

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
- FARMER
- OTHERS¹

¹ For 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. Name² _____
3. Complete Address _____
4. Nationality _____

² If the applicant is the authorised representative of a group of farmers, an authorisation in Form PV-1 signed by all members of the group, or by the Head/office bearer of the community witnessed by the two people, if the identity of the applicant is Community of farmers' shall be attached.

(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 _____

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

4. General Information of the Essentially Derived Variety:

Common name of the Crop: _____
Botanical name ³: _____
Family: _____
Denomination (in block letters): _____

³ Botanical names mean the scientific name approved by the International Code for nomenclature of cultivated plants, 2004.

5.(a.) Type of Essentially Derived Variety

- TRANSGENIC
- MUTANT
- TISSUE CULTURE DERIVED
- BACK CROSS DERIVATIVE
- ANY OTHER (Ploidy Change etc)

(b.) If transgenic attach copy of Genetic Engineering Approval Committee clearance and If the Essentially Derived Variety is a transgenic attach clearance on Bio-safety angle and Environment Department (GEAC) and related seed production permission (Give details)

6.(a.) Classification of the Candidate Variety:

- TYPICAL VARIETY⁴
- HYBRID VARIETY
- OTHERS (SPECIFY)

⁴ Typical variety means a variety, which is not a hybrid or an essentially derived variety and normally propagated by using propagules saved from previous crop production cycles (Example: pure lines including parental lines, synthetic/composite varieties or vegetative propagated varieties).

(b.) What is (are) the Distinctness Uniformity Stability feature on the basis of which registration is sought. Explain in detail the group characters (see specific guidelines for details). Attach 'Technical Questionnaire' sheet with all needed details duly signed with seal.

(c.) Whether the authorisation of the breeder of initial variety has been taken

- Yes No

(d.) If yes please attach the copy of Authorisation:

7. Names and Addresses of Breeder(s) who has/have bred the candidate Essentially Derived Variety:

Name: _____

Address: _____

Telephone: _____

Fax: _____

E-mail: _____

Nationality: _____

⁵ In case of more than one breeder, mention all names as (ii), (iii) and so on in the above format. If required insert extra page. In the case the variety is evolved and conserved by group or community of farmers, it shall be endorsed in Annexure I.

8.(a.) Details of all other earlier applications made on the candidate Essentially Derived Variety in convention countries or other countries (if applicable):

EDV denomination: _____

Nature of right applied for: Plant Breeder's Rights Patent

Filing Date (Attach evidence): _____

Name of Country: _____

Name of Authority: _____

Application Number: _____

Status of Application: Under process Approved Rejected

(If required, repeat the above for each applicable country and attach separate sheet)

(b.) Priority is now claimed in respect of the earliest application for an Essentially Derived Variety of said denomination (if applicable):

In (country): _____

On (date of application): _____

9. Has the Essentially Derived Variety been commercialised or otherwise exploited?

Yes No

If yes, please indicate the following:

Date of the first sale of the Essentially Derived Variety: _____

Country of first sale of the Essentially Derived Variety: _____

Denomination used _____

Trademark used, if any: _____

10.(a.) If the candidate Essentially Derived Variety is a hybrid, state whether all the parental lines required for the repeated propagation of the hybrid are bred exclusively by the applicant(s):

Yes No⁶

⁶ If no, mention which of the parental lines are outsourced, whether letter of agreement is obtained for each of the outsourced protected parental lines in compliance with Section 30 of the Protection of Plant Varieties and Farmers' Rights Act and also provide following information on each of them:

Parental line (S):

Denomination⁷:

Source:

Authorisation letter obtained: Attached Not attached

⁷ Denomination should not be altered from what was used at the source. Information on source may include name of breeder or institution or farmer or farming community who had bred and maintained the parental line. Repeat above information for additional applicable parental line.

(b.) If the candidate Essentially Derived Variety is a hybrid, state any Farmers' variety of common knowledge or in public domain is used as parental line for the repeated propagation of the hybrid:

Yes No

If yes, give following details:

Denomination:

Geographical Source:

Details of Attribution (Origin):

Details of owner farmer/village community/Institution/Organisation:

(c.) If the candidate is an Essentially Derived Variety, state whether a variety registered under the Protection of Plant Varieties and Farmers' Rights, Act 2001 and notified in the Plant Variety of Journal of India has been used as the initial variety:

Yes No

If yes provide

Denomination:

Geographical Source:

Details of owner farmer/village community/Institution/Organisation:

11. In case exotic germplasm was used in the derivation of the Essentially Derived Variety or hybrid give details:

12. Details on the payment of application fee and Distinctness Uniformity Stability testing fee⁸:

Amount of fee: Rupees (Rupees.....only)

Demand Draft Number and date:

Name of Bank and branch in which the Demand Draft is drawn:

⁸ The Distinctness Uniformity Stability testing fee for Essentially Derived Variety will be fixed based on the tests to be conducted but will not be less for what has been fixed for varieties under application-I.

(Signature of the Applicant)

DECLARATIONS

I/We hereby apply for the grant of registration of the candidate Essentially Derived Variety with the above said denomination and I am/we are conversant with the Protection of Plant Varieties and Farmers' Rights Act, 2001 and Rules thereof related to this application.

I/We hereby declare that no person other than the person or persons mentioned in this application has been involved in the breeding, or discovery or development of this Essentially Derived Variety denomination.

I/We hereby declare that the candidate Essentially Derived Variety complies with the sub -section (3) of section 29 of Protection of Plant Varieties and Farmers' Rights Act, 2001.

I/We hereby declare that I/we have not applied for or received a trademark for the said denomination of the Essentially Derived Variety.

I/We hereby declare an affidavit in compliance with clause (c) of sub -section (1) of Protection of Plant Varieties and Farmers' Rights Act, 2001 is attached.

I/We hereby declare that the information given in this application for the registration of the above said candidate Essentially Derived Variety, including annexure and all supporting documents are complete, true and correct to the best of my/our knowledge, information and belief and no information has been wilfully concealed.

I/We hereby declare that terminator technology (TT) or Genetic Usage Restrictive Technologies (GURTS) or such ones are not there in this material submitted for registration.

I/We hereby declare that I/We shall abide by all the provisions and guidelines of Protection of Plant Varieties and Farmers' Rights Act, 2001.

Place: _____

Date: _____

Signature of Applicants⁹

⁹Wherever the applicants are more than one person each applicant has to sign. In the case of authorised application or application by assignees, such person(s) authorised or assigned shall sign

Following are the attachments submitted along with each of the three copies of the application (note that wherever signature is affixed in the application or attachments, all such signatures shall be in the original):

- (a) complete application;
- (b) endorsement in Annexure 1 in the case of farmers' Essentially Derived Variety (vide column 1, if applicable);
- (c) document of authorisation in Form PV-1 (if applicable);
- (d) document of assignment in Form PV-2 (if applicable);
- (e) documents in support of (b) and (d) as given above (if applicable);
- (f) affidavit that the Terminator Technology and the Genetic Use Restriction Technology is not involved;
- (g) copy of document on filing date (vide column 8A, if applicable);
- (h) copy of letter of agreement (vide column 10A, if applicable);
- (i) technical Questionnaire for the Candidate variety (attached);
- (j) If the applicants by virtue of succession or an assignment of the right to apply for registration attach a proof to show the right to application as stipulated in sub section (3) of section 18 of Protection of Plant Varieties and Farmers' Rights Authority, 2001; and
- (k) Fees as applicable.

If felt necessary attach colour pictures on the distinctness and other traits. Please sign each page of the application and other document on the left margin

ANNEXURE 1

Endorsement of application for registration of farmers' Essentially Derived Variety under Protection of Plant Varieties and Farmers' Rights Act, 2001

1. Name(s) of applicant farmer/ Group of farmers/Community of farmers

Serial Number	Name with surname/Name of Group/Name of Community	Permanent Address

2. Denomination of the candidate variety: _____

3A. (Applicable to individual farmer applicant)

I hereby declare that I have been a permanent cultivator since last many years in the..... village falling under the.Local body/Panchayat in the District ofState and that I and my family are the initial and exclusive developers and conservers of the candidate variety denominated as under the kind.....(common name of crop) belonging to the botanical species

3B. (Applicable to group/community of farmers applicant)

We hereby declare that we have been the permanent cultivators since last many years in the village(s) falling under the.Local body/Panchayat(s) in the District(s) of.State(s) and that we are the initial and exclusive developers and continuous conservers of the candidate variety denominated as under the kind(common name of crop) belonging to the botanical species We on behalf of our group/community hereby authorise..... s/o (name),who is a member of our group/community and permanent resident of.....(complete postal address) to do the needful and be the signatory on our behalf for the limited purpose of securing

registration of the candidate variety in our favour under Protection of Plant Varieties and Farmers' Rights Act,2001.

Dated:

Place.....

Signature and Name of the Farmer or
Authorised person of Group/Community
(To be signed before the endorsing official)

It is certified that the above said candidate Essentially Derived Variety is bred/developed and continuously conserved and cultivated by the applicant farmer/group of farmers/community of farmers who is/are permanent residents of above said village(s) and I am fully conversant with the applicant farmer/group or community of farmers and the candidate variety (strike out unwanted words given as options).

Date

Signature:

Name :

Place

(Chairperson / Secretary of the Concerned Panchayat Biodiversity Management Committee OR Concerned District Agricultural Officer OR Director of research, Concerned State Agricultural Universities OR Concerned District Tribal Development Officer)
(Official Rubber Stamp)