

# Protection of plant Varieties and PPVFR Act 2001

July 11, 2020

The Act provides for the establishment of an effective system for protection of plant varieties, the rights of farmers and plant breeders and to encourage the development of new varieties of plants.



The following are the rights granted to breeders and farmers under the PPVFR Act:

## **Breeders' Rights**

- A breeder can be a person or group of persons or a farmer or group of farmers or any institution which has bred, evolved or developed any plant variety. And the breeder (or his successor, his agent or licensee) of the protected variety will have the right to produce, sell, market, distribute, export and import such variety.
- **Benefit-Sharing:** The breeder will be entitled for benefit-sharing (royalty) under this Act as decided by the PPVFR Authority

## **Farmers' Rights**

- a farmer who has bred or developed a new variety shall be entitled for registration and other protection in like manner as a breeder of a variety under this Act
- a farmer who is engaged in the conservation of genetic resources of land races and wild relatives of economic plants and their improvement through selection and preservation shall be entitled in the prescribed manner for recognition and reward from the Gene Fund, provided that material so selected and preserved has been used as

- donors of genes in varieties registrable under this Act
- a farmer shall be deemed to be entitled to save, use, sow re-sow, exchange, share or sell his farm produce including seed of a variety protected under this Act in the same manner as he was entitled before the coming into force of this Act, provided that the farmer shall not be entitled to sell branded (packaged) seed of a variety protected under this Act

### **National Gene Fund**

- The Central Government shall constitute a National Gene Fund:
- The Breeder will have to pay royalty which will go to the National Gene Fund
- The amount of the benefit sharing to a variety will have to be deposited by the breeder of
- such variety to the National Gene Fund.
- If someone gives a claim that the genetic material possessed by him was used in the development of the seed variety by the breeder then the claimant will get benefit sharing from the National Gene Fund