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: CIRCULAR :

In the current regime of Intellectual Property Rights(IPR), the protection (registration) of plant varieties has come into existence in India with the enforcement of the Protection of Plant Varieties and Farmers' Rights (PPV&FR) Act 2001. This is the federal legislation enacted by the Parliament of India 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 and cultivation of new varieties of plants. The process of getting protection of plant variety is independent of the release procedure under the seed law. The grant of protection to a variety under the PPV & FR Act provides the right to breeder(s) to exclude other to produce, sell, market, distribute, import or export the seed or other propagating material / variety without authorization or license. Moreover, to accelerate agricultural development, it is necessary to protect plant breeders' rights to stimulate investment for research and development in the field of development of new plant varieties.

Such protection will ensure the availability of high quality seeds and planting materials to the farmers. Therefore, in order to register a variety under PPV&FRA, the concerned scientists from the faculty of Agriculture, various centres / Sub-centres of AAU, are required to fill up the information in the Form 1 or 2 (Form 1 for Extant variety / New Variety and Form 2 for EDV- Essentially Derived variety) given in the website <http://www.plantauthority.gov.in>. You are also requested to refer the cropwise guidelines as per the NDUS (Novelty, Distinctness, Uniformity and Stability) for filling up the information (website <http://www.plantauthority.gov.in>). Kindly arrange to send the information to this office in the required form / format on or before 5.08.2013. This is a mandatory and compulsory task; hence give priority to boost this activity.

No.AAU/DR/T-1/ **3679** /2013
Date: 25-07-2013


**Director of Research &
Dean P.G. Studies**

Copy to :

1. The Unit / Sub-unit Officers of AAU, Anand.
2. The Concerned scientists of AAU, Anand.
3. Dr. Akarsh Parihar, Associate Research Scientist and member secretary, IPR Cell, Dept. of Agril. Biotechnology, AAU, Anand.

FORM 1

[See regulation 10]

APPLICATION FOR REGISTRATION OF NEW VARIETY, EXTANT VARIETY AND FARMER'S VARIETY UNDER PROTECTION OF PLANT VARIETY AND FARMERS' RIGHTS ACT, 2001.

[See section 18, other than essentially derived variety.]

(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
- ☐ FARMER¹
- ☐ COMMUNITY OF FARMERS¹
- ☐ GROUP OF FARMERS¹
- ☐ ASSIGNEE OF ANY OF ABOVE²
- ☐ CONVENTION COUNTRY³
- ☐ ANY OTHER⁴

1. Application on farmers' variety by farmers or community of farmers or group of farmers as contained in the Protection of Plant Varieties and Farmers' Rights Act, 2001 shall be submitted only with an endorsement in Annexure 1 either by the concerned Panchayat Biodiversity Management Committee, or District Agricultural Officer, or Director of Research of concerned State Agricultural University or District Tribal Development Officer.
2. An assignee or legal representative applicant shall submit required proof of the right of making the application in accordance with rule 27.
3. The Gazette Notification of Government of India should cover the country of the applicant and that India enjoys such mutual privileges (see rule 31 of the Act)
4. For material developed by participatory plant breeding, attach documents to explicitly show the deal struck between the farmer and the plant breeder.

2. Name(s) and Nationality of Applicant(s)

(a.) (If natural person): [Insert additional rows, if required]

1. Serial Number.
2. Name³
3. Complete Address
4. Nationality

³ If the applicant is the authorised representative of a group of farmers/community 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

- (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 Candidate Variety:**

Common name of the Crop: _____

Botanical name ⁴: _____

Family: _____

Denomination (in block letters): _____

⁴ Botanical names mean the scientific name approved by the International Code for Nomenclature of Cultivated Plants, 2004.

5. Type of Variety (see chapter III of the Protection of Plant Varieties and Farmers' Rights Authority, 2003)

- ☐ NEW VARIETY
☐ EXTANT VARIETY
☐ FARMERS' VARIETY

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

- ☐ TYPICAL VARIETY⁵
☐ HYBRID VARIETY*
☐ TRANSGENIC
☐ OTHER (SPECIFY)

5. 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/composite varieties or vegetative propagated varieties).

* The hybrid and not a transgenic hybrid. In case of transgenic attach copy of the Genetic Engineering Approval Committee clearances for cultivation and seed productions

(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.) If new variety is a transgenic attach clearance on Bio-safety from Ministry of Environment and Forests.

7. Names and Addresses of Breeder(s) who has/have bred the Candidate Variety⁶:

Name: _____

Address: _____

Telephone: _____

Fax: _____

E-mail: _____

Nationality: _____

⁶ 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 variety in convention countries or other countries (if applicable):

Variety 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 a candidate variety of said denomination (if applicable):

In (country): _____

On (date of application): _____

9. Has the candidate variety been commercialised or otherwise exploited?

☐ Yes

☐ No

If yes, please indicate the following:

Date of the first sale of the variety: _____

Country (ies) where Protection is made: _____

Denomination used _____

Trademark used, if any: _____

Variation in important trait with Respect to first filing: (attach sheet)

10.(a.) If the candidate 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

☐ No⁷

⁷If no, mention which of the parental line is outsourced, whether letter of agreement is obtained for each of the outsourced protected parental lines in compliance with Section 30 of the Protection of the Plant Varieties and Farmers' Rights Act and also provide following information on each of them:

Parental line (S):

Denomination⁸:

Source:

Authorisation letter obtained: ☐ Attached ☐ Not attached

⁸Denomination 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.) State if any Farmers' Variety or Variety of Common Knowledge or variety 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.) The Protection of Plant Varieties and Farmers' Rights Act, 2001 provides access to benefit sharing to farmers who have conserved the genetic resource that has contributed towards variety development. In this particular case what sort of farmer/community recognition the Applicant has planned?

11. In case exotic germplasm was used in the derivation of the variety or hybrid, give details:

12. Details on the payment of application fee and Distinctness Uniformity Stability testing fee⁹:

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

Demand Draft Number and date:

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

⁹ Applications from farmers, group of farmers and community of farmers submitted in accordance with the authentication specified under column 1 of this application are exempted from payment of Distinctness Uniformity Stability testing fee.

(Signature of the Applicant)

DECLARATIONS

I/We hereby apply for the grant of registration of the candidate variety with the above said denomination and I/we am 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 the candidate variety.

I/We hereby declare that the candidate 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 variety.

I/We hereby attach an affidavit in compliance with clause (C) of sub- section (1) of section 18 of Protection of Plant Varieties and Farmers' Rights Act, 2001.

I/We hereby declare that the information given in this application for the registration of the above said candidate 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 I/We shall abide by all the provisions and guidelines of Protection of Plant Varieties and Farmers' Rights Act, 2001.

Place: _____

Date: _____

Signature of Applicants¹⁰
Seal

¹⁰Wherever 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 (duly signed/seal) submitted along with 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' 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 the Protection of Plant Varieties and Farmers' Rights Authority, 2001;
- (k) in case of Convention Country applicant attach complete details on the variation in the important trait with respect to first filing as enclosure;
- (l) in case of Convention Country applicant provide information whether the variety has been sold or otherwise disposed of within or outside the convention Country with details thereof;
- (m) in case of transgenic relevant Genetic Engineering Approval Committee clearances and approvals; and
- (n) Fees as applicable;

If felt necessary attach colour pictures of specific characteristics used for establishing distinctness. Please sign each page of the application and other document on the left margin.

ANNEXURE 1

Endorsement of application for registration of farmers' 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 of State 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) 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 theDistrict(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 & 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 hereby certified that the above said candidate variety is bred / developed and continuously conserved and cultivated only 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 that the candidate variety is due to their efforts *(strike out unwanted words given as options)*.

Signature

Date

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 Office.
(With Official Rubber Stamp)

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

⁹ Wherever 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)