



प्राधिकरण की 28वीं बैठक की कार्यवृत्त
Minutes of the 28th Meeting of the Authority

स्थान : बोर्ड कक्ष, एनएससी कॉम्प्लेक्स, दिल्ली
Venue: Board Room, NASC Complex, Delhi
दिनांक : 22 नवम्बर 2017 (बुधवार)
Date : 22 November 2017 (Wednesday)
समय : 04:00 दोपहर बाद
Time : 4:00 PM

पौधा किस्म और कृषक अधिकार संरक्षण प्राधिकरण
Protection of Plant Varieties & Farmers' Rights Authority
कृषि सहकारिता एवं किसान कल्याण विभाग
Department of Agriculture, Cooperation & Farmers Welfare
कृषि एवं किसान कल्याण मंत्रालय, भारत सरकार
Ministry of Agriculture & Farmers Welfare, Government of India
एनएससी परिसर, डीपीएस मार्ग, टोडापुर गांव के सामने, नई दिल्ली-110012.
NASC Complex, DPS Marg, Opposite Todapur, New Delhi-110012.

Tel: 011-25848127, 011-25842846, Fax: 011-25840478
E-mail: rg-ppvfra@nic.in

Minutes of the 28th Meeting of the Protection of Plant Varieties & Farmers' Rights Authority

Meeting Type	Authority Meeting	Date and Time	22 November 2017 at 4:00 PM
Subject	28 th Meeting of the PPV&FR Authority		
Venue	Board Room, IGH, NASC Complex, New Delhi		
Attendance	<p><u>The following members attended the meeting:</u></p> <ol style="list-style-type: none"> 1. Dr. B.Rajender, Chairperson and J.S. (Seeds), PPV&FR Authority 2. Dr. Sujata Arora, Adviser, Ministry of Environment & Forests and Climate Change, Govt. of India, New Delhi – 110003 3. Dr. Kuldeep Singh, Director, ICAR-National Bureau of Plant Genetic Resources, New Delhi 4. Sh. Bihari Lal Sharma, Executive Director, Youth for Sustainable Development, Shimla-171001 5. Sh. M Prabhakar Rao, Chairman and Managing Director, Nuziveedu Seeds Pvt. Ltd., Hyderabad, Telangana-500034 6. Dr. Nikki Kumari (Hembrom), Hanuman Nagar, Kankarbagh, Patna-800020 7. Dr. R. C. Agrawal, Registrar-General, PPV&FR Authority (Member Secretary) <p>We also had representatives of DDG (CS), ICAR (Dr. D.K.Yadav); Joint Secretary (Law) (Mr. Venkateswarlu); and Commissioner (Horticulture) (Dr. Naveen Patle) in the meeting.</p> <p>Leave of absence was given to :-</p> <ol style="list-style-type: none"> 8. Dr. R. C. Srivastava, Vice Chancellor, Dr. Rajendra Prasad Central Agricultural University, PUSA, Samastipur 9. Sh. Aruna Kumar V.K., Director, Krishi Prayoga Pariwara, Krishi Nivas, Shivamogga, Karnataka-577432 		
Introduction	<ol style="list-style-type: none"> 1. At the outset, Dr. R. C. Agrawal, Member Secretary and Registrar-General, PPV& FR Authority welcomed all the members. He asked for the leave of absence to Dr. R. C. Srivastava, and Sh. Aruna Kumar V.K. for the leave of absence. 		
	<p>The Chairperson also welcomed the members and thanked the Authority Members for their support and guidance for the overall progress of the Authority</p>		

Declaration of Conflict of Interest by Members	There was no conflict of interest by any member
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Action Taken Report on 26th Authority Meeting

Agenda Number	Agenda description	Details
1 and 2	Adoption of the minutes of the last meeting held on 31st May, 2017	The circulation of proceedings of 27th meeting of PPV&FR Authority with authentication by Registrar-General were ratified and approved by the Members.
3.	Action Taken Report on the minutes of 27 th Authority meeting held on 31 May 2017	<p>It was informed that the office of the Authority has taken necessary action on all recommendations of the 27th Authority Meeting. Members appreciated the efforts of PPVFRA for interface meeting with NBA.</p> <p>The members approved the action taken with following corrections:-</p> <ol style="list-style-type: none"> 1. ATR about the interface meeting between PPVFRA and NBA (COMPENSATION UNDER SECTION 41(3) OF PPV&FR ACT, 2001) <p>In the Annexure "A" about the interface meeting with NBA held on 11.09.2017, after the first sentence, following sentence shall be incorporated- "It was suggested that under the Biological Diversity Act, there are no provisions or case laws to amplify the subject."</p>
4.	Progress of Plant Varieties Registry.	The progress of the Registry was presented by Dr. R.C.Agrawal, Member Secretary and Registrar General. The Member Secretary also briefed about the progress in inviting applications for awards, rewards and recognitions; the bilateral co-operation with Germany; regional workshops; National IPR policy and awareness programs about the PPV&FR Act.

		<p>The progress of the Registry was noted by the Members.</p> <p>Members made following observations-</p> <ol style="list-style-type: none"> 1. The Members asked that a committee of the experts having taxonomists and botanists may be constituted to prepare a list of crop species which can be prioritized for development of DUS Descriptors. Efforts should be made by Registry to notify about 25 crop species each year. 2. It was informed by Member Secretary that the facility of online application is being developed through National Informatics Centre (NIC). The earlier efforts through Sahara Next could not succeed as the company is no more in business for software development. A committee is looking into the issue of Sahara Next. The Members informed that with the intervention of Nodal Ministry, the NIC may be requested to fast track the development of online system for PVP. 3. The Members asked that the advertisement about the PPV&FR Awards, Rewards and Recognitions should be published in all regional languages. This shall help farmers in understanding about the awards more effectively. 4. The Members asked to fast track the registration of EDVs as only one variety has been registered under EDV Category. The EDV committee should be asked to have regular meetings to decide for an early action for registration of varieties under EDV category. 5. In the next meeting of the EDV, two of the Authority Members namely Dr. Prabhakar Rao and Dr. Kuldeep Singh should be invited as a special invitee. 6. Members felt that the material being kept presently in
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		<p>MTS may lose its viability after 5-10 years of its storage and PPVFRA should discuss with NBPGR for keeping the material under the LTS or revisit the SOPs for storage. A proposal in this regard may be asked from NBPGR.</p> <p>7. The Germany and Netherlands may be requested to make available the SOPs to PPVFRA as they have long experience in PVP.</p>
5.	Opening of Branch Office at Hyderabad.	<p>As Hyderabad is the seed hub of India and most seed companies have their offices in Hyderabad, the Members recommended the request for having an additional branch office at Hyderabad. Presently, Andhra Pradesh and Telangana are under the jurisdiction of Shivamogga Branch Office which is located in Karnataka.</p> <p>The proposal in this regard shall be submitted to nodal Ministry for further needful.</p>
6.	Consolidated proposal for amendment in PPV&FR Act, 2001, PPV&FR Rules, 2003 and PPV&FR Regulations, 2006.	<p>The Members noted the proposed amendments and asked that if they have any comments about these amendments in PPV&FR Act, 2001, PPV&FR Rules, 2003 and PPV&FR Regulations, 2006, they shall communicate the same to the Member Secretary within one week.</p> <p>They also asked that in the proposal for amendments, in Sec. (27), the word “National Gene Bank” may be substituted with “Plant Variety Repository” as already the Gene Bank of NBPGR is known as “National Gene Bank” which was inaugurated by Hon’ble Vice President of India Sh K R Narayanan on 18th November 1996.</p> <p>In Annexure B4, following lines may be replaced from the original proposal-</p> <p><i>“S.O. (E). In exercise of the powers conferred by sub-section (3) of section 41 of the Protection of Plant Varieties and Farmers’</i></p>

Rights Act, 2001 (53 of 2001) the Central Government hereby notifies 40% of the net profits earned by the registered breeder in respect of the registered variety which was subject of claim under section 41 or ₹ 10 Lakhs (Rupees Ten Lakhs Only), whichever is higher as the maximum limit for grant of compensation to village or local community under section 41 of the said Act."

During the meeting, following were also recommended-

Insertion of Rule 26 A:

The word "sub-rule" (1) of section 18, mentioned in the draft amendment has to be corrected as "sub-section" (1) of section 18 in the proposed amendment draft, if at all it has to be inserted. But it should not be inserted for the following reasons:

The proposed insertion of Rule 26 A subverts the intention of the legislature to retain these powers with the Central Government under section 18(1)(i) of the PPV&FR Act.

The perusal of section 18 shows that it does not provide for incorporating Rule 26 A.

The reason in retaining the powers, as laid down under 18(1)(i) of the Act, with the Central Government, as the draft Rules are put by the Central Government on its website calling for comments and suggestions from the general public and the Rules are also laid before the Parliament. An Authority's decision is not subjected to such scrutiny.

Amendment of Rule 67(3):

The words to be substituted should be "he shall be given an opportunity of hearing and thereafter the Authority shall decide the matter".

Note: A grammatical mistake: Subject was missing in the proposed amendment, hence, "he" and "the Authority" have been added as subject.

Amendment in Rule 74 (1)

In Rule 74 (1) the words "The Chairperson shall be the appointing authority for the officers of Authority" shall be omitted however the rest shall be retained.

Proposed Amendment in PPV&FR Regulations, 2006:

Amendment relates to sub-regulation (1) of regulation 5. But the draft mentions as if the amendment is for regulation 5. This

		<p>has to be corrected.</p> <p>I propose the following very important amendments for consideration of the Authority.</p> <p>Proposed Amendments in the Protection of Plant Varieties and Farmers' Rights Act, 2001 Amendment in section 23-. In sub-section (3) of section 23 of the Protection of Plant Varieties and Farmers' Rights Act, for the words "as may be prescribed" the words "as decided by the Authority" shall be substituted. (Reason for amendment : The above amendment is necessary to validate Rule 35, which was added by substitution vide G.S.R. 494(E) dated 15th June 2015.)</p> <p>Amendment in section 26-. In section 26 of the Protection of Plant Varieties and Farmers Rights Act, 2001,-</p> <p>(a) in sub-section (5), after the words "shall be entitled" the following shall be added namely,- "from the date of commercialization of such variety"</p> <p>(b) after sub-section(7), the following shall be added namely,-</p> <p>"Explanation.- For the purposes of this section, breeder shall include his successor, his agent or licensee."</p> <p>Proposed Amendments in the Protection of Plant Varieties and Farmers' Rights Rules, 2003</p> <p>1. In clause (e) of sub-rule (3) of Rule 30, the words "if any" shall be omitted.</p> <p>(Reason for amendment: The amendment is proposed as in sub-rule 3 of Rule 30, the word "shall" and not may is used, hence photographs and drawings are must. When the word "shall" is used, there is no scope for the words (if any).)</p> <p>2. In sub-rule (3) of Rule 31, the word "last" shall be omitted.</p> <p>(Reason for amendment: The amendment is proposed, as the word "last" has no relevance.)</p> <p>3. (a) The existing Rule 76 shall be numbered as sub-rule (1) of Rule 76.</p> <p>(b) In Rule 76, the following sub-rule (2) shall be inserted namely,-</p> <p>"The Registrar shall arrange to provide the certified copies, sought for under sub-rule (1), and shall allow the inspection of such entry or document, requested under sub-rule (1), within thirty days of receipt of PV-33."</p>
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		<p>(Reason for amendment: There is inordinate delay in providing the certified copies of documents. There has to be a timeline for providing the documents and for allowing inspection of the entry or document on the lines of Right to Information Act, 2005.)</p> <p>It was also recommended that the annual fee for the Educational Sector, which is presently Rs. 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 may be reduced to Rs. 500/- 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.</p>																		
7.	Approval of DUS test guidelines under Rule 29(9) of PPV&FR Rules, 2003.	<p>The DUS Test Guidelines for following Crop Species published in various PVJs were approved under Rule 29(9) of PPV&FR Rules, 2003 to forward to Central Government for notification under Section 29(2) of PPV&FR Act, 2001 for registration of new varieties.</p> <table border="1"> <thead> <tr> <th>Sl.no.</th> <th>Name of Crop Species</th> <th>Published in PVJ</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Chironji (<i>Buchanania lanzan</i> Spreng.)</td> <td>July, 2017</td> </tr> <tr> <td>2</td> <td>Tamarind (<i>Tamarindus indica</i> L.)</td> <td>July, 2017</td> </tr> <tr> <td>3</td> <td>Sweet potato (<i>Ipomoea batatas</i> (L.) Lam)</td> <td>October, 2017</td> </tr> <tr> <td>4</td> <td>Cassava (<i>Manihot esculenta</i> Crantz)</td> <td>October, 2017</td> </tr> <tr> <td>5</td> <td>Poplar (<i>Populus deltoides</i> Bartr.)</td> <td>October, 2017</td> </tr> </tbody> </table>	Sl.no.	Name of Crop Species	Published in PVJ	1	Chironji (<i>Buchanania lanzan</i> Spreng.)	July, 2017	2	Tamarind (<i>Tamarindus indica</i> L.)	July, 2017	3	Sweet potato (<i>Ipomoea batatas</i> (L.) Lam)	October, 2017	4	Cassava (<i>Manihot esculenta</i> Crantz)	October, 2017	5	Poplar (<i>Populus deltoides</i> Bartr.)	October, 2017
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8.	Fixation of time limit for registration of extant varieties for five crop species (Chironji, Tamarind, Sweet Potato, Cassava and Poplar).	<p>Under Rule 22(2) of PPV&FR Rules, 2003 the time limit for registration of extant varieties of the five crop species namely Chironji, Tamarind, Sweet Potato, Cassava and Poplar were fixed as follows:-</p> <p>a) Extant Notified Variety and VCK – 6 years from the date of publication of approval of Authority in Plant Variety Journal of India.</p> <p>b) Farmers Variety – 10 years from the date of publication of approval of Authority in Plant Variety</p>																		

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9.	Fixation of time limit for registration of extant variety crop species.	<p>The time limit for registration of extant varieties of crop species of ENV and VCK was extended by the Authority under Rule 22 (2) of PPV&FR Rules, 2003 upto 27.07.2020.</p> <table border="1"> <tbody> <tr> <td>1.</td> <td><i>Oryza sativa</i> L.</td> <td>Rice</td> </tr> <tr> <td>2.</td> <td><i>Triticum aestivum</i> L.</td> <td>Bread wheat</td> </tr> <tr> <td>3.</td> <td><i>Zea mays</i> L.</td> <td>Maize</td> </tr> <tr> <td>4.</td> <td><i>Sorghum bicolor</i> (L.) Moench</td> <td>Sorghum</td> </tr> <tr> <td>5.</td> <td><i>Pennisetum glaucum</i> (L.) R.Br.</td> <td>Pearl millet</td> </tr> <tr> <td>6.</td> <td><i>Cicer arietinum</i> L.</td> <td>Chickpea</td> </tr> <tr> <td>7.</td> <td><i>Cajanus cajan</i> (L.) Millsp.</td> <td>Pigeon pea</td> </tr> <tr> <td>8.</td> <td><i>Vigna radiata</i> (L.) Wilczek</td> <td>Green Gram</td> </tr> <tr> <td>9.</td> <td><i>Vigna mungo</i> (L.) Hepper</td> <td>Black Gram</td> </tr> <tr> <td>10.</td> <td><i>Lens culinaris</i> Medik</td> <td>Lentil</td> </tr> <tr> <td>11.</td> <td><i>Pisum sativum</i> L.</td> <td>Field pea</td> </tr> <tr> <td>12.</td> <td><i>Phaseolus vulgaris</i> L.</td> <td>Kidney bean</td> </tr> <tr> <td>13.</td> <td><i>Gossypium hirsutum</i> L. <i>G. barbadense</i> L. <i>Gossypium arboreum</i> L. <i>G. herbaceum</i> L.</td> <td>Cotton</td> </tr> <tr> <td>14.</td> <td><i>Corchorus olitorius</i> L. <i>Corchorus capsularis</i> L.</td> <td>Jute</td> </tr> </tbody> </table>	1.	<i>Oryza sativa</i> L.	Rice	2.	<i>Triticum aestivum</i> L.	Bread wheat	3.	<i>Zea mays</i> L.	Maize	4.	<i>Sorghum bicolor</i> (L.) Moench	Sorghum	5.	<i>Pennisetum glaucum</i> (L.) R.Br.	Pearl millet	6.	<i>Cicer arietinum</i> L.	Chickpea	7.	<i>Cajanus cajan</i> (L.) Millsp.	Pigeon pea	8.	<i>Vigna radiata</i> (L.) Wilczek	Green Gram	9.	<i>Vigna mungo</i> (L.) Hepper	Black Gram	10.	<i>Lens culinaris</i> Medik	Lentil	11.	<i>Pisum sativum</i> L.	Field pea	12.	<i>Phaseolus vulgaris</i> L.	Kidney bean	13.	<i>Gossypium hirsutum</i> L. <i>G. barbadense</i> L. <i>Gossypium arboreum</i> L. <i>G. herbaceum</i> L.	Cotton	14.	<i>Corchorus olitorius</i> L. <i>Corchorus capsularis</i> L.	Jute
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10.	Dealing with seeds of registered variety in National Gene Bank on completion of period of protection.	<p>Under Section 27 of the PPV&FR Act, 2001, the breeder is required to deposit seeds of registered variety in the National Gene Bank at the time of registration. After the statutory period of protection that is 15 years in case of field crops and 18 years in case of trees and vines, the seeds of registered variety cannot be retained in the National Gene Bank of PPVFRA.</p> <p>An expert committee and officials of Authority deliberated on the issue on 25.07.2017 and recommended certain options in this regard.</p> <p>The views submitted in the meeting of experts were further discussed by the Authority Members. The</p>																																										

		members decided that seeds of registered variety after statutory period of protection is over should be deposited in the National Gene Bank of “National Bureau of Plant Genetic Resources”.																								
11	Fixation of DUS Fee for Cashewnut and arecanut.	In accordance with Rule 29(1)(a) of PPV&FR Rules, 2003, the DUS test fees of the following crop species was approved as under:- <table border="1"> <thead> <tr> <th>Sl. No</th> <th>Crop Species</th> <th>DUS Test Fees (Rs.)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Cashew (<i>Anacardium occidentale</i> L.)</td> <td>20,000</td> </tr> <tr> <td>2</td> <td>Arecanut (<i>Areca catechu</i> L.)</td> <td>20,000</td> </tr> </tbody> </table>	Sl. No	Crop Species	DUS Test Fees (Rs.)	1	Cashew (<i>Anacardium occidentale</i> L.)	20,000	2	Arecanut (<i>Areca catechu</i> L.)	20,000															
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12	Fixation of DUS Fee and onsite DUS test fee for Chironji, Tamarind, Sweet Potato, Cassava and Poplar.	In accordance with Rule 29(1)(a) of PPV&FR Rules, 2003 proposal the DUS test fees of the following crop species was approved as under:- <table border="1"> <thead> <tr> <th>Sl.no.</th> <th>Name of Crop Species</th> <th>DUS test fees</th> <th>On-site DUS test fees</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Chironji (<i>Buchanania lanzan</i> Spreng.)</td> <td>Rs.15,000/-</td> <td>20,000</td> </tr> <tr> <td>2</td> <td>Tamarind (<i>Tamarindus indica</i> L.)</td> <td>Rs.15,000/-</td> <td>20,000</td> </tr> <tr> <td>3</td> <td>Sweet potato (<i>Ipomoea batatas</i>(L.) Lam)</td> <td>Rs.15,000/-</td> <td>-</td> </tr> <tr> <td>4</td> <td>Cassava (<i>Manihot esculenta</i> Crantz)</td> <td>Rs.15,000/-</td> <td>-</td> </tr> <tr> <td>5</td> <td>Poplar (<i>Populus deltoides</i> Bartr.)</td> <td>Rs.20,000/-</td> <td>25,000</td> </tr> </tbody> </table>	Sl.no.	Name of Crop Species	DUS test fees	On-site DUS test fees	1	Chironji (<i>Buchanania lanzan</i> Spreng.)	Rs.15,000/-	20,000	2	Tamarind (<i>Tamarindus indica</i> L.)	Rs.15,000/-	20,000	3	Sweet potato (<i>Ipomoea batatas</i> (L.) Lam)	Rs.15,000/-	-	4	Cassava (<i>Manihot esculenta</i> Crantz)	Rs.15,000/-	-	5	Poplar (<i>Populus deltoides</i> Bartr.)	Rs.20,000/-	25,000
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13	Approval of Annual Report 2016-17 of PPV&FR Authority.	The Annual Report of the PPV&FR Authority was approved and adopted by Members for onward transmission to Nodal Ministry for submission in both																								

		houses of Parliament.
14	Approval of Annual Accounts 2016-17 of PPV&FR Authority.	In accordance with Section 62(4) of PPV&FR Act, 2001, the annual accounts of the Authority 2016-17 along with the final report of CAG was approved by Members for onward transmission to Ministry for submission in the both houses of Parliament.
15	Dispensing with the printing of Plant Variety Journal of India.	<p>The Members discussed that on par with other Intellectual Property Offices, the Plant Varieties Journal of India also can be uploaded in the website with legal protocols like digital signature and the requirement of hard copies can be dispensed with. The use of digital signature on electronic document is legally binding and valid and is as good as physical signature under the law. The Members approved that printing and circulation of hard copies of Plant Variety Journal should be dispensed with effect from December, 2017 and thereafter with effect from January, 2018 the Plant Varieties Journal will be uploaded in the website of the PPV&FR Authority with the digital signature of the Registrar.</p> <p>Members also suggested that few copies of the Journal should be continued to be printed as hard copy as these are required for records and to be sent to some libraries etc. for reference purposes.</p>
16	Initiation of Disciplinary Proceedings against Sh. R.R. Pradhan, Legal Advisor for not complying the order dated 09.01.2014 of Hon'ble CAT in O.A. No.1052/2014.	The Members noted the initiation of Disciplinary Proceedings against Sh. R.R. Pradhan, Legal Advisor for not complying the order dated 09.01.2014 of Hon'ble CAT in O.A. No.1052/2014.

17	Administrative matters.	<p>The Members approved the appointment of following officers in the PPVFR Authority :-</p> <p>Dr.Nagarathna, Professor from UAS, Bangalore joined the post of Registrar on deputation basis with effect from 16.08.2017.</p> <p>Dr. S.A. Desai, Professor from UAS, Dharwad joined the post of Registrar on deputation basis with effect from 06.09.2017.</p> <p>Sh. Ravindra Singh Sengar joined as Deputy Registrar with PPV&FR Authority.</p> <p>The appointment of Deputy Registrars on contract basis in the four Branch Offices namely Guwahati, Shivamogga, Palampur, and Pune was noted by the Members.</p>
18	Gazette Notification of crop species.	<p>The Gazette Notification relating to opening up of registration for cashewnut and arecanut as new varieties which was published by the Central Government in the Official Gazette vide S.O. No.3406 (E) dated 23rd October, 2017 was noted by the Members.</p>
19	Posting of Regular Officers of PPV&FR Authority in Branch Offices.	<p>It was informed to the Members that presently there is no regular staff in four of the branch offices of the Authority. To strengthen the Branch Offices regular officers have to be posted along with Deputy Registrars appointed on contract basis. The members approved that the regular officers upto the level of the rank of Joint Registrars can be posted alongwith post in Branch Offices exclusively or can discharge the duties of Branch Offices in addition to their own duties without any extra remuneration.</p>
The meeting ended with vote of thanks to the Chair		