

M.S SWAMINATHAN SCHOOL OF AGRICULTURE

**Centurion University of Technology and
Management, parlakhemundi, Odisha**

**Course Name :SEED CERTIFICATION
Code(Credit) : (DC-3) CUSP2262**



Topic: Registration Of Varieties Under PPV & FR Act

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Introduction:

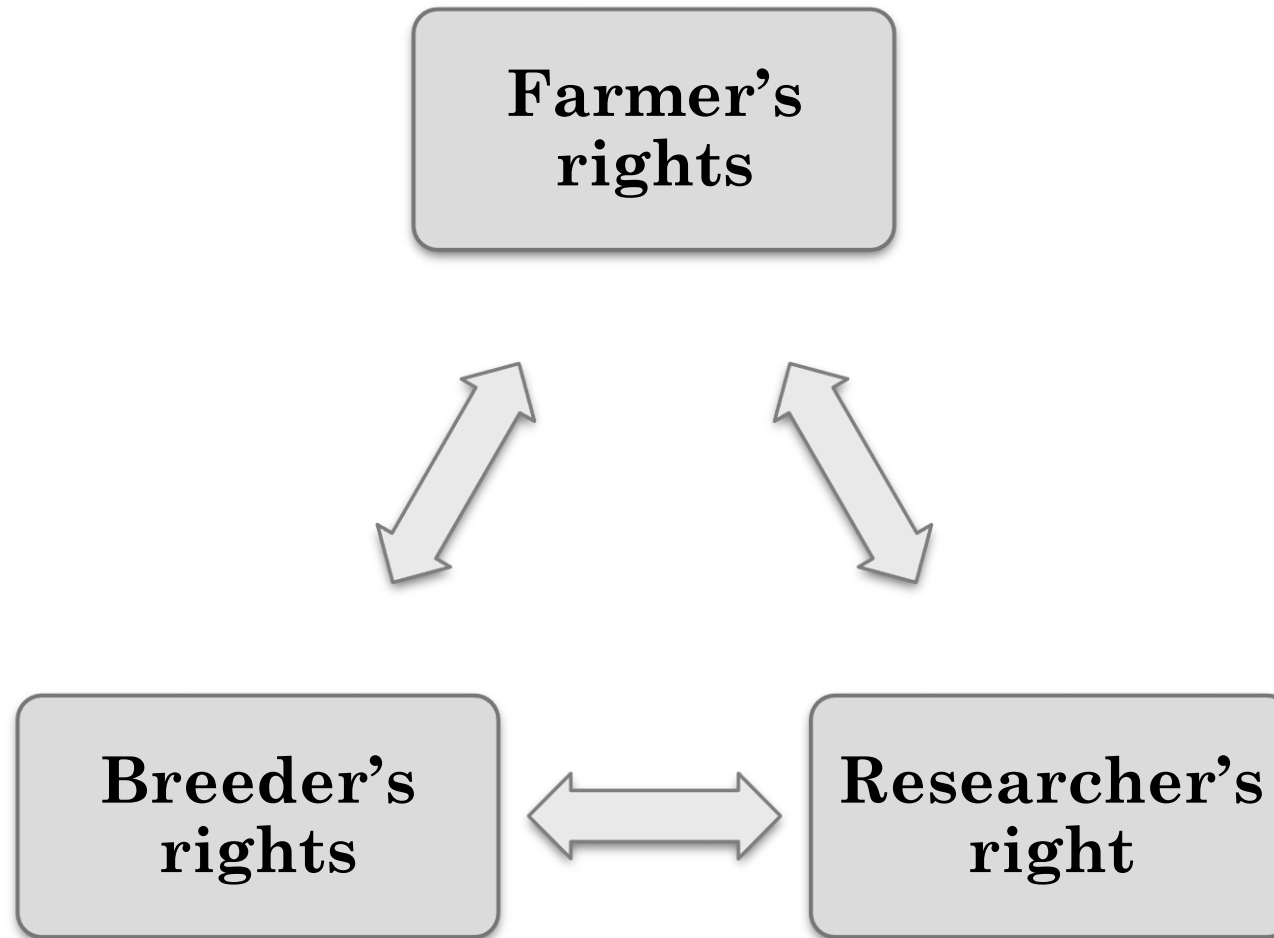
The act provides legal protection of a plant varieties, rights of farmers and plant breeders and encourage the development of new plant varieties.

Objectives:

- To establish an Effective system for the protection of plant varieties, the rights of farmers & plant breeders and to encourage the development of new varieties.
- Recognize and protect the rights of farmers in respect to their Contributions made at any time in:– (i) conserving (ii) Improving & (iii) making available of plant genetic resources
- Stimulate investment for research and development in both private and public sectors.
- Facilitate the growth of seed industry in the country which will ensure availability of high quality seeds and planting materials to farmers.

CHAPTER- I	PRELIMINARY
CHAPTER- II	PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS AUTHORITY AND REGISTRY
CHAPTER- III	REGISTRATION OF PLANT VARIETIES AND ESSENTIALLY DERIVED VARIETY
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CHAPTER- V	SURRENDER AND REVOCATION OF CERTIFICATE AND RECTIFICATION AND CORRECTION OF REGISTER
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Three streams merged under the act:



Registerable plant varieties in India

- **New Varieties:** A Variety which is not in public domain in India earlier than one year before the date of filing or outside India, in the case of trees or vines earlier than six years or in any other case earlier than four years.
- **Extant Variety:** A Variety which is notified under Seed Act, 1966 or a variety about which there is common knowledge or a farmer's variety or any other variety which is in public domain is considered as an Extant Variety.
- **Farmer's Variety:** A Variety which has been traditionally cultivated and evolved by the farmers in their fields or a variety which is a wild relative or land race of a variety about which farmers possess common knowledge.
- **Essentially Derived Variety (EDV):** These varieties are predominantly derived from initial varieties that retain the characters of initial variety and are clearly distinguishable from such initial at least for one trait.

Rights enjoyed by the owner of variety:

- The owner of the protected variety has the following rights:
 1. To produce
 2. To sell
 3. To market
 4. To distribute
 5. To import
 6. To export the variety

Infringement: Section 64

Anyone of the following done by a person other than the owner or without his authorisation/ license.

- a. sells, exports, imports a registered variety.
- b. Sells, exports or imports a variety deceptively similar to the registered variety.

Who can apply for the registration of a plant variety?

- Any person claiming to be the **breeder** of the variety;
- Any **successor of the breeder** of the variety;
- Any person being the **Assignee** of the breeder of the variety in respect of the right to make such application;
- Any **farmer or group of farmers** or community of farmers claiming to be the breeder of the variety;
- Any person authorized to make application on behalf of farmers and
- Any **university** or publicly funded **agricultural institution** claiming to be the breeder of the variety.

Registration:

- A variety is eligible for registration under the act if it essentially fulfils the criteria of distinctiveness, uniformity and stability.
- So far, the central government has notified 57 crop species for the purpose of registration.

Office for the registration of plant variety:

The registrar,

Protection of plant varieties and farmer's rights authority.

Government of India, Ministry of agriculture

NASC Complex, DPS marg, opposite todapur

New Delhi- 110012

Crops covered under the PPV & FR act

- **Cereals** : Rice, wheat, maize, sorghum, pearl millet, durum wheat, dicoccum wheat.
- **Legumes**: Chickpea, mungbean, urdbean, field pea, lentil, pigeon pea,
- **Fibre Crops** : Diploid cotton, tetraploid cotton and Jute.
- **Spices**: Ginger, turmeric, black pepper, small cardamom.
- **Oilseeds** : Rapeseeds, mustard, groundnut, soybean, sunflower, safflower, castor, sesame, linseed, gobhi sarson.
- **Sugar crop**: sugarcane
- **Fodder Varieties** : Lucerne, berseem
- **Vegetables** : Tomato, brinjal, okra, cauliflower, cabbage, potato, onion, garlic, ginger, turmeric.
- **Flowers** : Rose, damask rose, periwinkle, orchid and Chrysanthemum
- **Fruits**: Mango and coconut.

"FORM 1

[See regulation 10]

APPLICATION FOR REGISTRATION OF NEW VARIETY AND EXTANT VARIETY UNDER PROTECTION OF PLANT VARIETY AND FARMERS' RIGHTS ACT, 2001.

[See section 18, other than essentially derived variety.]

(Instruction to applicant: Wherever a box item appears against queries, please tick the relevant box and provide legibly written/typed response in other queries.)

1. Identity of the Applicant(s):

- ☐ INDIVIDUAL BREEDER
- ☐ SUCCESSOR OF BREEDER
- ☐ INSTITUTIONAL APPLICANT
- ☐ ASSIGNEE OF ANY OF ABOVE¹
- ☐ CONVENTION COUNTRY²
- ☐ ANY OTHER³

1. An assignee or legal representative applicant shall submit required proof of the right of making the application in accordance with rule 27.
2. The Gazette Notification of Government of India should cover the country of the applicant and that India enjoys such mutual privileges (see rule 31 of the Act)
3. For material developed by participatory plant breeding, attach documents to explicitly show the deal struck between the farmer and the plant breeder.

2. Name(s) and Nationality of Applicant(s)

(a.) (If natural person): [Insert additional rows, if required]

1. Serial Number.
2. Name
3. Complete Address
4. Nationality

(b.) (If a legal person; for example a firm or company or institution)

Name: _____

Address of its seat or establishment: _____

(Registered office): _____

Year of Incorporation: _____

State whether the applicant legal person has non-Indian participation in capital or management:

☐ Yes

☐ No

If yes, identify the nationality

(c.) Indicate the name and address of the natural person, being an employee of the legal person, who is duly authorized to represent the legal person (example a director of a company or a partner of a firm):

Name: _____

Designation: _____

Address: _____

Telephone: Fax: _____

E-mail: _____

3. Name and Address of the Person to whom Correspondence related to this application is to be sent: (Attach authorisation in Form-PV-1, if required)

Name: _____

Address: _____

Pin: _____

Telephone: _____

Fax: _____

E-mail: _____

3(a). Principal place of business or domicile of the applicant:

FORM II

[See regulation 10]

APPLICATION FOR REGISTRATION OF ESSENTIALLY DERIVED VARIETY (EDV) UNDER PROTECTION OF PLANT VARIETY AND FARMERS' RIGHTS ACT, 2001.

[See section 28 of the Act.]

(Instruction to applicant: Wherever a box item appears against queries, please tick the relevant box and provide legibly written/typed response in other queries.)

1. Identity of the Applicant(s):

- ☐ INDIVIDUAL BREEDER
☐ SUCCESSOR OF BREEDER
☐ INSTITUTIONAL APPLICANT
☐ OTHER¹

¹For material developed by participatory plant breeding, attach documents to explicitly show the deal struck between farmer and plant breeder

2. Name(s) and Nationality of Applicant(s)

(a.) (If natural person): [Insert additional rows, if required]

1. Serial Number. _____
2. Name _____
3. Complete Address _____

4. Nationality _____

(b.) (if a legal person; for example a firm or company or institution)

Name: _____
Address of its seat or establishment: _____
(Registered Office)

Year of Incorporation: _____

State whether the applicant legal person has non-Indian participation in capital or management:

☐ Yes ☐ No

If yes, identify the nationality (ies): _____

(c.) Indicate the name and address of the natural person, being an employee of the legal person, who is duly authorized to represent the legal person (example a director of a company or a partner of a firm):

Name: _____
Designation: _____
Address: _____

Telephone: _____
Fax: _____
E-mail: _____

3. Name and Address of the Person to whom Correspondence related to this application is to be sent (Attach authorisation in Form-PV-1, if required)

Name: _____
Address: _____

Telephone: _____
Pin: _____
Fax: _____
E-mail: _____

3(a). Principal place of business or domicile of the applicant:

4. General Information of the Essentially Derived Variety:

Common name of the Crop: _____
Botanical name²: _____
Family: _____
Denomination (in block letters): _____

TECHNICAL QUESTIONNAIRE

1 Name of the Applicant/breeder/company: -

2 Year of Establishment: -

3 If registered company under Company's Act 1956 (Give details): -

4 Location of corporate office and address: -

5 Tel/fax/e-mail: -

6 Name of candidate variety:-

(a) Has it been released in any Convention Country earlier

☐es

☐No

If yes give complete details in column number 13

(b) Pedigree/genealogy: -

(Include schematic diagram giving details of varieties, lines, or clones used in the breeding of candidate variety)

(c) Breeding of Candidate Variety

(i) Origination (Tick the correct one)

Controlled pollination / open pollination / induced mutation / spontaneous mutation / introduction / selection / seedling selection / any other (specify)

7 Particulars of comparative trial conducted by the applicant, if any.

Information on the location, place, period and year/month of comparative trial conducted method of cultivation such as open field, facilities, planting, potting etc., scale of cultivation, reference varieties used, criteria for choice of the reference varieties, design of experiment, method of analysis of variance experimental error where applicable, and other details.

NOTE: Applicant may, furnish data, tables, copy (ies) of publication(s) related to the details of breeding, comparative trial and comparative data in addition to table of characteristics of candidate and reference varieties. This information provided under this item will not be published by the Authority but will be used to facilitate examination of candidate variety.

8 Characteristics of the candidate variety

Please describe characteristics of the variety in the subheadings: Plant, Stem, Leaf, Inflorescence, Flower and flower parts, Fruit and fruit parts, Seed etc. Describe characters within subheadings generally in the following order: habit, height, length, width, size, shape, colour (RHS colour chart reference with edition). Refer the specific guideline wherever necessary for clarity of description.

(a) (i) Give group characters.

(ii) Distinguishing characteristics (descriptive or elaborate)

(b) Table of characteristics between candidate denomination and reference variety

Please give replicated values for all of its distinguishing and other description for important characteristics along with the corresponding average values of the reference varieties.

NOTE: Two or more reference varieties should be compared with the candidate variety in the characteristics table, including one deemed to be the most similar variety and other(s) as obvious/similar as possible. If you provide this information it will facilitate the Authority in their DUS test further in examination of the candidate variety.

Characteristics	Characteristics value of candidate variety									Remarks Measured value etc.	Characteristics value of reference variety	
	1	2	3	4	5	6	7	8	9		()	()

9 Characteristics of the reference varieties

How to apply for Registration?

Two types of application forms:

- A) New/Extant/Farmer's variety
- B) EDV

Applicant has to submit to the PPV & FR act the duly filled in form along with technical questionnaire and other enclosures.

The applicant has to also submit to the authority the stipulated amount of seed for testing and for keeping in the Gene Bank along with the prescribed fees.

The DUS test for the identified 12 species which is to start soon will be done using the field expertise of the ICAR/SAU system which has been funded by the authority

After examining the application form and conducting DUS test the eligible variety shall be registered by the authority and a certificate of registration shall be issued to the applicant.

Farmers are not to pay any fee to get material registered under the Act.

Fees for registration:

- Application for registration of plant varieties should be accompanied with the fee of registration prescribed by the authority.

Types of variety	Fees for registration
Extant variety notified under section 5 of The seed act, 1966	Rs. 1000/-
New variety/ Essentially derived variety (EDV)	Individual Rs. 5000/- Educational Rs. 7000/- Commercial Rs. 10000/-
Extant variety about which there is common knowledge	Individual Rs. 2000/- Educational Rs. 3000/- Commercial Rs. 5000/-

Duration of protection of a registered plant variety:

- The duration of protection of registered varieties is different for different crops which are as follows;

Type	Initial year	Extendable years	Total
Field crops	6	9	15
Trees and vines	9	9	18
Extant variety	15 years from the date of notification		

Plant variety journal of India:

Authority publishes its official journal “Plant Varieties Journal of India” as a monthly bilingual publication and made available to public on the first working day of each month on its website.

The content of journal includes official and public notices, passport data of plant varieties, DUS test guidelines of crop species, details of certificate of registration and other related matters.

Certificate of registration:

Applications which have fulfilled all requirements and have been finally accepted by the registrar for registration were issued certificates of registration.

747 certificates have been issued, out of which 91 have been issued for new varieties, 633 for extant varieties notified under the seed act, 1966, 22 for farmer’s variety and 1 for essentially derived varieties.

SCHEDULE-I

GOVERNMENT OF INDIA
MINISTRY OF AGRICULTURE AND FARMERS WELFARE
PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS AUTHORITY
S-2, 'A' BLOCK, NASC COMPLEX, DPS MARG, OPP. TODAPUR
NEW DELHI-110012

APPLICATION FORM FOR THE 'PLANT GENOME SAVIOUR COMMUNITY AWARD'

FOR COMMUNITY OF FARMERS ENGAGED IN CONSERVATION OF GENETIC RESOURCES OF LAND RACES AND WILD RELATIVES OF ECONOMIC PLANTS AND THEIR IMPROVEMENT THROUGH SELECTION AND PRESERVATION AND THAT THE MATERIAL SO SELECTED AND PRESERVED HAS BEEN USED AS DONORS OF GENES IN VARIETIES REGISTERABLE UNDER PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001.

(USE CAPITAL LETTERS ONLY)

Year _____

1.	Name of the Community of farmers	
2.	Postal address (for correspondence) Block Village/Panchayat P.O. District State/ Union territory Pin Tel. (if any) E mail (if any).	
3.	Status of applicant (Registered or Unregistered) (If registered then give the details of registration number and year).	
4.	Details of the area to which the community belongs?	
5.	Location(s) of the conservation site.	
6.	Plants/crops in which conservation or improvement efforts had been made. (Give list including common name of the varieties so conserved or improved upon).	
7.	How many varieties (including land races and wild relatives of economic plants) had been conserved or improved upon? (give details plant/crop wise).	
8.	How much area is being planted/ cultivated by the applicant with the conserved varieties? (give variety wise details)	
9.	Whether any innovative methods, practices, storage techniques etc., are developed/ adopted? (give details).	
10.	Give information (if available) about the varieties that were shared/exchanged with others for varietal development. In case, any variety has been shared please inform if any transfer agreement has been executed.	
11.	What is the distinct character identified in the conserved variety/ varieties? (Give details on variety basis).	
12.	Name of the organisation, if any that identified the useful character in the conserved varieties.	
13.	Has the variety/varieties been entered in the Peoples' Biodiversity Register maintained by the Biodiversity Management Committee	YES/NO
14.	Whether the farming community rewarded/awarded or recognised for the conservation efforts by any other organisation? If yes, please give details.	

APPLICATION FORM FOR THE 'PLANT GENOME SAVIOR FARMER REWARD/ RECOGNITION'

Annexure-I

Protection of Plant Varieties & Farmers' Rights Authority
NASC Complex, DPS Marg, Opp. Todapur Village
New Delhi 110 012

APPLICATION FORM FOR PLANT GENOME SAVIOUR FARMER REWARD/ RECOGNITION FOR A FARMER WHO IS ENGAGED IN CONSERVATION OF GENETIC RESOURCES OF LAND RACES AND WILD RELATIVES OF ECONOMIC PLANTS AND THEIR IMPROVEMENT THROUGH SELECTION AND PRESERVATION AND THAT THE MATERIAL SO SELECTED AND PRESERVED HAS BEEN USED AS DONORS OF GENES IN VARIETIES REGISTRABLE UNDER PPV&FR ACT, 2001 (SECTION 39(1)(III) OF THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHT ACT, 2001)

Year _____

1.	Name of the Applicant (ALL CAPITALS)	
2.	Postal address (for correspondence) Block Village P.O. District State Pin Tel. (if any) E-mail Fax Mob.	
3.	Location(s) of the conservation site(s)	
4.	Plants and varieties in which conservation efforts had been made.	
5.	Whether the material so selected and preserved has been used as donors of genes in varieties registrable under Protection of Plant Varieties & Farmers' Rights Authority Act, 2001. (Certificate from the concerned institution to be attached)	
6.	How many varieties (including farmers' varieties, land races, wild relatives and other genetic resources) had been conserved? (give details plant/crop wise)	
7.	How much area is being planted/ cultivated by the applicant with the conserved varieties? (give details)	
8.	Whether any innovative methods of conservation like cultural practices, storage techniques etc developed/ adopted? (give details)	
9.	Give information about the varieties that were developed with conserved variety.	
10.	What is the distinct trait identified in the conserved variety/varieties.	
11.	Name of the organization, if any that identified any useful trait in the conserved varieties.	
12.	Whether the Farmer rewarded or recognized for the conservation efforts by any other organization? (give details)	
13.	Name the agencies (governmental or Non Government Organizations) conversant with the claims made	i. Governmental: ii. Non Government Organizations)
14.	Whether the material finds it place in People's Biodiversity Register	

Note:

1. Please sign each page of the Application Form.
2. There is no application fee.
3. For details/information in any column, extra pages can be attached as Annexure.
4. Any clarification can be sought from the officials of PPV&FRA.
5. Declaration to be attached.

References:

- <https://agritech.tnau.ac.in>
- www.plantauthority.gov.in
- www.vikaspedia.in
- www.slideshare.net
- www.reasearchgate.net

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