

Extant variety notified under Section 5 of the Seeds Act, 1966 (54 of 1966)	₹ 2000/- only.
Extant variety other than the category specified above	₹ 2000/- plus 0.1 per cent of the sales value of the seeds of the registered variety during the previous year plus 0.5 percent of royalty, if any, received during the previous year from the sale proceed of seeds of a registered variety.
Farmers variety	₹ 10/year
Annual fee shall be determined on the basis of declaration given by the registered breeder or agent or licensee regarding the sales value of the seeds of the variety registered under the Act during the previous year and royalty, if any, received during the previous year from the sale proceed of seeds of the registered variety and verified by the Authority. For update please check the Authority website (www.plantauthority.gov.in).	

Q. 21. What are the exemptions provided under the PPV & FR Act, 2001?

1. Farmers' Exemption: Farmer shall be entitled to produce, save, use, sow, re sow, exchange, share or sell his farm produce including seed of a variety protected under this Act.
2. Researcher's Exemption: (i) the use of registered variety for conducting experiment.
(ii) the use of variety as an initial source of variety for the purpose of creating other varieties.

Q.22. What are the acts of infringement of the rights provided to the registered breeder under the Act?

Ans. Following acts may be a case of infringement under the PPV&FR Act:

1. If a person who is not a breeder of a variety registered under this Act, or a registered agent or a registered licensee of that variety, sells, exports, imports or produces such variety without the permission of its breeder or within the scope of a registered license or registered agency without their permission of the registered license or registered agent.
2. If a person uses, sells, exports, imports or produces any other variety giving such variety, the denomination identical with or deceptively similar to the denomination of a variety already registered under this Act, in such a way that it causes confusion in the mind of general people in identifying the registered variety.

Q. 23. Is there any punishment if any person falsely represents a variety as a registered variety?

Ans. If any person falsely represents a variety as a registered variety then he shall be punishable with imprisonment for a term not less than six months which can be extended up to three years or with a fine not less than Rupees one lakh which may be extend to Rupees five lakhs, or with both.

Q.24. What species can be protected?

Ans. So far, the Central Government has notified 114 crops with their genera and species eligible for registration. (List available on the website of the Authority ie. www.plantauthority.gov.in).

Q. 25. Is there any provision of onsite testing of trees and vines?

Ans. Yes, the applicant has an option for onsite testing and the fee prescribed will not exceed four times the fee prescribed for normal DUS test. The details of fees is available on PPV&FRA Website(www.plantauthority.gov.in).

Q. 26. What is the provision for special test?

Ans. The special tests shall be conducted only when DUS testing fails to establish the requirement of distinctiveness. The DUS testing shall be field and multi-location based for at least two crop seasons and special tests be laboratory based. The Authority shall charge separate fees for conducting DUS test and special test on each variety. The fee for DUS and special tests shall be such as provided in column (3) of the Second Schedule for the purpose.

Q. 27. How to get information about General and Specific Guidelines for DUS Testing?

Ans. The General and Specific Guidelines for DUS Testing of 114 notified crop species are available in various issues of Plant Variety Journal of India. The cost of each issue of the Journal is Rs. 300/- or Rs. 3200/- per year payable in form of DD in favour of the ' PPV&FR Authority' payable at New Delhi. The PVJI is also available on the official website of PPV&FR Authority.

Q. 28. From which date the PPV&FR Authority starts receiving applications for Registration of Plant Varieties?

Ans. The PPV&FR Authority started receiving applications for Registration of Varieties of 12 notified crop species from 21st May, 2007 and at present the Authority is accepting the applications for 114 notified crops species. List available on PPV&FRA Website.

Q. 29. What are the Business Hours for receiving application and seed samples?

Ans. The Business Hours for receiving application and seed samples in the office of Registrar PPV&FR Authority are as under:

S.No.	Particulars	Timings	
1.	Applications for all varieties for the crop species Gazette notified under the Act.	Day	Time
		Monday to Friday (Working days)	10:00 Hours to 15:00 Hours

Q. 30. What are the guidelines for submission of applications for Registration of Plant Varieties?

Ans. The guidelines for submission of applications for Registration of Plant Varieties are as under:

1. Every application must be submitted in triplicate and signed by the applicant or their representative. Application should be submitted in hard copy along with all essential requirements by hand/ by post till further notice.
2. Applications will be received from Monday to Friday (working days) from 10:00 Hours to 15:00 hours.
3. Every application must have the name of the applicant, their address and nationally as well as the address of service of their agent (if Applicable).
4. Until otherwise notified in the Plant Variety Journal of India, each application should be accompanied with an application charge of Rs. 200/- and specified fee for registration by demand draft/multicity cheque drawn in favour of the "Protection of Plant Varieties and

Farmers' Rights Authority", New Delhi. It is requested to all applicant that details of application ie. Name of the Applicant, Denomination of the variety and crop name must be furnished on backside of the cheque.

5. The office of the Registrar shall issue acknowledgment receipt and number which shall be used for all future references including the checking of the status of application.

6. The Application will be received on "first come first serve" basis.

7. No applications will be received after business hours.

8. After submission of application, it will be processed according to the provisions of the Rule 29(2) of the PPV&FR Rules, 2003.

Q. 32. What is the difference between the Seeds Act, 1966 and PPV&FR Act, 2001.

Seeds Act, 1966, Seeds Rules 1968 with Seeds (Control Order) 1983 are the legal instruments for regulating the production, distribution and the quality of certain seeds for sale and for matters connected therewith, whereas the PPV&FR Act, 2001 grants the proprietary ownership of the variety to the plant breeders and farmers for their varieties. Intellectual Property Rights are the private rights which confer to the legitimate owners exclusive rights to produce, sell, market, distribute, import or export the variety registered under the PPV & FR Act.

Q. 33. What is UPOV is India member of UPOV?

Ans. UPOV means "International Union for the Protection of New Varieties of Plants". India has been given the status of observer.

Q. 34. Can a plant variety be protected under the Patent Law in India?

Ans. No, Plant variety cannot be patented in India.

Q. 35. Can a foreign applicant obtain registration of their variety under PPV & FR Act, 2001?

Ans. Yes, the procedure for obtaining plant variety registration is same for Indian citizen and foreigners. However, foreign applicant must furnish their address for service in India while applying for plant variety registration.

Q. 36. What is difference between patent and PPV&FR Act?

Ans. A patent deals with IPR over devices of Industrial applications whereas PPV & FR Act, 2001 confers IPR to plant breeders who have bred or developed plant varieties. A patent is a set of exclusive rights granted by a state (national government) to an inventor or their assignee for a limited period of time in exchange for the public disclosure of an invention. The PPV&FR Act, give rights to farmers, breeders and researches besides giving protection to varieties of all crop species which are notified under the Act. There is also provision for benefits sharing, compensation to the farmers, recognition and award to the farmers for supporting conservation and sustainable use of plant genetics resource.

Q. 37. What is National Gene Fund and for what purpose it is utilized ?

Ans. The National Gene Fund has been constituted by the Central Government to promote, recognize and reward those farmers who are engaged in the conservation of genetic resources of land races and wild relatives of economic plants and their improvement through selection and preservation in the agro-biodiversity hot-spots and also to a farmer who is engaged in conservation of genetic resources of landraces and wild relatives of economic plants and their improvement through selection and

preservation provided material so selected and preserved has been used as donor of genes in varieties registered under the Act.

The Gene fund shall be enriched from the money received in the form of Compensation, Annual fee, Benefit sharing and contributions from National & International Organizations. The money collected under this fund shall be utilized for reimbursement of benefit sharing, reimbursement of compensation; support and reward the farming communities, particularly the tribal and rural communities engaged in the conservation, improvement and preservation of genetic resources of economic plants and their wild relatives, particularly in the areas identified as agro-biodiversity hotspots.

Gene fund shall also be used for supporting the conservation and sustainable use of genetic resources including in-situ and ex-situ collections and for strengthening the capability of Panchayat in carrying out such conservation and sustainable use.

Q.38. what are the different kind of Award, Reward and Recognition

Ans. There are Three types of Award, Reward and Recognitions given by the PPV&FR Authority every year.

Q.39. How many Awards every year

Ans. Every year Authority conferred 05 Plant Genome Saviour Community Awards, 10 Plant Genome Saviour Farmers Rewards and 20 Plant Genome Saviour Farmers Recognitions.

Q.40. Is there any cash prize for the Award, Reward and Recognitions being given by PPV&FRA

Ans. Yes,

i) the Authority in consultation with Government of India, has established five Plant Genome Saviour Community Awards of ₹ 10 Lakh each along with citation and memento to be conferred every year to the farming communities for their contribution in the conservation of Plant Genetic Resources.

In accordance with the Protection of Plant Varieties and Farmers' Rights (Recognition and Rewards from the Gene Fund) Rules, 2010, ten Plant Genome Saviour Farmer Rewards of ₹ 1.5 Lakh each with citation & memento and also twenty Plant Genome Saviour Farmer Recognitions of ₹ 1 lakh annually to the farmers engaged in the conservation of the Genetic Resources of the landraces and wild relatives of economics plants and their improvement through selection and preservation.

Q.41. How to apply for Award

Ans. Every year Authority inviting applications for awards, Rewards and Recognitions by way of advertising in leading news paper in (hindi and English) and Application Form is also available on the website of the Authority.

Address for communication:

Protection of Plant Varieties and Farmers' Rights Authority,

Societies Block, 2nd Floor, NASC Complex,

Dev Prakash Shastri Marg, New Delhi-110 012

Tel: 011-25848127, 25843316, 20911443, 25842846,

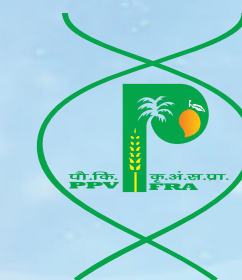
Fax: 011-25840478

Website: www.plantauthority.gov.in

E-mail: chairperson-ppvfra@nic.in

E-mail: rg-ppvfra@nic.in

Frequently Asked QUESTIONS



Protection of Plant Varieties and Farmers' Rights Authority
Department of Agriculture, Co-operation and Farmers Welfare,
Ministry of Agriculture and Farmers Welfare, Govt. of India,
NASC Complex, DPS Marg, Opp- Todapur Village,
New Delhi-110 012

www.plantauthority.gov.in

Introduction

In order to provide for the establishment of an effective system for the protection of plant varieties, the rights of farmers and plant breeders and to encourage the development of new varieties of plants it has been considered necessary to recognize and to protect the rights of the farmers in respect their contributions made at any time in conserving, improving and making available plant genetic resources for the development of new plant varieties. The Govt. of India enacted "The Protection of Plant Varieties and Farmers' Rights (PPV&FR) Act, 2001" adopting *sui generis* system. Indian legislation is not only in conformity with International Union for the Protection of New Varieties of Plants (UPOV), 1978, but also have sufficient provisions to protect the interests of public sector breeding institutions and the farmers. The legislation recognizes the contributions of both commercial plant breeders and farmers in plant breeding activity and also provides to implement TRIPs in a way that supports the specific socio-economic interests of all the stakeholders including private, public sectors and research institutions, as well as resource-constrained farmers.

To implement the provisions of the Act the Department of Agriculture, Cooperation & Farmers Welfare, Ministry of Agriculture & Farmers Welfare established the Protection of Plant Varieties and Farmers' Rights Authority on 11th November, 2005. The Chairperson is the Chief Executive of the Authority. Besides the Chairperson, the Authority has 15 members, as notified by the Government of India (GOI). Eight of them are *ex-officio* members representing various Departments/Ministries, three from SAUs and the State Governments, one representative each for farmers, tribal organization, seed industry and women organization associated with agricultural activities are nominated by the Central Government. The Registrar General is the *ex-officio* Member Secretary of the Authority

Objectives of the PPV & FR Act, 2001

- To establish an effective system for the protection of plant varieties, the rights of farmers and plant breeders and to encourage the development of new varieties of plants.
- To recognize and protect the rights of farmers in respect of their contributions made at any time in conserving, improving and making available plant genetic resources for the development of new plant varieties.
- To accelerate agricultural development in the country, protect plant breeders' rights; stimulate investment for research and development both in public & private sector for the development new of plant varieties.
- Facilitate the growth of seed industry in the country which will ensure the availability of high quality seeds and planting material to the farmers.

General Functions of the Authority

- Registration of new plant varieties, essentially derived varieties (EDV), extant varieties;
- Developing DUS (Distinctiveness, Uniformity and Stability) test guidelines for new plant species;
- Developing characterization and documentation of varieties registered;
- Compulsory cataloging facilities for all variety of plants;
- Documentation, indexing and cataloging of farmers' varieties;
- Recognizing and rewarding farmers, community of farmers,

- particularly;
- tribal and rural community engaged in conservation, improvement;
- Preservation of plant genetic resources of economic plants and their wild relatives;
- Maintenance of the National Register of Plant Varieties and Maintenance of National Gene Bank.

Q.1. Why protection of plant varieties has become an important issue?

Ans. The breeding activities and exploitation of new varieties are the decisive factors for improving rural income and their overall economic development. Since the process of plant breeding is long and expensive, it is important to provide an effective system of plant variety protection with an aim to encourage the development of new varieties of plants for the benefit of society.

Q.2a. What is a variety?

Ans. Variety means a plant grouping except micro-organism within a single botanical taxon of the lowest known rank, which can be-

- defined by the expression of the characteristics resulting from a given genotype of that plant grouping.
- distinguished from any other plant grouping by expression of at least one of the said characteristics; and
- considered as unit with regard to its suitability for being propagating, which remain unchanged after such propagation, and includes propagating material of such variety, extant variety, transgenic variety, farmers' variety and essentially derived variety.

b. Essentially Derived Varieties (EDV):

Means a variety which has been essentially derived from existing variety by any of the following means:

- Genetic Engineering
- Mutation
- Tissue Culture Derived
- Back Cross Derivative
- Any other (Ploidy change etc.)

EDV is clearly distinguishable from such initial variety; and conforms (except for the differences which result from the act of derivation) to such initial variety in the expression of the essential characteristics that result from the genotype or combination of genotype of such initial variety.

Q.3. what is the definition of a farmer in the PPV & FR Act?

Ans. Farmers means a person who-

- cultivates crops by cultivating the land himself; or
- cultivates crops by directly supervising the cultivation of land through any other person; or
- Conserves and preserve, severally or jointly, with any person any wild species or traditional varieties through selection and identification of their useful properties.

Q.4. a. What is a Farmers' Variety?

Ans. A variety which

- has been traditionally cultivated and evolved by the farmers in their fields; or
- is a wild relative or land race or a variety about which the farmers possess the common knowledge.

- Farmer's variety is exempted from application/registration fees and his application need not be accompanied with fees, affidavit for terminator technology.

b. Is there any relaxation in purity standards and requirement of seed for test?

Ans. The numbers of off types for farmers' varieties shall not exceed double the number of off types prescribed for a new variety. The seed required is half of the quantity prescribed for the new variety.

Q. 5. What are Farmers' rights?

1. Farmer who has bred or developed a new variety shall be entitled for registration and other protection under PPV&FR Act, 2001 in the same manner as a breeder of a variety.
2. Farmer who is engaged in the conservation of genetic resources of land races and wild relatives of economic plants and their improvement through selection and preservation shall be entitled in the prescribed manner for recognition and reward from the Gene Fund provided that material so selected and preserved has been used as donors of genes in varieties registered under this Act.
3. Farmer shall be entitle to save, use, sow, re-sow, exchange and share or sell his farm produce including seed of a variety protected under this Act in the same manner as he was entitled before the coming into force of this Act provided that the farmer shall not be entitled to sell branded seed of a variety protected under this Act.

Q. 6. What is the duration of protection of a registered plant variety?

Ans. The duration of protection of registered varieties is different for different type of crops which are as below:

1. Trees and vines - 18 years.
2. For other crops - 15 years.
3. For extant varieties notified - 15 years from the date of notification under section 5 of the Seeds Act, 1966.

Q. 7. Is there any time limit for filing the varieties for registration under Extant Category.

Ans. Yes, the time limit is usually fixed by the Authority for 6 years for Extant varieties (other than Farmer Varieties) and 10 years for Registration of Farmers Varieties from the date of publication of approval of Authority in PVJ.

Q.8. Can a variety under Extant category be filed after the prescribed time limit

Ans. No

Q.9. Can a new and distinct plant found growing in nature be protected?

Ans. As such those plant varieties present in wilderness cannot be registered, under PPV&FR Authority. However, any traditionally cultivated plant variety which has undergone the process of domestication /improvement through human interventions can be registered and protected subjected to fulfilment of the eligible criteria.

Q. 10. What are the characteristics which may be used for distinguishing a variety?

Ans. The new variety should be distinct from the other varieties for at least one essential characteristic.

Q. 11. What are the prerequisites for filing an application form for registration of plant variety?

Ans. For registration of a plant variety the following prerequisites has to be completed:

1. Denomination assigned to such variety.
2. Accompanied by an affidavit that variety does not contain any gene or gene sequences involving terminator technology.
3. Complete passport data of parental lines from which the variety has been derived along with its geographical location in India and all such information relating to the contribution if any, of any farmer (s), village, community, institution or organization etc in breeding, evolving or developing the variety.
4. Characteristics of variety with description for Novelty, Distinctiveness, Uniformity and Stability.
5. A declaration that the genetic material used for breeding of such variety has been lawfully acquired.
6. A breeder or other person making application for registration shall disclose the use of genetic material conserved by any tribal or rural families for improvement of such variety.

Q. 12. How can I check the status of my application

Ans. It is available in the official website of the PPV&FR Authority.

Q. 13. What comprises a plant variety protection Application Form?

Ans. The application for registration of a variety is to be made in the form prescribed in the PPV & FR Regulations, 2006.

1. Form I - for registration of new variety, extant variety and farmer's variety and
2. Form II - for essentially derived varieties (EDVs).
3. Technical Questionnaire attached with Form I/Form II – for detailed information of the concerned variety.

These filled application forms must be accompanied by the registration fee as notified in the Gazette of India dated 15.06.2015 Details available on (www.plantauthority.gov.in).

Q.14. Who can apply for the registration of a plant variety?

Ans. Application for registration of a variety can be made by:

1. any person claiming to be the breeder of the variety;
2. any successor of the breeder of the variety;
3. any person being the assignee or the breeder of the variety in respect of the right to make such application;
4. any farmer or group of farmers or community of farmers claiming to be breeder of the variety;
5. any person authorized to make application on behalf of farmers and
6. any University or publicly funded agricultural institution claiming to be breeder of the variety.

Q. 15. Which is the office for making application for the registration of plant varieties?

Ans. Application for registration of plant varieties can be made in the office of Registrar, PPV&FRA, New Delhi. The address of the Office is: Registrar, Protection of Plant Varieties and Farmers' Rights Authority, Govt. of India, Ministry of Agriculture & Farmers Welfare, Society Block, 2nd Floor, NASC Complex, DPS Marg, Opposite Todapur, New Delhi – 110012. Also any information regarding the protection, application, fee structure, etc. can be obtained from this office. Completed forms in triplicate, with fee/charges should be

submitted to the Registrar with all enclosures, TQ, affidavits in his New Delhi Office or can be sent by Registered Post. Two branch offices have also been opened one at Guwahati (Assam) and one at Ranchi (Jharkhand) to facilitate the applicants.

Q.16. Can an application for registration of plant varieties be made through an agent?

Ans. Yes, a breeder or a farmer can apply for registration either in person or through his agent.

Q. 17. Is it necessary to submit the seed / propagating material before registration?

Ans. Yes, the breeder shall be required to deposit the seed or propagating material including parental line seeds of registered variety to the Authority. An applicant has to submit a fixed amount of seed sample (breeder seed) with prescribed germination percentage, physical purity and phyto-sanitary standards. The applicant shall also submit along with the seed/propagating material the seed quality test report.

Q. 18. What is done with the seeds received by the Authority?

Ans. The seed samples received by the Authority will be properly tested for its purity and germination. A part of the seed sample sent to the test centre for conduct of DUS tests and a part of is kept by the Authority in the National Gene Bank to maintain the seed samples of the registered varieties for their entire period of protection.

Q. 19. Can a person apply for registration of a variety which is already in the market?

Ans. Any variety which is already in the market, but not for more than a year, can be applied for registration as a new variety. Other older variety can be applied for registration as Extant Variety.

Q. 20. What is the cost of registering a plant variety?

Ans. The fee structure as defined by the PPV&FR Authority is as below:

A. Form Charges

1. Application Form processing Charges Rs.200/-

B. Registration Charges

Type of variety	Registration fee
Essentially Derived Varieties/New Varieties / Extant Variety about which there is common knowledge	Individual Rs. 7,000/- Educational Rs. 10,000/- Commercial Rs. 50,000/-
Extant Variety notified under section 5 of the Seeds Act, 1966.	Rs. 2000/-
Farmers' Variety	No fee

C. DUS test fee* Details available on the official website of the PPV&FR Authority (www.plantauthority.gov.in)

D. Annual Fee

Type of variety	Annual Fees
New Variety	₹2000/- plus 0.2 per cent of the sales value of the seeds of the registered variety during the previous year plus 1 percent of royalty, if any, received during the previous year from the sale proceed of seeds of a registered variety.