

Protection of Plant Varieties and Farmers Rights Act, 2001

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Abstract: India has implemented the "Protection of Plant Varieties and Farmers' Rights Act" (PPV&FR Act) in the year 2001 and its rules in 2003. This Act has provided opportunity for protection of plant varieties & provided the rights of farmers & plant breeders; and to encourage the development of new varieties of plants. The Protection of Plant Varieties and Farmers' Right Authority was established in the year 2005. Under this authority any one can register his/her variety (s). A new variety shall be registered under this act if it fulfills DUS (Distinctiveness Uniformity & Stability) criteria, but off course it should have Novelty also. There are all together 105 DUS center in all over the India. The Central Government has notified the 79 different crop species which is eligible for registration as new varieties.

Keywords: Pant varieties, rights, registration, DUS, Novelty.

1. Introduction

The Trade Related Aspects of Intellectual Property Agreement (TRIPS) states that "Members shall provide for the protection of plant varieties either by patents or by an effective *sui generis* system or by any combination thereof." In order to fulfill its obligations under the TRIPS Agreement, India has implemented the "Protection of Plant Varieties and Farmers' Rights Act" (PPV&FR Act) in the year 2001 and its rules in 2003. This Act has been passed not only to provide an effective system for protection of plant varieties, but also to provide the rights of farmers & plant breeders; and to encourage the development of new varieties of plants. The Act helps to stimulate investment for research and development to produce new plant varieties. The Protection of Plant Varieties and Farmers' Right Authority was established in the year 2005. The Authority invites applications for registration of Plant Varieties. Registration of a plant variety gives protection only in India and confers upon the rights holder, its successor, agent, or licensee the exclusive right to produce, sell, market, distribute, import, or export the variety.

2. Objectives

The objectives of the PPV&FR Act are as bellow:

- (i) To establish an effective system for the protection of plant varieties, the rights of farmers and plant breeders.
- (ii) To stimulate investments for research and development both in the public and the private sectors for the developments of new plant varieties.
- (iii) To provide facility to enhance the growth of the seed industry through domestic and foreign investment, this will ensure the availability of high quality seeds and planting material to Indian farmers.
- (iv) 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 resource for the development of new plant varieties.

More importantly the farmer's rights include his or her traditional rights to save, use, share or sell his or her farm produce of a variety protected under this Act.

3. Who Can Apply Registration?

The application for protection under the Act can be made by any of the following persons:

- Any person claiming to be the breeder of the variety.
- Any successor of the breeder of the variety.
- Any person being the assignee or the breeder of the variety in respect of the right.
- Any farmer or group of farmers or community of farmers claiming to be breeder of the variety.
- Any authorized person to apply on the behalf of farmer.
- Any University or publicly funded agricultural institution claiming to be breeder of the variety.

4. When Can Register?

A new variety shall be registered under this act if it fulfills the following criteria:

- **Novelty:** A new variety is consider as novel if, at the date of filing of application for registration for protection, the propagating or harvested material of such variety has not been sold or otherwise disposed of by or with the consent of its breeder or his successor for the purposes of exploitation of such variety (i) in India, earlier than one year; or (ii) outside India, in the case of trees and vines six years; or in any other case, earlier than four years before the date of filing such application.
- **Distinctiveness:** A new variety must be clearly distinguishable by at least one essential characteristic from any other variety whose existence is a matter of common knowledge in any country at the time of filing of the application.

- **Uniformity:** A new variety must be sufficiently uniform in its essential characteristics.
- **Stability:** A new variety is considered as stable if its essential characteristics remain unchanged after repeated propagation or, in case of a particular cycle of propagation, at the end of each such cycle.

5. DUS testing centers

The Authority has 105 DUS test centers of different crops for testing as per DUS guidelines of respective crops to facilitate the applicant.

6. Duration of protection of registered plant varieties

The duration of protection of registered varieties is dependent on the type of the crops i.e. for trees and vines- 18 years, other

9. Crop Species Can Be Protected

The Central Government has notified the 79 different crop species which is eligible for registration as new varieties as follows:

Sl. No.	Crop	Botanical Name
1	Rice	<i>Oryza sativa</i> L.
2	Bread wheat	<i>Triticum aestivum</i> L.
3	Maize	<i>Zea mays</i> L.
4	Sorghum	<i>Sorghum bicolor</i> (L.) Moench
5	Pearl millet	<i>Pennisetum glaucum</i> (L.) R.Br.
6	Chickpea	<i>Cicer arietinum</i> L.
7	Mungbean	<i>Vigna radiata</i> (L.) Wilczek
8	Urdbean	<i>Vigna mungo</i> (L.) Hepper
9	Field pea	<i>Pisum sativum</i> L.
10	Kidneybean	<i>Phaseolus vulgaris</i> L.
11	Lentil	<i>Lens culinaris</i> Medik
12	Pigeon pea	<i>Cajanus cajan</i> (L.) Millsp.
13	Indian mustard	<i>Brassica juncea</i> L. Czern & Coss
14	Karan rai	<i>Brassica carinata</i> A Braun
15	Rapeseed (toria)	<i>Brassica rapa</i> L.
16	Gobhi sarson	<i>Brassica napus</i> L.
17	Groundnut	<i>Arachis hypogaea</i> L.
18	Soybean	<i>Glycine max</i> (L.) Merrill
19	Sunflower	<i>Helianthus annuus</i> L.
20	Safflower	<i>Carthamus tinctorius</i> L.
21	Castor	<i>Ricinus communis</i> L.
22	Sesame	<i>Sesamum indicum</i> L.
23	Linseed	<i>Linum usitatissimum</i> L.
24	Diploid cotton	<i>Gossypium arboreum</i> L.
25	Diploid cotton	<i>Gossypium herbaceum</i> L.
26	Tetraploid cotton	<i>Gossypium hirsutum</i> L.
27	Tetraploid cotton	<i>Gossypium barbadense</i> L.
28	Jute	<i>Corchorus olitorius</i> L.
29	Jute	<i>Corchorus capsularis</i> L.
30	Sugarcane	<i>Saccharum</i> L.
31	Black pepper	<i>Piper nigrum</i> L.
32	Small cardamom	<i>Elettaria cardamomom</i> Maton
33	Turmeric	<i>Curcuma longa</i> L.
34	Ginger	<i>Zingiber officinale</i> Rosc.
35	Tomato	<i>Lycopersion lycopersicum</i> (L.) Karsten ex.
36	Brinjal	<i>Solanum melongena</i> L.
37	Okra	<i>Abelmoschus esculentus</i> (L.) Moench.

crops-15 years and for extant varieties notified- 15 years from the date of notification.

7. Office for making application for the registration of plant varieties

Application for registration of plant varieties can be made in the office of registration, PPV&FRA, New Delhi. There are two branch offices, one at Guwahati (Assam) and one at Ranchi (Jharkhand) to facilitate the applicants.

8. Kind of varieties can be register under this act

1. A new variety if it conforms to the criteria of novelty, distinctiveness, uniformity and stability.
2. An extant variety if it conforms to criteria of distinctiveness, uniformity and stability.

38	Cauliflower	<i>Brassica oleracea</i> L.var. <i>botrytis</i>
39	Cabbage	<i>Brassica oleracea</i> L. var <i>capitata</i>
40	Potato	<i>Solanum tuberosum</i> L.
41	Onion	<i>Allium cepa</i> L.
42	Garlic	<i>Allium sativum</i> L.
43	Rose	<i>Rosa spp.</i> (other than <i>R.damascena</i>)
44	Chrysanthemum	<i>Chrysanthemum spp.</i>
45	Mango	<i>Mangifera indica</i> L.
46	Duram wheat	<i>Triticum durum</i> Desf.
47	Dicocum wheat	<i>Triticum dicocum</i> L.
48	Other Triticum	
49	Isabgol	<i>Plantago ovata</i> Forsk
50	Menthol mint	<i>Mentha arvensis</i> L.
51	Damask Rose	<i>Rosa damascena</i> Mill
52	Periwinkle	<i>Catharanthus roseus</i> L.
53	Brahmi	<i>Bacopa monnieri</i> L.Pennell
54	Coconut	<i>Cocos nucifera</i> L.
55	Orchids	<i>Vanda</i>
56	Orchids	<i>Dendrobium</i>
57	Orchids	<i>Cymbidium</i>
58	Pomegranate	<i>Punica granatum</i> L.
59	Orchid	<i>Cattleya</i> Lindl.
60	Orchid	<i>Phalaenopsis</i> Blume
61	Eucalyptus	<i>Eucalyptus camaldulensis</i> Dehnh.
62	Eucalyptus	<i>Eucalyptus tereticornis</i> Sm.
63	Casurina	<i>Casuarina equisetifolia</i> L.
64	Casurina	<i>Casuarina junghuhniana</i> Miq.
65	Bitter Gourd	<i>Momordica charantia</i> L.
66	Bottle Gourd	<i>Lagenaria siceraria</i> (Mol.) Standl.
67	Cucumber	<i>Cucumis sativus</i> L.
68	Pumpkin	<i>Cucurbita mosehata</i> Duch. ex Poir.
69	Barley	<i>Hordeum vulgare</i> L.
70	Coriander	<i>Coriandrum sativum</i> L.
71	Fenugreek	<i>Trigonella foenum graecum</i> L.
72	Almond	<i>Prunus dulcis</i> (Mill.) D.A. Webb
73	Apple	<i>Malus domestica</i> Borkh
74	Pear	<i>Pyrus communis</i> L.
75	Apricot	<i>Prunus armeniaca</i> L.
76	Cherry	<i>Prunus avium</i> L.
77	Walnut	<i>Juglans regia</i> L.
78	Grapes	<i>Vitis spp.</i>
79	Indian jujube	<i>Ziziphus mauritiana</i> Lamk.

Reference

[1] <http://www.plantauthority.gov.in/>

[2] Proc. of Regional Workshop on PPV&FR, 24-26 March, 2013.

Author Profile



Mr. Shantanu Das completed his M. Sc. (Agri.) in Plant Breeding and Genetics from Assam Agricultural University, Jorhat-13 in 2013. Presently he is serving as Senior Research Fellow under PPV & FR project at National Seeds Project, Department of Plant Breeding and Genetics, Assam Agricultural University, Jorhat 785013. Mr. Das is also working on NUE in rice for his Ph. D. Programme.

