

categorized. The comparative analysis of successful legal position in India has been used in order to strengthen the recommendations.

Keywords: Intellectual Property Rights, Patent, Plant Variety Protection, Sri Lanka, TRIPS

1. Introduction

Sri Lanka is a small island, situated in the Indian Ocean and one of the rich biodiversity hotspots of species among flora, fauna and wide range of ecosystems in the world because of its diverse climate and topographical conditions. Currently, its biodiversity is under threat due to the bio piracy. In the domestic scenario, the importance of strengthening the protection for plant varieties has been identified through the series of increasing incidents regarding the bio piracy. According to the globalization, the bio-diversity and the traditional knowledge, skills and technologies possessed by the local farmers, mostly in developing countries are highly threatened. In the current context, the Multinational Companies have engaged in 'bio-piracy' in developing countries' by stealing vital genetic resources and the associated traditional knowledge to obtain patent rights for them in their own countries. Sri Lanka is one of such affected developing countries in the Asian region.

2. Literature Review

The inadequacies of law relating to protection of plant varieties in Sri Lanka is already found in published material. Kamardeen N, has critically explained the inadequacy of second Draft Bill for Protection of New Plant Varieties (Breeder's Rights), 2011 in her research on, "The Significance of Plant Variety Legislation in Promoting Economic Growth: An Analysis of Proposed Law in Sri Lanka" (2013).

Wijesooriya P, has discussed the differences between draft Bills for Protection of New Plant Varieties in 2001 and 2011 and pointed out the inadequacy of law