

## PROTECTION OF PLANT VARIETIES AND FARMERS RIGHT ACT, 2001

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### ABSTRACT

*The "Protection of Plant Varieties and Farmers' Rights Act" in India, implemented in 2001, establishes a comprehensive framework safeguarding plant varieties, farmers' rights, and plant breeders' interests. This legislation aims to stimulate investment in research, foster seed industry growth, and ensure a supply of high-quality seeds for farmers. The Act grants exclusive rights to breeders, recognizes researchers' and farmers' rights, and provides compensation for community contributions. With defined criteria for registration and a focus on benefit sharing, the Act contributes to intellectual property protection, biodiversity conservation, and sustainable agricultural development in India.*



### INTRODUCTION

In the pivotal year of 2001, India instituted a landmark legislative initiative known as the "Protection of Plant Varieties and Farmers' Rights Act" (PPV&FR Act), complemented by its corresponding rules in 2003. This legislative framework embodies a concerted effort to establish a robust system for the protection of plant varieties, the rights of farmers, and the prerogatives of plant breeders. At its core, this legislative endeavor is driven by the overarching goal of fostering an efficient mechanism that not only preserves the diversity of plant species but also upholds the intrinsic rights of farmers and plant breeders in the agricultural landscape.

The imperative to acknowledge and safeguard farmers' rights within this legislative ambit is grounded in the substantial and indispensable contributions of farmers to the conservation, improvement, and provisioning of plant genetic resources. Farmers, as custodians of agro-biodiversity, play a pivotal role in maintaining a reservoir of genetic material crucial for the development of new and resilient plant varieties. The legislative impetus to recognize and protect these rights serves not only as a measure of equity but also as a strategic move to incentivize and sustain the crucial role farmers play in the agroecosystem.

Parallely, the legislation underscores the criticality of safeguarding the rights of plant breeders. By affording exclusive rights to breeders for the production, sale, distribution, and import/export of protected

varieties, the legislation seeks to stimulate investment in research and development. This, in turn, acts as a catalyst for the expansion of the seed industry, thereby ensuring a continuous and reliable supply of high-quality seeds and planting material for farmers.

The symbiotic relationship between the preservation of plant varieties, recognition of farmers' rights, and the protection of plant breeders' rights manifests as a holistic approach towards sustainable agricultural development. This legislative paradigm not only addresses intellectual property concerns but also acts as a linchpin for incentivizing research, fostering agro-biodiversity, and fortifying the foundation of India's agricultural landscape. In essence, the PPV&FR Act stands as a testament to India's commitment to harmonizing agricultural progress with the preservation of its rich agroecological heritage.

## OBJECTIVES OF PPV&FR

The objectives delineated by the PPV&FR Act are articulated as follows:

- ✓ To establish an efficacious system for the protection of plant varieties, farmers, and plant breeder rights.
- ✓ To stimulate financial support for research and development, fostering the creation of novel plant varieties within both private and public spheres.
- ✓ Facilitating resources to foster the growth of seed companies, both domestically and internationally, to ensure a sustainable provision of high-quality seeds and planting materials for Indian farmers.
- ✓ To acknowledge and safeguard farmers' rights, particularly in their persistent endeavors to conserve, improve, and facilitate access to plant genetic resources for the development of new plant varieties.

## RIGHTS PROVIDED UNDER THE ACT

**1. Breeders Right:** Breeders are endowed with exclusive privileges encompassing the production, sale, marketing, distribution, import, or export of the safeguarded plant variety. Breeder autonomy extends to appointing agents or licensees and seeking legal redress in the event of infringements. However, these rights are not applicable when farmers engage in the conservation practice of saving, exchanging, or utilizing a portion of seed from the initial crop for subsequent plantings on their own farms. Additionally, breeders cannot enforce their rights when protected varieties or their propagating material are utilized as primary sources of variation for developing new plant varieties.

**2. Researchers Right:** Under the purview of the Act, any registered variety is accessible for utilization by researchers in experimental or research endeavors. While this includes employing a variety as a foundational element for novel variety development, repeated use necessitates antecedent consent from the registered breeder.

**3. Farmers right:** The legislation bestows upon farmers the rights akin to those of plant breeders concerning their cultivated varieties, allowing them to register said varieties under the Act without incurring any fees. This provision safeguards farmers' interests by guaranteeing access to benefit sharing if their genetic material contributes to the development of new plant varieties (Bala Ravi, 2004). Notably, a farmer who innovates or cultivates a new variety is eligible for registration and protection on par with a conventional breeder. Additionally, farmers can register their varieties as extant, retaining the prerogative to save, use, sow, re-sow, exchange, share, or sell farm produce, including protected seeds. However, the sale of branded seeds of protected varieties is restricted. Farmers, as stewards of Plant Genetic Resources, receive recognition and rewards for conserving land races and wild relatives of economic plants. Section 39(2) of the 2001 Act ensures farmers' entitlement to compensation for variety failure without the obligation to pay fees for any proceedings before the Authority, Registrar, Tribunal, or High Court under the Act.

**4. Community Right:** Compensation is extended to villagers or local communities for their substantial contributions to the development of a registered variety under the Act. Any individual, group, governmental, or non-governmental entity representing a village or local community in India may submit a claim for contribution at a designated center. Following thorough verification and satisfaction by the Authority, and after affording the breeder an opportunity to raise objections and present their case, subject to the limits stipulated by the Central Government, the Authority may issue an order authorizing compensation to be disbursed to the claimant.

## **CRITERIA FOR REGISTRATION OF DIFFERENT TYPES OF VARIETY**

1. A new variety if it conforms to the criteria of novelty, distinctiveness, uniformity and stability.
2. An extant variety if it conforms to criteria of distinctiveness, uniformity and stability.

## **WHO CAN REGISTER THE VARIETY?**

The application for protection under the Act can be made by any of the following persons:

- ✓ Any person claiming to be the breeder of the variety.
- ✓ Any successor of the breeder of the variety.
- ✓ Any person being the assignee or the breeder of the variety in respect of the right.
- ✓ Any farmer or group of farmers or community of farmers claiming to be breeder of the variety.
- ✓ Any authorized person to apply on the behalf of farmer.
- ✓ Any University or publicly funded agricultural institution claiming to be breeder of the variety.

## **DURATION OF REGISTERED PLANT VARIETY PROTECTION**

The duration of protection of registered varieties is depend on the type of the crops i.e. for trees and vines- 18 years, other crops-15 years and for extant varieties notified- 15 years from the date of notification.

### **BENEFIT SHARING:**

One of the most crucial components of farmers' rights is benefit sharing. A benefit sharing is provided by Section 26, and claims may be made by Indian citizens, firms, or non-governmental organizations (NGOs) founded or established in India. Breeders will deposit the money into the Gene Fund in accordance with the extent and kind of the claimant's genetic material's usage in the production of the variety, as well as the variety's commercial utility and market demand. The applicant will get the deposited sum from the National Gene Fund.

### **NATIONAL GENE FUND**

The fund will be used to pay out shares to benefit claimants, whether they are people or organizations, and to compensate village communities. Additionally, the funds will be used to assist the preservation and sustainable use of genetic resources, including in situ and ex situ collection, as well as to improve the panchayat's capacity to carry out such preservation and sustainable use [Section (45)].

### **AWARDS UNDER PPV & FR ACT, 2001**

Genetic resources of economic plants and their wild relatives, especially in areas known as agro-biodiversity hotspots, are awarded annually by the Gene Fund. "*Plant Genome Savior Community Award*" is one such award and the amount for each community is Rs.10, 00, 000. Maximum five awards are given in a year. Plant Varieties Protection and Farmers Rights Authority also provides Plant Genome Conservator the "*Farmer Award*" and "*Farmer Recognition*" to farmers engaged in conservation of genetic resources of land and wild relatives of economic plants and their improvement through selection and conservation. Up to 10 awards and 20 recognitions (including citations, mementos and cash prizes) are awarded in a year.

### **CONCLUSION**

The protection of plant varieties and Farmers right act is an effective system which provides stronger Intellectual Property protection not only to the farmers & plant breeders but also encourages the development and conservation of new varieties of plants. At the same time, provides social recognition and economic reward support and promote the farm families to continue conservation, nurturing and enhancing agro-biodiversity of the country.

### **REFERENCES**

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