



पौधा किस्म और कृषक अधिकार संरक्षण प्राधिकरण,
Protection of Plant Varieties & Farmers' Rights Authority
कृषि एवं किसान कल्याण मंत्रालय, भारत सरकार
Ministry of Agriculture & Farmers Welfare, Govt. of India
एन ए एस सी कॉम्प्लेक्स, डी पी एस मार्ग, निकट टोडापुर गांव, नई दिल्ली-110012
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Dated: 01.11.2019

AMENDMENTS IN PUBLIC NOTICE (01 of 2019)

Sub:- Amendments in Public Notice 01 of 2019.

(1) In the Public Notice No.1 of 2019, the following amendments shall be effected with immediate effect namely:-

(a) For the existing subject of the Public Notice No.01 of 2019 the following subject shall be substituted namely:-

“Sub:-Public Notice under Section 20(1) of PPV&FR Act, (2001) read with Section 2(x) and Section 2(za) of PPV&FR Act, (2001).”

(b) After the subject the following preamble shall be inserted namely:-

“Whereas the hybrid has no independent existence as a variety (as defined in section 2(za) of PPV&FR Act, (2001) apart from its parents and this technical/ legal position is clear from Clause (i) and (iii) of Section 2(za) of the PPV&FR Act, (2001) while defining a “variety” it clearly provides that a variety has to be considered as a genotype of plant grouping and as a unit with regard to its suitability for being propagated which remains unchanged after such propagation and further , the Section 2(x) defines “seed” as an embryo giving rise to a plant which is true to such type. The seed from a hybrid cannot give rise to a plant which is true to such hybrid type unless it is produced by crossing of parents. Hence, a cumulative and combined reading of Section 2(za) and Section 2(x) of PPV&FR Act, 2001 clearly provides that a hybrid must be considered as a unit along with its parents and there is no question of considering the hybrid without its parents so that

the right holder breeder or his agent or licensee to exercise plant breeder's right as in Section 28(1) of PPV&FR Act, 2001 to produce the hybrid variety which in turn has to satisfy and retain the DUS criteria as laid down under Section 15(3) of PPV&FR Act, (2001) from the crop grown from the seed produced as above. Further under Section 20(1) of PPV&FR Act, 2001 the Registrar may after making such inquiry as he thinks fit with respect to the particulars contained in the application, accept the application absolutely or subject to such conditions or limitations as he deems fit. Accordingly, in case of an application for registration of a hybrid, the Registrar has to make an inquiry as to DUS criteria of the variety as contained in the application (Section 20(1) read with Section 15(3) of PPV&FR Act, (2001)) as he thinks fit and since variety in Section 2(za) of PPV&FRA is considered as a unit with regard to its suitability for being propagated and hybrid cannot be propagated without parents and hence to satisfy and comply with the sine qua non requirements of the PV&FR Act, (2001) it is essential that hybrids and parental lines must be applied, examined and registered together. Accordingly, this public notice is being issued to clarify this technical/legal position and to align the existing procedure along with this technical/ legal position."

- (c) In para (k) for the words " However, in case of such new hybrids one of whose parents is in public domain then the hybrid with the other parent will be eligible for protection" the following words shall be substituted namely:

"In case of a new hybrid one of whose parents is in public domain then such hybrid and its parent in public domain will not be eligible for protection. The other parent can qualify as an "inbred" variety provided other conditions laid down under Section 15(3) of PPV&FR Act, (2001) are satisfied."

**Sd/-
(R.C. Agrawal)
Registrar-General**