

Dated: 17.05.2019

**PUBLIC NOTICE**

**(1 of 2019)**

**Sub:- Public Notice under Section 20(1) of PPV&FR Act, 2001.**

**The guidelines/procedure for DUS testing of a hybrid variety compulsorily with its parental lines in the case of seed propagated notified plant species** a) Only applications for DUS testing

of single cross hybrids produced through inbred parental mating shall be accepted for registration, as a three-way crossed or double crossed or multiparent chain-crossed hybrid can never be identically reproduced by mating the same parents to establish stability and uniformity parameters in the resultant hybrid.

b. A hybrid variety will be registered as a compound registration with same REG numerals for the hybrid variety, parental lines ( A, B, R or A, B combination as the case may be), but each genotype shall be specifically designated with suffix alphanumeric digit/s in the last digit/s indicating the identity of the parent or hybrid. REG number of the Hybrid which shall carry 'H' as suffix as the last digit in its REG number, while A, B and R will be suffixed with parents as required when cytoplasmic male sterility (CMS) system is involved where A parent would be described as (Male sterile), B as (Maintainer of A) and R as (Restorer), and P1 (Female), P2 (Male) when two parents are involved with the same REG number.

c. Only single registration fee will be charged for the hybrid system registration while, depending on the number of parents of the hybrid that require DUS testing

(exceptions are when one of the parents is already registered as a variety or as a parent of another hybrid, or when both parents are already registered as varieties or as parents of two different hybrids, respectively, in which case these parents do not need DUS testing, but shall need only hybrid production verification) , the testing fees shall be charged separately for each of the parents and their hybrid.

**d.** The certificates with the compound set shall be separately issued for each parent and hybrid indicating the denomination of the hybrid/hybrids in the case of parents and denominations of all the parents in the case of hybrid.

**e.** If one or more than one involved parent is already a registered variety or a parent of other hybrid/hybrids registered, the same would be indicated retaining the original and earliest REG and Certificate serial numbers as well as date of registration of the variety or parent, as the case may be, mentioning the name of all the hybrids including the latest candidate hybrid. The date of earliest registration of such parental line or variety shall be retained also on the candidate hybrid for validity of the protection period of the candidate hybrid variety being limited to the parental line/variety registered earliest. The period of protection shall be mentioned on the certificate of the hybrid as the date of valid period of protection of the earliest registered parental line/variety.

**f)** The candidate Hybrid variety and its parental lines (2 or 3 as the case may be) will be separately DUS tested as required (please see **c** above). The hybrid shall be tested at the notified DUS centres of the hybrid for two seasons while its parents shall be tested for two years by the PPVFRA centre/s maintaining confidentiality. The

second year testing of the hybrid and parents shall comprise two plots of the candidate hybrid and parents at respective location/s of which one will be from the hybrid and parental seed produced by the Authority and the other as supplied by the applicant. f) If a candidate hybrid variety or any of the parent/parents under DUS testing fails on Uniformity test, and in the case of parent/parents on Stability test, then the hybrid along with its parents that generated it shall be rejected.

g. If a candidate hybrid variety passes Uniformity and fails on distinctiveness with a reference Hybrid or other Hybrid varieties, and the candidate Hybrid's parents show distinctiveness with other inbreds/parents as well as parents of registered or reference Hybrids, then the Hybrid + parents qualify for protection as the hybrid shall be a genotypically distinct product from the reference/registered Hybrids and shall therefore be registered on the basis of genotypic distinguishability as (where genotyping as a special test shall be taken up as per Rule 29(b), at additional cost to the applicant as an option to obtain registration) . However, when parents/parent of an otherwise distinct uniform candidate hybrid do not pass DUS testing for distinctiveness with reference parents/inbreds or parents of other registered/reference Hybrids, then upon confirmation that the candidate Hybrid produced from such non-distinct parents are indeed distinct, then the involved parents and candidate Hybrid are also eligible for protection and shall be registered after special genotyping special test of the non-distinguishable parents/inbreds. The product distinct hybrid itself becomes a verification as a special test result of the involved non-distinguishable parents in case genotyping is not possible due to lack of genomic resources in the species. In such cases two sets of hybrids shall be

produced by involving the two non-distinguishable parents in two crosses with the other distinct parent of the candidate hybrid. The hybrids thus produced shall be more likely distinctive if the two non-distinguishable parents differed genotypically. . The cost of such hybrid seed production by the Authority shall be payable by the applicant of the candidate hybrid as a matter of choice for obtaining registration of the hybrid and parental varieties.

h. If the hybrid is rejected on account of uniformity, but any of the parent or parents pass the DUS, such parent or parents can be registered as new variety, varieties with the option to be exercised by the applicant with the deposit of additional registration fee as the case may be, but shall be designated as “inbred variety” not be referred to the Hybrid system

h. Accordingly, dependent on the outcome decided by the Registrar, there would be registration certificate issued as follows with one REG group for one hybrid system including the hybrid and parents involved, however, keeping separate individual serial number on each certificate to facilitate separate licensing option of each parent as desired by the registered breeder:

i). Hybrid : (DENOMINATION e.g. **RRH 2021**) Sl No. 000001, REG No. (year)0001H (Hybrid Variety) with following description in parantheses:

[Parents of the Hybrid (as the case may be), e.g., **XML19A**(REG No.(year)0001A

(Male sterile), XML19B (REG No.(year)0001B (Maintainer), SRR12 (REG No.(year) 0001R (Restorer)]

ii). Parent 1: **XML19A** SI No.000002, REG No. (year) 0001A(Male sterile)

[Female parent of Hybrid **RRH 2021** (REG No. (year)0001H)

iii). Parent 2: **XML19B** SI No.000003, REG No. (year) 0001B(Maintainer)

(Male sterility maintainer parent of Hybrid **RRH 2021** (REG No. (year)0001H)

iv). Parent 3: **SRR12** SI No.000004 (REG No.(year) 0001R (Restorer)

(Male fertility restorer parent of Hybrid **RRH 2021** (REG No. (year)0001H)

If any parent is already registered, for e.g. Parent SRR12 in the above case, then its certificate shall carry the following numbering system :

Parent 3: **SRR12** SI No.000004 (REG No.(year) 0001R (Restorer)

(Male fertility restorer parent of Hybrid **KKH 2016** (REG No. (2016)0045H)

i. Each certificate shall essentially carry in bold an item following the denomination description, as

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j. The validity period of registration of seed propagated non-perennial hybrid shall be as follows (as on 10.05.201):

New Hybrid Variety: 15 years if none of the parents involved is previously registered. If one or more of the parents is previously registered, the validity period of the hybrid will be that of the earliest parent.

k. This comes into force with immediate effect and is applicable to applications which are yet to be registered also. Henceforth, a hybrid will be tested only with its parents and vice-versa. In case of hybrids advertised in Plant Variety Journal, for

inviting oppositions, these shall be registered subject to the testing of parental lines. In case the involved parents of a hybrid are in public domain or are obtained through license or outsourcing under agreement of non-disclosure or agreement of non accessibility to IP protection, then in such case the parents as well as the hybrids resulting shall not be eligible for protection. However, in case of such new hybrids one of whose parents is in public domain then the hybrid with the other parent will be eligible for protection.

Sd/-

**(R.C. Agrawal)**

**Registrar-General**