

PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS (AMENDMENT) REGULATIONS, 2013.

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PART 11—Section 3—Sub-section (i) PUBLISHED BY AUTHORITY 21, 2, 1934 NEW DELHI,
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EXTRAORDINARY MINISTRY OF AGRICULTURE (Department of Agriculture and Co-operation)
NOTIFICATION New Delhi, the 20th February, 2013 11—SFC. 3(i)] GS.R. exercise of the powers
conferred by section 95 of the Protection of Plant Varieties and Farmers' Rights Act, 2001(53 of 2001), the
Protection o/ Plant Varietiés and Farmers' Rights Authority with the pervious approval of the Central
Government hereby makes the following Regulations further to amend the Protection of Plant Varieties
and Farmers ' Rights Regulations, 2006. I. Short title and Commencement — (1) These Regulations may be
called the Protection of Plant Varieties and Farmers' Rights (Amendment) Regulations, 2013. (2) They
shall come into force on the date of their publication in Official Gazette

2. In regulation IO of the Protection of the Plant Varieties and Farmers' Rights Regulations, 2006
(hereinafter referred to as the principal regulations), after the words "for registration" the words "other than
application for the registration of farmers, variety" shall be inserted

**3. For Form I and Form 11 of the principal regulations, the following Forms shall be substituted,
namely:- 3(i) 19 "FORM 1 [See regulation IO] APPLICATION FOR REGISTRATION OF NEW
VARIETY AND EXTANT VARIETY UNDER PROTECTION OF PLANT VARIETIES AND
FARMERS' RIGHTS ACT, 2001.[See section 1 8, other than essentially derived variety.]** (Instruction to
applicant: Wherever a box item appears against queries, please tick the relevant box and provide legibly
written/typed response in other queries.) 1. Identity of the Applicant(s): DINDIVIDUAL BREEDER
ÜSUCCESSION OF BREEDER DINSTITUTIONAL APPLICANT ÜASSIGNEE OF ANY OF ABOVEI
ÜCONVENTION COUNTRY C]ANY OTHER 1. An assigneeor legal representative applicant shall
submit required proofofthe right of making the application in accordance with rule 27. 2 Gazette
Notification of Government of India should Cover the country of the applicant and that India enjoys such

mutual privileges (see section 31 of the Act) 3. For material developed by participatory plant breeding, attach documents to explicitly show the deal struck between the farmer and the plant breeder

2. Name(s) and Nationality of Applicant(s) (a.) (If natural person): [Insert additional rows, if required]
•2. 3

4. Serial Number.Name Complete Address Nationality (b.) (If a legal person; for example a firm or company or institution) Name: Address of its seat or establishment: (Registered office): Year of Incorporation: State whether the applicant legal person has non-Indian participation in capital or management: ☐ Yes ☐ No If yes, identify the nationality (c.) Indicate the name and address of the natural person, being an employee of the legal person, who is duly authorized to represent the legal person (example a director of a company or a partner of a firm): Name. 20 3. 4

5. THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. 3(i)] Designation: Address: Telephone: Fax: E-mail: Name and Address of the Person to whom Correspondence related to this application is to be sent: (Attach authorisation in Form-PV-I, if required) Name: Address: Pin: Telephone: Fax: E-mail: General Information of the Candidate Variety: Common name of the Crop: Botanical name: Family: Denomination (in block letters): 4 Botanical names mean the scientific name approved by the International Code for Nomenclature of Cultivated Plants, 2004. Type of Variety (see chapter III of the Protection of Plant Varieties and Farmers' Rights Rules, 2003) ☐ NEW VARIETY ☐ EXISTANT VARIETY
6.(a.) Classification of the Candidate Variety: ☐ TYPICAL VARIETY ☐ HYBRID VARIETY* ☐ TRANSGENIC CROTH (SPECIFY) 5. Typical variety means a variety, which is not a hybrid or an essentially derived variety and normally propagated by using propagules saved from previous crop production cycles (Example: pure lines including parental lines/composite varieties or vegetative propagated varieties). •The hybrid and not a transgenic hybrid. In case of transgenic attach copy of the Genetic Engineering Approval Committee clearances for cultivation and seed productions (b.) What is (are) the Distinctness Uniformity Stability feature on the basis of which registration is sought. Explain in detail the group characters (see specific guidelines for details). Attach 'Technical Questionnaire' sheet with all needed details duly signed with seal. 3(i)] 21 (c.) If new variety •is a transgenic attach clearance on Bio-safety from Ministry of Environment and Forests

7. Names and Addresses of Breeder(s) who has/have bred the Candidate Variety*: Name: Address: Telephone: Fax: E-mail: Nationality: *In case of more than one breeder, mention all names as (ii), (iii) and so on in the above format.If required insert extra page. 8.(a.) Details of all other earlier applications made on the candidate variety in convention countries or other countries (if applicable): Variety denomination: Nature of right applied for: Plant Breeder's Rights Filing Date (Attach evidence): Name of Country: Name of Authority: Application Number: Patent Status of Application: [Z] Under process a ☐ Approved ☐ Rejected (If required, repeat the above for each applicable country and attach separate sheet) (b.) Priority is now claimed in respect of the earliest application for a candidate variety of said denomination (if applicable): In (country): On (date of application): Has the candidate variety been commercialised or otherwise 9. exploited? If yes, please indicate the following: Date of the first sale of the variety: Country (ies) where Protection is made: Denomination used: Trademark used, if any: Variation in important trait with Respect to first filing: (attach sheet) 10.(a.) If the candidate variety is a hybrid, state whether all the parental lines required for the repeated propagation of the hybrid are bred exclusively by the applicant(s): 22 6 THE GAZETTE OF INDIA : EXTRAORDINARY [PART I—SEC. If no, mention which of the parental line is outsourced, whether letter of agreement is obtained for each Of the outsourced protected parental lines in compliance with Section 30 of the Protection of the Plant Varieties and Farmers' Rights Act and also provide following information on each of them: Parental line (S): 7. Denominations . Source: Authorisation letter obtained: ☐ Attached ☐ Not attached 'Denomination should not be altered from what was used at the source. Information on source may include name of breeder or institution or farmer or farming community who had bred and maintained the parental line. Repeat above information for additional applicable parental line. (b.) State if any Farmers' Variety or Variety of Common Knowledge or variety in public domain is used as parental line for the repeated propagation of the hybrid: If yes, give following details: (c.) 11

12. Denomination: Geographical Source: Details of Attribution (origin): Details of owner farmer /village community/ Institution/ Organisation: The Protection of Plant Varieties and Farmers' Rights Act, 2001 provides access to benefit sharing to farmers who have conserved the genetic resource that has contributed towards variety development. In this particular case what sort of farmer/community recognition the Applicant has planned? In case exotic germplasm was used in the derivation of the variety or hybrid, give details: Details on the payment of application fee and Distinctness Uniformity Stability testing fee: (Rupees Amount of fee: Rupees Demand Draft Number and date: Name of Bank and branch in which the Demand Draft is drawn: only) (Signature of the Applicant) : 3«4NRUT DECLARATIONS 23 I/We hereby apply for the grant of registration of the candidate variety with the above said denomination and I/we am/are conversant with the Protection of Plant Varieties and Farmers' Rights Act, 2001 and Rules thereof related to this application. I/ We hereby declare that no person other than the person or persons mentioned in this application has been involved in the breeding, or discovery or development of the candidate variety. I/We hereby declare that the candidate variety complies with the sub- section (3) of section 29 of Protection of Plant Varieties and Farmers Rights Act, 2001. I/ We hereby declare that I/we have not applied for or received a trademark for the said denomination of the variety. I/We hereby attach an affidavit in compliance with clause (C) of sub- section (I) of section 18 of Protection of Plant Varieties and Farmers' Rights Act, 2001. I/ We hereby declare that the information given in this application for the registration of the above said candidate variety, including annexure and all supporting documents are complete, true and correct to the best of my/our knowledge, information and belief and no information has been wilfully concealed. I/We hereby declare that genetic material or parental material acquired for breeding, evolving or developing the variety has been lawfully acquired. I/We hereby declare that I/We shall abide by all the provisions and guidelines of Protection of Plant Varieties and Farmers' Rights Act, 2001. Place: Date: Signature of Applicants 8 8 Wherever the applicants are more than one person each applicant has to sign. In the case of authorised application or application by assignees, such person(s) authorised or assigned shall sign 24 THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. 3(i)] Following are the attachments (duly signed/seal) submitted along with of the application (note that wherever signature is affixed in the application or attachments, all such signatures shall be in the original): (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (m) complete application ; document of authorisation in Form P V-1 (if applicable) ; document of assignment in Form PV-2 (if applicable); documents in support of (b) and (c) as given above. (If applicable); affidavit that the Terminator Technology and the Genetic Use Restriction Technology is not involved; copy of document on filing date (vide column 8A, if applicable); copy of letter of agreement (vide column IOA, if applicable); technical Questionnaire for the Candidate variety (attached); if the applicants by virtue of succession or an assignment of the right to apply for registration attach a proof to show the right to application as stipulated in sub -section (3) of section 18 of the Protection of Plant Varieties and Farmers' Rights Act, 2001 ; in case of Convention Country applicant attach complete details on the variation in the important trait with respect to first filing as enclosure; in case Of Convention Country applicant provide information whether the variety has been sold or otherwise disposed of within or outside the convention Country with details thereof; in case of transgenic relevant Genetic Engineering Approval Committee clearances and approvals; and Fees as applicable; If felt necessary attach colour pictures of specific characteristics used for establishing distinctness. Please sign each page of the application and other document on the left margin.

3(i)]

FORM 11 [See regulation IO] APPLICATION FOR REGISTRATION OF ESSENTIALLY DERIVED VARIETY (EDV) UNDER PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001. [See section 28 of the Act.] (Instruction to applicant: Wherever a box item appears against queries, please tick the relevant box and provide legibly written/typed response in other queries.) 1. Identity of the Applicant(s): ☐ INDIVIDUAL BREEDER ☐ SUCCESSOR OF BREEDER ☐ INSTITUTIONAL APPLICANT ☐ OTHERS If for material developed by participatory plant breeding, attach documents to explicitly show the deal struck between farmer and plant breeder 2. Name(s) and Nationality of Applicant(s) (a.) If natural person: I. Serial Number

2. Name 3. Complete Address 4. Nationality [Insert additional rows, if required] (b.) (if a legal person; for example a firm or company or institution) Name: Address of its seat or establishment: (Registered Office) Year of Incorporation: State whether the applicant legal person has Non-Indian participation in capital or management: C) Yes If yes, identify the nationality (ies): GT//3 26 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SFC. (c.) Indicate the name and address of the natural person, being an employee of the legal person, who is duly authorized to represent the legal person (example a director of a company or a partner of a firm): Name: Designation: Address: Telephone: Fax: E-mail: • 3. Name and Address of the Person to whom Correspondence related to this application is to be sent (Attach authorisation in Form-PV-I, if required) Name: Address: Telephone: Pin: Fax: E-mail: 4. General Information of the Essentially Derived Variety: Common name of the Crop: Botanical name Family: Denomination (in block letters): 2 Botanical names mean the scientific name approved by the International Code for nomenclature of cultivated plants, 2004. 5.(a.) Type of Essentially Derived Variety ☐ TRANSGENIC ☐ MUTANT C] TISSUE CULTURE DERIVED ☐ BACK CROSS DERIVATIVE ☐ ANY OTHER (Ploidy Change etc) 27 (b.). If transgenic, attach copy of Genetic Engineering Appraisal Committee (GEAC) clearance and if the Essentially Derived Variety is a transgenic, attach clearance on Bio-safety angel from GEAC of Ministry of Environment and Forest and related seed production permission (Give details). 6.(a.) Classification of the Candidate Variety: ☐ TYPICAL VARIETY ☐ HYBRID VARIETY ☐ OTHERS (SPECIFY) 3 Typical variety means a variety, which is not a hybrid or an essentially derived variety and normally propagated by using propaegles saved from previous Crop production cycles (Example: pure lines Including parental lines, synthetic/ composite varieties or vegetative propagated Var; f ties). (b.) What is (are) the Distinctness, Uniformity, and Stability feature on the basis of which registration is sought. Explain in detail the group characters (see specific guidelines for details). Attach 'Technical Questionnaire' sheet with all needed details duly signed with seal. (c.) Whether the authorisation of the breeder of initial variety has been taken Yes C] No (d.) If yes please attach the copy of Authorisation: 7. Names and Addresses of Breeder(s) who has/have bred the candidate Essentially Derived Variety: 4: Name: Address: Telephone: Fax: E-mail: Nationality: 4 In case of more than one breeder, mention all names as (i), (ii) and so on in the above format. If required insert extra page. 8.(a.) Details of all other earlier applications made on the candidate Essentially Derived Variety in convention countries or other countries (if applicable): EDV denomination: 28 THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. 3(i)] Nature of right applied for: Filing Date (Attach evidence): Name of Country: Name of Authority: Application Number: Status of Application. ☐ Plant Breeder's Rights Patent ☐ Under process ☐ Approved C] Rejected (If required, repeat the above for each applicable country and attach separate sheet) (b.) Priority is now claimed in respect of the earliest application for an Essentially Derived Variety of said denomination (if applicable): In (country): On (date of application): 9. Has the Essentially Derived Variety been commercialised or otherwise exploited? If yes, please indicate the following: Date of the first sale of the Essentially Derived Variety: Country of first sale of the Essentially Derived Variety: Denomination used: Trademark used, if any: 10.(a.) If the candidate Essentially Derived Variety is a hybrid, state whether all the parental lines required for the repeated propagation of the hybrid are bred exclusively by the applicant(s): Yes N 05 If no, mention which of the parental lines are outsourced, whether letter Of agreement is obtained for each of the outsourced protected parental lines in compliance with Section 30 of the Protection of Plant Varieties and Farmers' Rights Act and also provide following information on each of them: Parental line (S): Denomination 6. Source: Authorisation letter obtained: ☐ Attached Not attached Denomination should not be altered from what was used at the source. Information on source may include name of breeder or institution or farmer or farming community who had bred and maintained the parental line. Repeat above information for additional

applicable parental line. 11 (b.) (c.) 11. 12. 3(i)] 29 If the candidate Essentially Derived Variety is a hybrid, state any Farmers' variety of common knowledge or in public domain is used as parental line for the repeated propagation of the hybrid: Yes If yes, give following details: Denomination: Geographical Source: Details of Attribution (Origin): C] No Details of owner farmer/village community/Institution/Organisation: If the candidate is an Essentially Derived Variety, state whether a variety registered under the Protection of Plant Varieties and Farmers' Rights, Act 2001 and notified in the Plant Variety of Journal of India has been used as the initial variety: C] Yes If yes provide Denomination: Geographical Source: C] No Details of owner farmer/village community/Institution/Organisation: In case exotic germplasm was used in the derivation of the Essentially Derived Variety or hybrid give details: Details on the payment of application fee and Distinctness Uniformity Stability testing fees⁷. Amount of fee: Rupees (Rupees.... .only) Demand Draft Number and date: Name of Bank and branch in which the Demand Draft is drawn: The Distinctness Uniformity Stability testing fee for Essentially Derived Variety will be fixed based on the tests to be conducted but will not be less for what has been fixed for varieties under application-L (Signature of Applicant) ac8 GL / 30 THE GAZETTE OF INDIA : EXTRAORDINARY DECLARATIONS [PART II—SEC. 3(i)] I/ We hereby apply for the grant Of registration of the candidate Essentially Derived Variety with the above said denomination and I am/we are conversant with the Protection of Plant Varieties and Farmers' Rights Act, 2001 and Rules thereof related to this application. I/ We hereby declare that no person other than the person or persons mentioned in this application has been involved in the breeding, or discovery or development of this Essentially Derived Variety denomination. I/We hereby declare that the candidate Essentially Derived Variety complies with the sub -section (3) of section 29 of Protection of Plant Varieties and Farmers' Rights Act, 2001. I/We hereby declare that I/we have not applied for or received a trademark for the said denomination of the Essentially Derived Variety. I/We hereby declare an affidavit- in compliance with clause (c) of sub -section (I) of section 18 Protection of Plant Varieties and Farmers' Rights Act, 2001 is attached. I/We hereby declare that the information given in this application for the registration of the above said candidate Essentially Derived Variety, including annexure and all supporting documents are complete, true and correct to the best of my/our knowledge, information and belief and no information has been willfully concealed. I/We hereby declare that Terminator Technology (TT) or Genetic Usage Restrictive Technologies (GURTs) or such ones are not there in this material submitted for registration. I/ We hereby declare that the genetic material or parental material acquired for breeding, evolving or developing the variety has been lawfully acquired. I/We hereby declare that I/We shall abide by all the provisions and guidelines of Protection of Plant Varieties and Farmers' Rights Act, 2001. Place: Date: Signature of Applicants 8 8Wherever the applicants are more than one person each applicant has to sign. In the case of authorised application or application by assignees, such person(s) authorised or assigned shall sign 3(i)] 31 Following are the attachments submitted along with each of the three copies of the application (note that wherever signature is affixed in the application or attachments, all such signatures shall be in the original): (a) (b) (c) (d) (e) (f) (g) (h) (i) (i) complete application; document of authorisation in Form P V-1 (if applicable); document of assignment in Form PV-2 (if applicable); documents in support of (b) and (c) as given above (if applicable); affidavit that the Terminator Technology (IT) and the Genetic Use Restrictive Technologies (GURTs) is not involved; copy of document on filing date (vide column 8A, if applicable); copy Of letter of agreement (vide column IOA, if applicable); technical Questionnaire for the Candidate variety (attached); If the applicants by virtue of succession or an assignment of the right to apply for registration attach a proof to show the right to application as stipulated in sub section (3) of section 18 of Protection of Plant Varieties and Farmers' Rights Act, 2001 ; and Fees as applicable. If felt necessary attach colour pictures on the distinctness and other traits. Please sign each page of the application and other document on the left margin. I 2 TECHNICAL QUESTIONNAIRE Name of the Applicant/breeder/company: - Year Of Establishment: - 32 3 4 5 6 (a) THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. If registered company under Company's Act 1956 (Give details): - Location of corporate office and address: - Tel/fax/e-mail: - Name of candidate variety:- Has it been released in any Convention Country earlier O Yes No If yes give complete details in column number 13 (b) Pedigree/genealogy: - (Include schematic diagram giving details of varieties, lines, or clones used in the breeding of candidate variety) (c) Breeding of Candidate Variety 3(i)] (i) Origination (Tick the correct one) 33 Controlled pollination / open pollination / induced mutation / spontaneous mutation / introduction

/ selection / seedling selection / any other (specify) (ii) Parental material (name of the parental material, characteristics of the parental material, distinguishable from the candidate variety). If the variety was developed by selection, then the number of selection cycles completed before fixing it. (iii) (iv) (v) (vi) Breeding technique/procedure used Selection criteria used Stage of selection and multiplication Location where breeding was conducted 703 64/3—? 34 7 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. 3(i)] Particulars of comparative trial conducted by the applicant, if any. Information on the location, place, period and year/month of comparative trial conducted method of cultivation such as open field, facilities, planting, potting etc., scale of cultivation, reference varieties used, criteria for choice of the reference varieties, design of experiment, method of analysis of variance experimental error where applicable, and other details. NOTE: Applicant may, furnish data, tables, copy (ies) of publication(s) related to the details of breeding, comparative trial and comparative data in addition to table of characteristics of candidate and reference varieties. This information provided under this item will not be published by the Authority but will be used to facilitate examination of candidate variety. 8 Characteristics of the candidate variety Please describe characteristics of the variety in the subheadings: Plant, Stem, Leaf, Inflorescence, Flower and flower parts, Fruit and fruit parts, Seed etc. Describe characters within subheadings generally in the following order: habit, height, length, width, size, shape, colour (RHS colour chart reference with edition). Refer the specific guideline wherever necessary for clarity of description. Give group characters. (ii) Distinguishing characteristics (descriptive or elaborate) 3(i)] 35 (b) Table of characteristics between candidate denomination and reference variety Please give replicated values for all of its distinguishing and other description for important characteristics along with the corresponding average values of the reference varieties. NOTE: Two or more reference varieties should be compared with the candidate variety in the characteristics table, including one deemed to be the most similar variety and other(s) as obvious/similar as possible. If you provide this information it will facilitate the Authority in their DUS test further in examination of the candidate variety. Characteristics Characteristics value of candidate variety Remarks Measured value etc. Characteristics value of reference variety 2 3 4 5 6 7 8 9 36 9 (a) (ii) (iii) (b) (i) (ii) THE GAZETTE OF INDIA : EXTRAORDINARY Characteristics of the reference varieties Most similar variety (i) Denomination Basis of choice of this variety for comparison Distinguishable Characteristics Other reference variety Denomination Basis of choice Of this variety for comparison [PART IPSEC. 3(i)] (iii) Distinguishable Characteristics 10 Statement of distinctness of candidate variety 37 Please give a distinctness statement covering a brief summary of the characteristics that distinguish the candidate variety from all varieties of common knowledge. The distinctness statement should include, (i) names of reference variety (ies) that have been observed most similar to the candidate variety, and (ii). salient comparison for major distinguishing characteristics between the candidate variety and the similar/reference variety (ies). I I Statement on uniformity and stability of candidate variety Please give a brief statement describing any variation in the variety that may be regarded as part of its normal uniform or stable expression, which is predictable, capable of being described in clear terms and commercially acceptable. This should include description and frequency of any off-types, variants or mutations. In your opinion what should be the frequency of off types or any other describable variation beyond which the candidate variety shall be deemed to be non-uniform. Also please point out which are the traits that may be particularly referred to as indicators to determine an unstable expression of the phenotype of candidate variety. 38 THE GAZETTE OF INDIA : EXTRAORDINARY 12 Methods for maintaining the candidate variety [PART IPSEC. Please provide in a brief statement as to how the propagating material will be maintained throughout the duration Of the plant breeder's right, and complete address where the variety will be maintained. This should include status of varieties that are not propagated by seeds including place and method of maintenance and storage of their vegetative material. NOTE: The holder of a plant breeder's right is responsible for ensuring that propagating material representative of the variety is maintained for the duration of the right. 13 a. Information on variety registered in Copvention Countries. What were the grouping characters in that application for this candidate variety? (ii) (iii) (iv) (v) (vi) (vii) (viii) (ix) b. What was the Distinctness Uniformity and Stability parameter on which it was registered? (ii) 39 (iii) (iv) (v) (vi) (vii) (viii) (ix) (x) c. What is the variation in important trait with respect to first filing and the present one (Attach photograph)? d. Has the Variety been withdrawn in the first filed country from cultivation or banned or from any of the subsequently released country? If so, the reasons (supplement with information)? I/ We hereby declare that

no person other than the person or persons mentioned in application has been involved in the breeding, or discovery or development of this denomination. Date.. this Signature Signature of Witness and Address Designation of the Breeder/Company with seal The breeder/company should sign with date each page of the Technical Questionnaire. [F. No. 1-15/2012-SD. V] Dr. ATANU PURKYASTHA, Jt. secy. Note : The principal regulations were published in the Gazette of India vide GS.R. 740(E), dated 7th December, 2006, Extraordinary, Part 11, Section 3(i), dated 7th December, 2006. Printed by the Manager, Government of India Press, Ring Road, Mayapuri, New Delhi-110064

