

Frequently Asked Questions on PPV&FR Legislation

Q. Why protection of plant varieties has become an important issue?

Ans. The breeding activities and exploitation of new varieties are the decisive factors for improving rural income and their overall economic development. Since the process of plant breeding is long and expensive, it is important to provide an effective system of plant variety protection with an aim to encourage the development of new varieties of plants for the benefit of society.

Q. What are Farmers' rights?

Ans. 1. Farmer who has bred or developed a new variety shall be entitled for registration and other protection under PPV&FR Act, 2001 in the same manner as a breeder of a variety.

2. Farmer who is engaged in the conservation of genetic resources of land races and wild relatives of economic plants and their improvement through selection and preservation shall be entitled in the prescribed manner for recognition and reward from the Gene Fund provided that material so selected and preserved has been used as donors of genes in varieties registered under this act.

3. Farmer shall be entitled to save, use, sow, re-sow, exchange and share or sell his farm produce including seed of a variety protected under this act in the same manner as he was entitled before the coming into force of this act provided that the farmer shall not be entitled to sell branded seed of a variety protected under this act.

Q. What is the duration of protection of a registered plant variety?

Ans. The duration of protection of registered varieties is different for different crops which are as below:

1. For trees and vines - 18 years.
2. For other crops - 15 years.
3. For extant varieties - 15 years from the date of notification of that variety by the Central Government under section 5 of the Seeds Act, 1966.

Q. Can a new and distinct plant found growing in nature be protected?

Ans. As such those plant variety present in wilderness cannot be registered, under PPV&FR Authority. However, any traditionally cultivated plant variety which has undergone the process of domestication / improvement through human

interventions can be registered and protected subjected to fulfillment of the eligible criteria.

Q. What are the characteristics which may be used for distinguishing a variety?

Ans. The new variety should be distinct from the other varieties for at least one characteristic.

Q. What are the prerequisites for filing an application form for registration of plant variety?

Ans. For registration of a plant variety the following prerequisites has to be completed:

1. Denomination assigned to such variety.
2. Accompanied by an affidavit that variety does not contain any gene or gene sequences involving terminator technology.
3. Complete passport data of parental lines with its geographical location in India and all such information relating to the contribution if any, of any farmer (s), village, community, institution or organization etc in breeding, evolving or developing the variety.
4. Characteristics of variety with description for Novelty, Distinctiveness, Uniformity and Stability.
5. A declaration that the genetic material used for breeding of such variety has been lawfully acquired.
6. A breeder or other person making application for registration shall disclose the use of genetic material conserved by any tribal or rural families for improvement of such variety.

Q. What comprises a plant variety protection Application Form?

Ans. The application for registration of a variety is to be made in the form prescribed by the PPV & FR Authority.

1. Form I - for registration of new variety, extant variety and farmer's variety and
2. Form II - for essentially derived varieties (EDVs) and transgenic varieties.
3. Technical Questionnaire attached with Form I and Form II – for detailed information of the concerned variety.

These filled application forms must be accompanied by the fee prescribed by the Authority.

Q. Who can apply for the registration of a plant variety?

Ans. Application for registration of a variety can be made by:

1. any person claiming to be the breeder of the variety;
2. any successor of the breeder of the variety;
3. any person being the assignee or the breeder of the variety in respect of the right to make such application;
4. any farmer or group of farmers or community of farmers claiming to be breeder of the variety;
5. any person authorized to make application on behalf of farmers and
6. any University or publicly funded agricultural institution claiming to be breeder of the variety.

Q. Which is the office for the registration of plant varieties?

Ans. Registration of plant varieties can be made in the office of Registrar, PPV&FRA, New Delhi. The address of the Office is: Registrar, Protection of Plant Varieties and Farmers' Rights Authority, Govt. of India, Ministry of Agriculture, NASC Complex, DPS Marg, Opposite Todapur, New Delhi – 110 012. Also any information regarding the protection, application, fee structure, etc. can be obtained from this office. Completed forms in triplicate, with fee/charges should be submitted to the Registrar with enclosures, TQ, affidavits in his New Delhi Office or can be sent by Registered Post. In the first instance do not send DUS test fee or seed.

Q. Can an application for registration of plant varieties be made through an agent?

Ans. Yes, a breeder or a farmer can apply for registration either in person or through his agent.

Q. Is it necessary to submit the seed / propagating material before registration?

Ans. Yes, the breeder shall be required to deposit the seed or propagating material including parental line seeds of registered variety to the Authority. An applicant has to submit a fixed amount of seed sample (breeder seed) with prescribed germination percentage, physical purity and phyto-sanitary standards. The applicant shall also submit along with the seed / propagating the seed quality test report.

Q. What is done with the seeds received by the Authority?

Ans. The seed samples received by the Authority will be properly tested for its purity and germination. A part of the seed sample will be sent to the test centre for conduct of DUS tests and a part of it will be kept by the Authority in the National Gene Bank to maintain the seed samples of the registered varieties for their entire period of protection.

Q. Can any person get the seed samples of the registered variety or a variety undergoing the process of DUS tests?

Ans. No, any person seeking for the seed sample of a protected variety or a variety undergoing the DUS test procedure has to get permission from the Authority or the breeder of the variety.

Q. Can a person apply for registration of a variety which is already in the market?

Ans. Any variety which is already in the market, but not for more than a year, can be applied for registration as a new variety. Other older variety can be registered as Extant Variety.

Q. What is the cost of registering a plant variety?

Ans. The fee structure as defined by the PPV&FR Authority is as below:

	Rupees
A. Form Charges	
1. Application Form Charges	200/-
B. DUS test fee*	
1. Rice, Wheat, Maize, Sorghum, Pearl millet, Pigeon pea, Mungbean, Urdbean, Chickpea, Fieldpea, Lentil, Rajmash	20,000/-
C. Annual Fee	
The Authority shall notify the amount separately in the official Gazette (in the PVJ of India).	
II. Other charges:	
A. Registration Charges	
1 For Extant Variety of Common Knowledge where no DUS test is needed.	2,000/-
2. Registration Certificate charges	5,000/-
B. DUS testsite visit charges/person/visit	500/-
(To be retained at DUS test site after issue of receipt)	

Q. What are the exemptions provided under the PPV & FR Act, 2001?

1. Farmers' Exemption: Farmer shall be entitled to produce, save, use, sow, re-sow, exchange, share or sell his farm produce including seed of a variety protected under this Act.

2. Researcher's Exemption: (i) the use of registered variety for conducting experiment.

(ii) the use of variety as an initial source of variety for the purpose of creating other varieties.

Q. What are the acts of infringement of the rights provided to the registered breeder under the Act?

Ans. Following acts may be a case of infringement under the PPV&FR Act:

1. If a person who is not a breeder of a variety registered under this act or a registered agent or a registered licensee of that variety, sells, exports, imports or produces such variety without the permission of its breeder or within the scope of a registered license or registered agency without their permission of the registered license or registered agent.

2. If a person uses, sells, exports, imports or produces any other variety giving such variety, the denomination identical with or deceptively similar to the denomination of a variety already registered under this act in such a way that it causes confusion in the mind of general people in identifying the registered variety.

Q. Is there any punishment if any person falsely represents a variety as a registered variety?

Ans. If any person falsely represents a variety as a registered variety then he shall be punishable with imprisonment for a term not less than six months which can be extended up to three years or with a fine not less than one lakh which may be enhanced to five lakhs, or both.

Q. What species can be protected?

Ans. The Central Government has notified the following crops with their genera eligible for registration of varieties.

S.No.	Botanical Name	Hindi Name	Common Name
1	<i>Oryza sativa</i> L.	Chawal	Rice
2	<i>Triticum aestivum</i> L.	Gehun	Bread wheat

3	<i>Zea mays</i> L.	Makka	Maize
4	<i>Sorghum bicolor</i> (L.) Moench	Jowar	Sorghum
5	<i>Pennisetum glaucum</i> (L.) R. Br.	Bajra	Pearl millet
6	<i>Cicer arietinum</i> L.	Chana	Chickpea
7	<i>Cajanus cajan</i> (L.) Millsp.	Arhar	Pigeon pea
8	<i>Vigna radiata</i> (L.) Wilczek	Mung	Green gram
9	<i>Vigna mungo</i> (L.) Hepper	Urd	Black gram
10	<i>Lens culinaris</i> Medik	Masur	Lentil
11	<i>Pisum sativum</i> L.	Matar	Field pea
12	<i>Phaseolus vulgaris</i> L.	Rajmah	Kidney bean

Q. How to get information about General and Specific Guidelines for DUS Testing?

Ans. The General and Specific Guidelines for DUS Testing of 12 notified crop species are available in **Plant Variety Journal of India**, Volume-1, No. 1 dated 20th February, 2007. The cost of each issue of the Journal is Rs. 100/- or Rs. 1200/- per year payable on DD to the Registrar, PPV&FR Authority. This information is also available on the official website of PPV&FR Authority.

Q. From which date the PPV&FR Authority starts receiving applications for Registration of Plant Varieties?

Ans. The PPV&FR Authority shall start receiving applications for Registration of Varieties of 12 notified crop species from **21st May, 2007**.

Q. To whom the application has to be submitted?

Ans. The Application for registration of varieties of 12 notified crop species has to be submitted to **The Registrar, PPV&FR Authority NASC Complex, DPS Marg, New Delhi - 110012**.

Q. What are the Business Hours for receiving application and seed samples?

Ans. The Business Hours for receiving application and seed samples in the office of Registrar PPV&FR Authority are as under:

S.No.	Crop Type	Timings	
		Date	Time
1	All varieties including new varieties, EDVs and Extant varieties mentioned in the schedule under Sub No. VI here in	Monday to Thursday	10:00 Hours to 15:00 hours

Q. What are the guidelines for submission of applications for Registration of Plant Varieties?

Ans. The guidelines for submission of applications for Registration of Plant Varieties are as under:

1. Every application in triplicate must be in writing and signed by the applicant or their representative. Application should be submitted in hard copy along with all essential requirements by hand till further notice.
2. Applications will be received only on Monday to Thursday from 10:00 Hours to 15:00 hours. No application will be accepted on Friday, Saturday and Sunday and Public Holidays.
3. Every application must have the name of the applicant, their address and nationally as well as the address of service of their agent (if Applicable).
4. A person can file upto a maximum of three applications per day.
5. Until otherwise notified in the plant Variety Journal of India, each application should be accompanied with an application charge of Rs. 200/- each by demand draft drawn in favour of the “The Registrar, Plant Variety Registrar, New Delhi”.
6. The Application will be received on “first come first serve” basis.
7. No applications will be received after business hours.
8. On successful submission of application, the application will receive an acknowledgement slip.
9. After submission of application, it will be processed according to the provisions of the Rule 29(2) of the PPV&FR Rules, 2003.
10. After depositing the stipulated fees for conducting DUS tests, the office of the Registrar shall issue receipt and number which shall be used for all future references including the checking of the status of application on line.

Q. What are the schedules for receiving the seed samples of 12 notified crop species?

Ans. Keeping in view that the seeds are living biological entities and sowing is done on cropping system basis, a Schedule for the receipt of seed samples has been developed to facilitate the DUS testing procedures which are as under:-

S. No.	Name of the crop	Month for receiving seed sample
1	Rice	December to 15 th April
2	Bread wheat	April to 14 th August
3	Maize	December to 15 th March
4	Sorghum	December to 15 th March
5	Pearl millet	December to 15 th March
6	Chickpea	April to 14 th August
7	Pigeon pea	December to 15 th March
8	Green gram	December to 15 th March
9	Black gram	December to 15 th March
10	Lentil	April to 14 th August
11	Field pea	April to 14 th August
12	Kidney bean	April to 14 th August

For further details refer to the Act, Rules thereunder, or the PVJ of India. Keep periodically scanning our website : www.plantauthority.in