

Meeting Date:-26<sup>th</sup> August, 2019  
Venue:- PJTSAU, Hyderabad, Telengana

MINUTES OF THE INTERFACE MEETING BETWEEN PPV&FRA AND SEED  
INDUSTRY

The interface meeting between PPV&FRA and PJTSAU was held under the Chairmanship of Dr. Praveen Rao Velchala, Hon'ble Vice Chancellor of PJTSAU, Hyderabad.

Dr. R.C. Agrawal, Registrar-General gave the welcome address and informed that PJTSAU has agreed to provide space for the proposed Branch Office which the Authority has already approved the opening of Branch Office at Hyderabad. He also informed that the proposal of branch office has been submitted to Nodal Ministry for the approval. He also informed that the online filing is being developed through NIC and within next six months the same would become functional. He also informed that website of the Authority would become dynamic with content management system.

Chairperson, PPV&FRA remarked that the response to interface meeting was encouraging and proper Intellectual Property must be conferred to the right holder. The procedure for grant of plant breeder's rights have been widely streamlined for the effective grant of IP to the plant breeders. He informed that the terms like new guidelines or new procedure is not intended to sound the way as all the notifications either are executive directions or plant breeding consequences, as provided in the Act.

Dr. Praveen Rao Velchala, Vice Chancellor, PJTSAU thanked PPV&FRA for the consideration of Branch Office at PJTSAU, Hyderabad. There must be systematic growth in varietal development and climate resilient varieties must be developed and database on plant varieties must be built with block chain technology.

Dr. T.K. Nagarathna, Registrar, PPV&FRA gave a detailed presentation on the new procedure adopted by the plant varieties registry. Dr. Ravi Prakash, Registrar, PPV&FRA gave a detailed presentation on DUS testing procedures in the varietal registration. Sh. Raj Ganesh, Legal Advisor, PPV&FRA gave a presentation on the present legal issues involved. He also presented the responses to the queries sent by the Seed Associations. He requested that seed companies to liberally contribute to National Gene Fund under CSR activities.

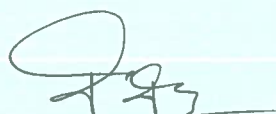
The issues raised by the various representatives of the seed industry and the decision of the PPV&FR Authority are provided hereunder:-

S. No.	Issues raised	Decision taken
1.	Public Notice No.1 of 2019 should not have been issued under Section 20(1) of PPV&FR Act, 2001.	It was explained that Public Notice No.1 of 2019 has been appropriately issued under Section 20(1) of PPV&FR Act, 2001, however, whether other sections are also to be included will be considered by PPV&FRA.
2.	There is no provision for conducting hybridization from the parental lines submitted.	Registrar has power to conduct an inquiry as well as the testing of the candidate hybrid for technicalities involved in DUS with hybrids and to verify a claim and accordingly there is no legal infirmity in conducting hybridization from the parental lines submitted.
3.	The hybridization causes unnecessary financial and time burden.	It was clarified that no fees are charged for hybridization and further DUS testing and hybridization goes parallel and hence there is no question of financial and time burden.
5.	Compound Registration procedure is not supported in law and it restricts the choice of the breeders to apply either for any of the parents or for hybrids.	Compound Registration Procedure is as per the law as hybrid together with its parents constitute a unit and fall within the definition of variety as defined in Section 2(za) of PPV&FR Act, 2001. If hybrid as a variety as defined is not considered as one unit with its parents then there is no possibility of registering a hybrid as a variety. Further single registration fee is charged for parents and hybrid and accordingly fee is substantially reduced.
6.	Composite varieties must be allowed to be registered.	Composite varieties cannot be considered for registration as they cannot reproduce variety true to such type, and hence do not conform to the definition of variety as per section 2(za) of PPV&FR Act, 2001.
7.	Technical issues arise in DUS testing.	Steps have been taken to rectify the same. If there are any defects applicant will be contacted immediately and further steps are being taken to outsource the DUS testing to agencies/ institute who are not

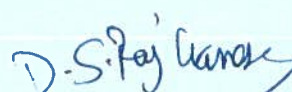
		involved in plant varietal registration.
8.	If one of the parents is in public domain then the hybrid along with the other parent will be registered are mentioned in public notice 1 of 2019 which is in contradiction with earlier paras.	It was accepted with thanks and this portion of the notice will be amended to the effect that if one of the parents is in public domain then the other parent and the hybrid cannot be registered.
9.	Agronomic data is published in PVJ is not uniform	Agronomic/ commercial value related information often can be variety specific. Hence, one format may not serve all. It may vary with claims as well as DUS data records. Efforts are being taken to customize the structure of the agronomic data and amendment in this regard is also awaited.
10.	Alternative methods like DNA test etc., may be used for hybridization.	DNA test protocols are being developed and at this stage the same is not possible. DUS testing will be augmented.
11.	Date of filing must be the date of payment of fees and accordingly date of allotment of REG No. cannot be the date of filing as mentioned in the public notice No.2 of 2019.	The date of grant of PVP number will be considered as the date of filing, provided no queries are raised in the application at the time of issuing REG No. At this point, the REG No. shall vary the PVP No. date. However, if any query is raised then the date of allotment of REG no. will be the date of filing. Necessary amendment will be issued in this regard.
12.	Once a notified variety under Seeds Act falls under the category of new variety it cannot be amended to extant variety notified under Section 5 of Seeds Act, 1966.	If on the date of filing of application as above, a variety is previously notified under the Section 5 of Seeds Act, 1966 it will be considered as extant variety notified under Section 5 of Seeds Act, 1966 only and if after the filing of the application the variety gets notified under Section 5 of Seeds Act, 1966 then it will be considered under the category of New Variety only.
13.	Compound Registration procedure whether is applicable	Yes. In case of Extant Varieties Notified under Section 5 of Seeds Act, 1966, no DUS

	to extant varieties about which there is common knowledge and extant varieties notified under Section 5 of Seeds Act, 1966.	testing will be conducted, however, the hybrid seed production of the parents submitted by crossing the two has to be taken up to confirm the submitted seed and hybrid are as claimed.
13.	It is not proper to link the period of protection with the earliest parent in the compound procedure of registration of plant varieties for parents and hybrid.	As re-iterated earlier both parents and hybrid are considered as a unit and as a variety and hence the linking of the period of protection of the hybrid with the earliest parent line is in order and in accordance with law.
14.	Para (f) and Para (h) of public notice 1 of 2019 are contradictory.	They are not contradictory. Para (f) refers to hybrid failing uniformity test and parents failing stability test in which case all will be rejected and the para (h) deals with hybrid failing the uniformity test and parents passing DUS test in such case parent lines will be registered at the option of the applicant as inbred variety.
15.	A hybrid has to be registered along with parents and also tested and this restricts the choice among the breeders and in such case where hybrids are not developed out of parents then they will become ineligible for registration.	As re-iterated earlier, a hybrid has to be registered along with parents and also tested and if hybrid is not developed out of a parent then such variety cannot be termed as parent it will be filed as inbred or as a typical variety.
16.		The Chairperson announced that the PPV&FRA has dispensed with the endorsement of details of payment of annual fee on the annex of Registration Certificate which shall be available on the website.

The meeting ended with a vote of thanks to the chair.



(K.V. Prabhu)  
Chairperson



(Raj Ganesh)  
Legal Advisor