Biopiracy (biocolonialism) is the smuggling of biowealth of country. Biopiracy may be as “The theft of various natural products and then selling them by getting patents or intellectual property right without giving any benefits (financial or technological) back to the source country of origin. Misuse of intellectual property Right (IPR) can lead to biopiracy refers to the privatization and unauthorized use of biological resources by entities (including corporations, universities and governments) outside of a country which has pre-existing knowledge. This privatization and use is sometimes claimed to be predatory. Particular activities usually covered by the term are:

- Exclusive commercial rights to plants, animals, microorganisms and genes.
- Commercialization of traditional communities knowledge on biological resources.

The concept of biopiracy assumes that it is a natural right to own plants, animals and human genes. For many indigenous people, nature and culture are in dissociable. Resources belong to the community, private property has no meaning. They argue that what is “wrong” is not so much the appropriation of somebody else’s property, but rather the idea that natural resources, which should stay public, can be privatized. Patent monopolies on plant and animal varieties on genes and on new medicines, threaten to harm developing countries in various ways. The concept of “biopiracy” was proposed as an alternative approach. Instead of opposing the existence of biological monopolies, this approach aims to give the rest of the world a share in the profits from them. The claim is that biotechnology companies are committing “biopiracy” when they base their work on natural varieties or human genes, found in developing countries or among indigenous peoples and therefore they ought to be required to pay “royalties” for this. In the United State, the patent law has long protected the ability to protect “isolated and purified” compounds. In 1873, Louis Pasteur patented a “yeast” which was “free from disease”. US courts have upheld patents on biological substances like adrenaline, chemicals, and even basic elements.

The issue of biopiracy is mostly raised by under – developed biodiversity – rich countries (eg India, Brazil, and Malaysia, among others) and by some NGOs and is not always acknowledged by corporations and governments. Biopiracy and patenting of indigenous knowledge is a double theft because first it allows theft of creativity and innovation and secondly, the exclusive rights established by patents on stolen knowledge steal economic options of everyday survival on the basis of our indigenous biodiversity and indigenous knowledge. Over time, the patents can be used to create monopolies and make everyday products highly priced.
The problem of biopiracy is a result of Western style IPR system, not the absence of such IPR system in India. Therefore, the implementation of TRIPs (trade-related intellectual property rights) which is based on the U.S. style patent regimes should be immediately stopped and its review stated.

Biopiracy on the anti-diabetic properties of ‘Karela’, ‘Jamun’ & Brinjal
The patents on the anti-diabetic properties of ‘karela’, jamun’, brinjal once again highlight the problem of biopiracy – the patenting of indigenous biodiversity-related knowledge. The use of ‘Karela’, jamun ‘and brinjal for control of diabetes is common knowledge and everyday practice in India. Their use in the treatment of diabetes is documented in authoritative treatises such as the “wealth of India”, the “Compendium of Indian Medicinal Plants” and the “Treatise on Indian Medicinal Plants”.

Biopiracy of Neem
Patenting of seed oil from Indian Neem by US Department of agriculture & W.R. Grace in 1992 was a case of biopiracy. This has created a great controversy because Indians has used Neem oil as a medicine and pest controlling agent for generations. European Patent office revoked this patent after a long legal battle.

Biopiracy of Haldi
In 1995, University of Mississippi medical centre had taken patent on turmeric powder as a wound healing agent. On Aug, 1977, this patent was revoked due to objections of leading scientist Professor R.A. Mashelkar, Former D.G., CSIR. For this in 2001 CSIR established TKDL (Traditional knowledge Digital Library), New Delhi to protect traditional knowledge from biopiracy.

However, biopiracy is an epidemic. Neem, haldi, pepper, harar, bahera, amla, mustard, basmati rice, ginger, castor, jaramla, amaltas and now karela and jamun have all been patented. The problem is deep and systemic. And it calls for systemic change, not case by-case challenges. That is why we demand a change in TRIPs and patent laws. Biopiracy happens because Indian knowledge is not documented. Even the folk knowledge orally held by local communities deserves to be recognized as collective, cumulative innovation. Ignorance of such knowledge in the United States should not allow piracy to be treated as invention. The Government of India has been translating and publishing ancient manuscripts containing old remedies in electronic form, and in 2001 the Traditional Knowledge Digital Library was set up as a repository of 1200 formulations of various systems of Indian medicine, such as Ayurveda, Unani and Siddha.

Two Conventions that can be applied when dealing with biopiracy; it is the convention on Biological Diversity (CBD) and the agreement on Trade-Related Intellectual Property Rights (TRIPs). The convention on Biological Diversity (CBD) which came out of the 1992 Rio Earth Summit and the Nagoya protocol negotiated in Japan in 2010. The main goal of the CBD is to preserve biological diversity while the goal of TRIPs is to stimulate technological advancement, giving rights to the inventor through IPRs. In fact, removing the inconsistencies between TRIPs and CBD should be important part of the international campaign for the review and amendment of TRIPs. And if biopiracy is not stopped, the everyday survival of ordinary Indians will be threatened, as over indigenous knowledge and resources will be used to make patented commodities for global trade.

Global corporate profits will grow at the cost of the food rights, health rights and knowledge rights of one billion Indians, two thirds of whom are too poor to meet their needs through the global market place. India should lose no time in starting the movement for amendment of TRIPs and U.S. patent laws. Our survival itself is at stake.

REFERENCES
3. The US patent system Legalizes Theft and Biopiracy – Van Dana Shiva – THE HINDU, Wednesday, July 28, 1999
5. Biopiracy or Bioprivateering – Richard Stallman