

Minutes of the Meeting with Registrar General, PPV & FR held on 21st May, 2015

Participants from PPV&FR

1. Shri. R.C Agarwal, Registrar General
2. Shri Raj Ganesh, Legal Advisor

Participant from NSAI

1. Ms. Vipra Verma, Assistant Director

Proceedings:

1. *Regarding Validity of Certificate of Registration under section 24 of the PPV & FR Act, 2001*

NSAI requested to amend sub-section (6) of section 24 of the PPV & FR Act, 2001, providing validity of 15 years for Certificates of Registrations from the date of registration in all cases including the **Extant Varieties**, notified under section 5 of the Seeds Act, 1966. To which his contention is, it being part of an Act (and not rules & regulation), is an extended process as it involves making changes to the nation's fundamental law or supreme law. It would require approval from all the corners backed by the firm reasoning behind the suggestion and its social, financial and economic implications based on an impact study.

2. *Delay in Issue of Certificate of Registration*

NSAI informed about the inordinate delays faced by our members in receiving certificates of registration, despite fulfilling of requirements of section 24(1) i.e., DUS has been completed, the variety is accepted, advertised and there is no opposition.

Similarly, about delay in registration of EDVs though the procedure laid down under section 23 is very simple and there is no requirement of advertisement calling objections was informed. On this issue, he asked to give specific cases where these prolonged delays have happened from PPV&FR side. He assured that this would be taken care of, if such cases are there.

3. *Advertisement under section 21 of PPV&FR Act*

- i. NSAI stressed upon the fact that applications are being accepted by PPV&FR without enquiry and also without conducting the DUS test for confirmation of the characters, claimed by the Applicant. To which Registrar General assured that they conduct DUS tests for all the applications and the system has been made even more robust lately.
- ii. NSAI informed that the applications published in the plant variety journal (PV Journal) are not in accordance with the provisions laid down under the PPV & FR Act and the Rules thereof. As per Rule 30(3)(a) an advertisement for opposition in PV Journal should contain information about the name, passport data and source of parental line. But this information is not being given in the advertisements. In case of a hybrid, as is well-known, its parents are also important and an opposition on the basis of proprietary rights over the parents cannot be filed by the affected breeder for lack of knowledge, if his parent is illegally used, and hence such advertisement does not serve the desired purpose. To which it was informed that PV Journal has been improved since past 2 months, now it contains information about the parental line. He also apprised that the in the journal, photograph of the registered varieties have also been included.

4. *Non-disclosure of true denomination of the parent lines in the application of the hybrid*

NSAI brought to their knowledge that some applicants perhaps for lack of knowledge or otherwise are giving code numbers/name for the parent lines instead of their denominations in the applications of the hybrids. To it he assured that it would be taken care of, although in the revised version of PV they have worked out all these challenges.

5. *Information of closure of applications put on the website*

NSAI informed about the 'closed' category in the website, to which he stated that the registry has never closed any application unilaterally and without affording a reasonable opportunity to the applicant. The category 'closed' in the website refers to those applications whose period of protection has already expired and has become infructuous. The other closed categories covers cases where O-3 notice has been

issued and the applicant has not responded within prescribed time in which case the application is legally deemed to be abandoned. None of the applicant has ever conveyed any specific discrepancy, however if there are any specific case the same may be brought to the notice of undersigned and necessary precautions will be taken whenever required.

6. *Plant Varieties Protection Appellate Tribunal*

Regarding Plant Variety Protection Appellate Tribunal, Registrar General informed that a provision of transient court for matters related to PV is underway under Intellectual Property Tribunal Board (IPTB). For this purpose, IPTB needs one technical person for apprising them on the seeds aspect. The proposal has been accepted and budget has gone to Ministry of Finance for final sanction.

7. *Lack of Identification*

Regarding the use of a mark for registered varieties, as used under the Trademarks Act, he apprised that companies at individual level for commercial use can design such mark and use for distinguishing between registered and unregistered varieties.

8. *Annual Fee form*

Regarding changes in the annual fee form, he informed that the feedback from Seed Industry has been taken into account. The revised form shall come out within next 3 months.

9. *Notice for payment of annual fee*

NSAI informed that under section 35(2) of the Act, if any breeder fails to pay the specified annual fee for two consecutive years, the Authority shall issue notice to the breeder to comply with the direction in the notice. However, the Authority is issuing notice under 35(2) reminding the date on which the payment of annual fee falls due, even when there is no default or failure in annual fee payment. To which he assured that they take this feedback positively and would issue simple reminders in future.

10. Meeting with Seed Industry

Registrar General suggested that NSAI could organize a meeting with Seed Industry to hear issues of common concern.

11. Registrar General also apprised that according to the Act, Seed Industry has to notify on the label of Seed packet, the expected yield under given conditions. They are in due process of setting up a monitoring team to check if the above stated provision is being followed by the industry.