

GOVERNMENT OF INDIA
MINISTRY OF AGRICULTURE AND FARMERS WELFARE
DEPARTMENT OF AGRICULTURE, COOPERATION AND FARMERS WELFARE

LOK SABHA
UNSTARRED QUESTION NO.457
TO BE ANSWERED ON THE 26TH APRIL, 2016

INTELLECTUAL PROPERTY RIGHTS IN AGRICULTURE

457. SHRI GANESH SINGH:

Will the Minister of AGRICULTURE AND FARMERS WELFARE कृषि एवं किसान कल्याण मंत्री be pleased to state:

- (a) whether the Protection of Plants Varieties and Farmer's Rights (PPV&FR) Authority has taken steps to implement intellectual property rights in agriculture sector in order to develop new varieties of plants and protect the rights of farmers;
- (b) if so, the details thereof;
- (c) whether cases of intellectual property rights related to Indian crops have been filed;
- (d) if so, the details thereof along with number of such crops during the last three years and the current year;
- (e) the number of cases disposed of till date and the outcome thereof; and
- (f) the steps being taken for the protection of farmer's rights in this regard?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND FARMERS WELFARE

कृषि एवं किसान कल्याण मंत्रालय में राज्य मंत्री (DR. SANJEEV KUMAR BALYAN)

(a) & (b): Yes, Madam. Protection of Plant Varieties & Farmers' Rights Authority (PPV&FRA) has taken the following necessary steps to implement Intellectual Property Rights in agriculture to protect the rights of farmers, plant breeders and researchers:-

Contd...2/-

- Established Plant Variety Registry, National Gene Bank and Field Gene Banks.
- Developed network of Distinctiveness, Uniformity and Stability (DUS) testing centres at the institutes of Indian Council of Agricultural Research (ICAR)/ Indian Council of Forestry Research and Education (ICFRE) and State Agricultural Universities (SAUs).
- Developed database software relating to Indian Information System as per DUS guidelines (IINDUS) and Notified & Released Varieties of India (NORV).
- 107 crops / species have been notified for registration of plant varieties including new, extant, variety of common knowledge and farmers' varieties.
- 2068 certificates of registration have been issued.
- Authority confers Plant Genome Saviour Community Awards, rewards and recognition to the farmer /farming/tribal and rural communities for their commendable role in the conservation of Plant Genetic Resources in areas identified as agro-biodiversity hotspots.

(c) & (d): The details of the Cases filed during the last three years and the current years are at Annexure-I.

(e): The details of cases disposed of till date and outcome thereof is at Annexure-II.

(f) The PPV&FR Authority is taking the following steps to protect the rights of farmers:-

- Application form for registration of farmers' varieties has been simplified.
- Annual fee in respect of farmers' varieties for retaining the registration under PPV&FR Act, 2001 has been reduced to Rs.10/- per year.
- Farmers are exempted from payment of any fee in any proceeding under the PPV&FR Act, 2001.
- Extensive awareness programmes are being conducted by PPV&FR Authority in co-ordination with SAUs /KVKs to enhance awareness about the provisions of the PPV&FR Act, 2001 including the Farmers' Rights.
- Out of 11262 applications received for registration, 6492 applications belong to farmers' varieties.
- Field Gene Banks are being established at Dapoli, Ranchi, Mashobra and Jodhpur for utilizing them as reference collection for registration of varieties.
- The Authority has so far conferred 10 Plant Genome Saviour Community Awards, 10 Plant Genome Saviour Farmers Rewards and 15 Plant Genome Saviour Farmers Recognition to the farmers and farming communities.

Part (c) & (d)

(i) Cases filed before Authority / Registrar

Particulars / Years	2013	2014	2015	2016
Opposition	--	-	-	1
Revocation	5	1	-	-
Benefit Sharing	-	1	-	-
Provisional Protection	5	-	-	-

Apart from two oppositions and two revocations which relate to maize, all other cases belong to cotton only.

(ii) Cases filed before High Court

Particulars / Years	2013	2014	2015	2016
Appeal against the order of Registrar	2	2	--	--
Challenging the advertisement / practices of the Registry	-	3	1	--

(iii) Cases filed before Supreme Court

Particulars / Years	2013	2014	2015	2016
Appeal against the order of Delhi High Court which upheld the order of the Registrar	2	--	--	--

Part (e)

(i) Cases disposed of by Registry/ Authority-8

Case Number	Outcome
Opposition 1/2008 to Opposition 4/2008	Disposed of and no appeal has been filed and matter has reached finality.
Order dated 29.10.2009 in the matter relating to issue of consideration of category of parental lines of hybrids notified under the Seeds Act, 1966	Order challenged in Andhra Pradesh High Court and a direction has been passed to consider the representation of the petitioner.
Order dated 12.11.2009 in Application No.2008	Disposed of and challenged in Hon'ble Andhra Pradesh High Court and is sub-judice in W.P.5503/2009
Order dated 09.03.2010 in delay condonation application in notice of opposition against registration of Cotton parental line C 5193 of Mahyco.	Disposed of and the decision is under challenge before Hon'ble Supreme Court.
Order dated 17.11.2011 passed by Registrar regarding all documents filed in the Plant Variety Registry or Public documents and anybody can have the certified copies of the same.	Upheld by Hon'ble Delhi High Court in WP8431/2011
Order dated 24.05.2012 in the batch matter relating to the issue of parental lines.	Order of Registrar upheld by Hon'ble Delhi High Court and since no appeal has filed the matter has reached finality.
Order dated 27.08.2013 challenging the rejection of special test of a plant variety.	Issue sub-judice in Delhi High Court in WP `6470/2013
Order dated 28.10.2013 in the batch matter relating to consideration of category of parental lines of notified hybrids	Order of Registrar challenged in Hon'ble Andhra Pradesh High Court in W.P. 32462/2013

(ii) Cases disposed of by High Court -6

High Court and Case Number	Outcome
Hon'ble Delhi High Court - W.P.8431/2011	Disposed of on 30.11.2011 and Order dated 17.11.2011 passed by Registrar, PPV&FRA has been upheld.
Hon'ble Andhra Pradesh High Court- WA 651/2010, 537& 539/2011 & 27663/2010	Disposed of on 24.01.2012.
Hon'ble Delhi High Court- W.P. (C) 4527/2010 & W.P. (C) 640/2012	Disposed of on 22.03.2013 and Order dated 09.03.2010 of Registrar, PPV&FRA has been upheld. SLP has been filed in Hon'ble Supreme Court against the said decision of Hon'ble High Court
Hon'ble Andhra Pradesh High Court- W.P. 26025/2013	Disposed of on 05.09.2013 with a direction to consider the representation of the Petitioner.
Hon'ble Delhi High Court-W.P. (C) 4330/2012	Disposed of on 09.01.2015 and Order dated 24.05.2012 of Registrar, PPV&FRA was upheld.
Hon'ble Andhra Pradesh High Court- W.P.(C) No.26824/2009	Disposed of by Order dated 13.2.2009 with a direction to consider the issue of the petitioners.

(iii) Cases disposed of by Supreme Court-1

Case Number	Out come
SLP13167/2012	By Order dated 07.01.2014, matter remanded back to Hon'ble Delhi High Court.
