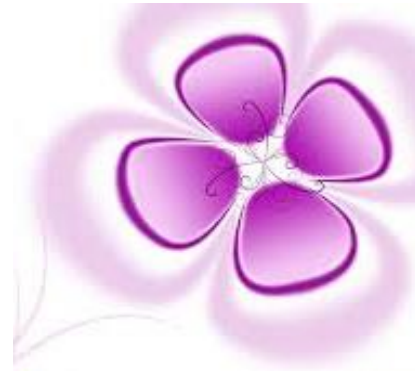
ABS

=

The acronym ABS provides support and balance to the overall logo. It also contributes to the 'recall value' of the Access and Benefit Sharing process, as it is also widely known by this acronym.

Access and Benefit Sharing or ABS Logo symbolizes the legal framework for the effective implementation of fair and equitable sharing of benefits arising out of utilization of genetic resources (GR) and associated traditional knowledge (ATK). In addition to the compliance obligations, the ABS logo reflects the new initiative to incentivize the ABS process for both the users and conservers of the GR and ATK.





***Thank you.....***