

Protection of Plant Varieties and Farmers' Rights Authority (PPV&FR)

April 30, 2020

Context: Document referred by PepsiCo India is being reviewed by Protection of Plant Varieties and Farmers Rights Authority (PPV&FRA)

- The ongoing case at the PPV&FRA revolves around PepsiCo's FL-2027 variety of potatoes, which it grows through a collaborative farmers programme, wherein the company sells seeds to 12,000 farmers and has an exclusive contract to buy back their produce to make its chips.
- The company introduced the variety to India in 2009 and registered it under the PPV&FR Act in 2016.
- The FAQ document under the act states that "only small and marginal farmers involved in subsistence farming" are eligible to claim rights under the Protection of Plant Varieties and Farmers Rights (PPV&FR) Act, 2001.
- The company has cited the FAQ document to justify dragging more than nine farmers to court in 2018 for growing and selling its registered variety.

The Protection of Plant Varieties and Farmers' Rights Act, 2001:

- To establish an effective system for the protection of plant varieties, the rights of farmers and plant breeders and to encourage the development of new varieties of plants.
- Breeders will have exclusive rights to produce, sell, market, distribute, import or export the protected variety.

- Researcher can use any of the registered variety under the Act for conducting experiments or research.
- Farmer
 - A farmer who has evolved or developed a new variety is treated as breeder of a variety
 - A farmer can save, use, sow, re-sow, exchange, share or sell his farm produce including seed of a variety protected under the PPV&FR Act, 2001 in the same manner as he was entitled before the coming into force of this Act provided farmer shall not be entitled to sell branded seed of a variety protected under the PPV&FR Act, 2001;
 - Farmers shall not be liable to pay any fee in any proceeding