



ବ୍ୟୁଷା ଶୀ କ୍ଷେତ୍ର ରୈଣ୍ଡା ଫ୍ଲାଇଂ ଏତନା ନ୍ରୀତିତା ୨୦୨୨ ତତ୍ତ୍ଵା

**Biodiversity Act of Bhutan 2022**





ବ୍ୟସ୍ତାଶିକୁକ୍ଷଣା  
PARLIAMENT OF BHUTAN



କେଣାନ୍ଦୟକ

ਅ. ਪੰਜਾਬ ੧੯੮੫

Wangchuk  
(ວັງຈຸກ)

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  ८. अंतिम-विद्यालय-विद्यालय-विद्या-वर्कशोप पुरुष-वस्त्राभास



ସକଳ ସଂପଦ

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## **Preamble**

Whereas, in keeping with the constitutional rights vested in the state over natural resources, minerals, rivers, lakes, and forests which shall be regulated by law and the duty of the Government to secure ecologically balanced sustainable development, while promoting justifiable economic and social development;

Whereas, recognizing the importance of rich biological diversity which has been protected by the wise and far-sighted leaderships, Bhutanese traditional beliefs, socio-cultural outlook, and the overarching development philosophy of Gross National Happiness;

Whereas, to secure economic value of Bhutan's biological and genetic resources for national development and biodiversity conservation through sustainable use of biological and genetic resources, in research and development of products, compounds, and substances that have medicinal, industrial, agricultural, and other applications;

Whereas, recognizing the importance of regulating access to and utilization of genetic resources and traditional knowledge associated with biological resources;

Whereas, being the party to the Convention on Biological Diversity (CBD), the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization and the International Treaty on the Plant Genetic Resources for Food and Agriculture (ITPGRFA).

The Parliament of the Kingdom of Bhutan hereby enacts as follows:

ମୁଦ୍ରା

ଦୁଃଖ ଶ୍ରୀ କୃଷ୍ଣ କେଶା ଗୁଣ ସମ୍ପଦ ସାହେବ ମୂର୍ତ୍ତି କରିବା ପାଇନ୍ତି

## **CHAPTER 1**

### **PRELIMINARY**

#### **Title**

1. This Act is the Biodiversity Act of Bhutan 2022.

#### **Commencement**

2. This Act comes into force on the 17<sup>th</sup> Day of the 5<sup>th</sup> Month of the Water Male Tiger Year of the Bhutanese Calendar corresponding to the 15<sup>th</sup> Day of July 2022.

#### **Extent**

3. This Act extends to the whole of the kingdom of Bhutan.

#### **Repeal**

4. This Act hereby repeals the Biodiversity Act of Bhutan 2003 and subsidiary legislations framed and adopted thereunder, and section 73 of the National Environment Protection Act of Bhutan 2007.

#### **Application**

5. This Act shall promote conservation and sustainable use of biological resources and applies to access to or utilization of genetic resources or its derivatives from Bhutan, whether they are accessed in-situ or ex-situ.
6. This Act applies to access to, and utilization of traditional knowledge associated with biological resources of Bhutan.

ଓଡ଼ିଆ , ପା  
ଶ୍ରୀଷ୍ଟବ୍ରଦ୍ଧି

ସଂକଷିପ୍ତା

୨. ସତରାଷ୍ଟ୍ରିପଶ'ର୍ଦ୍ଦି ସମୁଶ୍ରୀକୃତିକୌଣସିଶ'ର୍ଦ୍ଦି ଏହାର ପରିବାର ୧୦୨୯ ଜାନ୍ମାଞ୍ଜିବା

ର୍ୟୁ'ର୍ହୁଷାଶ'କୁ'ହେତୀ।

୧. ସତରାତ୍ମିକାଶ'ର୍ଦ୍ଦି ହରାପୁଣୀଶ'ଶକ୍ତି'ପ୍ରକାଶ'ଶକ୍ତି'ପ୍ରକାଶ'ଶକ୍ତି' ହେ ଏ ପଦିକେନ୍ଦ୍ରା ହେ ପୁନଃ ଶ୍ରୀ'ପ୍ରକାଶ'  
୧୦୧୯ ହେ ଏ ପଦିକେନ୍ଦ୍ରା ହେ ଏ ପଦିକେନ୍ଦ୍ରା ହେ ଏ ପଦିକେନ୍ଦ୍ରା ହେ ଏ ପଦିକେନ୍ଦ୍ରା

ପ୍ରଶନ୍କ୍ଷା

୩. ସତର୍ଣ୍ଣିଶବ୍ଦୀଶିଳ୍ପୀ ମୁଗ୍ଧାଶିଳ୍ପୀଙ୍କର୍ମୀ ପ୍ରକାଶନିକା

ಹಂಪೆ

୯. ସତରାଷ୍ଟିକାଶ'ଦ୍ଵାରାଶିଳ' କୁଣ୍ଡଳାର୍ମିଶ'ଶୁଦ୍ଧି'ଏକତରାଷ୍ଟିକାଶ' ୧୦୦୩ ତନ୍ତ୍ରାଦିନାଂ ଦୈତ୍ୟଶାଖା  
ଯତ୍ନାପାଶ'ଶିଳ'ଶ୍ରୀପଦାର୍ଥକାରୀଦିନାଂ କାର୍ତ୍ତିକାଶ'ଶୁଦ୍ଧି' ଦେଖିଲା ଦୁଃଖାଶ'ଶିଳ'ଶୁଦ୍ଧିଦଶ'ପବଦ  
ଦେଖିଲା ଶୁଦ୍ଧିକୁଣ୍ଡଳାଶ'ଶ୍ରୀପଦାର୍ଥକାରୀଦିନାଂ ୧୦୦୫ ତନ୍ତ୍ରାଦିନାଂ କାର୍ତ୍ତିକାଶ'ଶିଳ' ଛାତ୍ର  
ପାଠ୍ୟକାରୀଦଶ'ପଦାର୍ଥକାରୀଜିନୀ

୪୫



୫. ପଠର'ଶ୍ରୀମଦ'ବଦ୍ଧିଶ' ନମ୍ବୁଗ'ଶୀ'ଶ୍ରୀ'ଭ୍ରଦ'ବ୍ରଦ'ଭ୍ରଦ୍ଵାତ୍ର'କ୍ରୂ'ଦା'ଭ୍ରଦ୍ଵେଷ'ଶରୀ'ଶ୍ରୀ'ଶ୍ରୀ'ଶ୍ରୀ'ପେଣ'ପ୍ରଦ'ଶ୍ରୀ'  
ଶ୍ରୀ'ଶ୍ରୀମଦ'ପେଣ'ପ୍ରଦ'ଦଶ'କ୍ରୀ'ଭ୍ରଦ'ଭ୍ରଦ୍ଵାତ୍ର'କ୍ରୂ'ଦା'ଭ୍ରଦ୍ଵେଷ'ଶରୀ'ଶ୍ରୀ'ଶ୍ରୀ'ଶ୍ରୀ'ପେଣ'ପ୍ରଦ'ଶ୍ରୀ'।

Provided that the Act does not apply to the use, sharing, and exchange of traditional knowledge within and between local communities as part of its customary practices.

7. This Act provides for protection of varieties, breed, and rights of breeders to encourage the development of new varieties and rights of farmers in respect of their contributions made in conserving, improving, and making available of the genetic resources.
8. This Act does not apply to biological resources which are traded, shared, exchanged, and used as commodities for direct use and consumption.

Provided that a biological resource traded, shared, exchanged, and used as commodities which are later utilized as genetic resources for research or commercial purposes, shall be governed by this Act.

9. Human genetic resources are not covered by this Act.
10. This Act does not apply to varieties for which patent protection is available.
11. This Act does not apply to the prevention of the commercial exploitation, which is necessary to protect public order or morality including prejudice to the environment, the general interest or traditional rights of farmers.

ଅନ୍ତର୍ମାଣ ଶୁଦ୍ଧିପାଇସାଯ୍ୟକର୍ତ୍ତା ଶାଶକଶ୍ଶୀର୍ମାଣିକ୍ଷେତ୍ରଶିଳ୍ପାକର୍ଷଣ ଯଦ୍ଵାରା କିମ୍ବା କ୍ଷେତ୍ରଶିଳ୍ପାକର୍ଷଣ କରିବା ଏହାକାରରେ ପ୍ରମାଣିତ ହୁଏଥାଏବଂ ଏହାକାରରେ ପ୍ରମାଣିତ ହୁଏଥାଏବଂ ଏହାକାରରେ ପ୍ରମାଣିତ ହୁଏଥାଏବଂ

## **Objects**

12. The objects of this Act are to:

- (1) ensure national sovereignty and secure trusteeship of the Bhutanese people over its biological resources;
- (2) promote conservation and sustainable use of biological resources, and secure the value of Bhutan's biological resources and associated traditional knowledge;
- (3) recognize and protect knowledge, innovation, and practice associated with genetic resources;
- (4) regulate access to genetic resources and associated traditional knowledge for research and commercial utilization;
- (5) ensure fair and equitable sharing of benefits derived from the use of genetic resources and associated traditional knowledge for research and development;
- (6) recognize and protect the farmer's and breeder's rights; and
- (7) Provide legal recognition of varieties which are not protectable under the internationally existing laws on patent or plant breeder's rights, and thereby recognize farmer's plant variety improvements and innovations and provide a means of sharing benefits derived from the use of farmer's or traditional varieties as breeding material for commercial purposes.

ମୀଣା'ଯୁଦ୍ଧ||

୧୨. ସତର୍ଣ୍ଣିଷଶ'ଦକ୍ଷିତି'ଦକ୍ଷିଷଶ'ଯୁଦ୍ଧ'ଦି'ଯଦା

## **CHAPTER 2**

### **INSTITUTIONAL ARRANGEMENT**

#### **Competent National Authority**

13. The Competent National Authority shall be established with the following members:
- (1) Minister, the Ministry of Agriculture and Forests as Chairperson;
  - (2) A member, the National Environment Commission;
  - (3) Four members from other relevant agencies identified by Ministry of Agriculture and Forest; and
  - (4) Head, the National Biodiversity Centre as the Member Secretary.

#### **Functions of Competent National Authority**

14. The Competent National Authority shall:
- (1) ensure enforcement of this Act;
  - (2) create favourable conditions and incentives that foster the conservation and sustainable use of biological resources and associated traditional knowledge;
  - (3) approve or reject access proposal based on recommendation of the National Focal Point;
  - (4) issue directives to the National Focal Point;

ଓଡ଼ିଆ ୫  
ଶାର୍ତ୍ତଶାସ୍ତ୍ରବିଜ୍ଞାନ

**କୃପାର୍ଥଦଶାକର୍ତ୍ତବ୍ୟାକାରୀ**

୧୩. କୃପାର୍ଥଦଶାକର୍ତ୍ତବ୍ୟାକାରୀ ଶାର୍ତ୍ତଶାସ୍ତ୍ରବିଜ୍ଞାନକୁ ସମ୍ବନ୍ଧିତ ଏକ ଶାର୍ତ୍ତଶାସ୍ତ୍ରବିଜ୍ଞାନ ଯାହା କୃପାର୍ଥଦଶାକାରୀ ଏବଂ କର୍ତ୍ତବ୍ୟାକାରୀ ହାତରେ ଉପରେ ଆବଶ୍ୟକ ହେଉଥିଲା।
- (୧) ଶାର୍ତ୍ତଶାସ୍ତ୍ରବିଜ୍ଞାନ ଶାର୍ତ୍ତଶାସ୍ତ୍ରବିଜ୍ଞାନରେ କୃପାର୍ଥଦଶାକାରୀ ଏବଂ କର୍ତ୍ତବ୍ୟାକାରୀ ହାତରେ ଆବଶ୍ୟକ ହେଉଥିଲା।
  - (୨) ରମ୍ଭାକାରୀ ଶାର୍ତ୍ତଶାସ୍ତ୍ରବିଜ୍ଞାନରେ କୃପାର୍ଥଦଶାକାରୀ ଏବଂ କର୍ତ୍ତବ୍ୟାକାରୀ ହାତରେ ଆବଶ୍ୟକ ହେଉଥିଲା।
  - (୩) ରମ୍ଭାକାରୀ ଶାର୍ତ୍ତଶାସ୍ତ୍ରବିଜ୍ଞାନରେ କୃପାର୍ଥଦଶାକାରୀ ଏବଂ କର୍ତ୍ତବ୍ୟାକାରୀ ହାତରେ ଆବଶ୍ୟକ ହେଉଥିଲା।
  - (୪) ରମ୍ଭାକାରୀ ଶାର୍ତ୍ତଶାସ୍ତ୍ରବିଜ୍ଞାନରେ କୃପାର୍ଥଦଶାକାରୀ ଏବଂ କର୍ତ୍ତବ୍ୟାକାରୀ ହାତରେ ଆବଶ୍ୟକ ହେଉଥିଲା।

**କୃପାର୍ଥଦଶାକର୍ତ୍ତବ୍ୟାକାରୀ**

୧୪. କୃପାର୍ଥଦଶାକର୍ତ୍ତବ୍ୟାକାରୀ ଶାର୍ତ୍ତଶାସ୍ତ୍ରବିଜ୍ଞାନରେ
- (୧) ପଠାର୍ତ୍ତବିଜ୍ଞାନରେ କୃପାର୍ଥଦଶାକାରୀ ହାତରେ ଆବଶ୍ୟକ ହେଉଥିଲା।
  - (୨) ଶାର୍ତ୍ତଶାସ୍ତ୍ରବିଜ୍ଞାନରେ କୃପାର୍ଥଦଶାକାରୀ ହାତରେ ଆବଶ୍ୟକ ହେଉଥିଲା।
  - (୩) ଶାର୍ତ୍ତଶାସ୍ତ୍ରବିଜ୍ଞାନରେ କୃପାର୍ଥଦଶାକାରୀ ହାତରେ ଆବଶ୍ୟକ ହେଉଥିଲା।
  - (୪) ଶାର୍ତ୍ତଶାସ୍ତ୍ରବିଜ୍ଞାନରେ କୃପାର୍ଥଦଶାକାରୀ ହାତରେ ଆବଶ୍ୟକ ହେଉଥିଲା।
  - (୫) ଶାର୍ତ୍ତଶାସ୍ତ୍ରବିଜ୍ଞାନରେ କୃପାର୍ଥଦଶାକାରୀ ହାତରେ ଆବଶ୍ୟକ ହେଉଥିଲା।
  - (୬) ଶାର୍ତ୍ତଶାସ୍ତ୍ରବିଜ୍ଞାନରେ କୃପାର୍ଥଦଶାକାରୀ ହାତରେ ଆବଶ୍ୟକ ହେଉଥିଲା।

- (5) ensure protection of plant variety and the rights of farmer's and breeder's;
- (6) ensure the timely revision of the National Biodiversity Strategies and Action Plans; and
- (7) perform such other functions, as may be necessary, to carry out under the provisions of this Act.

## **Session**

15. The Competent National Authority shall conduct sessions as prescribed in the Rules.

## **National Focal Point**

16. The National Biodiversity Centre under the Ministry of Agriculture and Forests, is the National Focal Point.

## **Functions of the National Focal Point**

17. The National Focal Point shall:

- (1) administer the implementation of this Act;
- (2) The National Focal Point shall be the National clearing house publishing authority for information related to access and benefit sharing for Bhutan.
- (3) function as national repository for genetic resources and biological collections.

- (၅) བୁଦ୍ධିମତୀଶାସନକୁ ଶର୍କରାକ୍ଷିତା ହିଁପଣ କିମ୍ବା ଶର୍କରାକ୍ଷିତା ହିଁପଣ କିମ୍ବା

(၆) କୃତ୍ୟାନ୍ତଶାସନକୁ ଭାବିତ କିମ୍ବା ସମ୍ବନ୍ଧିତ କିମ୍ବା ପରିଚାରକ କିମ୍ବା ପରିଚାରକ କିମ୍ବା

(၇) ଏକାନ୍ତରିକ କାନ୍ତରିକ କାନ୍ତରିକ କାନ୍ତରିକ କାନ୍ତରିକ

କେଶବେନ୍ଦ୍ର



## ଶ୍ରୀପାଞ୍ଜଳିକା

୨୮. ଶ୍ରୀକବ୍ଦରାତ୍ରାଣାର୍ଥପାତ୍ରଙ୍କରିତାରେ ଶ୍ରୀକବ୍ଦରାତ୍ରାଣାର୍ଥପାତ୍ରଙ୍କରିତାରେ ଶ୍ରୀକବ୍ଦରାତ୍ରାଣାର୍ଥପାତ୍ରଙ୍କରିତାରେ

ଶ୍ରୀପାତ୍ରଦଶ-କଷ-ଶତ-ତତ୍ତ୍ଵ-ଦଶକ

- (4) receive and process access proposal for genetic resources or associated traditional knowledge or both;
- (5) negotiate and execute Scoping Agreement, Access and Benefit Sharing Agreement, Material Transfer Agreement, and Standard Material Transfer Agreement upon the approval of the Competent National Authority;
- (6) negotiate and provide oversight to ensure fair and equitable sharing of benefits arising from research or commercial utilization of genetic resources or associated traditional knowledge or both;
- (7) recommend the approval or rejection of access proposal to the Competent National Authority;
- (8) review and publish information in the Access and Benefit Sharing clearing house;
- (9) establish measures with the aim of monitoring and tracking of genetic resources and associated traditional knowledge;
- (10) represent Bhutan under any treaty, agreement, convention, or protocol relating to access and benefit sharing;
- (11) create awareness and promote education to the stakeholders and public on conservation, sustainable utilization, and access and benefit sharing of genetic resources;
- (12) conduct and facilitate taxonomic and systematic studies on biodiversity of the country;

- (८) ରୈଣଶା'କୁର'ବେଳ'ତ୍ରୁଦନ' ଯଦ'କ'ଦସେଲ'ବ'ା'ର୍ଦ୍ଦ'ପଦି'ଶୁଦ'ଶ୍ଵେଷ'ରେଶ'ର୍ଦ୍ଦ' ଯଦ'କ' ଶାତ୍ରୀଶା'କ'  
ରେତ୍ରୁଦ'ପୁର୍ବେଳ'ଶ୍ଵେଦ'ଶ୍ଵେତ'ରେଶ'ର୍ଦ୍ଦ'ରୁ'ରେଶ'ରକର'ଦେବ'ରୁ'ରେଶ'ଶୁଦ'କୀ

(୯) କୁପ'ର୍ଦ୍ଦନ'କ'ର'ଜ୍ଞାନ'ଦେଵ'ରୁ'ଶାତ୍ରୀ'ଶାତ୍ରୀ'ବେଳ' ବସୁନ'ଶିଶ'ରର୍ଦ୍ଦ'ରକ୍ତ'ଦସନ'କ୍ଷେତ୍ର'  
ଶ୍ଵେତ'ଦ୍ୟନ'ଶାତ୍ରୀ'କ'ର'ଜ୍ଞାନ'ଦେଵ'ରୁ'ଶ୍ଵେତ'ଦ୍ୟନ' ବେ'ଶବ'ରର୍ଦ୍ଦ'ରମଦ'ଶାତ୍ରୀ'କ'ର'  
କ'ର' ଦେ'ବେଶ' ଶାତ୍ରୀ'କ'ର'ଜ୍ଞାନ'ଦ୍ୟନ'ଶ୍ଵେତ'ରୁ'ଶାତ୍ରୀ'କ'ର'ପର୍ବ'କୀ

(୧୦) ରୈଣଶା'କୁର'ବେଳ'ତ୍ରୁଦନ' ଯଦ'କ' ଦସେଲ'ବ'ା'ର୍ଦ୍ଦ'ପଦି'ଶୁଦ'ଶ୍ଵେଷ'ରେଶ'ର୍ଦ୍ଦ' ଯଦ'କ'  
ଶାତ୍ରୀଶା'କ'ର'ତ୍ରେ'ବେଶ'ରକ୍ତ'ଦେବ'ରୁ'ରେଶ'ଶୁଦ'କ୍ଷେତ୍ର' ବେ'ଶବ'ରୁ'ରକ'ତ'ବାତ'ରାତ୍ରି'  
ଶ୍ଵେତ'ବେଶ' ରର୍ଦ୍ଦ'ରମଦ'ଦସନ'ପୁ' ବସୁନ'ଶିଶ'ରର୍ଦ୍ଦ'ହେଶ'ରମଦ'କୀ

(୧୧) ଶ୍ଵେତ'ଶ୍ଵେତ'ଶାତ୍ରୀ'ରକର'କ'ରକ୍ତ'ଶାତ୍ରୀ'ଯଦ'କ'ବାଗା'କ'ରମଦ'କୀ'ଶାତ୍ରୀ'ଚାପ'କୁପ'ର୍ଦ୍ଦନ'  
ଦେଵ'ରୁ'ଶ୍ଵେତ'ପୁ' ଶ୍ଵେତ'ରମଦ'ଶୁଦ'କୀ

(୧୨) ଶ୍ଵେତ'ଶ୍ଵେତ'ଶାତ୍ରୀ'ରକର'କ'ରକ୍ତ'ଶାତ୍ରୀ'ଯଦ'କ'ରମଦ'କୀ' ଶାତ୍ରୀ'ହେଶ'ରମଦ'କୀ'  
ଦେବ'ରୁ'ଶ୍ଵେତ'ପୁ' ଶ୍ଵେତ'ରମଦ'ଶୁଦ'କୀ

(୧୩) ଶ୍ଵେତ'ଶ୍ଵେତ'ଶାତ୍ରୀ'ରକର'କ'ରକ୍ତ'ଶାତ୍ରୀ'ଯଦ'କ'ରମଦ'କୀ'ଶାତ୍ରୀ'ଚାପ'କୁପ'ର୍ଦ୍ଦନ'  
ଦେବ'ରୁ'ଶ୍ଵେତ'ପୁ' ଶ୍ଵେତ'ରମଦ'ଶୁଦ'କୀ

(୧୪) ଶ୍ଵେତ'ଶ୍ଵେତ'ଶାତ୍ରୀ'ରକର'କ'ରକ୍ତ'ଶାତ୍ରୀ'ଯଦ'କ'ରମଦ'କୀ'ଶାତ୍ରୀ'ଚାପ'କୁପ'ର୍ଦ୍ଦନ'  
ଦେବ'ରୁ'ଶ୍ଵେତ'ପୁ' ଶ୍ଵେତ'ରମଦ'ଶୁଦ'କୀ

(୧୫) ଶ୍ଵେତ'ଶ୍ଵେତ'ଶାତ୍ରୀ'ରକର'କ'ରକ୍ତ'ଶାତ୍ରୀ'ଯଦ'କ'ରମଦ'କୀ'ଶାତ୍ରୀ'ଚାପ'କୁପ'ର୍ଦ୍ଦନ'  
ଦେବ'ରୁ'ଶ୍ଵେତ'ପୁ' ଶ୍ଵେତ'ରମଦ'ଶୁଦ'କୀ

(୧୬) ଶ୍ଵେତ'ଶ୍ଵେତ'ଶାତ୍ରୀ'ରକର'କ'ରକ୍ତ'ଶାତ୍ରୀ'ଯଦ'କ'ରମଦ'କୀ'ଶାତ୍ରୀ'ଚାପ'କୁପ'ର୍ଦ୍ଦନ'  
ଦେବ'ରୁ'ଶ୍ଵେତ'ପୁ' ଶ୍ଵେତ'ରମଦ'ଶୁଦ'କୀ

(୧୭) ଶ୍ଵେତ'ଶ୍ଵେତ'ଶାତ୍ରୀ'ରକର'କ'ରକ୍ତ'ଶାତ୍ରୀ'ଯଦ'କ'ରମଦ'କୀ'ଶାତ୍ରୀ'ଚାପ'କୁପ'ର୍ଦ୍ଦନ'  
ଦେବ'ରୁ'ଶ୍ଵେତ'ପୁ' ଶ୍ଵେତ'ରମଦ'ଶୁଦ'କୀ

(୧୮) ଶ୍ଵେତ'ଶାତ୍ରୀ'ଶ୍ଵେତ'ଶାତ୍ରୀ'ରକର'କ'ରକ୍ତ'ଶାତ୍ରୀ'ଯଦ'କ'ରମଦ'କୀ'ଶାତ୍ରୀ'ଚାପ'କୁପ'ର୍ଦ୍ଦନ'  
ଦେବ'ରୁ'ଶ୍ଵେତ'ପୁ' ଶ୍ଵେତ'ରମଦ'ଶୁଦ'କୀ

- (13) inform the Competent National Authority within a reasonable period of any offence committed under this Act;
- (14) prepare annual reports on access proposals and its decisions;
- (15) coordinate the implementation of the National Biodiversity Strategies and Action Plan; and
- (16) perform such other functions as may be required to implement the provisions of this Act.

## **CHAPTER 3**

### **CONSERVATION AND SUSTAINABLE USE**

#### **Conservation and Sustainable Use**

- 18. The State has sovereign rights over its biological resources. The sovereign rights under this section shall include the right to overrule the community rights recognized under this Act for national importance.
- 19. The Competent National Authority shall promote:
  - (1) biodiversity conservation and sustainable use of biological resources;
  - (2) conservation and sustainable use of agro-biodiversity for food and agriculture including crop wild relatives; and
  - (3) informal seed systems under which farmers save, use, share, exchange and sell farm-saved seeds or propagating material

- (၁၃) ପଠନ୍ତିକଣାର୍ଥିରେଣୁ ଯୁଗର୍ଭଦ୍ୟାବ୍ସେଷା କୁନ୍ତକୁ ପକ୍ଷକୁ ପତିର୍ମାଣ୍ୟକୁ  
କରିବାରେଣୁ କୁପାର୍ଯ୍ୟର୍ଦ୍ଦସାହିତ୍ୟକୁ କୁନ୍ତକୁ ପଦକ୍ଷବି
- (၁୪) ବେଶକୁନ୍ତକୁ ପରିଚାରକାର୍ଯ୍ୟର୍ଦ୍ଦସାହିତ୍ୟରେ କରିବାରେଣୁ କୁନ୍ତକୁ ପଦକ୍ଷବି
- (၁୫) କୁପାର୍ଯ୍ୟର୍ଦ୍ଦସାହିତ୍ୟରେ ବେଶକୁ ପରିଚାରକାର୍ଯ୍ୟରେ କରିବାରେଣୁ କୁନ୍ତକୁ ପଦକ୍ଷବି
- (၁୬) ପଠନ୍ତିକଣାର୍ଥିରେଣୁ ଯୁଗର୍ଭଦ୍ୟାବ୍ସେଷା କୁନ୍ତକୁ ପଦକ୍ଷବି ଏବଂ ଯୁଗର୍ଭଦ୍ୟାବ୍ସେଷା କୁନ୍ତକୁ ପଦକ୍ଷବି

### ପ୍ରତ୍ୟେକ ଶବ୍ଦ ଅବଶ୍ୟକତାରେଣୁ ପଦକ୍ଷବି

#### ଅବଶ୍ୟକତାରେଣୁ ପଦକ୍ଷବି

୧୧. କୁନ୍ତକୁ ବେଶକୁ ପରିଚାରକାର୍ଯ୍ୟରେ କରିବାରେଣୁ ଯୁଗର୍ଭଦ୍ୟାବ୍ସେଷା କୁନ୍ତକୁ ପଦକ୍ଷବି ଏବଂ କୁପାର୍ଯ୍ୟର୍ଦ୍ଦସାହିତ୍ୟରେ କରିବାରେଣୁ ଯୁଗର୍ଭଦ୍ୟାବ୍ସେଷା କୁନ୍ତକୁ ପଦକ୍ଷବି ଏବଂ କୁପାର୍ଯ୍ୟର୍ଦ୍ଦସାହିତ୍ୟରେ କରିବାରେଣୁ ଯୁଗର୍ଭଦ୍ୟାବ୍ସେଷା କୁନ୍ତକୁ ପଦକ୍ଷବି ଏବଂ କୁପାର୍ଯ୍ୟର୍ଦ୍ଦସାହିତ୍ୟରେ କରିବାରେଣୁ ଯୁଗର୍ଭଦ୍ୟାବ୍ସେଷା କୁନ୍ତକୁ ପଦକ୍ଷବି
୧୨. କୁପାର୍ଯ୍ୟର୍ଦ୍ଦସାହିତ୍ୟରେ କରିବାରେଣୁ ଯୁଗର୍ଭଦ୍ୟାବ୍ସେଷା କୁନ୍ତକୁ ପଦକ୍ଷବି
- (୧) କୁନ୍ତକୁ ବେଶକୁ ପରିଚାରକାର୍ଯ୍ୟରେ କରିବାରେଣୁ ଯୁଗର୍ଭଦ୍ୟାବ୍ସେଷା କୁନ୍ତକୁ ପଦକ୍ଷବି
- (୨) ପତନ୍ତରାବ୍ସେଷା କୁନ୍ତକୁ ପଦକ୍ଷବି ଏବଂ କୁନ୍ତକୁ ପଦକ୍ଷବି ଏବଂ କୁନ୍ତକୁ ପଦକ୍ଷବି
- (୩) ଯୁଗର୍ଭଦ୍ୟାବ୍ସେଷା କୁନ୍ତକୁ ପଦକ୍ଷବି ଏବଂ କୁନ୍ତକୁ ପଦକ୍ଷବି

including rights to save, use, sell, share and exchange protected varieties.

20. The National Focal Point in order to promote conservation and sustainability of biological resources shall:
  - (1) regulate access to and utilization of genetic resources;
  - (2) strengthen national gene banks;
  - (3) enhance plant taxonomic and systematic research;
  - (4) enhance and manage living plant collections for long term ex-situ conservation;
  - (5) strengthen on-farm conservation of animal genetic resources, traditional crops and varieties including crop wild relatives;
  - (6) strengthen national repository of biodiversity information and bio-discovery research; and
  - (7) engage general public on biodiversity conservation and sustainable utilization;
21. The National Focal Point shall promote and maintain proper documentation of genetic resources which are wild, domesticated and cultivated, including in ex-situ conditions and collections.
22. The National Focal Point shall prioritize species for ex-situ conservation in consultation with relevant agencies.

୧୦. କୁପ୍ତିର୍ଦ୍ଦସାର୍ଦ୍ଦକ୍ଷଣାଶର୍ତ୍ତକର୍ମଶ୍ରୀଶ. ଶ୍ରୀଭୂବନ୍ଦ୍ରପ୍ରମାନାର୍ଥୁନ୍ଦର୍ମୁକ୍ତପଦ୍ଧତିଯାହା  
ଶହେରରସାୟନୀ

(୧) ରେଶାର୍କୁର୍ବେଳାପ୍ରମାନାର୍ଥୁର୍ଦ୍ଦି ଶବ୍ଦର୍କୁର୍ବେଳାର୍ଥୁ ରୋପିର୍କୁର୍ବେଳାର୍ଥୁର୍ଦ୍ଦରସାର୍ଦ୍ଦକ୍ଷଣାଶର୍ତ୍ତକର୍ମଶ୍ରୀଶ.

(୨) କୁପ୍ତିର୍ଦ୍ଦସାର୍ଦ୍ଦକ୍ଷଣାଶର୍ତ୍ତକର୍ମଶ୍ରୀଶ.

(୩) ଶ୍ରୀଧର୍ମଶିର୍ବ୍ରତର୍ମଣାର୍ଥୁ ପ୍ରମାନାର୍ଥୁର୍ଦ୍ଦି ଶ୍ରୀଭୂବନ୍ଦ୍ରପ୍ରମାନାର୍ଥୁର୍ଦ୍ଦି.

(୪) ମନ୍ଦରାଜିନୀର୍ଦ୍ଦସାର୍ଦ୍ଦସାର୍ଦ୍ଦକ୍ଷଣାଶର୍ତ୍ତକର୍ମଶ୍ରୀଶ. ଶ୍ରୀଧର୍ମଶିର୍ବ୍ରତର୍ମଣାର୍ଥୁ ପ୍ରମାନାର୍ଥୁର୍ଦ୍ଦି ଶ୍ରୀଭୂବନ୍ଦ୍ରପ୍ରମାନାର୍ଥୁର୍ଦ୍ଦି.

(୫) ବିନାମନାର୍ଥୁ ଶ୍ରୀର୍ବ୍ରତର୍ମଣାର୍ଥୁର୍ଦ୍ଦି ଶ୍ରୀଭୂବନ୍ଦ୍ରପ୍ରମାନାର୍ଥୁର୍ଦ୍ଦି ଶ୍ରୀଧର୍ମଶିର୍ବ୍ରତର୍ମଣାର୍ଥୁ ପ୍ରମାନାର୍ଥୁର୍ଦ୍ଦି.

(୬) ଶ୍ରୀଭୂବନ୍ଦ୍ରପ୍ରମାନାର୍ଥୁର୍ଦ୍ଦି ଶ୍ରୀଧର୍ମଶିର୍ବ୍ରତର୍ମଣାର୍ଥୁ ପ୍ରମାନାର୍ଥୁର୍ଦ୍ଦି.

(୭) ଶ୍ରୀଭୂବନ୍ଦ୍ରପ୍ରମାନାର୍ଥୁର୍ଦ୍ଦି ଶ୍ରୀଧର୍ମଶିର୍ବ୍ରତର୍ମଣାର୍ଥୁ ପ୍ରମାନାର୍ଥୁର୍ଦ୍ଦି.

(୮) ଶ୍ରୀଭୂବନ୍ଦ୍ରପ୍ରମାନାର୍ଥୁର୍ଦ୍ଦି ଶ୍ରୀଧର୍ମଶିର୍ବ୍ରତର୍ମଣାର୍ଥୁ ପ୍ରମାନାର୍ଥୁର୍ଦ୍ଦି.

୧୧. କୁପ୍ତିର୍ଦ୍ଦସାର୍ଦ୍ଦକ୍ଷଣାଶର୍ତ୍ତକର୍ମଶ୍ରୀଶ. ଶ୍ରୀଭୂବନ୍ଦ୍ରପ୍ରମାନାର୍ଥୁର୍ଦ୍ଦି ମନ୍ଦରାଜିନୀର୍ଦ୍ଦସାର୍ଦ୍ଦକ୍ଷଣାଶର୍ତ୍ତକର୍ମଶ୍ରୀଶ. ଶ୍ରୀଭୂବନ୍ଦ୍ରପ୍ରମାନାର୍ଥୁର୍ଦ୍ଦି ଶ୍ରୀଧର୍ମଶିର୍ବ୍ରତର୍ମଣାର୍ଥୁ ପ୍ରମାନାର୍ଥୁର୍ଦ୍ଦି.

୧୨. କୁପ୍ତିର୍ଦ୍ଦସାର୍ଦ୍ଦକ୍ଷଣାଶର୍ତ୍ତକର୍ମଶ୍ରୀଶ. ଶ୍ରୀଭୂବନ୍ଦ୍ରପ୍ରମାନାର୍ଥୁର୍ଦ୍ଦି ଶ୍ରୀଧର୍ମଶିର୍ବ୍ରତର୍ମଣାର୍ଥୁ ପ୍ରମାନାର୍ଥୁର୍ଦ୍ଦି.

23. The National Focal Point in consultation with the relevant agencies shall coordinate, develop national management strategies, and furnish invasive alien species list to the regulatory authorities for import regulation.

## **Providers of Genetic Resources**

24. For the purpose of this Act, the providers of genetic resources shall be the:
- (1) Department of Forests and Park Services, if the genetic resources is from the state reserved forests;
  - (2) Communities managing the forests, if the genetic resources are accessed from community forests;
  - (3) National Focal Point in consultation with the relevant community custodians or individuals, for in-situ genetic resources for food and agriculture and genetic resources from private forest;
  - (4) National Focal Point, if the genetic resources are from ex-situ collections;
  - (5) Department of livestock if the genetic resources is from the livestock; and
  - (6) Department of Agriculture if the genetic resources are from food and agriculture resources.
25. If no determination is made under section 24 of this Act, the National Focal Point shall be deemed to be the provider of genetic resources.



## **Restricted Genetic Resources**

26. All genetic resources declared to be protected under the laws in force in Bhutan shall not be accessed under this Act.

Provided that it may, subject to approval of the Competent National Authority, be accessed for scientific research to promote conservation or such other purposes.

27. Access to genetic resources shall be done in compliance with the existing customary practices prevailing in the communities.

Provided that the Competent National Authority may, on the recommendation of the National Focal Point, grant access to genetic resource for the purpose of national importance.

28. The Competent National Authority may, on the recommendation of the National Focal Point, limit or restrict access to genetic resources or overrule restrictions specified under sections 26 and 27 of this Act for national importance.

## **CHAPTER 4**

### **A SUI GENERIS SYSTEM FOR THE PROTECTION OF PLANT VARIETIES**

#### **Conditions for Protection**

29. The Competent National Authority shall grant protection for plant varieties that are novel, distinct, uniform, stable, and identifiable.

ସାମାଜିକ ପରିଵାର ପଦ୍ଧତିରେ ଯାହାକୁ ଆଶୀର୍ବାଦ ଦିଆଯାଇଛା



એકું એ એ

ଶ୍ରୀମଦ୍ଭଗବତପ୍ରକାଶନାମିତିଥିଲେ ଏହାରେ ପରିଚାରିତ ହୁଏଥାଏବଂ

শুভজ্ঞান শক্তি

୧୮. କୁପାର୍ଦ୍ଦନୀ·ହଙ୍ଗାଳିରାଜାନେତୀର୍ଥୀଶ୍ଵରୀ  
ମୈଣିଶୀ·ପର୍ବତୀଶ୍ଵରୀ  
ଅନ୍ତର୍ମାତ୍ରୀଶ୍ଵରୀ  
ଶର୍ମିଷ୍ଠାନୀଶ୍ଵରୀ

## **Novelty**

30. The variety shall be considered as novel if at the date of filing of the application, material of the variety has not been sold with the consent of the applicants or their successor in title, for purpose of exploitation of the variety within the following period:
- (1) for longer than one year in case of commercial varieties; and
  - (2) for longer than 10 years in case of varieties bred and developed by farmers and only cultivated within limited areas of the country.

## **Distinctness**

31. The plant variety shall be considered as distinct, if it is clearly distinguishable from any other variety whose existence is a matter of common knowledge at the time of filing of the application.

## **Uniformity**

32. A plant variety shall be deemed to be uniform if, subject to the variation that may be expected from the particular features of its propagation and reproduction, it is sufficiently uniform in relevant characteristics.

## **Stability**

33. The plant variety shall be considered as stable, if its relevant characteristics remain sufficiently unchanged after repeated propagation.

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୧୦. କୁଣ୍ଡିଷା'ଶୁଦ୍ଧ'ମୀ'ଦେଶୀଶ' କୁଣ୍ଡିଷା'ଶୁଦ୍ଧ'ମୀ'ହେତୁ' କୁଣ୍ଡିଷା'ରଦ୍ଦ'ମାନ୍ଦି'ଶୁଦ୍ଧ'ମୀ'ଦେଶୀଶ' ଶେଷଶା'ଶୁଦ୍ଧ'ମୀ'ଯନ୍ତ୍ର' ଅହେତୁ'ଶୁଦ୍ଧ'ମୀ'ଦେଶୀ'ମାନ୍ଦି'ଶୁଦ୍ଧ'ମୀ'ହେତୁ' ଏମନ୍ତ ମର୍ଦ୍ଦ'ନୁଶା'ପୁରୁଷ'ରଦ୍ଦ'ମର୍ଦ୍ଦ' ହେତୁ'ଶୁଦ୍ଧ'ମୀ'କେଷା'ଜୀବ'ମ'ତେବ' ଶେଷଶା'ଶୁଦ୍ଧ'ମୀ'ମାନ୍ଦି'ଶୁଦ୍ଧ'ମୀ'ହେତୁ' ସତ୍ତ୍ଵ'କେବି'ନ୍ତ୍ଯନା

(୧) ହେତୁ'ଶୁଦ୍ଧ'ମୀ'ଶେଷଶା'ଶୁଦ୍ଧ'ମୀ'ବନ୍ଦ' ପରେ , ଏମା'ଛାଗ'ମର୍ଦ୍ଦ'ନୁଶା'ପୁରୁଷ'ନ୍ତି

(୨) ଶେ'ବନ୍ଦ'କିନ୍ତୁ'ମୀ'ଶୀଶ' ଶର୍ମା'ଶୁଦ୍ଧ'ମାନ୍ଦି'ଶୁଦ୍ଧ'ମର୍ଦ୍ଦ'ମୀ'ଶୁଦ୍ଧ'ମାନ୍ଦି'ଶୁଦ୍ଧ'ମର୍ଦ୍ଦ' ଶୁଦ୍ଧ' ଶର୍ମା'ଶୁଦ୍ଧ'ମାନ୍ଦି'ଶୁଦ୍ଧ'ମର୍ଦ୍ଦ'ମୀ' ଶେଷଶା'ଶୁଦ୍ଧ'ମୀ'ବନ୍ଦ' ପରେ ୨୦ ଏମା'ଛାଗ'ମର୍ଦ୍ଦ'ନୁଶା'ପୁରୁଷ'

କଣ୍ଠଶବ୍ଦ'କର୍ମନ'ଶାସନ'ତର'ଶ୍ରୀ'ହରାଶବ୍ଦିନ

୩୨. ଶ୍ରୀମଦ୍-ପତ୍ରାଲୁଷ୍ମିନ୍ଦ୍ରାଜାପଣା ଶ୍ରୀମଦ୍-ପତ୍ରାଲୁଷ୍ମିନ୍ଦ୍ରାଜାପଣା ଶ୍ରୀମଦ୍-ପତ୍ରାଲୁଷ୍ମିନ୍ଦ୍ରାଜାପଣା ଶ୍ରୀମଦ୍-ପତ୍ରାଲୁଷ୍ମିନ୍ଦ୍ରାଜାପଣା

## ଶ୍ରୀଷନ୍ତିମନ୍ଦିର

୩୨. ଶ୍ରୀପିନ୍ଦିଶାସ'ଶ୍ଵର୍ଗ' ଦ୍ୱାରାପ୍ରକଟିତରେ ଏକାକ୍ରମିତ ଶ୍ରୀପିନ୍ଦିଶାସ'ଶ୍ଵର୍ଗ' ପରିଚୟ ପାଇଲୁ ଥିଲା ।

ରଷ୍ଟ୍ରବିଧୀନ

୩୩. ଶ୍ରୀମଦ୍ଭଗବତପ୍ରକାଶନ ପରିଚୟ ପତ୍ର ପାଇଁ ପରିଚୟ ପତ୍ର ପାଇଁ ପରିଚୟ ପତ୍ର ପାଇଁ

## **Identifiability**

34. The plant variety shall be considered as identifiable, if it can be identified by a person skilled in the art of such identification and so recognized by the Competent National Authority.

## **Certificate of Origin**

35. A certificate of origin of the plant variety under this Act may be required at the discretion of the Competent National Authority.

## **Rights Conferred**

36. Entitlement to the right conferred under this Act shall vest in the person or persons who bred and developed the plant variety or its successor in title.
37. Where the person who bred and developed the plant variety is an employee, entitlement to the right conferred under this Act shall be vested in the employer, unless otherwise agreed.
38. Where an application has been filed by a person who is not entitled, the person entitled may submit a request to the Competent National Authority for reassignment of the application in its name.
39. Where the right has already been granted to the person not entitled, the person entitled may file an application for restitution of the title.

## ହଶ୍ଵାସ-ପ୍ରେସ-ହଶ୍ବାସ



ରମ୍ବନ୍ଦିନୀ'ଶୁଣ'ପାତ୍ର'ଛେ।



## ସମ୍ବନ୍ଧ ସମ୍ବନ୍ଧ ସମ୍ବନ୍ଧ

୩୮. ପତର'ନ୍ରିଷଣ'ଦ୍ଵାରି'ରେଣ'ଯୁ' ଶକ୍ତାର୍ଥଦ'ଶନି'ବ୍ରତ'ଦଷତାରୀ'ବ୍ରତ'ପମ'ନ' ଶ୍ରୀପିନ୍ଦ'ରେଣାଶ'ଶ୍ରୀରାଜ' କ୍ଷୁଦ୍ରଦ'ଶନାର୍ଥେ'ପ'ଶକ୍ତାର୍ଥ' ଶିର୍ଦମ' ଘର'କ' ଶିର୍ଦକୁ' ଘର'କ' ଦେକୁରି'ପିନ୍ଦାରାଜ'ପୁଅ'ପର୍ବତ' ପ'ଯୁ'ର୍ଧନ'

୪୨. ଶ୍ରୀ ପିତାମହ ଶ୍ରୀ ମାର୍କଣ୍ଡାଦ୍ୟମନ୍ଦାର୍ଥେ ଏବଂ ପରମାନନ୍ଦମନ୍ଦିର ଏବଂ ଶର୍ଣ୍ଣମନ୍ଦିର ଏବଂ ଶର୍ଣ୍ଣମନ୍ଦିର ଏବଂ ଶର୍ଣ୍ଣମନ୍ଦିର

## **Acts requiring the Rights Holder's Authorization**

40. The following in respect of material of varieties requires the authorization of the rights holder:
- (1) producing, reproducing or multiplication for commercial marketing;
  - (2) offering for sale, selling or other marketing;
  - (3) exporting;
  - (4) importing;
  - (5) stocking for the purpose of subsection (1) to (4).

## **Exceptions to the Rights Conferred**

### **Farmers' Rights**

41. The Competent National Authority may restrict breeder's rights in relation to plant varieties protected under this Act in order to permit farmers to save, use, exchange, share, and sell farm-saved seed or propagating material on a non-commercial basis as determined by the Competent National Authority.

### **Breeder's Exemptions**

42. The rights conferred on right holders in sections 36 to 39 of this Act shall not apply to acts framed for the purpose of breeding other varieties and shall not apply to any acts in respect of such other varieties provided these other varieties have not been essentially derived from a protected variety.

ସମ୍ବନ୍ଧରେ କାହିଁଏବଂ ଶବ୍ଦରେ କାହିଁଏବଂ କାହିଁଏବଂ



ਬੰਸਾਂ ਬਦਲਾਵਦਿਆਂ ਪਿਸਾਂ ਘੜਦਿਆਂ ਹਨ॥

藏文大藏经

୮୨. ସତରାଣୀମଶ'ଦର୍ଦ୍ଦିର୍ଦ୍ଦଶ'ବୁ' କୁପାର୍ଚ୍ଛଦ୍ଵାରାହଙ୍କ୍ଷମାର୍ଗମଧ୍ୟରେକ'ଶ୍ରୀଶ' ଶୁଦ୍ଧକ୍ଷେତ୍ରମଧ୍ୟରେହ୍ଯ-  
ପରି' ଶୁଦ୍ଧମଧ୍ୟରେଶା'ଶୁଦ୍ଧରେବଦ' ଶ୍ରୀଶ'କ୍ଷିତିର୍ଦ୍ଦଶ'ଶ୍ରୀଶ' ଶୁଦ୍ଧମଧ୍ୟରେହ୍ଯ'ଦର୍ଦ୍ଦଶ'ଶ୍ରୀଶ' ଏହେ-  
ଶ୍ରୀଶ'ଦର୍ଦ୍ଦଶ'ଶ୍ରୀଶ' ଏହେ'ଶର୍ମାଶର୍ମାଶ'ଶ୍ରୀଶ' ଶୁଦ୍ଧମଧ୍ୟରେହ୍ଯ'ଶ୍ରୀଶ' ଶାହର-  
ମାତ୍ରମଧ୍ୟରେହ୍ଯ'ଶ୍ରୀଶ'ରାଜମଧ୍ୟରେହ୍ଯ'ଶ୍ରୀଶ' କହନ୍ତିରେହ୍ଯ'ଶ୍ରୀଶ'ଶ୍ରୀଶ' କିନ୍ତୁମଧ୍ୟରେହ୍ଯ'ଶ୍ରୀଶ'-  
ହ୍ୟ'ଶ୍ରୀଶ'ଶ୍ରୀଶ'ଶ୍ରୀଶ' ଯଦ୍ରକ' ଶ୍ରୀଶ'ଶ୍ରୀଶ'କାନ୍ତମଧ୍ୟରେହ୍ଯ'ଶ୍ରୀଶ' ଶ୍ରୀଶ'ଶ୍ରୀଶ'-  
ହ୍ୟ'ଶ୍ରୀଶ'ଶ୍ରୀଶ'ଶ୍ରୀଶ' ||

ଶୈଶବ'ଶ୍ରୀପ'ଶ୍ରୀନିଃ । ଦର୍ଶନ'ଧର୍ମନ'ତୁ ॥

## **Duration of the Rights**

43. The plant variety protection shall last 20 years from date of grant of the right and 25 years for trees and vines.

## **Exhaustion of the Rights**

44. The rights conferred in sections 36 to 39 of this Act shall not extend to acts concerning any material of the protected variety or any material derived from such protected variety, which has been sold or otherwise marketed by the holder with her or his consent, unless such activities:
- (1) involve further propagation of the variety in question; or
  - (2) involve an export of material, for the purpose of propagation, into a country that does not protect varieties of the plant genus or species to which the variety belongs.

## **Compulsory Licenses**

45. A person may file an application to the Competent National Authority, for grant of a compulsory license in respect of the rights conferred under this Act.
46. A compulsory license shall not be granted unless one or more of the following conditions are fulfilled, if:
- (1) it is necessary to safeguard public interest;

# ସମ୍ବନ୍ଧଶାସ୍ତ୍ରୀକରଣ



## ସମ୍ବନ୍ଧଶାସନ



देश-दर्शन-कृष-बघा

୧୫. ସତରାତ୍ମିଶା'ଦିନି'ରେଣ୍ଟା'ଯୁ' ଶୈଷ'ନନ୍ଦ'ଶୈଷ'ପ୍ରଦି'ଶି'ର୍ଦ'ଶନ୍ଦ'କୁନ୍ଦ'ତୀଷ'ଶିଶ' ଦେଶ'ନର୍ଗଣ୍ଯ'କେଣ' ସମ'କୁ'ବିଦି'ର୍ଦ'କ'ଯୁ' କୁତ୍ପ'ପ୍ରଦାନ'କନ୍ଦ'ଭିକ'ନନ୍ଦ'ରହିବ'ଯୁ'କୁ'ଚିନ'ଶୁଣ'କେଣ'।

୧୬. ଦେଶ'ନର୍ଗଣ୍ଯ'କେଣ' ସମ'କୁ'ବିଦି'ର୍ଦ'କ'ଯୁ' ଶାନ୍ତି'ଶଶିପ୍ରାଣ'କୁନ୍ଦ'କ'ଶତୀ' ଯନ୍ତ୍ର' ଦ୍ଵୀପା' ଜ୍ଞାନ'ଲ୍ଲେ'କନ୍ଦ'ର୍ଗଣ୍ଯ'ଅଣିବା।

(୨) ଶି'ପଦ'ଶି'ପବଦ'ର୍ଦନ'ପଠନ' ସମଶ'ଶୁଣ'କୁନ୍ଦ'ଯୁ' ତେବ'ଶୁଣ'ନନ୍ଦ'ଶା ଯନ୍ତ୍ର'।

- (2) it is necessary due to insufficient supply of the subject variety by the rights holder;
- (3) a high proportion of the plant variety offered for sale by the right holder in Bhutan is being imported and not produced in the country; or
- (4) the right holder is not prepared to grant a license on reasonable commercial terms.

### **Other requirements for Granting Compulsory License**

47. The Competent National Authority shall act in compliance with the general laws and regulations in granting or refusing a compulsory license. In particular, the Competent National Authority shall:
- (1) provide opportunity to the right holder to be heard and to respond to all assertions of the applicant of the compulsory license;
  - (2) consult the interest groups and national professional organizations in the field concerned before granting or refusing a compulsory license.
48. Any appeal against the decision of the Competent National Authority to grant or refuse a compulsory license, or on the amount of equitable remuneration thereof, shall be brought before a court of law.

### **Derogation from Exceptions**

49. Any private contracts that impose restrictions on the use of the material of the variety, or parts thereof, in contravention to the exceptions set out in sections 41 and 42 of this Act shall be unenforceable.

- (၃) ସଂକଷିପ୍ତ ଅନୁଶୀଳନ କରିବାକୁ ପାଇଁ ଏହାରେ ମଧ୍ୟରେ କିମ୍ବା କିମ୍ବା ଏହାରେ ମଧ୍ୟରେ କିମ୍ବା ଏହାରେ ମଧ୍ୟରେ କିମ୍ବା ଏହାରେ ମଧ୍ୟରେ କିମ୍ବା

(၄) ସଂକଷିପ୍ତ ଅନୁଶୀଳନ କରିବାକୁ ପାଇଁ ଏହାରେ ମଧ୍ୟରେ କିମ୍ବା ଏହାରେ ମଧ୍ୟରେ କିମ୍ବା ଏହାରେ ମଧ୍ୟରେ କିମ୍ବା ଏହାରେ ମଧ୍ୟରେ କିମ୍ବା

(၅) ସଂକଷିପ୍ତ ଅନୁଶୀଳନ କରିବାକୁ ପାଇଁ ଏହାରେ ମଧ୍ୟରେ କିମ୍ବା ଏହାରେ ମଧ୍ୟରେ କିମ୍ବା ଏହାରେ ମଧ୍ୟରେ କିମ୍ବା

ଦେଶ-ଦର୍ଶନ-କ୍ଷେତ୍ର-ବିଜ୍ଞାନ-ପାଠ୍ୟ-ବିଷୟ-ବିଭାଗ

୧୯. କୁଣ୍ଡଲିଙ୍ଗାର୍ଥମାନରେତ୍ତିକୁଣ୍ଡଲିଙ୍ଗାର୍ଥମାନରେତ୍ତି ଦେଶର୍ମଣକ୍ଷାବସାଧନର୍ମଣ ଯନ୍ତ୍ର ବାଶରଦି  
ଏବଂ ପରିବହନ କୁଣ୍ଡଲିଙ୍ଗାର୍ଥମାନରେତ୍ତି ଦେଶର୍ମଣକ୍ଷାବସାଧନର୍ମଣ ଯନ୍ତ୍ର ବାଶରଦି  
ଏବଂ ପରିବହନ କୁଣ୍ଡଲିଙ୍ଗାର୍ଥମାନରେତ୍ତି

(୧) ବିଶ୍ୱାସର୍ମଣକ୍ଷାବସାଧନର୍ମଣ ଦେଶର୍ମଣକ୍ଷାବସାଧନର୍ମଣ ଯନ୍ତ୍ର  
ବାଶରଦି ଏବଂ ପରିବହନ କୁଣ୍ଡଲିଙ୍ଗାର୍ଥମାନରେତ୍ତି

(୨) ଦେଶର୍ମଣକ୍ଷାବସାଧନର୍ମଣ ଯନ୍ତ୍ର ବାଶରଦି ଏବଂ ପରିବହନ କୁଣ୍ଡଲିଙ୍ଗାର୍ଥମାନରେତ୍ତି

୨୦. କୁଣ୍ଡଲିଙ୍ଗାର୍ଥମାନରେତ୍ତି ଦେଶର୍ମଣକ୍ଷାବସାଧନର୍ମଣ ଯନ୍ତ୍ର ବାଶରଦି  
ଏବଂ ପରିବହନ କୁଣ୍ଡଲିଙ୍ଗାର୍ଥମାନରେତ୍ତି ଦେଶର୍ମଣକ୍ଷାବସାଧନର୍ମଣ ଯନ୍ତ୍ର ବାଶରଦି  
ଏବଂ ପରିବହନ କୁଣ୍ଡଲିଙ୍ଗାର୍ଥମାନରେତ୍ତି

## ଯଦ୍ରଶ'କଣ'ପଶ'ଦଶ'ପ'ଶ

୯୨. ଶ୍ରେଷ୍ଠୀୟକାର୍ଯ୍ୟିତାକୁ ଦିଶାପାଇଲୁ ଏହାରେ ମଧ୍ୟରେ ଯଦୁକା ଦେଖିବାକୁ ଅନୁରୋଧ କରିଛନ୍ତି ଏହାରେ ମଧ୍ୟରେ ଯଦୁକା ଦେଖିବାକୁ ଅନୁରୋଧ କରିଛନ୍ତି

## **Application for Protection**

50. A person may file an application for a plant variety right under this Act and the procedures of application shall be prescribed in the Rules.

## **Examination**

51. Under the supervision of the Competent National Authority, the variety shall be examined based on the results obtained by the applicant as prescribed in the Rules.

## **Denomination**

52. The denomination of a protected variety shall be its generic designation in a way that the variety may be identified. The denomination may consist of any suitable word, combination of words, combination of words and figures or combination of letters and figures, provided that the denomination allows the variety to be identified.

## **Interface with Seed Certification System**

53. The rights conferred under this Act shall be separate from the measures taken by the Royal Government of Bhutan to regulate the production, certification and marketing of material of plant varieties or the importing or exporting of such material.

শুন্মুক্ষু-পু-শু-দু-বু-শু-বু-শু-

୫୦. କିମ୍ବା କେଣ ଶୀତା ଏକତର ପ୍ରିସନ ଦର୍ଦ୍ଦିରେ ଦେଖିଲୁ ଶୁଣି ବିଦ୍ରୋହିଙ୍କାରୀଙ୍କ ଦୂର୍ଦ୍ଵୟାକୁ କୁଣ୍ଡିଷାକୁ  
କହିଲୁ କିମ୍ବା କେଣ ଶୀତା ଏକତର ପ୍ରିସନ ଦର୍ଦ୍ଦିରେ ଦେଖିଲୁ ଶୁଣି ବିଦ୍ରୋହିଙ୍କାରୀଙ୍କ ଦୂର୍ଦ୍ଵୟାକୁ କୁଣ୍ଡିଷାକୁ

पह्ला विषय

- ୫ୟ. ସତର୍ପିଷା'କନ୍ଦକେନ୍ଦ୍ର'ସର୍ଗନ୍ଦ'ଯ୍ରଦ'ମି'ନନ୍ଦ'ବନ୍ଧୀପ'ନ୍ତେ' କୁ'ପିଷା'ଶୁଦ୍ଧ'ମି'ଶୀଶ'ବ୍ରତ'ଯ୍ରଦ'ପରି'ଶୁଦ୍ଧ'  
ଦଶା'କୁ'ଲୁ' ଶକ୍ତି'ପବନ'ଶ୍ଵେତଶ'ଶ୍ଵର' କୁତ୍ପ'ଯ୍ରଦ୍ଵା'କନ୍ଦଲ'ଶୁଦ୍ଧନନ୍ଦିନ'ଶୀଶ' ଶୁଦ୍ଧିର୍ଣ୍ଣା  
ବ୍ରତ'ଶୁଦ୍ଧନହନ'ବିଷ'ଦଶନ'ର୍ଣ୍ଣ॥

ଶ୍ରୀଦୟତ୍ତଶା

୫୨. ଶୁଦ୍ଧକ୍ଷେପ-ରୀଣାଶ-ଶ୍ଵେତିଶ-ଶୀ-ଶିଦ-ହଶାଶ-ନ୍- ରୀଣାଶ-ଶ୍ଵେତିର୍ଦ୍ଦୟ-ରୀଦ୍ଵୀଳ-ଶୁ- ରେଣାଶ-ରୀଦ୍ଵୀଳ-ଶୁ-  
ରୀଣାଶ-କୃଦ୍ରଦ୍ସ-ରୀଦ୍ଵୀଳ-ତତ୍-ନ୍ରୋ ରୀଣାଶ-କୃଦ୍ରଦ୍ସ-ରୀଦ୍ଵୀଳ-ତତ୍-ଶୁ-ଶିଦ-ହଶାଶ-ନ୍-ଯଦ୍ରଦ୍ସ-ଶ୍ଵେତ-  
ର୍ଦ୍ସ-ରୀଦ୍ଵୀଳ-ର୍ଦ୍ସ-ଶୁ- ରେଣାଶ-ରୀଦ୍ଵୀଳ-ଶୁ- ଶିଦ-କ୍ଷେତ୍ର-ଦକ୍ଷିଦ-କ୍ଷେତ୍ର-ଶାଶ୍ଵତ- ଶିଦ-କ୍ଷେତ୍ର-  
ଦକ୍ଷିଦ-ଶାଶ୍ଵତ-ଶାଶ୍ଵତ-ଶୁ- ଯଦ୍ର-ନ- ପିଣ୍ଡ-ଶାଶ୍ଵତ-ଦକ୍ଷିଦ-ଶାଶ୍ଵତ-ଶାଶ୍ଵତ- ଶାଶ୍ଵତ-  
ଶାଶ୍ଵତ-କ୍ଷେତ୍ର]

୫୩. ସତର୍ଣ୍ଣିବନ୍ଦାମନ୍ଦିରାପାଇଁ ବ୍ରଦ୍ଧବନ୍ଦଶ୍ଵରମନ୍ଦିରାପାଇଁ ରମ୍ଭାକୁଳମାଲାଶ୍ଵରମନ୍ଦିରାପାଇଁ  
ଶ୍ଵରମନ୍ଦିରାପାଇଁ କୁଟୀପରିବହନମାଲାଶ୍ଵରମନ୍ଦିରାପାଇଁ ରମ୍ଭାକୁଳମାଲାଶ୍ଵରମନ୍ଦିରାପାଇଁ  
କୁଟୀପରିବହନମାଲାଶ୍ଵରମନ୍ଦିରାପାଇଁ ଯଦ୍ରିକୁଳମାଲାଶ୍ଵରମନ୍ଦିରାପାଇଁ ଯଦ୍ରିକୁଳମାଲାଶ୍ଵରମନ୍ଦିରାପାଇଁ  
କୁଟୀପରିବହନମାଲାଶ୍ଵରମନ୍ଦିରାପାଇଁ ଯଦ୍ରିକୁଳମାଲାଶ୍ଵରମନ୍ଦିରାପାଇଁ

## **Interface with Patent Law**

54. Notwithstanding any patent rights restricting the use of material of the variety or parts thereof, the exceptions as set out in sections 41 and 42 of this Act shall apply.

## **Nullity of Breeder's Right**

55. The Competent National Authority shall declare a breeder's right null and void when it is established that:
- (1) the conditions laid down in sections 29 to 34 of this Act are not complied with at the time of the grant of the breeder's right; or
  - (2) the breeder's right has been granted to a person who is not entitled to it.

## **Cancellation of Breeder's Right**

56. The Competent National Authority may cancel a breeder's right, if the conditions laid down in sections 29 to 34 of this Act are no longer fulfilled.
57. The Competent National Authority may cancel a breeder's right granted, if the breeder within a prescribed period fails to:
- (1) provide the Competent National Authority with the information, documents or material deemed necessary for verifying the maintenance of the variety;
  - (2) pay such fees as may be payable to keep the right in force; or

དཔྱ-ଶଶ୍ର-ତ୍ରୀଶ-ଦ୍ଵାଶୀ-ନଷ୍ଟେପ-କର୍ମଶୀ

୫୯. ଦର୍ଶନ-ଧର୍ମ-ବୈଷଣିକ-ଶ୍ଵର୍ତ୍ତ୍ତୁ ଯଦ୍ୱା ଦୈତ୍ୟ-କଣ୍ଠ-ଶ୍ଵର୍ତ୍ତ୍ତୁ-ଶ୍ରୂଦ୍ଧ-ବୈଦିକ-ବନ୍ଦାଧନ- ଦୟ-ଶଶ୍ରୀ-ବନ୍ଦାଧନ-  
ବାଗାମ-ଦର୍ଶନ-ପ୍ରାଚ୍ୟ-ଶ୍ରୀ-ପଦ- ସତର-ପ୍ରାଚ୍ୟ-ଶ୍ରୀ-ଦିନ-ଦର୍ଶନ-କର- ୮୨ ପାଇସ- ୧୧ ପରି-ବନ୍ଦ-ଶର୍ଗୋ-  
ଦିନ-ପାଇସ-କଣ-ଦର୍ଶନ-ପାଇସ

ସୈଷାଶ'ଶ୍ରୀପ'ଶ୍ରୀକୁମାର'ଶ୍ରୀବ୍ରଦ୍ଧନାଥ'ଶ୍ରୀରାଜଶ'ଶ୍ରୀଦେଵ



ଶୈଶବ୍ୟ'ଶ୍ରୀଶିଳ୍ପାଦକ'କବେଦ'ଶହରୀ

୫୯. ସତର୍ଣ୍ଣିବଶ'ନ୍ଦିରି'ଦକ'ର' ୧୯ ପାଠୀ ଥିଲେ ପଦି'ରଦ' ରତ୍ନଦ'ିର୍ଯ୍ୟଦ'ମି' ଶବ୍ଦରୁକ୍ତି  
ବାଦଶୂନ୍ୟକ' କୁଳାର୍ଥିରାହିନ୍ଦିରିରୁଣ୍ୟଶ୍ରୀଶ' ରୈଶାଶ୍ରେଷ୍ଠ'ମି'ଶିର୍ବନ୍ଦରକୁଳକ'ବେଦ  
ଶନ୍ଦରକ୍ଷଣ॥

୬୦. ରୈଶାଶ୍ରେଷ୍ଠ'ମି'ଶିଶ' କେନ୍ଦ୍ର'ର୍ଗମରି'ନୁଶ'ଯୁଵ'ରଦ' ଶର୍ଵାଶଶବ୍ଦ'ଶ୍ରୀପଶ'ଶ୍ରୀରଶ୍ଵର'କି  
ପଶ' ରମ୍ଭଶ'ର୍ଷଦ'ରମ୍ଭଦପ'ତେନ' କୁଳାର୍ଥିରାହିନ୍ଦିରିରୁଣ୍ୟଶ୍ରୀଶ' ରୈଶାଶ୍ରେଷ୍ଠ'ମି'ଶ୍ରୀ  
ଶବ୍ଦରୁକ୍ତିର୍ଯ୍ୟଦ'ମରି'ଶବ୍ଦରକ'ବେଦ'ଶନ୍ଦରକ୍ଷଣ॥

(୧) କୁଳାର୍ଥିରାହିନ୍ଦିରିରୁଣ୍ୟଶ୍ରୀଶ' ରୈଶାଶ୍ରୀକୁଳଶ୍ରୀରାହିନ୍ଦିରୁଣ୍ୟଶ୍ରୀ  
ଶବ୍ଦରୁକ୍ତିରାହିନ୍ଦିରିରୁଣ୍ୟଶ୍ରୀଶ' ରୈଶାଶ୍ରୀକୁଳଶ୍ରୀରାହିନ୍ଦିରୁଣ୍ୟଶ୍ରୀ ଯନ୍ତ୍ରା  
(୨) ଶବ୍ଦରକ'ବେଦ'ଶ୍ରୀରାହିନ୍ଦିରୁଣ୍ୟଶ୍ରୀଶ' ଶବ୍ଦରୁକ୍ତିରାହିନ୍ଦିରୁଣ୍ୟଶ୍ରୀ

- (3) propose another suitable denomination, where the denomination of the variety is cancelled after the grant of the rights.

## **CHAPTER 5**

### **ACCESS TO GENETIC RESOURCES**

#### **Access to Genetic Resources**

58. Access to genetic resources shall be obtained through one of the following procedures:

- (1) Scoping Agreement;
- (2) Access and Benefit Sharing Agreement;
- (3) Material Transfer Agreement; or
- (4) Standard Material Transfer Agreement.

#### **Access Proposal**

59. A user shall submit to the National Focal Point an access proposal for access to genetic resources in the format prescribed in the Rules along with a processing fee wherever applicable.

60. The National Focal Point shall assess the access proposal against the criteria set out in the Rules and inform the user in writing of the decision taken as per the time stipulated in the Rules.

ੴ ਪ੍ਰਾਤਿ ੫

# ଶ୍ରୀମଦ୍ଭଗବତ

ଶୈଶବ·କୁଳ·ବ୍ସନ୍ଦଶ·କୁଣ୍ଡଳୀ·ବ୍ସନ୍ଦଶ·କୁଣ୍ଡଳୀ



## ବ୍ସନ୍ତ ଶ୍ରୀ ଶ୍ରୀ ଦକ୍ଷ

୫୯. ଶ୍ରୀଦକ୍ଷିଣାଶିଳା ସତର୍ପିଣୀକର୍ମକେନ୍ଦ୍ରୀୟାଗୋଦିଶିଶ୍ଵିଶାଳ୍ମଲ୍ଲାଙ୍କୁ ଶିଶ୍ଵିଶାଳ୍ମଲ୍ଲାଙ୍କୁ  
ଶ୍ରୀଦକ୍ଷିଣାଶିଳାକୁ ଶ୍ରୀଦକ୍ଷିଣାଶିଳାକୁ ଶ୍ରୀଦକ୍ଷିଣାଶିଳାକୁ  
ଶ୍ରୀଦକ୍ଷିଣାଶିଳାକୁ

୬୦. ଶ୍ରୀଦକ୍ଷିଣାଶିଳାକୁ ଶ୍ରୀଦକ୍ଷିଣାଶିଳାକୁ ଶ୍ରୀଦକ୍ଷିଣାଶିଳାକୁ  
ଶ୍ରୀଦକ୍ଷିଣାଶିଳାକୁ ଶ୍ରୀଦକ୍ଷିଣାଶିଳାକୁ ଶ୍ରୀଦକ୍ଷିଣାଶିଳାକୁ

61. The National Focal Point shall determine the conditions of access based on the access proposal and intended use of the genetic resources as prescribed in the Rules.
62. An access proposal is the basis for negotiation of either a Scoping Agreement or an Access and Benefit Sharing Agreement.
63. The Competent National Authority shall have the final authority to approve or reject an access proposal to genetic resources based on the recommendation of National Focal Point.
64. The National Focal Point may submit request for exemptions from procedural requirements or a fee waiver under this Act to the Competent National Authority where the access to genetic resources is driven by national priorities and programmes.
65. The Competent National Authority shall, for the purpose of section 64 of this Act, render its decision based on the degree of benefit that may accrue to the nation in general and a community in particular.

### **Prior Informed Consent**

66. The National Focal Point shall before entering into Scoping Agreement or Access and Benefit Sharing Agreement seek prior informed consent of the providers of genetic resources or holders of associated traditional knowledge as prescribed in the Rules.

୫୮. କୁପ୍ତିର୍ଦୟଶାର୍କକଣ୍ଠାଶାର୍କତକ୍ଷଣୀଶ' ଶର୍ଵଦ୍ୱାଦୁଷ୍ଟୁଷାର୍ଥକୁ' ଯନ୍ତ୍ର' ସଂଶ୍ଲେଷନାଷେଷକର୍ଷ' ସମ୍ପର୍କେଷନାକୁଳାପର୍ବତେ ଦେଖିବା ଏକାଧିକାରୀଙ୍କ ଦେଖିବାରେ ଏହାରେ କୁପ୍ତିର୍ଦୟଶାର୍କକଣ୍ଠାଶାର୍କତକ୍ଷଣୀଶ' ଶର୍ଵଦ୍ୱାଦୁଷ୍ଟୁଷାର୍ଥକୁ' ଯନ୍ତ୍ର' ସଂଶ୍ଲେଷନାଷେଷକର୍ଷ' ସମ୍ପର୍କେଷନାକୁଳାପର୍ବତେ ଦେଖିବା ଏକାଧିକାରୀଙ୍କ ଦେଖିବାରେ ଏହାରେ

## **Relationship to Other Permits**

67. A Scoping Agreement, Access and Benefit Sharing Agreement, Material Transfer Agreement, or Standard Material Transfer Agreement is not a substitute for other permits or clearance required for collection of genetic resources under the relevant laws in force.
68. If a user requires a permit or clearance from other agencies, the National Focal Point may assist the user to obtain such permit before execution of a contract.
69. The National Focal Point shall, at any stage of access, determine whether there is a need to carry out resource sustainability assessment for access to genetic resources.
70. The concerned user shall bear the cost for conducting resource sustainability assessment under section 69 of this Act.

## **Scoping Agreement and Access and Benefit Sharing Agreement**

### **General Procedure**

71. A user obtaining access to genetic resources for commercial utilization including commercial research shall enter either directly into Access and Benefit Sharing Agreement or a Scoping Agreement followed by Access and Benefit Sharing Agreement.
72. The National Focal Point on behalf of the providers of genetic resources shall, subject to approval of the access proposal by the Competent National Authority, negotiate a Scoping Agreement or Access and Benefit Sharing Agreement with the user.

କେଶ-ସମ୍ବନ୍ଧ-ଶବ୍ଦର୍ଦ୍ଦିନ୍ଦ୍ରପ୍ରେସ୍-ଏ



୨୨. ଶ୍ରୀଦ୍ଵାରା କିମ୍ବା ଶିଶୁ ହିଂସା କରିବାରେ ଅନୁରୋଧ କରିଛନ୍ତି ଏହାରେ ପରିଚାରକ ହିଂସା କରିବାରେ ଅନୁରୋଧ କରିଛନ୍ତି ଏହାରେ ପରିଚାରକ ହିଂସା କରିବାରେ ଅନୁରୋଧ କରିଛନ୍ତି

୨୨. କୁପିର୍ଦ୍ଦଶ-ର୍କଷା-ଶର୍ତ୍ତ-କବ-ଶ୍ରୀଶ' କୁପିର୍ଦ୍ଦଶ-କର୍ଦ୍ମଳାର-ନବାର୍ଦ୍ଦିକ-ଶ୍ରୀ-ଶରଦ-ଶ-ନଦ-ରାଷ୍ଟ୍ରିପ-  
ଶେଷଶ-କୁରୁ-ବୈକ-ପ୍ରଦଶ-ଶ୍ରୀନାଥ-କୁରୁକ୍ଷିତ-କର୍ଦ୍ଦଶ-ପଶ-ଶ୍ରେ' ଶ୍ରୀନାଥ-ଶ-ନଦ-ରାଷ୍ଟ୍ରିପ-  
ଯନକ- ବୈଶ-ଶ୍ରୀନଦ-ପାତ୍ର-ଶର୍ମା-ଶପରି-ଶାକ-ଶ୍ରୀ ବସୁବ-ଶ୍ରୀଶ-ନବଦ-ରାଷ୍ଟ୍ରି

73. The National Focal Point shall, upon completion of the negotiation, submit the outcome to the Competent National Authority for approval.
74. The Competent National Authority may recommend changes to a Scoping Agreement or Access and Benefit Sharing Agreement before its approval.
75. If the user does not agree to the changes recommended by the Competent National Authority under section 74 of this Act, the National Focal Point may further negotiate with the user.
76. The provider of genetic resources shall subject to the approval of the negotiated terms by the Competent National Authority, execute a Scoping Agreement or Access and Benefit Sharing Agreement with the user in the presence of the National Focal Point.

### **Scoping Agreement**

77. A user may obtain a Scoping Agreement for initial exploratory phase of research, and development with the aim of establishing commercial research potential.
78. A Scoping Agreement shall either be a standard contract as may be prescribed in the Rules, or a negotiated contract.
79. The existence of a Scoping Agreement shall not bind the National Focal Point to enter into an Access and Benefit Sharing Agreement.
80. A Scoping Agreement shall be conditional on the payment of a processing fee and a commitment fee as prescribed in the Rules which is non-refundable.

শ্রীকৃষ্ণনাম

81. A user shall not transfer research results or accessed genetic resources to a third party without the prior written approval of the Competent National Authority.
82. If a user transfers research results or accessed genetic resources to a third party for product development and commercial utilization, the third party shall put forward an access proposal for negotiating an Access and Benefit Sharing Agreement.
83. A user not intending to enter into Access and Benefit Sharing Agreement shall surrender accessed genetic resources, research results, and related information to the National Focal Point as determined in the Scoping Agreement.
84. The National Focal Point shall have ownership over the research results, accessed genetic resources, and relevant information surrendered under section 83 of this Act.

#### **Access and Benefit Sharing Agreement**

85. Access and Benefit Sharing Agreement is based on mutually agreed terms and include fair and equitable sharing of benefits as per the conditions set in Chapter 7 of this Act.
86. Notwithstanding anything contained in section 77 of this Act, a user may directly enter into an Access and Benefit Sharing Agreement without entering into Scoping Agreement, where the National Focal Point and the user considers it appropriate.

ਬੰਸ·ਖੂੰਦ·ਨਾਲੇ·ਅਕ·ਧਰੰਗ·ਧਰੰਗ·ਨਾਲੇ·ਅਕ·ਖੂੰ

87. An Access and Benefit sharing Agreement sets out the terms and conditions for access to and utilization of genetic resources or access to and utilization of associated traditional knowledge for research or commercial purposes.
88. An Access and Benefit Sharing Agreement shall be conditional on the payment of a processing fee and a commitment fee as prescribed in the Rules which is non-refundable.

Provided that the commitment fee shall not be payable, if the payment has been made at the scoping phase.

### **Certificate of Compliance**

89. The Competent National Authority shall issue certificate of compliance to the user upon execution of a Scoping Agreement or Access and Benefit Sharing Agreement.
90. A certificate of compliance serves as evidence that the genetic resources or associated traditional knowledge have been accessed in accordance with the provisions of this Act.

### **Material Transfer Agreement**

91. A Material Transfer Agreement is a contract to ensure facilitated transfer of genetic resources.
92. A user may, subject to the approval of the Competent National Authority, obtain Material Transfer Agreement for any of the following purposes:
  - (1) specific academic research by a student without commercial intent for the purpose of obtaining academic degree;

୧୯. ସମ୍ବନ୍ଧଦର୍ଶକେ ଅକ୍ଷର ପରିଚୟ କରୁଥିଲେ ଏହା କୁଣ୍ଡଳ ସମ୍ବନ୍ଧଦର୍ଶକେ ଅକ୍ଷର ପରିଚୟ କରୁଥିଲେ ଏହା କୁଣ୍ଡଳ ସମ୍ବନ୍ଧଦର୍ଶକେ ଅକ୍ଷର ପରିଚୟ କରୁଥିଲେ

୨୦. ସମ୍ବନ୍ଧଦର୍ଶକେ ଅକ୍ଷର ପରିଚୟ କରୁଥିଲେ ଏହା କୁଣ୍ଡଳ ସମ୍ବନ୍ଧଦର୍ଶକେ ଅକ୍ଷର ପରିଚୟ କରୁଥିଲେ ଏହା କୁଣ୍ଡଳ ସମ୍ବନ୍ଧଦର୍ଶକେ ଅକ୍ଷର ପରିଚୟ କରୁଥିଲେ

## କୁର୍ରାକର୍ଷମ୍ବୁଦ୍ଧିଶବ୍ଦାଳୀ

୧୨. କୁହର୍ଷ୍ୟସୁଦ୍ଧୀଶବ୍ଦକୁହିନ୍ଦି ରୈଶାକୁହର୍ଷ୍ୟସୁଦ୍ଧାକୁହର୍ଷ୍ୟସୁଦ୍ଧାରସନଭାନ୍ ଜ୍ଞାନବସନ୍  
ରସନଦର୍ଶପାଦିଶାପତର୍ବକିରିଶବ୍ଦକୁହିନ୍ଦି

୧୩. କୁପର୍ଦ୍ଦଶାରକନ୍ଦିଲ୍ଲବନଦର୍ଶିକାଶ୍ରୀଶବ୍ଦଶାରକନ୍ଦିଲ୍ଲବନଦର୍ଶିପାନ୍ ଶୁଦ୍ଧାଶୀର୍ଦ୍ଦିଶାଶୀଶା ଶାରପାଦର୍ଶନ୍  
ଶବ୍ଦର୍ଦ୍ଦଶକୁହିନ୍ଦିଲ୍ଲବନଶା କୁହର୍ଷ୍ୟସୁଦ୍ଧୀଶବ୍ଦକୁହର୍ଷ୍ୟସୁଦ୍ଧାକୁହର୍ଷ୍ୟସୁଦ୍ଧାରସନଭାନ୍

(୨) ଶ୍ରୀପଶୁଷାର୍ଦ୍ଦିଶାଶୀଶା କହନ୍ଦିଲ୍ଲବନଶାପାମେଦିପାନ୍ ଶ୍ରୀପଶୁଷାର୍ଦ୍ଦିଶାଶୀଶବ୍ଦଶାପାନ୍  
କହନ୍ଦିଲ୍ଲବନଶା କହନ୍ଦିଲ୍ଲବନଶାପାମେଦିଶାକିରିଶବ୍ଦଶାରକହନ୍ଦିଲ୍ଲବନଶା ଯନ୍ତ୍ରି

- (2) exchange of samples between national and international institutions for research without commercial intent;
  - (3) sample testing for specific purposes as determined by the National Focal Point and approved by the Competent National Authority; or
  - (4) such other cases as may be determined by the Competent National Authority.
93. The National Focal Point shall determine whether a user qualifies for a Material Transfer Agreement under section 92 of this Act.

### **Access to Plant Genetic Resources for Food and Agriculture**

94. Access to duly registered ex-situ collections of Plant Genetic Resources for Food and Agriculture under Annex-1 of the International Treaty on Plant Genetic Resources for Food and Agriculture specifically for food and feed purposes shall be in accordance with the terms and conditions of the Multilateral System of Access and Benefit-sharing of the Treaty.

Provided that the Competent National Authority has declared the Plant Genetic Resources for Food and Agriculture to be in the public domain and under the management and control of the Government.

ଶିବ-ତୁମ୍ କୃପ-ଚେନ୍ଦ୍ରା-କହ-ଇଲା-ନଷଦ-ରହି-ବ-ଶ୍ରୀଶ- ସତ୍ୟ-ଦସୁନ-ଦର୍ଶା-କା-ଶ୍ରୀ-ଦର୍ଶା- ଶ୍ରୀ-ପି-  
ଶ୍ରୀ-ଶିଶ-କୁଳ-ବୈଶ-ନ୍ଦ୍ରା-କୁ- ଶି-କନ-କନଦ-ରତ୍ନ-ଶା-ନା- ଶାଖୁନ-ଶୀ-ରହି-ବ-ଶ୍ରୀ-ଦର୍ଶା-କା-ରହି-ବ-ରତ୍ନ-ଶା-  
ଶିବ-ପଦେ- ସଶ୍ଵା-ଶ୍ଵରା-ନଷଦ-ନଷଦ-କିଶ-ରତ୍ନ-ଶା-

95. The Competent National Authority shall categorize Plant Genetic Resources for Food and Agriculture that are in the public domain and under the management and control of the Government.
96. If there is a reasonable ground to believe that a sample will be used for non-food or non-feed purposes, the National Focal Point may determine access to such plant genetic resources subject to Access and Benefit Sharing requirements provided in this Act.
97. Plant genetic resources for food and agriculture that are held by a public collection in Bhutan or outside and not explicitly declared to be in the public domain are not covered by the Multilateral System of Access and Benefit-sharing and shall be dealt in accordance with Access and Benefit Sharing requirements.

### **Standard Material Transfer Agreement**

98. A Standard Material Transfer Agreement is a standard contract to ensure access to plant genetic resources for food and agriculture under Multilateral System of Access and Benefit Sharing of the Treaty.

### **Sample Transfer Certificate**

99. A sample transfer certificate as provided in the Rules shall be issued by the National Focal Point to facilitate transfer of samples of genetic material under a Scoping Agreement, Access and Benefit Sharing Agreement or Material Transfer Agreement or Standard Material Transfer Agreement.

# ଶବ୍ଦାଳ୍ପିନୀ



# ବ୍ୟାକ୍‌ହର୍ଷ-ଶ୍ଵରୁଦ୍ଧ-ପଣ୍ଡା

୧୨. କୁପ୍ତ-ଫେର୍ମା-ଦ୍ଵାରା ଗାତ୍ର-ଶ୍ରୀଶ-ଶ୍ରୀକ-ଦ୍ୟୁମ୍ନ-ଶର୍କୁ' ଶର୍ଷ-ଶ୍ରୀଦ୍ୟୁମ୍ନ-ଦ୍ୟୁମ୍ନ-ଶର୍କୁ' ଯଦ୍ଵା' କୁ-କଣ୍ଠ-ପ୍ରସୁଦ୍ଧୀ-ଶ୍ରୀ-ଶର୍କୁ' ଯଦ୍ଵା' ଶର୍କୁ-କଣ୍ଠ-ପ୍ରସୁଦ୍ଧୀ-ଶ୍ରୀ-ଶର୍କୁ' ଦେଶ-ପୁ' ଦେଶ-ପୁ' ଶ୍ରୀ-କୁ-କରେ-ଦ୍ୟେ-କଣ୍ଠ-ଶ୍ରୀ-ପ୍ରସୁଦ୍ଧୀ-ଶର୍କୁ-ଶ୍ରୀ-ଦ୍ୟୁମ୍ନ-ଶର୍କୁ' ଏତର-ଫିର୍ବଦ-ରାଜିଦ-ଦ୍ୟେ-ଦ୍ୟୁମ୍ନ-ଶର୍କୁ' ଦ୍ୟେ-କଣ୍ଠ-ଶ୍ରୀ-ପ୍ରସୁଦ୍ଧୀ-ଶର୍କୁ' ଆର୍ଦ୍ର-ଶ୍ରୀ

100. The sample transfer certificate shall indicate the place from where the sample is collected and the destination of the sample.

## **CHAPTER 6**

### **ACCESS TO TRADITIONAL KNOWLDEGE ASSOCIATED WITH GENETIC RESOURCES**

#### **Documentation, Preservation, and Protection**

101. The National Focal Point in order to ensure the continuity of the rich traditional knowledge associated with genetic resources shall, promote its documentation, preservation, and protection.

102. The National Focal Point shall, be the central coordinating agency for inventory, documentation and regulation of traditional knowledge associated with genetic resources.

Provided that non-documentation of associated traditional knowledge shall not deprive the National Focal Point, local communities, or individuals holding the knowledge from entering into Access and Benefit Sharing Agreement.

103. The National Focal Point shall maintain a national database on traditional knowledge for documenting the information on traditional knowledge associated with genetic resources.

104. Any other national entity intending to inventory and document traditional knowledge associated with genetic resources shall require prior approval of the Competent National Authority on recommendation of the National focal Point.

၁၀၀. དཔེ་ཆ්ද-ස්-සමුද-ෂ්-ය- ཆේ- ས- ན- ད- ཕ- དྷ- མ- བ- ན- ད- བ-  
      - ད- ད- བ- ན- ད- བ- ན- ད- བ- ན- ད- བ- ན- ད- བ-

୪୮

ପିଷା-ଶ୍ରୀ-ପର୍ବତ-କି-ନ୍ଦ- ମି-ଅପାଣ-କୁଟ-ଶ୍ରୀ- ନ୍ରି-ପାଣ- ଲେ-କ-ଶୁଣ-



୧୦୨. କୁପ୍ତିର୍ଦ୍ଦସ-ର୍ଦ୍ଦତ୍ତା-ମାର୍ତ୍ତି-କର୍ତ୍ତା-ର୍ଦୀ ଶୁଦ୍ଧିଷ୍ଠ-ମେଲା-ର୍ଦ୍ଦତ୍ତ ରହିଲେ-ମା-ର୍ଦ୍ଦ-ପଦି-ର୍ଦ୍ଦିଶ-କୁର୍ତ୍ତ-ବ୍ରତ  
କୁର୍ତ୍ତା-କୁର୍ତ୍ତି-ମର୍ଦ୍ଦିନ-ବ୍ରତ-ର୍ଦ୍ଦ ଘିରା-ବ୍ରତ-ପର୍ଗନ-ର୍ଦୀ ଦୀ-ପଶ- କର୍ତ୍ତା-ର୍ଦ୍ଦିନ-କୁର୍ତ୍ତା-ପୁରୁଷ- ପାତ୍ରଶ-ରହିଲେ  
କୁର୍ତ୍ତା-କୁର୍ତ୍ତି-ମର୍ଦ୍ଦିନ-ବ୍ରତ-ର୍ଦ୍ଦ ଘିରା-ବ୍ରତ-ପର୍ଗନ-ର୍ଦୀ ଦୀ-ପଶ- କର୍ତ୍ତା-ର୍ଦ୍ଦିନ-କୁର୍ତ୍ତା-ପୁରୁଷ- ପାତ୍ରଶ-ରହିଲେ

୨୦୩. କୁପିର୍ଣ୍ଣଦୟାର୍ତ୍ତକଷାମାର୍ତ୍ତକର୍ମଶ୍ରୀଶ ' ଶୁର୍ବଞ୍ଚେଷାର୍ପିକର୍ମଦ ' ରହେଯାର୍ପିଦ୍ସଦିଶିଶାଶ'କୁର୍ବିର୍ବି  
ଶୁର୍ବଦୟାର୍ତ୍ତକଷାମାର୍ତ୍ତକର୍ମଶ୍ରୀଶ ' ଶୁର୍ବଞ୍ଚେଷାର୍ପିକର୍ମଦ ' କୁର୍ବିର୍ବି  
ଶୁର୍ବଦୟାର୍ତ୍ତକଷାମାର୍ତ୍ତକର୍ମଶ୍ରୀଶ ' ଶୁର୍ବଞ୍ଚେଷାର୍ପିକର୍ମଦ ' କୁର୍ବିର୍ବି

୨୦୯. କୁପିର୍ଦ୍ଦଶ'ଗ୍ରୀଷମ'ଶ୍ଵେତାବଦ୍ସୁଦ୍ଧିଶ'ଶିଶ' ଶୁଦ୍ଧିଶ୍ଵେତ'ପରିଦ୍ଵିଶ'  
କୁପିର୍ଦ୍ଦଶ'ଗ୍ରୀଷମ'ଶ୍ଵେତାବଦ୍ସୁଦ୍ଧିଶ'ଶିଶ' ପରିଦ୍ଵିଶ'ପରିଦ୍ଵିଶ'  
କୁପିର୍ଦ୍ଦଶ'ଗ୍ରୀଷମ'ଶ୍ଵେତାବଦ୍ସୁଦ୍ଧିଶ'ଶିଶ' ପରିଦ୍ଵିଶ'ପରିଦ୍ଵିଶ'

105. The documentation of traditional knowledge associated with genetic resources shall be based on prior informed consent of the providers.
106. The National Focal Point shall ensure the protection of the rights of traditional knowledge holders and promote the utilisation and benefit sharing with the right holders.
107. Access to traditional knowledge associated with genetic resources for research and commercial utilization shall be regulated to promote fair and equitable sharing of benefits from its use.

### **Community Protocol**

108. The National Focal Point shall support and promote communities to develop community protocols on traditional knowledge associated with genetic resources, if necessary.

### **Providers of Traditional Knowledge Associated with Genetic Resources**

109. A community shall be the provider of traditional knowledge associated with genetic resources held within a community, unless an individual is recognised as the holder of the knowledge by that community.
110. If traditional knowledge associated with genetic resources is held by more than one community, the Competent National Authority upon the recommendation of the National Focal Point shall have the right to engage any of the communities as the providers of traditional knowledge.

၁၀၅. ଶ୍ରୀନ୍ଦୟପାତ୍ରାଦିକାଳେପାତ୍ରାଯନ୍ତରାମାଦିରେଶାକୁରାଷ୍ଟରାମାତ୍ରା ପିଣ୍ଡାର୍ଥାପୁର୍ବାର୍ଗା  
ରମଧାରା ପେଶାଯନ୍ତରାମାଦିରେଶାକୁରାଷ୍ଟରାମାତ୍ରା ଶ୍ରୀରମାରାମାଦିରେଶାରମାତ୍ରାପାତ୍ରାର୍ଗା
၁၀၆. କୃପାଯନ୍ତରାମାଦିରେଶାକୁରାଷ୍ଟରାମାତ୍ରା ଶ୍ରୀନ୍ଦୟପାତ୍ରାଯନ୍ତରାମାଦିରେଶାକୁରାଷ୍ଟରାମାତ୍ରା ବସନ୍ତରାମାତ୍ରାଶୀତ୍ରିକ  
ଶ୍ରୀରମାଦିଶାରହରାପର୍ବତିନା ବସନ୍ତରାମାଦିରେଶାକୁରାଷ୍ଟରାମାତ୍ରା ପର୍ବତାଶ୍ରୀନାଥାରାମାର୍ଗା  
ପରାଯନ୍ତରାମାଶନନ୍ଦର୍ଗା
၁၀၇. ଶ୍ରୀନ୍ଦୟପାତ୍ରାଯନ୍ତରାମାଦିରେଶାକୁରାଷ୍ଟରାମାତ୍ରା ବିଶ୍ଵରାମାଦିରେଶା  
ରହେପାଶ୍ଚିନ୍ତନାମୁ ବସନ୍ତରାମାଦିରେଶା ରହାମାରାମାଶ୍ରୀଶଶ୍ରୀରମାର୍ଗା  
ଯନ୍ତରାମାଶନନ୍ଦର୍ଗାକର୍ତ୍ତରାମୁକର୍ମରାମାଶନନ୍ଦର୍ଗା

### ମିଶ୍ରଦିତ୍ତରେତ୍ରିବା

၁၀၈. କୃପାଯନ୍ତରାମାଦିରେଶାକୁରାଷ୍ଟରାମାତ୍ରା ନର୍ତ୍ତାପାତ୍ରାଦିବେଶକେ ଶ୍ରୀନ୍ଦୟପାତ୍ରାଯନ୍ତରାମାଦିରେଶା  
ଯନ୍ତରାମାଦିରେଶାକୁରାଷ୍ଟରାମାତ୍ରା ଯନ୍ତରାମାଶନନ୍ଦର୍ଗାକର୍ତ୍ତରାମାଶୀତ୍ରିପାଶ୍ଚିନ୍ତନୁ କୁମାର୍ଜୁନ  
ରମଧାରାର୍ଗା
- ଶ୍ରୀନ୍ଦୟପାତ୍ରାଯନ୍ତରାମାଦିରେଶାକୁରାଷ୍ଟରାମାତ୍ରାଶୀତ୍ରିବା**
၁၀୯. ମିଶ୍ରଦିତ୍ତରେତ୍ରିବା ଶ୍ରୀନ୍ଦୟପାତ୍ରାଯନ୍ତରାମାଦିରେଶାକୁରାଷ୍ଟରାମାତ୍ରା ମିଶ୍ରଦିତ୍ତରେତ୍ରିବାଶ୍ଚ  
କାର୍ଯ୍ୟାନ୍ତରେତ୍ରିବା ମିଶ୍ରଦିତ୍ତରେତ୍ରିବା କର୍ମରାମାଯୁଧାଯନ୍ତରାମାଦିରେଶାକୁରାଷ୍ଟରାମାତ୍ରା ମିଶ୍ରଦିତ୍ତ  
ଜୀବାଶ୍ଚର୍କାର୍ଯ୍ୟାନ୍ତରେତ୍ରିବାର୍ଗା
၁୧୦. ଶାପାଶ୍ଚିନ୍ତା ଶ୍ରୀନ୍ଦୟପାତ୍ରାଯନ୍ତରାମାଦିରେଶାକୁରାଷ୍ଟରାମାତ୍ରା ଶାତ୍ରୀପାତ୍ରା  
ରମଧାରାଦିବେଶକୁରାଷ୍ଟରାମାତ୍ରାଦିବେଶକେ କୃପାଯନ୍ତରାମାକର୍ତ୍ତରାମାଯୁଧାଯନ୍ତରାମାତ୍ରା କୃପାଯନ୍ତରାମାଦିରେଶା  
ଶାତ୍ରୀପାଶ୍ଚିନ୍ତାରେତ୍ରିବାର୍ଗା ମିଶ୍ରଦିତ୍ତରେତ୍ରିବା ଶ୍ରୀନ୍ଦୟପାତ୍ରାଶୀତ୍ରିବା ଶାପା  
ଶାତ୍ରୀପାଶ୍ଚିନ୍ତାରେତ୍ରିବାର୍ଗାର୍ଗା

111. If no determination is made under sections 109 and 110 of this Act, the National Focal Point shall be deemed to be the provider of traditional knowledge.

### **Access to Traditional Knowledge Associated with Genetic Resources**

112. A person seeking access to traditional knowledge shall submit an access proposal to the National Focal Point as per the format prescribed in the Rules.
113. Submission of access proposal for traditional knowledge associated with genetic resources shall comply with the procedures laid down under sections 59 to 65 of this Act.

### **Access and Benefit Sharing Agreement for Traditional Knowledge Associated with Genetic Resources**

114. Access and Benefit Sharing Agreement for traditional Knowledge associated with genetic resources shall comply with procedures laid down under sections 71 to 76 and sections 85 to 88 of this Act.

## **CHAPTER 7**

### **FAIR AND EQUITABLE SHARING OF BENEFITS**

115. Fair and equitable sharing of benefits from commercial use of genetic resources shall be the key component of a Scoping Agreement or Access and Benefit Sharing Agreement.
116. Fair and equitable sharing of benefits from commercial use of traditional knowledge associated with genetic resources shall be the key component of an Access and Benefit Sharing Agreement.

༄༅·སྒྱ་པ·སେ བྱକ· ད ད ས ག མ ཡ ལ · ພ ད · ດ ད · ຢ ད · ສ ད · ລ ད · ວ ད ·

୧୨୨. ଶ୍ରୀଦେବ ତୈଣ ଶୀତା ଶୁଦ୍ଧିପଦେଶ ଯେବା ସମ୍ବନ୍ଧରେ କରିଦେବ ତୁ ଏହାରେ ଯଦୁପିଣ୍ଡ କରିବାକୁ ପାଇଲା ଏହାରେ କରିବାକୁ ପାଇଲା



‘**ସମ୍ବନ୍ଧରେ କୌଣସିବାରେ ପରିପାତାରେ ଯଦି କୌଣସିବାରେ ପରିପାତାରେ ଯଦି**’

੧੧੮. ਝੁਦ-ਝੁਵ-ਬੇਸ-ਘੁਰ-ਨਾ-ਵਾਲੇ-ਪ-ਵ-ਘੁਦ-ਪਦੀ-ਕੰਗਸ-ਕੁਣ-ਗ੍ਰੰਥ-ਭੁਨਸ-ਗ੍ਰੰਥ-ਗੁਨਸ-ਗ੍ਰੰਥ-  
ਪਹੁੰਚ-ਗੁਨਦੀ-ਗੁਨ-ਕੁਣ-ਗ੍ਰੰਥ- ਪਤਨ-ਕੰਗਸ-ਵਾਲੀ-ਦੁਰ-ਕੁਣ- ਲੁਕ- ਪਾਵਸ- ਲੁਕ- ਪਾਕੁਣ-ਨਾ- ਦੁਰ-  
ਕੁਣ- ਲੁਕ- ਪਾਵਸ- ਲੁਕ- ਪਾਕੁਣ- ਵਾਲੈ-ਘੁਦ-ਪਦੀ-ਗੁਨ-ਕੁਣ-ਗੁਨ-ਗੁਨਸ-ਗ੍ਰੰਥ॥

ੴ ਸਤਿਗੁਰ

୯୮·କଥା·ଦ୍ୱାରୀ·ଶ୍ରୀ·ଶ୍ରୀଗଣ୍ଠା·ଶ୍ରୀ·ପିଲାନ୍ତା·ଶର୍ମା·ଶର୍ମା

117. The National Focal Point shall negotiate and provide oversight to ensure fair and equitable sharing of benefits arising from research and commercial utilization of genetic resources and associated traditional knowledge.
118. For the purpose of this Act, benefit-sharing arrangement shall comprise monetary or non-monetary benefits; or both, as may be specified in the Rules.
119. Monetary benefits arising out of research and commercial utilization of genetic resources from the state reserved forests and ex-situ collections shall be channeled into Bhutan Access and Benefit Sharing Fund.
120. A mutually agreed portion of monetary benefits arising from research and commercial utilization of genetic resources from community forest including genetic resources related to food and agriculture developed and sustained by communities shall be channelled into the Bhutan Access and Benefit Sharing Fund.
121. A mutually agreed portion of monetary benefits arising from research and commercial utilization of traditional knowledge associated with genetic resources shall be channelled into the Bhutan Access and Benefit Sharing Fund.
122. Where the National Focal Point is the provider of traditional knowledge associated with genetic resources under section 111 of this Act, monetary benefits arising from research and commercial utilization shall be channelled into Bhutan Access and Benefit Sharing Fund.

### **Intellectual Property Rights**

123. The Access and Benefit Sharing Agreement shall stipulate the legal consequences of applying for any intellectual property rights.

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୧୨୩. ସମ୍ବଲପୁରାକାଶ-ପର୍ବତ-ପରିଷାର-ପରିବହନ-ପରିବହନ-ପରିବହନ-  
ପରିବହନ-ପରିବହନ-ପରିବହନ-ପରିବହନ-ପରିବହନ-ପରିବହନ-ପରିବହନ-

124. Where there is no Access and Benefit Sharing Agreement, the application for an intellectual property right shall require the negotiation of an Access and Benefit Sharing Agreement.
125. Where no agreement is reached under section 124 of this Act, the access to genetic resources or associated traditional knowledge shall be illegal and fined as per section 157 of this Act.
126. A negotiation under section 124 of this Act shall be initiated immediately after the submission of the application for the intellectual property right.
127. A negotiation shall be finalized as soon as possible but no later than the deadline for raising objection to the grant of such right.

## **CHAPTER 8**

### **BHUTAN ACCESS AND BENEFIT SHARING FUND**

#### **Bhutan Access and Benefit Sharing Fund**

128. The Bhutan Access and Benefit Sharing Fund is hereby regularized into a statutory fund.
129. The National Focal Point shall administer and manage the Bhutan Access and Benefit Sharing Fund under the supervision of the Competent National Authority.

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ད୍ୱାରା ଶୀଘ୍ର ହିନ୍ଦୁମାତ୍ରାଣେ ଅଧିକ ସମ୍ପର୍କ ହେଲା

## **Purpose of the Fund**

130. The Bhutan Access and Benefit Sharing Fund shall be used towards:
- (1) conservation and sustainable use of Bhutan's biodiversity and, or associate Traditional Knowledge; and
  - (2) enhancement of rural livelihoods.

## **Contributions to the Fund**

131. The Bhutan Access and Benefit Sharing Fund shall be from:
- (1) monetary benefits arising out of research and commercial utilization of genetic resources from the state reserved forests, and ex-situ collections;
  - (2) monetary benefits arising from the research and commercial utilization of genetic resources from community forest including genetic resources related to food and agriculture developed and sustained by the communities;
  - (3) monetary benefits arising from the research and commercial utilization of traditional knowledge associated with genetic resources;
  - (4) processing fee and commitment fee payable at the Scoping phase or during the execution of an Access and Benefit Sharing Agreement;
  - (5) grants, donations or financial assistance from domestic or external sources; and
  - (6) such other sources as may be determined by the Competent National Authority.

## ༄ བྱନ୍ଦୁସྐଶୀ དର୍ଶଣ དଗ୍ର |

೨೩೦. ದಸ್ಮಾತ್ರಾದಿಕ್ರಿಯೆಗಳನ್ನು ವಿವರಿಸಿ, ಅವುಗಳ ಪರಿಣಾಮಗಳನ್ನು ವಿವರಿಸಿ.

(೧) ದಸ್ಮಾತ್ರಾದಿಕ್ರಿಯೆಗಳನ್ನು ವಿವರಿಸಿ.

(೨) ಶಂಕ್ರಾನ್ತಿಕ್ರಿಯೆಗಳನ್ನು ವಿವರಿಸಿ.

## ସନ୍ତୁଷ୍ଟିରେ ଶରୀରକାରୀ

## **Accounts and Audit**

132. Bhutan Access and Benefit Sharing Fund shall be auditable as per existing laws.

# **CHAPTER 9**

## **REGISTRY, RECORDS, AND DISPOSAL**

### **Registry**

133. As per the sections 17 (2) and 17 (3) of this Act, National Focal Point shall archive genetic and biological resources information and national biodiversity database.
134. The National Focal Point shall maintain a registry containing details on access and utilization of genetic resources and associated traditional knowledge as specified in the Rules.

### **Records**

135. A user of genetic resources or associated traditional knowledge shall maintain records of genetic resources or associated traditional knowledge accessed as specified in the Rules.
136. A copy of the records under section 135 of this Act shall be furnished to the National Focal Point within such period as specified in the Rules.
137. A person or an agency discovering a species new to the country or new to science shall register and deposit the voucher type specimens at the national repositories of the National Focal Point.

## କୁଣ୍ଡଳୀର୍ମିଶ

୨୩୩. ଦ୍ୱାରା ଶୈଷିକ ପାଠ୍ୟ ମଧ୍ୟ ପାଠ୍ୟ ପାଠ୍ୟ ପାଠ୍ୟ ପାଠ୍ୟ ପାଠ୍ୟ ପାଠ୍ୟ ପାଠ୍ୟ ପାଠ୍ୟ

ସମ୍ବନ୍ଧ ପାତା

# ਬੰਦੀਵਾਦ ਸਿੰਕੱਬਣ ਨਿਵਾਸ ਅਤੁਗਾਂਧੀਆ

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୧୩୩. ସତରାତ୍ମିଷା'ଦନ୍ତିର୍ଦ୍ଦର୍କର' ୨୫(୩) ପାଦା ଗୁପ୍ତ(୩) ପାଦାପତ୍ରିଷ' କୃପାର୍ଥଦୟାର୍ଦ୍ଦକଷ'  
ଶତ୍ରୁକର୍ମଶ୍ରୀ' ରୈଷାଶ'କୁରନ୍ଦ' ଶ୍ରୀଭୂରବେଶ'ଯୁଦ୍ଧଶତ୍ରୁକର୍ମନ୍ଦ' କୃପାର୍ଥଦୟାଶ୍ରୀଭୂରବ  
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୨୩୫. ରୈଶାଶ୍କୁଳ୍ବେଳ୍ପୁର୍ବା ଯଦ୍ର ରହେଇଥିଲ୍ଲାଙ୍କଣିଷ୍ଠାପନୀତିରେ ରୈଶାଶ୍କୁଳ୍ବେଳ୍ପୁର୍ବା ଯଦ୍ର ରହେଇଥିଲ୍ଲାଙ୍କଣିଷ୍ଠାପନୀତିରେ

୨୩୬. ସତରାଷ୍ଟ୍ରୀକଶ'ଦ୍ଵିଦେହ'କର' ୨୩୫ ପଦି'ଦେଶ'ଶି' ଦ୍ଵିଦେହ'ଶି'ଦ୍ଵା'ତ୍ତେଣ' ସତରାଷ୍ଟ୍ରୀକଶ'ଦ୍ଵା  
ଶଶପ'ଶାର୍ଗଦ'ଦ୍ଵାଦ୍ଶ'ପଦି'ଦୁଃଖ'ଯୁଦ୍ଧକର'ଦ୍ଵାରିଦ୍ବୀ' କୃପା'ପ୍ରଦେଶ'ଦ୍ଵାକଷ'ଶାର୍ଗ'ତକ'ଦୁଃଖ'ଦ୍ଵାରୀ

୨୩୯. କୁପିତାପା ଯଦ୍ର ହରିଶ୍ଚାଶୀରାଦ ମୈଷାଶ୍ଵରାଶ୍ଵରାଶ୍ଵରା ଯଦ୍ର ଘରାଶ୍ଵ  
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138. A person or an agency releasing a new crop variety or de-notification of the variety shall register and deposit the samples to the National Focal Point.
139. A person or an agency collecting germplasms and genetic materials of genetic resources shall deposit a sample to the national focal point.

### **Disposal of a Genetic Resources**

140. If a user of genetic resources intends to dispose genetic resources which are accessed under this Act, the user shall unless otherwise agreed, return the accessed genetic resources to the National Focal Point.
141. Pursuant to section 140 of this Act, a user shall, if so requires, forthwith furnish evidence of the appropriate disposal of the genetic resource to the National Focal Point.

## **Chapter 10**

### **MONITORING AND ENFORCEMENT**

#### **Enforcement Officers**

142. The National Focal Point after the approval from the Competent National Authority shall designate relevant officials as enforcement officers for the purpose of this Act.
143. The Competent National Authority may coordinate with other relevant agencies of the Government to support the National Focal Point in the enforcement of this Act.

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୨୯୧. କୁପିର୍ଦ୍ଦଶ'ର୍ଦ୍ଦକ୍ଷ'ଶର୍ତ୍ତ'କବ'ଶ୍ରୀଶ' କୁପିର୍ଦ୍ଦଶ'କର୍ଦ୍ଦଲ୍ମର'ନବାରହିନ'ଶ୍ରୀଶ'ଶବଦ'ଶ୍ରେଷ୍ଠ'  
ଏକର'ନ୍ତ୍ରିକୁଶ'ଦ୍ଵାରି'ର୍ଦ୍ଦକ୍ଷ'ଶ୍ରୀ ରହିନ'ଶ୍ରେଷ୍ଠ'ଏକର'ନ୍ତ୍ରିକୁଶ'ଦ୍ଵାରି'ର୍ଦ୍ଦକ୍ଷ'ଶ୍ରୀଶ'  
ନବାରହିନ'ଶ୍ରେଷ୍ଠ' ॥

୨୯୨. କୁପିର୍ଦ୍ଦଶ'କର୍ଦ୍ଦଲ୍ମର'ନବାରହିନ'ଶ୍ରୀଶ' କୁପିର୍ଦ୍ଦଶ'ର୍ଦ୍ଦକ୍ଷ'ଶର୍ତ୍ତ'କବ'ଶ୍ରୀଶ' ଏକର'ନ୍ତ୍ରିକୁଶ'  
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ଏକର'ନ୍ତ୍ରିକୁଶ'ଦ୍ଵାରି'ର୍ଦ୍ଦକ୍ଷ'ଶ୍ରୀଶ' ନବାରହିନ'ଶ୍ରେଷ୍ଠ'ଏକର'ନ୍ତ୍ରିକୁଶ'ଦ୍ଵାରି'ର୍ଦ୍ଦକ୍ଷ'ଶ୍ରୀଶ' ॥

## **Confidentiality**

144. An enforcement officer under this Act shall protect all information considered confidential.
145. Access to national database on traditional knowledge shall be restricted to prevent any unauthorized person from having access to traditional knowledge information considered confidential by the right holders.
146. Notwithstanding anything contained under Section 145 of this Act, the National Focal Point may periodically publish information from the national database on traditional knowledge with the objective to benefit the traditional knowledge holders.

## **Monitoring and Tracking**

147. The Competent National Authority shall, on the recommendation of the National Focal Point, designate checkpoints for the purpose of monitoring and tracking access and utilization of genetic resource or associated traditional knowledge.
148. The National Focal Point shall cooperate with member states to ensure compliance with respective legislation of member countries relating to access to genetic resources or associated traditional knowledge.

## **Power of Investigation**

149. An enforcement officer shall have all the powers necessary to carry out an investigation under this Act.

## ସମ୍ବନ୍ଧଶରୀରକଣ୍ଠପୁଣ୍ୟ



## ସ୍ତୁର୍ଦ୍ଧଶାନ୍ତିଷ୍ଵାଦକେବଳ

୨୯୩. କୁପ୍ତ'ର୍ଦୟା'କନ୍ଦମ୍ଭର'ନବାଦିକ'ଶ୍ରୀଶ' କୁପ୍ତ'ର୍ଦୟା'ର୍ଦିକନ୍ଦମ୍ଭା'ଶର୍କତକବ'ଶ୍ରୀ' ଶ୍ରୀଶ'ନବାଦିଶ'ନଦୀ  
ଦୟାଶିଥ' ରେଣାଶ'କୁତ୍ତବ୍ରତ'ନୁଦାନ' ଯନ୍ତର ଦସ୍ତେଵ'ନା'ର୍ଦୟନା'ଦିଲ୍ଲିଶ'ଶ୍ରୀପା'ଶେଷ'ର୍କୁତ୍ତବ୍ରତ'ନୁଦାନ'  
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୨୯୪. କୁପ୍ତ'ର୍ଦୟା'ର୍ଦିକନ୍ଦମ୍ଭା'ଶର୍କତକବ'ଶ୍ରୀଶ' କୁପ୍ତ'ନବାଦିଶ'ନବାଦିଶ'ନଦୀଶ'ନଦୀଶ'ନଦୀଶ'ନଦୀଶ'  
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୨୯୯. ସମ୍ବଲପୁର-କାଶିପୁର-ପାତାଳପୁର-ପାତାଳପୁର-ପାତାଳପୁର-  
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150. An enforcement officer may summon person who appears to be acquainted with the facts of the case for the purposes of interrogation, testimony, witnessing, presentation of documents, books, and records and objects necessary.
151. The National Focal Point may seek the assistance of any law enforcement agency in exercising its powers under this Act.

### **Access to Digital Data**

152. An enforcement officer with a search warrant may at any time have access to digital data and for such purpose shall be provided with the necessary password, code, software, or hardware and any other means required for comprehension of the digital data.

### **Power to Stop, Search and Seize Conveyances**

153. If an enforcement officer has reasonable cause to suspect that a conveyance is carrying any genetic resource, equipment, record, document, or other article in respect of which an offence under this Act is being or has been committed, such officer may stop and examine the conveyance at the designated check post and point of entry and exit.
154. Subject to section 152 of this Act, if an enforcement officer has reasonable grounds to believe that such conveyance is or has been used for the commission of such offence, seize such conveyance and any genetic resource, equipment, record, or other article found in the conveyance that is reasonably believed to furnish evidence of the commission of such offence.

୨୫୦. ଏଷ୍ଟାନ୍ତଶ୍ଵରଦଶ୍ଵରଶ୍ରୀଶ । ଶିତିଶାସୁତ୍ତନଶବ୍ଦିଶିଶ୍ଚରପ୍ରଶାସ୍ତ୍ରଶ୍ରୀଶ । କିମ୍ବନ୍ଧନନ୍ଦନ ପଦବ୍ରତଶ୍ରୀଶ । ଦ୍ୱାପରା ଧିଶକନ୍ଦନ ଗୀନ୍ଦିଶ । ଦେହବ୍ରତନନ୍ଦନ ଶର୍ଦ୍ଦଶଶ୍ରୀଶଶଶୟକୁଶପଦବ୍ରତଶ୍ରୀଶ । ଦଶବ୍ରତଶ୍ରୀଶ ॥

୨୫୧. କୃପଯ୍ୱଦଶର୍ଦ୍ଦକଶାରକ୍ତତତଶ୍ରୀଶ । ଶିଵଶଏଷ୍ଟଶ୍ଵରଦଶବ୍ଦମିପଶଶ୍ଵରଦଶନୁନ୍ତିଶ । ଏପଶ ପତରଶିଖଶପଦବ୍ରତଶ୍ରୀଶଶଶୟକୁଶପଦବ୍ରତଶ୍ରୀଶ ॥

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୨୫୩. ଶିଖଣ୍ଡକୁର୍ଯ୍ୟାପାରକର୍ତ୍ତବ୍ୟାପାରାଦର୍ଶିତ୍ୟଦ୍ୟରି ସମ୍ମାନଶ୍ରୀଦର୍ଶିତ୍ୟଦ୍ୟରି କଥାରେ  
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ଉପରେ ଉପରେ ଉପରେ ଉପରେ ଉପରେ ଉପରେ ଉପରେ ଉପରେ ଉପରେ ଉପରେ

ଶ୍ରୀପାତକେବିଷାଣାଦି ସଠନାତକେବିଦ୍ସର୍ବକାମେନାତସଦିଵୈନାତସଦିକୁ



୨୫୯. ସତର୍ଣ୍ଣିବସା'ଦର୍ଶି'ଦକ୍ଷ'କର୍ତ୍ତା' ୨୫୨ ପାଞ୍ଚମ ସମ୍ମର୍ତ୍ତୁ'ଦର୍ଶି'ଦର୍ଶି'କ୍ରିଷ୍ଣ'ଶିଶ'ମହା'ଦଧିଦ'  
ମଧ୍ୟକ୍ଷଣ' ଶ୍ରୀପାଦକ୍ରିଷ୍ଣ'ଦର୍ଶି' ଶର୍କରା'ରମେଷ'ଦବସା'ଦର୍ଶି'ଦକ୍ଷ'ଶ୍ରୀ'ପାଦକ୍ରିଷ୍ଣ'ଦବସା'ପରି'ଶକ୍ତି' ଯଦ  
କ' ଦବସା'କର୍ତ୍ତା'ଶରି'ଶ୍ରୀ'ପାଦକ୍ରିଷ୍ଣ'ଦବସା'ଦକର୍ତ୍ତା'କେ' ଶ୍ରୀପାଦକ୍ରିଷ୍ଣ'ଦବସା'ଶକ୍ତି'ବୈଶବ'ଶକ୍ତି'  
କ୍ରିଷ୍ଣ'ଦବସା' ପୂଜା'କର୍ତ୍ତା' ଦର୍ଶି'ବୈଶବ'ଶକ୍ତି' ଶର୍କରା'ରମେଷ'ଦବସା'ପରି'ଶକ୍ତି' ଶବ୍ଦର୍ଥ'ଶ୍ରୀ'ପାଦକ୍ରିଷ୍ଣ'  
ଦକର୍ତ୍ତା'ପରି'ଦବସା'କର୍ତ୍ତା' ॥

## **Power to enter, search, and seize**

155. Where an enforcement officer has reasonable grounds to believe that a premise is being used for commission of an offence under this Act, the Officer may apply to a Court of competent jurisdiction for a warrant authorizing the enforcement officer to enter and search such premises.
156. A warrant issued under section 155 of this Act may authorize an enforcement officer to:
- (1) search the premises and seize or remove from the premises any genetic resource, equipment, record, or other article that is reasonably believed to furnish evidence of the commission of an offence;
  - (2) take any genetic resource or relevant articles found in the premises for the purposes of ascertaining, by testing, or otherwise, whether the offence has been committed; and
  - (3) make audio visual recording, make copies of or take extracts from any book, other article found in the premises.

## **CHAPTER 11**

### **OFFENCES AND PENALTIES**

#### **Illegal Access to Genetic Resources or Associated Traditional Knowledge**

157. A person who accesses or utilises genetic resources or associated traditional knowledge without executing a scoping agreement, access and benefit sharing agreement, material transfer agreement or standard material transfer agreement in accordance with the provisions of this

ରହ୍ୟ-ସାଦନ ପତକ-ପକ୍ଷୀ ଦ୍ୱାରା ପତକ-ପେଟ-ଶ୍ରୀ-ଦଶକଣ୍ଡ

୨୫୫. ଶାପା'ଶିଦ' ସଲ୍ଲଦ'ଶ୍ଵର'ଦୟକ'ତେଣ'ଶିଷ' ସଠର'ତ୍ରିଶଶ'ଦ୍ଵିତୀ'ଦୟଶ'ଶି' ଶର୍ଦ୍ଦ'ରଶୋପ'ତେଣ' ଶ'ଶାକୁଶ'ତେଣ'କର' ରମ୍ବନ'କ୍ରି'ତ୍ରି'ପରି' ଶୁ'ଶକର'ତକ'ଶ୍ଵର'ପିଦ'କେଶ'ଦର୍କନଶ'ପ'ତେକ' ଦୟକ' ଦୟକ'ଦ୍ଵି'ଶିଷ' ତ୍ରିଶଶ'ଦ୍ଵର'ପରି' ଶର୍ଦ୍ଦ'ରକ୍ତଶ'ପ'ତେକ' ରମ୍ବନ'କ୍ରି'ତ୍ରି'ପରି' ଶୁ'ଶକର'ତକ'ଶ୍ଵର'ପିଦ'କେଶ'ଦର୍କନଶ'ପ'ତେକ' ରମ୍ବନ'କ୍ରି'ତ୍ରି'ପରି' ଶାପା'ଶିଦ' ପରି' ସଗର'ତ୍ରିକ'ଶ୍ଵର'ଶ୍ଵର'ଶିଷ' ।

୨୫୬. ସଠର'ତ୍ରିଶଶ'ଦ୍ଵିତୀ'ଦୟକ' ଗ୍ୟାପ ପରି'ଦୟଶ'ଶ୍ଵର' ଶର୍ଦ୍ଦ'ରଶୋପ'ତେଣ'ଶାପା'ଶିଦ'ଶ୍ଵର'ଶିଷ' ସଲ୍ଲଦ'ଶ୍ଵର'ଦୟକ'ତେଣ'ଶ୍ଵର'ଶିଷ' ।

(୧) ଶ'ଶାକୁଶ'ତେଣ'କର' ସଠର'ରକ୍ତଶ'ଦର' ଶର୍ଦ୍ଦ'ରଶୋପ'ତେଣ' ଶ'ଶାକୁଶ'ତେଣ' ପିଦ'କେଶ'ଦର୍କନଶ'ପରି'ଶୁଶ୍ରା'ପରି' ଶେଷ'ଶୁଶ୍ରା'ଶ୍ଵର'ଶୁଶ୍ରା' ରମ୍ବନ'କର' ପିଦ'କେଶ' ଯଦ'କ' ଶାବଦ'ତା'କର' ଶାବଦ'କ' ସଠର'ପିଦ'ପରି' ଯଦ'କ' ସଠର'ଶାବଦ'କ'ିନ୍ଦା' ।

(୨) ଶର୍ଦ୍ଦ'ରଶୋପ'ତେଣ'ଶାକୁଶ'ତେଣ' ସହା'ବି'ପା'ଶ୍ଵର'ଶିଷ' ଦେଶ'ଶହର'ପର୍ବ'ତ୍ରି'ଦୟଶ'ଶ୍ଵର' ଶ'ଶାକୁଶ'ତେଣ'କର' ଶାବଦ'ପରି' ସହା'ବି'ପା'ଶ୍ଵର'ଶିଷ' ଦେଶ'ଶହର'ପର୍ବ'ତ୍ରି'ଦୟଶ'ଶ୍ଵର' ଯଦ'କ' ରମ୍ବନ'ପିଦ'କ' କର' ଶାବଦ'କ' ରମ୍ବନ'କ'ିନ୍ଦା' ।

(୩) ଶୁଶ୍ରା'ଶୁଶ୍ରା'ଶିଷ' ଦ୍ୟେ'ଦେଶ'ଶ୍ଵର'ଶିଷ' ରମ୍ବନ'କ'ିନ୍ଦା' ଯଦ'କ' ଦ୍ୟେ'ଦେଶ'ଶିଷ' ରମ୍ବନ'କ'ିନ୍ଦା' ଶ'ଶାକୁଶ' କର' ସହା'ବି'ପରି' ତା'କର' ଶୁଶ୍ରା'ଶୁଶ୍ରା'ଶିଷ' ।

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Act shall be liable for payment of fines and compensations as prescribed in the Rules, which shall be determined according to particular facts and circumstances.

158. Except as may be permitted under customary practice, a person who knowingly provides access to traditional knowledge associated with genetic resources to a person in contravention to the provisions of this Act shall be liable for payment of fine as prescribed in the Rules, which shall be determined according to particular facts and circumstances.

#### **Unauthorized Transfer of Research Results**

159. A user who transfers research results or accessed genetic resources to a third party for product development and commercial utilization in contravention to section 81 of this Act shall be liable for payment of fine and compensation as prescribed in the Rules, which shall be determined according to particular facts and circumstances.
160. Notwithstanding to sections 81 and 159 of this Act, research results and accessed genetic resources for academic research within the country and publication purposes shall be permitted.

#### **Non deposition of sample and specimen of biological resources**

161. Any person or an agency failing to deposit sample and specimen of biological and genetic resources as per sections 137, 138, and 139 of this Act shall be liable for payment of fine as prescribed in the Rules.

শৰদ'স'ক্ষেত্ৰ'স'ন'বিশ'ন'ক'ল'ভ'গু'ষ'ন'স'ন'ক'ল'ক'ল'ভ'গু'ষ'






# ༄༅༅ མྱନ୍ རେ ལୁ གྲୁ བୁ ཉ གྲୁ བୁ ཉ ཉ ཉ

162. Pursuant to above section 161 of this Act, the sample and specimen of biological and genetic resources concerned may be surrendered to the National Focal Point.

## **CHAPTER 12**

### **MISCELLANEOUS**

#### **Foreign Direct Investment**

163. Activities under this Act eligible for foreign direct investment shall be dealt in accordance with the foreign direct investment laws and other relevant laws in force in Bhutan.

#### **Protection from Liability**

164. A person performing a duty under the provisions of this Act shall not be liable for anything done or omitted in good faith and in the due course of duty.

Provided that, such immunity shall not cover corrupt acts committed by the person in connection with the discharge of the official duties.

#### **Power to Make Rules**

165. The Competent National Authority shall frame Rules, consistent with the provision of this Act within 6 months from the date of coming into force.

#### **Amendment**

166. The amendment of this Act by way of addition, variation or repeal may be effected only by Parliament.

୨୫୨. ସତରାତ୍ମିକା'ଦିବିଦ୍ଵାରା । ୨୫୩ ପବିତ୍ରମାଣୀ ରହେଥିଲୁଗୁଡ଼ିକାରିଶାକୁରିବନ୍ଦୁ  
କୁରୁଶ୍ରୀଦୟାଦି ଦ୍ୱାରା କହିଲୁଗୁଡ଼ିକାରିଶାକୁରିବନ୍ଦୁ କିମ୍ବାଶ୍ରୀଦୟାକୀ

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ଶ୍ରୀରାମକୁଣ୍ଡଳିଷତ୍ତୁଷା

୨୫୩. ସତର'ଶ୍ରୀମଦ'ହରି'ରେଣ୍ଟା'ଯୁ' ଶ୍ରୀରି'ମ'କ'ଶକ୍ତି'ଷ୍ଠରାଷ'ହରଦ'କି'ରେଣ୍ଟା'ରଷା'ତତ୍ତ୍ଵ'ଶ୍ରୀ'ପଶ'ଶ୍ଵ'ତୁ'ଶ୍ରୀ'  
ଶ୍ରୀ'ପଶ' ଶ୍ରୀରି'ମ'କ'ଶକ୍ତି'ଷ୍ଠରାଷ'ଶ୍ରୀ'ଶ୍ରୀମଦ'କୁ'ହରଦ' ଶାକବ'ରଷେଷ'ଶ'ହେନ'ମି'ଶ୍ରୀମଦ'କୁ'ହରଦ'  
ଶଶ୍ରୀ'ପଶ' ରଷେଷ'ଶ'ହସର'ହର୍ଷ'।

ରାଜତ୍ରୀ-ପତ୍ର-କବିତା

༄༅· དྲ୍ଵଦ୍ଵାରଶତଧରି· କେନ୍ତାକ୍ଷ୍ମାନାଦନୀଶି· କିର୍ତ୍ତବ୍ରକୁଣ୍ଡଶିଶ· ସତଶତିରଷାକାନ୍ତୁକ୍ଷ୍ମାନକ୍ରିତଃ  
ପ୍ରସିଦ୍ଧଃ· ବ୍ରାହ୍ମଦ୍ଵାରଶିଶ· କିର୍ତ୍ତବ୍ରକୁଣ୍ଡଶିଶ·

# ସତର୍ୟିଣୀ ସକ୍ଷମଶ୍ଵରୀ ଦେଖାନ୍ତିର୍ମାତ୍ରା

ପ୍ରଥମ

## **Authoritative Text**

167. In any instance of a difference in meaning between the Dzongkha and the English texts of this Act, Dzongkha text shall be regarded as the authoritative.

## **Definitions**

168. For the purpose of this Act, the following definitions apply:

- (1) “Access and benefit sharing agreement” means a contract between the user and providers of genetic resources or associated traditional knowledge or both consisting of prior informed consent and Mutually Agreed Terms;
- (2) “Animal Genetic Resources” means all species, breeds, and strains that are of economic, scientific, and cultural interest, now and in the future.
- (3) “Access to genetic resources” means access to and utilization of genetic resources from Bhutan irrespective of whether they are found in-situ or ex-situ for the purpose of conducting research or development on genetic or biochemical composition of genetic resources including through the application of biotechnology;
- (4) “Access proposal” means an application seeking access to genetic resources or associated Traditional Knowledge or both;
- (5) “Access to traditional knowledge” means access to and utilization of traditional knowledge associated with biological resources for the purpose of conducting any research and commercial utilization;

୨୫୯. ସତର୍କୀୟଶାସ୍ତ୍ରମଧ୍ୟରେ ହିଂସାକାରିତାରେ ପରିଚାଳନା କରିବାକୁ ଅନୁରୋଧ କରିଛନ୍ତି।

ଦେଶକ୍ଷେତ୍ର

୨୬୨. ସତର୍କିଷଣାଦିନୀଦିନୁ ଶବ୍ଦାଦିନୁ ଦେଖିଲୁ ପଥାପଥାପିକୁ

- (၁) “ਬୈଶ'କ୍ଷୁଦ୍ରନାସ'ବନ'ପର'ପରି'ବାକ'କୁ” ବେଳ'ମି'ଦି' ବୈଶାଶ'କୁର'ବୈଶ'ତ୍ରଦ୍ଵାଯନା  
ଦୟୋପ'ଏ'ପର'ଚିନ୍ତା'କ୍ଷୁଦ୍ର'ପର'ବୈଶ'ଚିନ୍ତା' ଯଦ'କ' ଶାନ୍ତି'ବା'କ'ର'କ୍ଷୁଦ୍ରବୀ'ଦକ୍ଷିଣ'ବି'ବନ'  
ଶ'ଶଦ'ବନ'ଦକ୍ଷିଣ'ବନ'ଦକ୍ଷିଣ'ବା'ପର'ବୈଶ'କୁର'ଚିନ୍ତା' ମ'ଦକମ'ପର'ମ'କେଣ'ତୁ'ଚିନ୍ତା'  
ମର'ଦଶବ'ତାହିତ'ତୁ'ରୋ

(၂) “ଶେଷା'ତର'ଶୁ'ବୈଶା'କୁର'ବୈଶ'ତ୍ରଦ୍ଵାଯନା” ବେଳ'ମି'ଦି' ଦକ୍ଷିଣ' ବ'ର୍ଦ୍ଦନା'ପର'ଦି'ବନ'  
ବୈଶା'ଶବ୍ଦନ' ବୈଶା' ଦୟୋପ' ଦର୍ଶିତି'କ'ପଶ'ପର'ବୈଶ'ପର' ଦୟୋପ'ଦର୍ଶନ' କ'ବ'  
ମୈଶ'ଦନ' ପର'କ୍ଷୁଦ୍ର'ତୁ' ମ'ବନ'ଚିନ୍ତା'ପର'

(၃) “ବୈଶା'କୁର'ବୈଶ'ତ୍ରଦ୍ଵାଯନା'କ୍ଷୁଦ୍ର” ବେଳ'ମି'ଦି' ରମ୍ଭା'କୁର'ପର'ଗୁ'ବୈଶା'କୁର'ବୈଶ'  
ତ୍ରଦ୍ଵାଯନ'ତୁ' ବନ'ବିନିବ'ଶ'ତ୍ରଦ୍ଵାଯନ'କର' ଯଦ'କ' ବନ'ବିନିବ'ଶ'ତ୍ରଦ୍ଵାଯନ'କର'  
କର'ପର'ବୈଶ'କ'ଶବ୍ଦନ'ଚିନ୍ତା' କ୍ଷୁ'ଭବ'ରମ୍ଭା'ବୈଶ'ତ୍ରଦ୍ଵାଯନ'ପର'ବୈଶ'ପର' ବୈଶା'କୁର'  
ଯଦ'କ' ବୈଶା'କୁର'ବୈଶ'ତ୍ରଦ୍ଵାଯନ'ଗୁ'କ୍ଷୁ'ଭବ'ରମ୍ଭା'କ୍ଷୁ'ଭବ'ଗୁ'କିଷ'ଦକ୍ଷତା' ଯଦ'କ' ଶଦଦଶେଷ'  
ଶୁ'ଦନ'ତୁ'ପର'ପର'ଦଶବ'କ'ପର'

(၄) “ବୈଶ'କ୍ଷୁଦ୍ର'ଶବ୍ଦନ'ଦକମ'” ବେଳ'ମି'ଦି' ବୈଶା'କୁର'ବୈଶ'ତ୍ରଦ୍ଵାଯନା' ଯଦ'କ' ଦୟୋପ'ଏ'ଚିନ୍ତା'  
ମର'ଶବ୍ଦନ'ଶବ୍ଦନ'ପର'ଚିନ୍ତା'ଯଦ'କ' ଶାନ୍ତି'ବା'କ'ର'କ୍ଷୁଦ୍ରବୀ'ଦକ୍ଷିଣ'ବି'ବନ'ତୁ'ରୋ

(၅) “ଶବ୍ଦନ'ଶବ୍ଦନ'ପର'ଚିନ୍ତା'ଯଦ'କ'” ବେଳ'ମି'ଦି' ଶବ୍ଦନ'ଶବ୍ଦନ'ପର'ଚିନ୍ତା' ଦୟୋପ'ଏ'  
ଚିନ୍ତା'ପର'ଚିନ୍ତା'ଯଦ'କ' ବିନ'ଦକମ'ଦନ' କହ'ଦଶେଷ'ଶୁ'ଦନ'  
ଶୁ'ଦନ'ପର'କ୍ଷୁ'ଭବ'ରମ୍ଭା'କ୍ଷୁ'ଭବ'ଗୁ'କିଷ'ଦକ୍ଷତା' ଶୁ'ଦନ'ପର'କ୍ଷୁ'ଭବ'ଗୁ'କିଷ'ଦକ୍ଷତା'

- (6) “Biological resources” means plant, animal, and micro-organism or parts thereof, their genetic material and by-products with actual or potential use or value but excluding value added products;
- (7) “Bhutan access and benefit sharing fund” means a fund established to receive monetary benefits derived from the research and commercial utilization of Bhutan’s genetic resources or associated traditional knowledge or both to support biodiversity conservation and enhancement of rural livelihood;
- (8) “Compulsory license” means the mechanism through which the Royal Government of Bhutan or any Third Party, without the consent of the owner of the intellectual property rights, and after compliance with due process is entitled to use the protected plant variety for reasons of public interest;
- (9) “Community protocol” means protocol developed by local custodians of traditional knowledge associated with biological resources through a participatory process based on customary practices and values and detailing at the minimum a clear process for acquiring their free and prior informed consent and establishing mutually agreed terms and benefit sharing with respect to utilization of their traditional knowledge;
- (10) “Commercial research” means research aimed towards discovering and developing marketable products;



- (11) “Commercial utilization” includes applying for, obtaining or transferring intellectual property rights by sale or licence or in any other manner, or commencement of product development, conducting market research or the sale of any resulting product;
- (12) “Derivatives” means biochemical compounds resulting from the genetic expression or metabolism of biological or genetic resources, regardless of it occurring naturally, synthesized or otherwise produced, even if it does not contain functional units of heredity;
- (13) “Enforcement officer” includes police officer, customs officer, Bhutan Agriculture and Food Regulatory Authority officer, forest officer, and any other law enforcement officials designated by National Focal Point;
- (14) “Ex-situ conditions” means conditions where genetic resources exist outside its natural habitat;
- (15) “Genetic resources” means all material of plant, animal, microbial or other origin containing functional units of heredity and includes the biochemical composition of genetic resources, genetic information regardless of the manner in which the genetic information is stored or knowledge of how the hereditary material works in an organism and derivatives;
- (16) “Genetic resources from Bhutan” means genetic resources found within the territory of Bhutan, and genetic resources taken outside Bhutan with its origin in Bhutan;



- (17) “In-situ conditions” means conditions where genetic resources exist in its natural habitat;
- (18) “National clearing house publishing authority for biodiversity information” means a platform for collecting, collating, validating, verifying, sharing, integrating and exchanging data and information on biodiversity of the country. It includes databases such as Biodiversity Portal, Bhutan Biodiversity Specimen Portal, plant and animal genetic resources and traditional knowledge.
- (19) “Plant variety” means any variety of all the plant species from Bhutan;
- (20) “Prior informed consent” means a process through which the National Focal Point seeks the consent of the providers of genetic resources or holders of associated traditional knowledge;
- (21) “Right holder” means natural or legal person who owns the intellectual property rights on a plant variety;
- (22) “Rules” means rules and regulations for the purpose of this Act;
- (23) “Sample transfer certificate” means a certificate issued to facilitate transfer of genetic resources samples under section 99 of this Act;



- (24) “Scoping agreement” means a contract executed at an initial exploratory phase of research and development with the aim of establishing market or research potential between the user and providers of genetic resources or associated traditional knowledge or both;
- (25) “Sui generis system” means a system of its own kind for the protection of plant varieties;
- (26) “Sustainable use” means the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations;
- (27) “Traditional knowledge associated with biological resources” means the knowledge, innovation and practice of communities or individuals relating to the use, properties, values and processes of any biological and genetic resources or any part thereof;
- (28) “User” means a natural or legal person seeking access to or utilization of genetic resources or associated traditional knowledge or both;
- (29) “Utilization of genetic resources” means conducting any research or commercial utilization or both on the genetic resources.





## শ্রেণীঁশিষ্য॥

বাসনা পর্বত তরু দ্বীপ পর্বত কৃতি পদ বৃক্ষ।

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