



National Law University and Judicial Academy, Assam

Programme:

Legal Approach towards Biological Diversity and Related Traditional Knowledge

Details of Course offered

Even Semester – Academic Year 2023-2024

Sl. No	Course Code	Course Title	L	T	P	CR	CH
1.	OP 807	Legal Approach towards Biological Diversity and Related Traditional Knowledge	2	0	0	2	

- a. **Code and Title of the Course:** Legal Approach towards Biological Diversity and Related Traditional Knowledge
- b. **Course Credit:** 2 [Total Marks - 50 (End Semester Exam - 30 marks, Project – 20 marks)]
- c. **Medium of Instruction:** English
- d. **Course Compiled by:** Dr. Pankaj Kumar, DPIIT-IPR Chair Professor, DPIIT-IPR Chair, NLUJA, Assam

- e. **Course Instructor:** Dr. Pankaj Kumar, DPIIT-IPR Chair Professor, DPIIT-IPR Chair, NLUJA, Assam

1. Course Objectives

This course is designed to provide a comprehensive exploration of biological diversity and traditional knowledge, seamlessly blending theoretical understanding with hands-on practical applications. Emphasizing the legal aspects of preserving biological diversity and protecting traditional knowledge, the curriculum delves into an in-depth examination of legal frameworks, international treaties, and relevant case studies at the crossroads of law, biodiversity, and traditional knowledge.

2. Teaching methodology

The course will be delivered by lecture-cum-discussion method. There will be interactive classroom teaching with the aid of audio-visual facilities, internet, power-point presentations and also practical approach for value-based learning. Important materials shall be provided to the students from time to time. For better understanding of the course, the focus shall be on providing recent developments pertaining to the specific areas and highlighting the important case studies for analysis to the students.

3. Expected Outcomes of the Course

Upon completion of this syllabus, students are expected to gain a profound understanding of traditional medicine and bioprospecting, and the legal frameworks surrounding biodiversity and traditional knowledge. By exploring international treaties, organisational bodies, and India's Biodiversity Act, students will analyse real-world cases. Additionally, the course covers WIPO initiatives, providing practical insights through case studies on Traditional Knowledge Documentation Toolkit and IP Guidelines for Access to Genetic Resources. The course aims provide the students with a well-rounded perspective on the intersection of law, biodiversity, and traditional knowledge.

4. Course Evaluation Method

Students will be assessed through continuous evaluation requiring the students to submit and present allotted projects and appear in the end-semester examination. All examinations and projects are compulsory and no exemption is allowed in order to complete the course successfully.

5. Detailed Structure of the Course (specifying course modules and sub-modules)

Module 1: Traditional Medicine and Bioprospecting (7 Classes)

Traditional Medicine and Bioprospecting:

Ayurveda, Unani, and other traditional medical systems;

Bioprospecting and its ethical considerations;

Traditional herbal medicines and its patent classification code A61K

36;

Case studies on the commercialization of traditional medicines

Module 2: Major international treaties and organizational bodies on protection of bio-diversity and the TK (7 Classes)

Major international treaties and organizational bodies doing advocacy to protect Biodiversity and the TK:

Roles of International organisations in advocating for Biodiversity and Traditional Knowledge;

Convention on Biological Diversity (CBD);

Nagoya Protocol governing Access and Benefit-Sharing (ABS)

Module 3: Legal Framework and Biodiversity Conservation in India (7Classes)

Legal Framework and Biodiversity Conservation in India:

Biodiversity Act 2002 of India: objectives and provisions;

National Biodiversity Authority (NBA)- Role and functions;

ABS norms, guidelines & regulations in India and the Case studies:

Divya Pharmacy Case etc.;

NBA Form III: information required for NBA Form III, Practical insights into the filing procedure;

Analysing agreements related to traditional knowledge;

TKDL and its impact and the Case Studies

Module 4: WIPO initiatives in the subject (7 Classes)

WIPO initiatives in the subject:

Traditional Knowledge Documentation Toolkit

IP Guidelines for Access to Genetic Resources and Equitable Sharing of the Benefits arising from their Utilisation

Database Biodiversity-related Access and Benefit-sharing Agreements

Note: One day for Exam (End Semester Exams) and one day for Presentation of Project totalling to Thirty days.

Prescribed Readings

Students are advised to go through the recent editions of the recommended books

1. “Ayurveda: A Comprehensive Guide to Traditional Indian Medicine for the West” by Frank John Ninivaggi
2. “Bioprospecting: Success, Potential, and Constraints” by Balu A. Chopade and Ameeta Ravi Kumar
3. “Bioprospecting of Genetic Resources in the Deep Seabed: Scientific, Legal and Ethical Aspects” by Valérie Wyssbrod
4. “Biodiversity and the Law: Intellectual Property, Biotechnology and Traditional Knowledge” by Charles R. McManis

Websites:

1. [World Health Organization [WHO] - Traditional Medicine] (<https://www.who.int/health-topics/traditional-complementary-and-integrative-medicine>)
2. [International Association for Ethnobotanists] (<http://www.ethnobotanyjournal.org/>)
3. [Traditional Knowledge Digital Library (TKDL)] (<http://www.tkdl.res.in/tkdl/langdefault/common/Home.asp>)
4. [Convention on Biological Diversity (CBD)] (<https://www.cbd.int/>)
5. [Nagoya Protocol Information] (<https://www.cbd.int/abs/>)
6. [United Nations University - Institute for the Advanced Study of Sustainability (UNU-IAS) - Bioethics and Bioprospecting] (<https://ias.unu.edu/en>)

Databases:

1. [TKDL - Traditional Knowledge Digital Library] (<http://www.tkdl.res.in/tkdl/langdefault/common/Home.asp>)

Case Studies:

1. [Divya Pharmacy Case] (<https://indiankanoon.org/doc/1552454/>)

Treaties:

1. [Convention on Biological Diversity (CBD)](<https://www.cbd.int/>)
2. [Nagoya Protocol on Access and Benefit-sharing](<https://www.cbd.int/abs/>)

Organizations:

1. [World Intellectual Property Organization (WIPO)](<https://www.wipo.int/>)

2. [National Biodiversity Authority (NBA) - India](<https://nbaindia.org/>)

WIPO Initiatives Documents:

1. [WIPO Traditional Knowledge Documentation Toolkit]
(https://www.wipo.int/tk/en/databases/documentation_toolkit/)

2. [WIPO IP Guidelines for Access to Genetic Resources and Equitable Sharing of Benefits] (<https://www.wipo.int/genetic-resources/en/>)

3. [WIPO Database Biodiversity-related Access and Benefit-sharing Agreements]
(<https://www.wipo.int/biodiversity/en/>)