

Dr. Kalyan B. Goswami
Executive Director

Ref.:NSAI/2016/014

Date: 05.02.2016

To,
The Chairperson
PPV&FR Authority
Ministry of Agriculture & Farmers Welfare
Government of India
New Delhi

Dear Sir,

Sub: Gazette Notification amending PPV & FR Rules 2003 – Reg

Ref: Gazette Notification No. G.S.R. 494(E) dated 15-06-2015 of Ministry of Agriculture
(Department of Agriculture & Cooperation)

In the Gazette notification referred above, the Central Government has issued the Protection of Plant Varieties and Farmers' Rights (Amendment) Rules, 2015.

Vide Rule (2) of the above amended rules, Rule 8(1) of the Protection of Plant Varieties and Farmers' Rights Rules 2003 has been amended and amount of fees payable in respect of registration of plant varieties and grant of any right under the Act or any application or any document to be filed under the Act or Rules have been revised and the new rates have been specified in the Second Schedule.

Neither the draft notification nor the proposed rates to be revised were put on the PPV & FR website, calling for comments/suggestions/objections from the public. By not putting the draft notification on the website, the concerned stakeholders were deprived of an opportunity to put forth their suggestions/comments or even raise objections, which could have been considered by the Central Government before finalizing and issuing the Gazette Notification. The seed industry is, particularly, concerned with the revision and fixing of abnormally high rates in the Second Schedule. Fee has been revised steeply as high as 4 to 10 times of the existing fee. To quote a few instances:

- Registration fee for commercial varieties (S.No.5,7 & 8 of Second Schedule) raised from Rs.10,000/- to Rs.50,000/-
- DUS Test Fee (S.No.1 of Second Schedule) raised the maximum limit from Rs.50,000/- to Rs.2,00,000/- and from Rs.2,00,000/- to Rs.8,00,000/-

- Renewal fee for commercial varieties (S.No.9 of Second Schedule) raised from Rs.10,000/- to Rs.80,000/- per year (it means against the existing fee of Rs.90,000/-, the revised fee works out to Rs.7.20 lakhs towards renewal of the registration of plant varieties)
- Earlier there was no fee for inspection of entries or for obtaining certified copies under section 84 by filing PV-33. Now, the fee specified (S.No.32 and 33 of Second Schedule) is Rs.1000/- per entry and Rs.500/- per page). This is highly unreasonable and illogical, when compared to the nominal cost/fee charged to the applicant for providing the documents under provisions of Right to Information Act, 2005. The RTI Act 2005 prescribes 30 days for providing the information and documents. Despite representations, timeline is not yet prescribed by the Authority for providing the documents to the applicants and yet such huge prohibitive fee is specified.
- Huge fee of Rs.20,000/- (S.No. 24 of Second Schedule) is prescribed for alteration of denomination.
- Fee is even specified for filing application of surrender of Certificate of Registration (S.No.15 of Second Schedule)

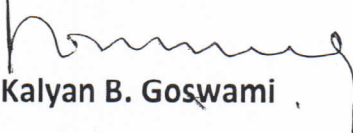
The above are few instances to highlight as to how the fee is very high and prohibitive. **Detailed statement comparing existing and revised fee with comments is enclosed.**

The fee is so huge and prohibitive that small seed companies or even individual breeders can not afford the same and even big companies may also be discouraged from filing of applications for registration of varieties due to huge cost involved. We state that the Object of the PPV&FR Act is to encourage the development of **New Varieties**. New Varieties can be developed by any person including Large Multi National Companies or Small Companies or even for that matter an individual breeder. The unreasonable and irrational increase in the fee would act as an impediment for development of New Varieties and would defeat the very objective of the Act.

We request you, to kindly withdraw the notification and revise the fee after discussions with the stakeholders and meanwhile continue the existing fee structure till a final decision is taken on the revision.

Thanking you,

Yours sincerely,



Kalyan B. Goswami

Comparative statement of existing fee and revised fee

Sl. No.	Fee Payable on Matters	Amount of Fee		Remarks
		Existing	Revised	
(1)	(2)	(3)	(4)	(5)
1.	Conducting Tests	1) A maximum of Rs.50,000/- per entry 2) On-farm DUS testing, a maximum of Rs.2,00,000/-	1) A maximum of Rs.2,00,000/- per entry 2) A maximum of Rs.8,00,000/-	4 times increase
2.	Notice of Opposition	Rs.1500/- per month	Rs.10,000/-	6 times increase
3.	Counter Statement	--	Rs.2,000/-	
4.	Extension of time	Rs.1500/-	Rs.5,000/- per month	3 times increase
5.	Fees for registration of Essentially Derived Varieties	Commercial – Rs.10,000/-	Commercial – Rs.50,000/-	5 times increase
6.	Fees for registration of extant variety as notified under section 5 of the Seeds Act, 1966 (54 of 1966)	Rs.1,000/-	Rs.2,000/-	
7.	Fees for registration of any variety of the genera and species other than extant varieties and farmers' varieties as specified in clause (a) of section 14 read with sub-section (2) of section 29 of the Act	Commercial – Rs.10,000/-	Commercial – Rs.50,000/-	5 times increase
8.	Fee for registration of a variety about which there is common knowledge i.e., the extant variety as specified under clause (j)(iii) of section 2 of the Act.	Commercial – Rs.5,000/-	Commercial – Rs.50,000/-	10 times increase

9.	Renewal Fee	Commercial – Rs.10,000/-	Commercial – Rs.80,000/- per year	8 times increase
10.	Application for benefit sharing	Rs.5000/-	Rs.10,000/-	
11.	Notice of opposition for benefit sharing		Rs.5000/-	
12.	Application for registering as Agent/licensee	Rs.10,000/-	Rs.15,000/-	
13.	Application for variation/cancellation of the terms of Registration	Commercial – Rs.7,000/-	Commercial – Rs.10,000/-	
14.	Notice of opposition to Application for variation/cancellation of terms of Registration	Rs.1500/-	Rs.5000/-	3 times increase. Unreasona ble fee for filing opposition
15.	Application of surrender of certificate of registration of plant variety	--	Rs.5000/-	
16.	Notice of opposition for offer to surrender the certificate	--	Rs.5000/-	
17.	Application to revoke certificate of registration	--	Rs.20,000/-	
18.	Notice of opposition to application to revoke certificate of registration	--	Rs.5000/-	
19.	Application for cancellation or change of certificate of registration of a plant variety	--	Rs.10000/-	
20.	Application for correction in National Plant Variety Register	--	Rs.10,000/-	
21.	Notice of opposition for application for correction in National Plant Variety Register	--	Rs.5,000/-	
22.	Application for correction in National Plant Variety	--	Rs.10,000/-	

	Register by owner/breeder			
23.	Application for correction in National Plant Variety Register by registered agent or licensee	--	Rs.5000/-	
24.	Application to alter denomination of a registered plant variety	--	Rs.20,000/-	
25.	Notice of opposition to application to alter denomination of a registered plant variety	--	Rs.10,000/-	
26.	Notice of opposition to application for claiming compensation	--	Rs.5,000/-	
27.	Notice of opposition to application for claiming compensation	--	Rs.5,000/-	
28.	Application for Grant of Compulsory Licence	--	Rs.25,000/-	
29.	Notice of Opposition to an application for grant of compulsory license	--	Rs.10,000/-	
30.	Application for Revocation of Compulsory Licence	--	Rs.10000/-	
31.	Notice of Opposition for application for revocation of compulsory Licence	--	Rs.5,000/-	
32.	Request for inspection of entry in Plant Varieties Register under section 84	--	Rs.1,000/- (per entry)	
33.	Request for Certified copies under section 84	--	Rs.500/- per page	

Note: There was no fee so far for items S.No.11, S.No.15 to 33 and fee has been now specified, which is very high and needs to be reconsidered and reasonably fixed in consultation with the stakeholders.