



सत्यमेव जयते

Government of India
Protection of Plant Varieties and Farmers' Rights Authority
Ministry of Agriculture & Farmers' Welfare
S-2, 'A' Block, NAS Complex, DPS Marg, Opp. Dusghara, New Delhi 110 012

No. PPV&FRA/Legal/16/2018/

Date: 23rd January, 2019.

NOTICE ON PLANT BREEDERS' RIGHTS

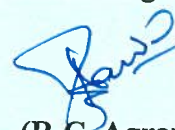
Under the Sections 7 and 28 of the Protection of Plant Varieties and Farmers Rights Act, 2001 (hereinafter referred to as 'PPV&FR Act, 2001') and Sub-rules 4 & 5 of Rule 21 of PPV&FR Rules(2003), it is hereby notified that the Departments of the Central and State Governments, and the public and private sector organizations which implement the various provisions of the Seeds Act (1966) related to seed production and regulation including sale price fixation of seed and provisions of the Essential Commodities Act (1955) for trait value fixation per variety, are with immediate effect, directed to suitably revise the procedures in place for the above processes in the case of the varieties registered under PPV&FR Act (2001) during the period of their protection specified in their respective certificates, as the same do not apply to such varieties. Section 28 of the PPV&FR Act (2001) confers exclusive intellectual property rights to plant breeders and farmers on the new and extant plant varieties developed by them and registered with the Authority to produce, sell, market, distribute, import or export the varieties for a maximum protection period of 15 years in case of field crops and 18 years in case of trees/vines as specified on the registration certificate of the respective varieties, and these rights cannot be abrogated in any manner not known to law. The processes of seed certification under the Seeds Act (1966) however, shall continue to be applicable on the registered varieties during the period of protection also as per the option exercised by the right holder/agent/licensee. A list of such varieties along with their period of valid protection is available at www.plantauthority.gov.in, which may either be annexed or linked in the seed production, sale price fixation and such regulations on marketing of different qualities of seed under the Seeds Act (1966).

- a. The procedures of receiving/compiling/directing the indents for seed production by various Central & State Government Organizations or Undertakings, and Private Sector on contract or otherwise shall be restricted only to those plant varieties which are not registered under PPV&FR Act (2001) or those whose period of protection under the registration has expired on the date.
- b. The currently followed procedures of fixation of sale price of Breeder seed under Seeds Act (1966) and trait value of the varieties under the Essential Commodities Act (1955), henceforth shall be restricted only to the varieties not registered under PPV&FR Act (2001) and to those whose period of protection under registration is expired on the date.
- c. Accordingly, the sale and sale price fixation by National and State Seed Corporations/Seed production agencies and private or public seed producers other than farmers on any category of seed of a variety registered under PPV&FR Act

(2001) shall henceforth be taken up under Section 28 of PPV&FR Act (2001), only with the authorisation of registered breeder or his assignee to his agent, in Form 1A of PPV&FR Regulations (2006) as the case may be, as per the terms and conditions agreed upon for the purpose between the right holder and others concerned. Further, the said authorised person/agency must register with the PPV&FR Authority as agent/licensee of the registered breeder under Section 28(4) of PPV&FR Act, 2001 in the Form PV-9 accompanied with a fees of Rs.15,000/- per registered variety. The registered agent or licensee is also bound to pay annual fee where applicable, under Section 35 of PPV&FR Act (2001) to the National Gene Fund established by the Central Government under Section 45 of PPV&FR Act, 2001. The registered breeder or his assignee receiving royalty from the regd. agent or registered licensee must contribute to the National Gene Fund as notified in the Gazette Notification S.O. No.2182 dated 26th August, 2009.

- d. Under Rule 36A of PPV&FR Rules, 2003 the registered breeder/agent/licensee must provide the seeds to farmers in time for planting to satisfy their requirements at a reasonable market price. If the concerned registered breeder/agent/licensee does not comply with the production and supply of the required quality/quantity of seed indented by the indenter or keeps seed sale price unreasonably high for the farmers, the same has to be immediately be brought to the notice of the Chairperson, PPV&FR Authority by any individual, agency or public body, for invoking the compulsory licensing option under Sections 8(2)(e) of the Act for implementation under Rule 21(5) of PPV&FR Rules (2003) in order to enable the farmers to obtain the required seeds sufficiently and in time at reasonable market price. The Office of the Chairperson, PPVFRA can be contacted telephonically on (011) 25848127/25841696 or through email: chairperson-ppvfra@nic.in
- e. Any violation of the above provisions in respect of the registered varieties during the validity period of protection by any individual/agency (public or private) shall be dealt as per the provisions on infringement/violation of the Breeders' Rights under Section 64 of the PPV&FR Act (2001).
- f. Farmers, however, have the rights to save, use, sow, re-sow, sell, share or exchange the seed/planting material of the registered varieties in an unbranded manner but are liable to be prosecuted if they pack and sell in a branded manner or any registered variety without the authorisation of the registered breeder/agent.
- g. Where required and applicable, the trait value/price fixation of the registered varieties shall be done only under PPV&FR Act (2001) that overrides any other Act existing as provided under section 92 of PPV&FR Act(2001), during the period of protection of the variety concerned.

This is issued with the approval of the competent authority for immediate implementation and compulsory adoption by all concerned from the planting season following the date of this notification.



(R.C. Agrawal)
Registrar-General

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