

*The Protection of Plant
Varieties and Farmer's Rights
Act, 2001*

Importance and Objectives

- To provide for the establishment of an effective system for protection of plant varieties, the rights of farmers and plant breeders and to encourage the development of new plant varieties
- Protection will facilitate the growth of the seed industry and ensure the availability of high quality seeds
- Necessary to protect plant breeder's rights to stimulate investment in research and development

Provisions of the Act

- Act covers all categories of plants except microorganisms
- variety claimed for protection needs to be notified and the food crops including cereals, pulses, oilseeds, vegetables and fruits are selected on first priority
- Crops important for trade, of Indian origin, new germplasm are given priority

Provisions of the Act

- Inclusion of rights of farmers, breeders, and researchers – unique in the world
- variety can be registered for protection if it satisfies the criteria of Novelty, Distinctness, Uniformity and Stability (NDUS)
- **Novel** means the variety was not sold or disposed by the breeder for commercial use before the date of filing of application

Provisions of the Act

- **Distinct** means the variety is clearly distinguishable by at least one essential characteristic from other varieties
- **Uniformity** means the variety is sufficiently uniform for essential characteristics other than the variation that may be expected within the variety
- **Stability** means the variety remains unchanged for its essential characteristics even after repeated propagation

Provisions of the Act

- The DUS guidelines have been laid for many crops and registration of many crops for protection has been already initiated
- Complete passport data of the variety, clear pedigree, and source of origin of the variety, statement indicating absence of terminator gene, and specifications on novel and distinct characters of the variety are to be provided

Provisions of the Act

- Period of protection is six years in case of crops and may be renewed on condition that the total period does not exceed 15 years
- Researchers are not prevented from conducting research using the registered variety provided an authorization is given by the breeder indicating the necessity of use
- Farmers are provided the right to avail protection of varieties conserved by them

Provisions of the Act

- National Gene Fund has been constituted which will be utilized for payment as rewards to farmers who have preserved a variety and used as a donor of genes
- National Gene Fund is credited with the benefit sharing from the breeder
- Fund to be utilized for sharing the benefits to the claimers and to others who support conservation and sustainable use of genetic resources

Provisions of the Act

- Constitution of Plant Variety Protection Appellate Tribunal to exercise jurisdiction and powers consisting of judicial as well as technical members
- Authority shall provide for measures to Institutions for registration of extant and new varieties, documentation and developing a data base of all existing varieties and ensuring availability of seeds of all registered varieties

Provisions of the Act

- Identification of possible reference varieties is a requirement under DUS testing for all the crop species
- The Act is considered to be an effective *Sui generis* system providing a balance between plant breeder's rights along with farmer's rights and researchers rights

Protection of Plant Varieties Rules, 2003

- The rules provide for detailed procedures while applying for protection
- Guidelines for administering the national gene fund and all other provisions to be implemented as per PPV&FR Act, 2001
- National Seeds policy was thus formulated in 2002 for safeguarding the interests of the farmers and conservation of the biodiversity