

Plant variety registration and Farmers' Rights Act 2001.

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Objectives of the PPV&FR Act

- To recognize and protect the rights of farmers in respect of the contribution made at any time in conserving, improving and making available plant genetic resources for the development of new plant varieties.
- To accelerate agricultural development in the country, protect plant breeders' rights, stimulate investment for research and development in public / private sector for development of plant variety.
- Facilitate the growth of seed industry which will ensure the availability of high quality seeds and planting material to the farmers

Who is a farmer.

- Cultivates crop by cultivating himself or
- By directly supervising the cultivation of the land through any other person or
- Conserves / preserves any wild species or traditional varieties or adds value to such wild species or traditional varieties through selection and identification of their useful properties

Farmers' variety

- **Farmers' Variety means:**
 - A variety that has been **traditionally cultivated** and **evolved by the farmers** in their fields.
 - Is a wild relative or land race of a variety about which the farmers possess the **Common Knowledge**.

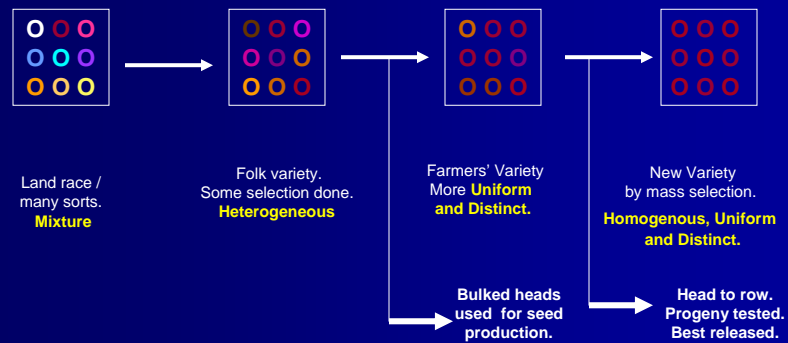
Farmers' Variety is a product of tradition, keen observation and the market force.

- Farming culture in India that dates back to several millennium created an amazing spectrum of variation in plants and animals. The richness of diversity of all kinds, plants, animal, art, culture, and humans and faith are product of that cosmic evolution.
- The diversity thus created by Indian farmers is getting eroded and still there are living fossils as Farmers' Variety which the nation must register and protect. Recognizing and rewarding these families will encourage them to protect nature.

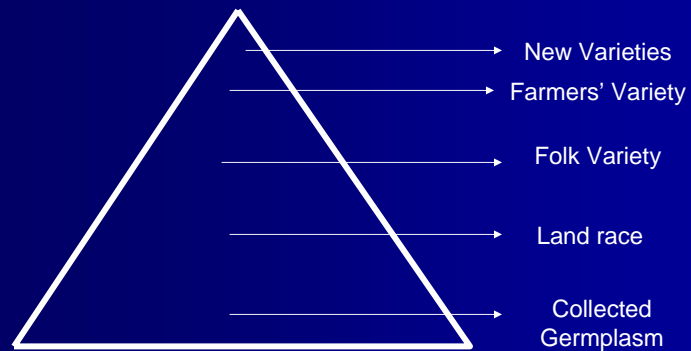
Farmers' variety - our perception.

- **Farmers' Variety is one that is evolved by farmers in their own field and the crop stand is homogenous and such traditionally cultivated genotype covers a large geographic tract and meet the DUS requirements needed for registration under the Act.**
- *Ex. Bikaneri Nerma Cotton of Punjab, East Coast Tall Coconut of TN & AP, Nendran Banana of Kerala, Desari Mango of UP, Ganesh Pomegranate of Maharashtra, Ambri Apple of Jammu & Kashmir etc.*

Selection exerted by different groups in bringing Distinctness and Uniformity in self pollinated crops.



The continuum



(Not to scale)

In order to register a variety under the Act the new variety should be "Distinct" from earlier known variety for at least one character. Each one of these chrysanthemum can be considered as a variety under the Act as no two are identical.



Duration of protection

- The registration shall be valid for 18 years for trees and vines and will be reviewed after nine years if found fit will be extended for the remaining period.
- In case of other crops the valid period is fifteen years with a mid term review.

Special tests.

- **Only the application for new varieties that are not identifiable in one year of DUS testing can be considered for the Special tests, on the request of the applicant and by paying the special tests fee.**
- **Discovering a special character from a material of common knowledge is to be examined from the point of indigenous knowledge and biodiversity angle also.**

Plant Breeders' Rights.

- Produce or reproduce the material.
- Offer the material for sale
- Market the material
- Distribute the material
- Import the material
- Export the material
- Stock the material
- Transfer the rights

Farmers' rights

- The PPV &FR Act 2001, provides certain rights to the farmers, to save, use, sow, resow, exchange, share or sell his farm produce including that of the registered variety except that he cannot make and market it as branded seed with packing, label etc that is demanded by the market.
- Farmers who develop new variety of plants like any other plant breeder can apply their material for registration by DUS testing procedures.

Farmers' Rights - Compensation

- Where all a variety registered under the Act and sold to farmers there all the breeder of the variety shall disclose to the farmers the expected performance under the given condition.
- If the variety fails to perform under the given condition then the farmer can seek for a compensation by presenting the case before the Authority.
- Since the variety is registered under the Act based on DUS test the non performance is to be seen in the context of the characters claimed by the breeder.

Researchers' Rights

- Can use any of the variety registered under this Act by any person using such variety for conducting experiment or research.
- The use of a variety by any person as an initial source variety for the purpose of creating other varieties.
- Authorization of the breeder of a registered variety is required where repeated use of such variety as parental line is done for commercial production of other new developed variety.

Essentially Derived Variety (EDV).

- EDV is predominantly derived from another variety or initial variety, or from a variety that is predominantly derived from the initial variety, retaining the expression of the essential characteristics that result from the genotype or a combination of genotypes of the initial variety. And is clearly distinguishable from the initial variety except for differences that result from the act of derivation, confirms to the initial variety.
- The plant variety developed from a initial variety through transgenic approach, backcross derivative, mutants, chimera, somaclonal variants, chimera and alike can come under the EDV.

Gene Fund

- The benefit sharing received from a breeder of a variety, EDV,
- Annual fee payable to the Authority by way of Royalty
- Compensation deposited with gene fund
- Contribution from other sources

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Contents

Crop species ready.

- Botanical species covering rice, wheat, maize, bajra, sorghum, pigeon pea, chickpea, lentil, mung, black gram, peas and rajmash.
- This covers cereals, pulses, fodder, vegetables as some crops are used for multiple purposes.
- Some are self pollinated, open pollinated, man made hybrids (rice) and so will cover both private and public plant breeding interests.

Prior informed consent.

- Prior Informed Consent for access to genetic materials and accompanying information in a country from the **Competent National Authority**.
- Also need is the Prior Informed Consent **from local communities** to collect farmers' varieties, or from local authorities if you collect wild crop relatives.
- **Prior Informed Consent** means that the provider is to be made fully aware of the planned utilization, and explicitly agrees with this before any transfer of material takes place.

ITPGRFA

- The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) of the FAO was adopted in 2001 and, in accordance with the Article 28, came into force on 29 June, 2004 i.e. ninety days after forty governments had ratified it.
- Governments that have ratified it make up its Governing Body. At its first meeting, the Governing Body addressed important questions, such as the level, form and manner of monetary payments on commercialization, a Standard Material Transfer Agreement (SMTA) for plant genetic resources, mechanisms to promote compliance with the Treaty, and the funding strategy was finalized in Madrid in June 2006.

To Sum-up

- Major tuber crops have value as vegetable, industrial starch and for bioenergy.
- As of now no serious effort has been done in India to develop descriptors and to comply with the registration of varieties under the Act.
- If it is started now it will take three to four years before accruing adequate data to start variety registration

Visit

For PPV&FRA

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