



पौधा किस्म और कृषक अधिकार संरक्षण प्राधिकरण  
(संसद के अधिनियम द्वारा निर्मित सांविधिक प्राधिकरण)  
Protection of Plant Varieties & Farmers' Rights Authority  
(A Statutory Authority Created by an Act of Parliament)  
कृषि एवं किसान कल्याण मंत्रालय, भारत सरकार  
Ministry of Agriculture & Farmers Welfare, Govt. of India  
एन ए एस सी कॉम्प्लेक्स, डी पी एस मार्ग, निकट टोडापुर गांव, नई दिल्ली-110012  
NASC Complex, DPS Marg, Opp. Todapur Village, New Delhi 110012  
Tel: 011 - 25843388, Fax: 011-25840478, E-mail:- [la-ppvfra@nic.in](mailto:la-ppvfra@nic.in)

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**Explanatory note on Registration Process of Hybrid**

Explanatory note for implementation by the Registry related to the status of Parent lines and Hybrid/s with one parent common with an already registered Hybrid or the same parent registered as a new variety, Variety V<sub>1</sub>, more than 12 months before the new application of the hybrid is filed.

Explanation with the following example:

- I. CASE 1:** Inbred Variety V<sub>1</sub> (Application filed on 1 July 2016 and Registered after DUS as New Variety under PPVFRA in 1 August 2020. Variety Commercialized/Utilized/Exploited on 1 August 2018)

AND

**CASE 2:** Hybrid H<sub>1</sub> (Application filed on 1 June 2017 and Registered after DUS as New Hybrid under PPVFRA on 1 December 2020 along with Parents. Hybrid commercialized in 2018)

Parents involved: Inbred variety V<sub>1</sub> X Inbred variety V<sub>2</sub>)

- II. CASE 3:** Hybrid H<sub>2</sub> (Application filed 1st September 2021 under New Category) (Parents involved: Inbred Variety V<sub>1</sub> X Inbred Variety V<sub>3</sub>)

**Conclusions after DUS testing of Application Case 3 (after 2 years of DUS testing and analysis, etc):**

The “category” status of the above parents and hybrids shall be as follows which may be strictly observed while processing applications of the above categories:

**Case 1:**

Variety V<sub>1</sub> shall be in the category of **New Variety (Inbred)** effective from 1 August 2020.

Period of Protection of Variety V<sub>1</sub> till 31<sup>st</sup> July 2035

And

**Case 2:**

Hybrid H<sub>1</sub> shall be registered under the category of **New Variety (Hybrid) on 1 December 2020**, along with the registration of the parents V<sub>1</sub> and V<sub>2</sub> under New Variety (Inbred parents) category, (V<sub>1</sub> was exploited in 2018 after the application for

Hybrid H<sub>1</sub> registration was submitted which was admitted for DUS processing by the Registry on 1 June 2017 less than 12 months after V<sub>1</sub> was applied for or exploited by the breeder.

Period of protection: a. H<sub>1</sub>: Till 31<sup>st</sup> July 2035  
b. Parent V<sub>1</sub> : Till 31<sup>st</sup> July 2035  
c. Parent V<sub>2</sub>: Till 30<sup>th</sup> November 2035

**Case 3 as a consequence of Case 1 or Case 2:**

- i. Hybrid H<sub>2</sub> shall not be in New Variety category as Parent V<sub>1</sub> is already exploited on 1 August 2018. It shall be in the category of **Extant VCK Variety (Hybrid)**.

Date of registration of Hybrid and Parent V<sub>3</sub> : As and when registered by Registrar.

Period of protection      a. Hybrid H<sub>2</sub> : Till 31<sup>st</sup> July 2035  
b. Parent V<sub>1</sub> : Till 31<sup>st</sup> July 2035  
c. Parent V<sub>3</sub> : Till 15 years from the date of registration

- ii. Parent V<sub>1</sub> Category shall remain as registered, New Variety (inbred) effective from August 2020 as an event of registration of Inbred Variety in August 2020 (Case 1)

- iii. Parent V<sub>3</sub> shall be in the Category New Variety (Inbred)

**III, Procedures, Protocols and Fee in the events of Case 1, 2 and 3**

**i. Case 1:**

- Registrar shall process with DUS testing for Variety V<sub>1</sub> to logical conclusion at respective DUS testing centres in next two seasons.
- There shall be Registration Fee and DUS testing fee charged for the Parent Variety V<sub>1</sub>

**ii. Case 2:**

- Variety V<sub>1</sub> from Case 1 shall continue to be DUS tested at respective DUS centres as per III.(i). In addition, seed of V<sub>1</sub> shall be that submitted in 2016 or from the last season selfing carried out at DUS centre (under information to the breeder) for planting for 2<sup>nd</sup> year's testing along with possibly few more Hybrid parent reference inbreds at the Authority's facility at Shivamogga centre (if the application is received within the window prior to the 2<sup>nd</sup> year testing). Registrar shall consider the test result of first year at the DUS testing centres as well as the 2<sup>nd</sup> year's testing at Shivamogga centre for arriving at its DUS parameters validity
- However, if the seed of hybrid and parents are submitted after the window for 2<sup>nd</sup> year testing, then the normal 2<sup>nd</sup> year testing of variety inbred V<sub>1</sub> shall continue at the DUS centres only. In such an event, when in the next year (that is, after V<sub>1</sub> is tested for 2 years at DUS



centres), this parent may be tested with additional parents reference if not tested already at the discretion of the Registrar, at Shivamogga centre by the Registry. In any case, the variety  $V_1$  will be tested in the DUS test as a test reference variety compulsorily to get information on the synchrony trait between parents  $V_1$  and  $V_2$ .

- Variety  $V_2$  will be DUS tested under secure testing system by the Authority at Shivamogga for two years including stability testing in the second year from the selfed seed of first season.
- The hybrid seed  $H_1$  will be produced by crossing the two parents  $V_1$  and  $V_2$ . The seed produced from this cross will be used to test the hybrid stability part by comparing with the hybrid seed  $H_1$  submitted by the applicant in next season along with the other tests.
- The selfed seed produced by the respective DUS centre in first year is shall also be compared for its stability with seed submitted during Case I application for Variety  $V_1$  at Shivamogga to establish stability of the parent  $V_1$
- The registrar may decide to include the parent  $V_1$  again in the second year testing at Shivamogga under the two year parent testing programme as per Registrar's discretion on a case by case need.
- There will be DUS testing fee for Hybrid  $H_1$  and Parent  $V_2$  and one registration fee

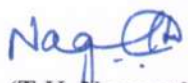
**iii. Case 3:**

- In respect of Case 3, there will be no need to do DUS testing of Parent  $V_1$  (as already registered on 1<sup>st</sup> August 2020 before submission of this application for Hybrid  $H_2$  registration), but only production of Hybrid  $H_2$  will be carried out at Shivamogga centre of the Authority by crossing inbred parent Varieties  $V_1$  with  $V_3$ .
- Parent  $V_3$  shall be DUS tested under parent testing programme at Shivamogga as in the case of Variety  $V_2$  above.
- Hybrid between  $V_1$  and  $V_3$  will be made using new seed of  $V_3$  submitted along with the application of the Hybrid  $H_2$ . The seed of parent  $V_1$  will be from the seed produced by selfing during  $V_1$  testing as above.
- No new seed submitted for Variety  $V_1$  along with Hybrid  $H_2$  application shall be used. In fact, the seed packet will only be stored/maintained with date of submission of sample maintained only for verification or any other legal requirements for establishing facts in the event of any litigation being heard at the Authority or at other Courts after registration.

- Registration fee for Hybrid H<sub>2</sub> and DUS testing fee for Hybrid H<sub>2</sub> and Parent V<sub>3</sub> shall be charged.

**If all the tests get completed in due course, the following registration decisions shall get effective:**

- Since Variety V<sub>1</sub> was applied independently as a New Variety application on July 1, 2016, in August 2020 when it is accepted for registration, it shall get registered as per normal procedure **as New Variety (inbred)** based on the result of first year at DUS centre and second year at Shivamogga making appropriate entries in the file and data base records.
- Registrar has to ensure that there is no such seed is maintained at the DUS centres irrespective of whether only one year or both year testing and seed production was carried out at the DUS testing centres. The seed has to be submitted with a certification under witness that the entire stock is being handed over to the Authority by the PIs.
- The Hybrid H<sub>1</sub> will be registered as New Variety (Hybrid) in December 2020 but protection period will be calculated as effective from 1<sup>st</sup> August 2020 up to 31<sup>st</sup> July 2035 and not 30<sup>th</sup> November 2035, in synchrony with the duration of protection of variety V<sub>1</sub> already registered as New Variety on 1 August 2020. (This is because, when application for registrations of the Variety V<sub>1</sub> was made in 2016 and for hybrid H<sub>1</sub> in 2017, Variety V<sub>1</sub> was neither commercialized nor exploited till 2018, much after both applications. Hence the category of the Hybrid as well as Variety V<sub>1</sub> shall remain new, but with protection period as effective from August 2020). The other parent of Hybrid H<sub>1</sub> that is, inbred variety V<sub>2</sub> will be registered as **New Variety (Inbred) for 15 years from 1 December 2020 till 30<sup>th</sup> November 2035.****
- Hybrid H<sub>2</sub> shall be in the category of Extant VCK Variety (Hybrid)** registered as and when registered after DUS testing procedures, but the protection period shall be effective only till July 31<sup>st</sup> 2035 as a consequence of the event of registration of Parent Variety V<sub>1</sub> (Inbred) on 1<sup>st</sup> August 2020 (Case 1)
- Parent V<sub>1</sub>'s Category shall remain as registered, New Variety (inbred) effective from August 2020 only** as per its original registration as Inbred Variety in August 2020 (Case 1)
- Parent V<sub>3</sub> Category shall be as New Variety (Inbred)** with period of protection for 15 years effective from the Date of Registration as and when issued by the Registrar.

  
 (T.K. Nagarathna)  
 Registrar