

Protection of Plant Varieties and Farmers' Rights Rules, 2003

In exercise of the powers conferred by section 96 of the Protection of Plant Varieties and Farmers' Rights Act, 2001 (53 of 2001) read with section 22 of the General Clauses Act, 1897 (10 of 1897), the Central Government hereby makes the following rules, namely:-

CHAPTER I - Preliminary

1. Short title and commencement. –

(1) These rules may be called The Protection of Plant Varieties and Farmers' Rights Rules, 2003.

(2) They shall come into force on the date on which the Act shall come into force.

2. Definitions. –

In these rules, unless the context otherwise requires,-

(a) "Act" means the Protection of Plant Varieties and Farmers' Rights Act, 2001 (53 of 2001);

(b) "Authority" means the Protection of Plant Varieties and Farmers' Rights Authority established under sub-section (1) of section 3;

(c) "Chairperson" means the chairperson of the Authority appointed under clause (a) of sub-section (5) of section 3;

(d) "fee" means the fee specified in the Second Schedule;

(e) "Form" means a Form specified in the First Schedule;

(f) "Gazette" means the Official Gazette of the Government of India;

(g) "journal" means the monthly Journal of the Authority;

(h) "non-official member" means a member of the Authority other than a member, ex officio ;

(i) "notice" means a notice issued by the Tribunal or the Registrar or the Authority under the Act;

(j) "Registrar" means a Registrar of Plant Varieties appointed under sub-section (4) of section 12 and includes the Registrar General of Plant Varieties appointed under sub-section (3) of that section;

(k) "Schedule" means a Schedule annexed to these rules;

(l) "section" means a section of the Act;

(m) "representation" means any written communication addressed to the Authority or the Registrar in any proceeding under the Act;

(n) all other words and expressions used, but not defined in these rules, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. Details of particulars to be furnished while making an application or representation. –

(1) Save in case of forms specified by the Authority under the Act, every person making an application or representation under the Act or these rules, shall furnish the particulars in the Forms specified in the First Schedule.

(2) If any application or representation has been filed without furnishing all the particulars as specified in the relevant Forms specified in the First Schedule, the Authority or the Registrar, as the case may be, shall give one month's notice to the applicant or the person, who has filed the application or the representation to file such particulars.

(3) In the event the applicant or the person, who has filed the application or the representation, defaults or fails to rectify the application or the representation, as the case may be, in terms of the notice under sub-rule (2) within one month as allowed, the said application or the representation shall be liable to be rejected without any further notice.

(4) Where no Form is specified for any purpose, the applicant may adopt as nearly as may be a Form specified in the First Schedule with such modifications and variations as may be considered necessary.

4. Office of the Authority. –

(1) The office of the Authority shall, for all proceedings under the Act, be the head office of the Authority at New Delhi or the branch office, as the case may be, within whose territorial limits-

(a) the applicant for registration of the plant variety or the farmers' right has his principal place of business or domicile; or

(b) the applicant for registration of the plant variety or the farmers' right, whose name is first mentioned in the application, resides or has his principal place of business or domicile, if the application is made jointly in the names of two or more persons; or

(c) the agent or licensee of the registered breeder has his principal place of business or domicile.

(2) Notwithstanding anything contained in sub-rule (1), until the branch offices are established, the appropriate office for all proceedings under the Act shall be the head office of the Authority at New Delhi.

5. Address for service of notices, etc. –

(1) Every person including the applicant, concerned in any proceeding to which the Act or these rules apply, shall furnish to the Authority or the Registrar the complete address for service in India and that address shall be treated for all purposes connected with such proceedings or the rights granted, as the address of the person or persons in the proceedings.

(2) Unless such an address is given, the Authority or the Registrar shall be under no obligation either to proceed or deal with any proceeding or to send any notice that may be required to be given under the Act or these rules.

6. Procedure regarding application, representation and issue of notices. –

(1) Every application or representation shall be made in writing, signed by the applicant or the person who has made the representation, and delivered to the Registrar or the Authority at its office.

(2) The names and addresses of the applicants and other persons shall be given in full, together with their nationality and such other particulars, as are necessary for their identification and for sending communications to them.

(3) (a) All applications, representations and documents filed or required to be filed under the Act or the rules shall be filed in triplicate:

Provided that in cases where the Registrar or the Authority requires more than three copies of such applications, representations, or documents, the applicant or the person, who has filed the application or the representation, shall be required to supply as many copies as is specified by the Authority or the Registrar.

(b) In case of failure to furnish the required number of copies within a period of three months, the Registrar or the Authority may reject the application or the representation or may treat the application or representation as withdrawn.

(4) Any application, representation or document required to be sent to or filed with the office of the Authority or the Registrar may be delivered either by hand or by registered letter with acknowledgment due or electronic mail, addressed to the Authority or to the Registrar at their office.

(5) If any application or a representation or document is delivered to the Authority or the Registrar by hand, an acknowledgment receipt shall be issued by the Authority or the Registrar's office with its seal.

(6) In case of delivery by registered post with acknowledgment due or by electronic mail, it shall be presumed to have been filed, or given at the time when the same has been received by the office concerned.

(7) Any written communication addressed to an applicant or the holder of any right under the Act, at his address in the Register of Plant Varieties maintained under the Act or at the address for service furnished under rule 5 in any proceedings under the Act or these rules, at the address appearing on the application or notice of opposition or reply or counter reply or any such representation, shall be presumed to be properly addressed:

Provided that in cases where the receipt of such a representation or application has been delayed beyond the normal period of delivery or transmission, such a delay may be condoned.

(8) All notices and written communications addressed to an applicant or to any holder of right, in any proceeding under the Act or these rules, and all documents forwarded to the applicant or the holder of any right or an opponent shall, except when they are sent by special messenger, be sent by registered post acknowledgment due or by electronic mail.

(9) (a) The acknowledgment receipt issued by the office concerned or the postal certificate receipt shall be the sufficient proof as to the delivery or sending of any document under the Act or these rules.

(b) In case of transmission by electronic mail, the electronic receipt with the recognised digital signature, by the applicant or the person, who has made the representation, shall be the proof of the receipt.

7. Application not to be admitted in certain cases. –

No application or representation shall be made to the authority or registrar covering the subject-matter already included in an earlier application made by the same person, and such subsequent application shall not be admitted by the registrar or the authority, as the case may be.

8. Fees. –

(1) The amount of fees payable in respect of the registration of plant varieties and grant of any right under the Act or any application or any document to be filed under the Act or the rules made thereunder shall be as per the rates specified in the Second Schedule.

(2) (a) The fees payable may either be paid in cash or may be sent by money order or postal order or bank draft or cheque payable to the Authority or the Registrar, as the case may be, at their respective offices, drawn on a scheduled bank at the place where the office is situated.

Explanation. - For the purposes of these rules, "scheduled bank" means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934 (2 of 1934).

(b) Any cheque or draft (not including the fees in cash) on which the value specified therein cannot be collected in cash within the time allowed for the payment of the fees, shall be accepted at the discretion of the Registrar.

(c) The stamps shall not be received in the payment of any fees payable under these rules.

(d) Where a fee is payable in respect of the filing of a document or application or representation, the date on which the entire fee is paid shall be the date of filing of the document or the representation.

(3) Where any test is required to be conducted under any of these rules, the applicant or the concerned person shall be required to pay the requisite fee specified in the Second Schedule.

(4) Any application or representation or document shall be liable to be rejected on account of non-payment of fees and no test shall be conducted unless and until the parties interested deposit the required amount of fees as specified in the Second Schedule.

9. Size, etc., of documents. –

All documents and copies of documents, except affidavits and drawings, sent to or left at the office of the Authority or otherwise furnished to the Registrar shall be written, typewritten, lithographed, or printed (either in the Hindi or in the English language unless otherwise directed or allowed by the Authority or the Registrar-General) in large and legible characters with deep indelible ink with lines widely spaced upon one side only of strong white paper of a size of approximately 33.00 centimetres by 20.50 centimetres (13 inches by 8 inches) or 29.7 centimetres by 21 centimetres (11³/₄ inches by 8¹/₄ inches) with a margin of at least four centimetres (one and a half inches) on the left hand part thereof.

10. Affidavits. –

The affidavits required to be filed under these rules shall be dated and signed at the foot and shall contain a statement that the facts and matters stated therein are true to the best of the knowledge, information and belief of the person making the affidavit.

CHAPTER II - Plant Varieties And Farmers' Rights Protection Authority

11. Manner of Selection and Appointment of the Chairperson . –

(1) The Chairperson shall be appointed by the Central Government on the basis of a list of names recommended by a Search Committee consisting of the following, namely:-

(i) An eminent scientist or an expert, having special knowledge and Professional experience in respect of the law relating to protection of plant varieties and plant varietal research or plant breeding, to be nominated by the Central Government in the Ministry of Agriculture - Chairman;

(ii) Secretary to the Government of India, Department of Agriculture and Cooperation - Member;

(iii) Secretary to the Government of India, Department of Agriculture Research and Education - Member;

(iv) Secretary to the Government of India, Department of Biotechnology - Member.

(2) The Department of Agriculture and Cooperation of the Central Government shall act as the nodal department for the selection and appointment of the Chairperson.

(3) The Chairperson shall be of the rank of the Secretary to the Government of India and the appointment as Chairperson shall either be on deputation or on contract basis.

(4) If the Selection Committee constituted under sub-rule (1), recommends any person who is not a government servant but fulfils qualifications given in clause (a) of sub-section (5) of section 3, such appointment may be made on contract basis

12. Term of office of the Chairperson. –

The Chairperson shall hold office for a term of five years or up to the age of sixty-five years, whichever is earlier, and shall be eligible for re-appointment:

Provided that no Chairperson shall hold office for a total period exceeding ten years, or after he has attained the age of sixty-five years, whichever is earlier.

13. Salary, allowances, conditions of service, leave, pension, provident fund, etc., of the Chairperson. –

The Chairperson shall be entitled to such salary, allowances, leave, pension, provident fund and other perquisites as are admissible to a Secretary to the Government of India.

14. Resignation or removal of the Chairperson from office in certain cases. –

(1) The Chairperson may resign from his office by giving notice in writing to the Central Government.

(2) The Central Government shall remove the Chairperson from office if he,-

(a) is or at any time has been, adjudicated as an insolvent;

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;

(c) has become physically or mentally incapable of acting as the Chairperson;

(d) has failed in discharging the duties and responsibilities under the Act and the rules made thereunder;

(e) has acquired such financial or other interest as is likely to affect prejudicially his function as the Chairperson;

(f) has, in the opinion of the Central Government, so abused his position as to render his continuation in office detrimental to the public interest;

(g) any other substantiated ground which is unbecoming of a public servant under the Government of India:

Provided that the chairperson shall not be removed under this sub-rule unless he has been given a reasonable opportunity of being heard in the matter.

15. Term and allowances of non-official members. –

(1) Every non-official member of the Authority shall hold office for a period of three years from the date of his appointment.

(2) The Central Government shall appoint new non-official member of the Authority within six months of the expiration of the term of the non-official member.

(3) A non-official member shall be entitled to sitting allowance and travelling expenses, at such rate as may be fixed by the Central Government from time to time in this regard.

16. Proceedings of the Authority. –

(1) The Authority shall meet at least twice in a year at the headquarters of the Authority or at such place as may be decided by the Chairperson.

(2) The Chairperson shall, upon a written request of not less than five members of the Authority or upon a direction of the Central Government, call a special meeting of the Authority.

(3) At least fifteen days' notice of an ordinary meeting and three days' notice of a special meeting specifying the purpose, the time and the place at which such meeting is to be held, shall be given to the members.

(4) Every meeting shall be presided over by the Chairperson and in his absence, by a Presiding Officer to be chosen by the members present from amongst themselves.

(5) The decision of the Authority shall be taken by a majority of the votes of the members present and voting and in the event of equality of votes, the Chairperson or in his absence, the member presiding over the meeting shall have a second or casting vote.

(6) Every member shall have one vote.

(7) The quorum for the meeting of the Authority shall be five [excluding Chairperson and Registrar - General].

(8) No member shall be entitled to bring forward for the consideration of a meeting any matter of which he has not given ten days' notice to the Member-Secretary unless the Chairperson, in his discretion, permits him to do so.

(9) The notice of the meeting may be given to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner as the Chairperson or the Member-Secretary may, in the circumstances of the case, think fit.

17. Chairman and proceedings of the Standing Committee. –

(1) The Chairperson shall select a member of the Standing Committee appointed by him under sub-section (7) of section 3 from amongst the members of that Committee to preside over its meeting.

(2) In the absence of the member selected under sub-rule (1), the meeting of the Standing Committee shall be presided over by the member who shall be elected by the members present at meeting from amongst themselves.

(3) The decision in the meeting of the Standing Committee shall be taken by a majority of the members present and voting and in the event of equality of votes, the member selected under sub-rule (1) or in his absence, the member presiding over the meeting shall have a second or casting vote.

(4) Every member shall have one vote.

(5) The quorum for the meeting of the Standing Committee shall be three.

(6) The convener of the Standing Committee may, in consultation with the Authority, determine the venue of its meetings any where in India; and serve notice of such meeting to all members at least fifteen days in advance.

18. Appointment of Expert Committee by the Authority. –

(1) The Authority may appoint such experts or consultants as it considers necessary to seek guidance and assistance in technical areas demanding specialized advisory inputs, to enable the Authority for efficient discharge of its duties and functions.

(2) The Authority may appoint such other committees as may be necessary for the efficient discharge of its duties and functions.

(3) The Authority may, in consultation with the Central Government, fix the quantum of remuneration, payable to the experts and consultants.

19. Salary, allowances and conditions of service of the RegistrarGeneral

1) The Registrar-General shall be an official equivalent to the rank of the Additional Secretary to the Government of India and he shall be appointed by the Authority on deputation or transfer or on contract basis.

(2) The Registrar-General shall be governed by the Central Government rules in respect of his salary and other allowances including pension, leave, travelling and daily allowances as are admissible to an Additional Secretary to the Government of India.

(3) The Registrar-General shall be a person having proven managerial, or legal or Intellectual Property Rights or agricultural development experience.

(4) The term of office of the Registrar-General shall be for a period of five years or until he attains the age of sixty years, whichever is earlier:

Provided that no candidate who may not have at least two years tenure in the office shall be appointed as Registrar-General.

(5) A person on completion of one term as Registrar-General shall be eligible for a second term of three years or until he attains the age of sixty years, whichever is earlier.

20. The method of appointment of officers and other employees of the Authority. -

(1) The Authority may make recruitment and appointment to the posts of officers specified in the Fourth Schedule.

(2) The Authority shall after advertising the posts in the Employment News and at least one national daily recruit officers and other employees of the Authority.

(3) Notwithstanding anything contained in sub-rule (1), the Authority may also appoint such other officers and employees as may be required by it on transfer on deputation or on contract basis with prior approval of the Central Government.

(4) The salary, allowances and other conditions of service of the officers and employees of the Authority shall be the same as applicable to Central Government servants of equivalent rank.

(5) If any question on the service conditions of any officer or employee of the Authority arises, it shall be decided by the Central Government.

20A. Salary, allowances and conditions of service of Legal Adviser. –

(1) The Legal Adviser shall be an official equivalent to the rank of the Under Secretary to the Government of India and shall be governed by the Central Government rules in respect of his salary and other allowances including pension, leave, travelling and daily allowances as are admissible to the Under Secretary to the Government of India.

(2) The Legal Advisor shall be appointed by the Authority on direct recruitment failing which by deputation, as under: -

(a) for appointment on direct recruitment, a person shall -

(i) be not more than forty years of age at the time of making application; and

(ii) possess the following educational qualifications, namely: -

Essential:

(A) Bachelor degree in Law from a recognized University or Institute;

(B) enrolled as an Advocate with Bar Council;

(C) practiced as an advocate for atleast five years and having experience of handling cases, including intellectual property rights, legal documentation, drafting and notarization.

Desirable: Bachelor's degree in Science or Agricultural Science followed by a degree in Law from a recognised University.

Note: The crucial date for determining the age-limit shall be the last date for receipt of applications.

(b) for appointment on deputation (including short-term contract), a person shall be an officer under the Central Government or a State Government or Union territory Administration or a University or recognized research institution or statutory organization or an autonomous body or public sector undertaking -

(i) holding analogous post on regular basis in the parent cadre or department; or

(ii) five years' service in the grade rendered after appointment thereto on a regular basis in posts in level-10 (Rs. 56,100-1,77,500) in the pay matrix; or

(iii) eight years' service in grade rendered after appointment thereto on a regular basis in posts in level-9 (Rs. 53,100- 1,67,800) in the pay matrix.

Note 1: Period of deputation (including short-term contract) in another ex-cadre posts held immediately preceding this appointment in the same or some other organisation or department of the Central Government shall ordinarily not exceed five years.

Note 2: The maximum age-limit for appointment by deputation (including short-term contract) shall not exceed fifty six years on the closing date of receipt of application

21. Powers and duties of the Chairperson. –

(1) In addition to the duties specified in the Act, the Chairperson shall have powers of general superintendence and directions in the conduct and management of the affairs of the Authority, to enable the Authority in effectively discharging its duties and overseeing the compliance of the provisions of the Act, and the rules and regulations made thereunder.

(2) The Chairperson shall also discharge such other duties and functions as the Authority may by general or special order in writing delegate to him or the Central Government may authorise him to discharge from time to time.

(3) The Chairperson shall convene, preside over and conduct the meetings of the Authority and be responsible for carrying out all decisions taken by the Authority.

(4) The Chairperson shall guide and facilitate the development of new plant varieties by protecting the rights of the breeders, researchers, farmers, and community of farmers as provided under the Act.

(5) The Chairperson shall facilitate and act on his satisfaction for compulsory licensing of registered plant varieties and advise the Central and the State Governments on the restriction of public use of any such registered plant varieties which may invite action under sub-rule (4).

22. General functions of the Authority. –

(1) The Authority shall advice the Central Government in relation to the provisions contained in the sub-section (2) of section 29 for specifying and notifying the genera and species for the purposes of registration of new plant varieties other than extant varieties and farmers' varieties.

(2) The Authority shall register extant varieties under clause (a) of sub-section (2) of section 8 of section 8 of such genera or species and within such period as may be determined by it with suitable test criteria to conform distinctiveness, uniformity

and stability (hereinafter referred to as DUS) of such genera or species shall be specified in the Plant variety Journal of India.

(2A) The Authority shall register extant varieties (other than farmers variety), if at the date of filing of the application for registration, such variety has not been sold or otherwise disposed of for the purposes of exploitation of such variety for a period of eighteen years in case of trees and vines and fifteen years in other cases.

(3) The Authority shall develop DUS test and other test criteria and conduct such tests for characterization of each variety of crop species notified by the Central Government.

(4) The Authority shall compile and maintain a database on all varieties of common knowledge including all registered extant and farmers' varieties and such varieties being cultivated outside India for each crop species prior to grant for registration for new varieties belonging to such species.

(5) The Authority shall be entitled to call for and procure the details of any crop variety under use in the country for the purpose of bringing the same into its database.

(6) Any public or private institution, community or individual involved in the production and use of seed of such varieties shall be required to provide full information on its characteristics or and a true sample of seed of such variety.

(7) The Authority shall keep a record of the production and sale of seed of all registered varieties.

(8) It shall be necessary for all breeders of registered varieties to supply certified figures on annual seed production and sales to the Authority within a period not exceeding three months from the completion of such reporting period.

(9) The Authority, if required shall also be entitled to call for such figures specifically relating to any region of the country.

22A. Order as to costs. –

The Authority or the Registrar may make such orders as to costs as enumerated under the Fifth Schedule and as considered reasonable having regard to all the circumstances of the case:

Provided that the Authority or Registrar may, in its or his discretion award compensatory costs in any proceeding before it, which in its or his opinion is false or vexatious.

22B. Costs in uncontested opposition cases. –

Where any opposition duly instituted under the rules is not contested by the applicant, the Registrar in deciding whether costs should be awarded to the opponent shall consider whether the proceeding might have been avoided if reasonable notice had been given by the opponent to the applicant before the notice of opposition was filed.

22C. Exception to rule 22B. –

Notwithstanding anything in rule 22B, costs in respect of fees specified in Second Schedule and of all stamps used on and affixed to affidavits used in the proceedings shall follow the event.

23. Matters to be included in the National Register of Plant Varieties. –

The National Register of Plant Varieties shall contain the following particulars of each registered variety, namely:-

- (1) Registration Number;
- (2) Nationality of Breeder(s);
- (3) Denomination as granted;
- (4) Date of Grant of Registration;
- (5) Date on which application was received;
- (6) Provisional number given to the application;
- (7) Date of Gazette notification;
- (8) Grouping of the plant variety (new, extant or farmers);
- (9) Classification of the variety (typical variety, hybrid variety or essentially derived variety);
- (10) Denomination of variety, Common Crop name to which the variety belongs, Taxonomical Lineage of the Crop in Botanical names;
- (11) Key Passport data of the variety;

- (12) Essential characters making the variety distinct;
- (13) Starting date of protection;
- (14) Expiry date of protection;
- (15) Date of revocation with other details (grounds etc.);
- (16) Name and address of the applicant(s);
- (17) Address for service of document(s);
- (18) Name and address of the breeder(s) (in case breeder is not the applicant);
- (19) Name and address of the legal representative (if applicable);
- (20) Name, address and other details of the licensee and terms of license (if applicable);
- (21) Name, address and other details of the agent with jurisdiction rights, if any (if appointed);
- (22) Type of crop;
- (23) Name of the family, genus, species, variety and common name;
- (24) Name and address of the breeder of initial variety (in case of essentially derived variety);
- (25) Details of the acquisition of propagating material/seeds (if applicable);
- (26) Details of parental material used in the development (if applicable);
- (27) Name and address of the contributor(s) of genetic material (if applicable);
- (28) Any other feature specified by the Authority or Registrar-General;
- (29) Country of origin of the plant variety;
- (30) Brief description of the variety alongwith characteristic details of the nearest variety including results of DUS testing, supplemented with the drawings or photographs or both;
- (31) In case of compulsory licensing, name and address of licensee with other details (terms and conditions, revocation, etc.), if applicable;

- (32) Declaration and details of the renunciation to the variety (if applicable);
- (33) Details of benefit sharing;
- (34) Details of opposition, revocation, restoration, maintenance (whatever applicable);
- (35) In the case of varieties protected outside India prior to registration in the country, following additional information shall be entered in the National Register of plant varieties namely:-
- (a) Name of the country(ies) where protection is made alongwith the denomination of the variety in each of them,
 - (b) Date of first protection with country,
 - (c) Variation in important trait with respect to first filing,
 - (d) Country wherein the variety was first commercialized with date,
 - (e) Any other feature specified by the Authority or Registrar-General;
- (36) In case of a convention application, the following information shall also be furnished, namely:-
- (a) Name of the convention country,
 - (b) Passport date of the convention application,
 - (c) Date of application,
 - (d) Date of grant of registration,
 - (e) Registration number,
 - (f) Denomination as accepted,
 - (g) Date of Gazette notification,
 - (h) Starting date of protection,
 - (i) Expiry date of protection,
 - (j) Whether the variety has been sold or otherwise disposed of within and outside the country, if so, details thereof;

(37) Any changes made in any entry.

CHAPTER III - Registration Of Plant Variety

24. *[Omitted by Notification No. G.S.R 494 (E), dated 15.06.2015]*

25. Application to authorise a person to register a variety under clause (e) of sub-section (1) of section 16. –

An application to authorise a person to register a variety under clause (e) of sub-section (1) of section 16 shall be made in Form PV-1, given in the First Schedule, by a person specified in sub-section (1) of that section.

26. The fee payable under clause (g) of sub-section (1) of section 18 for making application for registration of plant variety. –

The fee for making application for registration of a plant variety under section 14 shall be such as specified in column (3) of the Second Schedule for the purpose.

27. Proof of the right of making application under sub-section (3) of section 18. –

(1) Where an application for registration is made by the successor or assignee of the breeder under sub-section (3) of section 18, he shall furnish documentary proof, at the time of making such application or within six months of making such an application, as to the right to make such an application for registration.

(2) The documentary proof, in case of an assignment, shall be furnished in the manner specified in Form PV-2, given in the First Schedule and in case of succession, or a succession certificate or any other document in support of succession proving the applicant to be the successor shall be furnished.

28. Fee for conducting tests under section 19. –

The applicant shall deposit the requisite fee for the purpose as specified in column (3) of the Second Schedule, with the Registrar for conducting the required tests under section 19.

29. Manner and method for conducting tests under section 19. –

(1) (a) The Authority shall charge separate fees for conducting DUS test and special test on each variety.

(b) The special tests shall be conducted only when DUS testing fails to establish the requirement of distinctiveness.

(c) The DUS testing shall be field and multi-location based for at least two similar crop seasons and special tests will be laboratory based:

Provided that in the case of trees and vines there shall be an option on the manner of the DUS testing that a panel of three experts shall visit the On-farm test sites for two similar crop seasons as may be specified.

(d) The fee for DUS and special tests shall be such as provided in column (3) of the Second Schedule for the purpose.

(2) If the Registrar, after initial scrutiny of the application for registration, is satisfied that the application is in order, he shall notify the applicant to deposit the requisite fee, as specified in column (3) of the Second Schedule, within a period of two months for conducting the DUS test.

(3) On receipt of the fee, demanded under sub-rule (1), the Registrar shall consider the application for further processing.

(4) The DUS test shall be necessary for all new and extant varieties except essentially derived varieties and for varieties notified under section 5 of the Seeds Act, 1966 (54 of 1966).

4(A) The DUS criteria shall be determined based on report of the All India Coordinated Research Project trials.

(5) *[Omitted by Notification No. G.S.R 494 (E), dated 15.06.2015]*

(6) The DUS test shall be conducted on a minimum of two locations.

(7) The Authority may recognize and empanel institutions having adequate facilities for conducting DUS or special tests in the country for conducting such tests.

(8) The Authority shall notify the adopted methods of conducting the DUS and special tests.

(9) The Authority shall develop and publish in its journal guidelines for the DUS test for each crop.

(10) The samples of seeds or propagules in respect of which an application for registration has been made and parental lines under registration submitted for the DUS and special tests and deposited at the National Gene Bank shall present the maintainable standards of genetic purity, and uniformity and germination, sanitary and phytosanitary standards.

30. Advertising of application for registration under section 21. –

(1) Every application for registration of a variety which has been accepted and the details thereof including specifications shall, upon such acceptance under sub-section (1) of section 20, be advertised by the Registrar in the manner specified in Form O-1 of the Third Schedule.

(2) Before sending a variety for DUS testing, the Registrar shall publish in the Journal for the purposes of inspection by any person, the name and location of the DUS test centre where such variety will undergo the DUS testing.

(3) The contents of such advertisement shall include-

(a) name, passport data and source of parental line or initial variety used to develop the variety in respect of which an application for registration has been made;

(b) description of the variety bringing out its character profile as specified under the DUS test Schedule;

(c) essential characteristics conferring distinctiveness to the variety;

(d) important agronomic and commercial attributes of the variety;

(e) photographs or drawings, if any, of the variety submitted by the applicant; and

(f) claim, if any, on the variety.

31. Notice of opposition under sub-section (2) of section 21. –

(1) Any interested person, may within three months from the date of advertisement of an application for registration, may give a notice of opposition to the registration of a plant variety in Form PV-3 of the First Schedule.

(2) The fee payable for filing an opposition referred to in sub-rule (1) shall be as specified in column (3) of the Second Schedule:

Provided that no such fee shall be payable in respect of an opposition made by a farmer or group of farmers, or village community.

(3) A copy each of the notice of opposition received against a specific application shall be referred to the applicant by the Registrar within three months from the last date of filing of opposition.

(4) An applicant shall be entitled to submit point-wise counter statement to the opposition not later than two months from the date of service of the copy of the notice of opposition.

(5) Every counter-statement under sub-rule (4) shall be in Form PV-4 of the First Schedule.

(6) The copies of counter to opposition submitted by the applicant within the time specified in sub-rule (4), shall be conveyed to the person opposing the application, within a period of thirty days of its receipt, requiring the opposing person to submit the final opposition within a period of thirty days from the date of service of the counter from the applicant.

(7) The Registrar, may at his discretion, allow any correction of error or amendments in the notice of opposition or counter-statement if such alteration is requested by the persons concerned in writing.

(8) (a) The security referred to in sub-section (8) of section 21 shall be payable as an amount decided by the Authority.

(b) In case the opposition is found to be frivolous, the Registrar may direct payment of cost as determined by him to the applicant from out of the security amount received and the balance of the security amount shall be deposited in the Authority.

(c) In case the opposition succeeds, the security amount shall be refunded to the opposition party.

32. Compliance with time schedule. –

The time schedule provided under these rules for notice of opposition, final opposition, evidence, intervention, written statement and reply shall not ordinarily be extended except by special order of the Authority or Registrar given on an application filed by the person seeking extension of time and on payment of the fee specified in the Second Schedule and such an application for extension shall be in Form PV-5 of the First Schedule.

33. Manner of submitting or producing evidences under section 21. –

(1) Any evidence, upon which the opponent may rely, shall be submitted in duplicate to the Registrar with a copy to the applicant within one month from the receipt of counter-statement of the applicant.

(2) Any evidence upon which the applicant may rely shall be submitted in duplicate to the Registrar with a copy to the opponent within thirty days from the date of receipt of opponent's evidence.

(3) No further evidence shall be submitted by either party except by leave or directions of the Registrar.

(4) The copies of all the documents, except plant variety application, referred to in the notice of opposition or in any counter-statement filed in connection with the opposition shall be in triplicate unless the Registrar directs otherwise.

(5) Where a document, is in a language other than English, and is referred to or relied upon in the notice, statement or evidence, an attested translation in English thereof shall be furnished in triplicate.

(6) *[Omitted by Notification No. G.S.R 494 (E), dated 15.06.2015]*

34. Application for the registration of essentially derived variety under section 23.

(1) The application for registration of an essentially derived variety shall be accompanied by the following documents, namely:-

(a) an affidavit sworn by the applicant stating that such a variety does not contain any gene or gene sequence involving terminator technology;

(b) a statement giving details of the brief description of the characteristics of the variety to substantiate novelty, distinctiveness, uniformity and stability; and

(c) the details of parental material used.

(2) The application under sub-rule (1) shall be accompanied by the fees specified for the purpose in column (3) of the Second Schedule.

35. Manner and method for conducting test under section 2. –

The manner of testing essentially derived varieties shall be decided by the Authority on a case-to-case basis and the same shall be published in the Plant Variety Journal of India.

36. Certificate of registration under section 23. –

The Registrar shall issue to the applicant a certificate of registration of an essentially derived variety in the manner specified in Form O-2 of the Third Schedule and send a copy of the registration to the Authority and to such other body(ies) as may be notified by the Central Government for information.

36A. Manner for arranging production and sale of seeds of registered variety under clause (e) of sub-section 2 of Section . –

(1) The breeder of a registered variety of any person entitles to produce, market and sell the seeds of a registered variety under this Act shall:-

(a) provide the seeds or propagating material of the registered variety to the farmers in a timely manner, so as to satisfy their reasonable requirements; or

(b) arrange for production, marketing and sale of seeds or propagating material of such registered variety to the farmers at a reasonable market price.

CHAPTER IV - Registration and Benefit Sharing

37. Certificate of registration under section 24. –

(1) The certificate of registration of a plant variety, other than an essentially derived variety, under sub-section (2) of section 24 shall be in Form O-2 of the Third Schedule.

(2) The Registrar shall issue the certificate of registration under sub-section (2) of section 24 within three years of the date of filing of application subject to the fulfilment of all other requirements.

(3) A copy of the certificate of registration issued under sub-section (2) of section 24 shall be sent to the Authority; and to such other body or agency, which the Central Government may, by notification in the Official Gazette specify.

38. Notice to the applicant under section 24. - (1) If, within a period of twelve months, the application for registration of a plant variety other than an essentially derived variety is not completed in the circumstances given in sub-section (3) of section 24, the Registrar shall issue thirty days notice to the applicant at the address of his principal place of business in India, or if, he has no principal place of business in India, at the address for service in India stated in the application, but if the applicant has authorised an agent for the purpose of the application, the notice shall be sent to the agent and a duplicate thereof to the applicant for filing of the application or such further time as the Registrar may allow for completion of registration.

(2) The notice under sub-rule (1) shall be in Form O-3 of the Third Schedule.

39. Renewal and revision of registration under section 24. –

(1) (a) On receipt of an application from the applicant, the Authority may review and renew the initial duration of registration as mentioned in sub-section (6) of section 24.

(b) Every application for review and renewal under sub-rule (1) shall be made in Form PV-6 of the First Schedule be accompanied with fee as prescribed in the Second Schedule and filed during the period of six months prior to the expiry of the initial period of registration.

(c) *[Omitted by Notification No. G.S.R 863 (E), dated 20.11.2019]*

(3) *[Omitted by Notification No. G.S.R 863 (E), dated 20.11.2019]*

(4) The Authority shall within such intervals as it thinks appropriate publish a list of varieties registered as well as renewed under the Act with the particulars of the period of registration, name and address of right holders periodically in its journal.

40. Publication of contents of the certificate inviting claims for benefit sharing under section 26. –

Upon the issuance of the registration certificate under sub-section (8) of section 23, or sub-section (2) of section 24, the Authority shall, for the purpose of inviting claims for benefit sharing under the Act, shall advertise the following details of the registration certificate, namely:-

(a) the registration number alongwith the date of grant,

(b) the name and address of the applicant or breeder in whose name the certificate has been issued or registered,

(c) denomination of the variety,

(d) name of the family, genus, species, variety and common name,

(e) parentage and geographical location of the variety,

(f) the details of the distinguishing features or the characteristics,

(g) in case of "essentially derived variety", the details of the "initial variety" from which the "essentially derived variety" is claimed to have been derived,

(h) the name and address of the contributor, nature and amount of the contribution or the community knowledge used in the development of the plant variety,

(i) the terms and conditions of the agreement, if any, entered into between the breeder and the contributor,

(j) if the variety is sold or otherwise disposed of, details thereof.

41. Benefit sharing claim under section 26. –

(1) Upon the publication of the particulars of a certificate under sub-section (1) of section 26, a person or group of persons or firm or a non-governmental organisation can make a claim under sub-section (2) of that section for benefit sharing in Form PV-7 of the First Schedule within a period of six months from the date of such publication:

Provided that in special circumstances, the Authority may extend the time-limit beyond the period of six months.

(2) The person or persons or firm or the non-governmental organisation, who has made an application for benefit sharing, shall provide the following information, namely:-

(a) the contribution made by the person or the group of persons or firm or community or the non-governmental organisations to the genetic development of the plant variety;

(b) the capacity in which the person or the group of persons or the non-governmental organisation is making the claim for benefit sharing;

(c) in case of "essentially derived varieties", the terms and conditions in which authorisation has been given;

(d) the commercial viability or the actual market performance of the variety so registered.

(3) An applicant for benefit sharing shall pay the fee as specified for the purpose, in column (3) of the Second Schedule.

42. Opposition to a claim for benefit sharing under section 26. –

(1) On receipt of a copy of the claim for benefit sharing, the registered breeder of the plant variety may accept the claim and accordingly intimate the same to the Authority within a period of three months from the date of such receipt.

(2) In the eventuality of the plant breeder failing or defaulting to tender the intimation under sub-rule (1) within the period of three months, referred to in sub-

rule (1) it shall be presumed that he has no opposition to such claim and the claim shall be decided accordingly.

(3) If, within a period of three months of receipt of notice of claim, the breeder of the plant variety files his opposition to the claim for benefit sharing, such an opposition shall be taken into consideration while disposing or deciding the claim for benefit sharing.

(4) Every notice of opposition, under sub-rule (3) shall be in Form PV-8 of the First Schedule.

(5) The Authority, upon receiving the reply from the registered breeder, shall furnish a copy of such reply to the claimant for benefit sharing.

(6) The registered breeder or the claimant to benefit sharing shall furnish supporting document and other evidence, which shall be duly considered by the Authority while disposing of any claim for benefit sharing.

43. Determination of benefit sharing under section 26. –

The Authority shall, by order, determine the amount of benefit sharing to a variety according to clauses (a) and (b) of sub-section (5) of section 26 and taking into account the following criteria, namely:-

(a) the contribution of the claimant in selecting, conserving and providing the genetic material,

(b) the contribution of such genetic material in providing one or more traits which conferred high commercial value to the variety, and

(c) the contribution of such genetic material to impart high combining ability to the parents of the hybrid variety relating to benefit sharing.

44. Reference for recovering benefit sharing under section 26. –

In case of default or failure on the part of the breeder of the variety to deposit the amount of benefit sharing in the Gene Fund, as per the order of the Authority of section 26, required under sub-section (6) within a period of three months from the date of such order, the Registrar shall make a reference to the District Magistrate under sub-section (7) of section 26 in Form O-4 of the Third Schedule.

45. Application for registration of title of agent or licensee under section 28. –

(1) An application under sub-section (4) of section 28 for registration as an agent or licensee, as the case may be, shall be made in Form PV-9 of the First Schedule.

(2) The application for title by a licensee or an agent shall be accompanied by three attested copies of the agreement or instrument of entitlement or any other documentary evidence.

(3) The proposed agent or licensee may also be required to produce such other documents and information as may be required by the Registrar in support of the proof of title.

(4) The applicant under sub-section (4) of section 28 shall pay the fee as specified for the purpose in column (3) of the Second Schedule.

46. Reference of disputes of entitlement under section 28. –

(1) While referring a dispute under sub-section (4) of section 28 to the Authority for determination the Registrar shall furnish all the relevant information related to dispute with three copies of all the documents and evidence available with his office.

(2) On receipt of an order of the Authority in respect of the dispute, the Registrar shall furnish copies of the order to the persons involved for necessary compliance.

47. Certificate of registration of entitlement under section 28. –

The certificate of registration to be issued to a registered licensee or an agent by the Registrar under sub-section (4) of section 28 shall be in Form O-5 of the Third Schedule.

48. Application and procedure for varying or cancelling terms of registration under section 28. –

(1) An application under clauses (a), (b), (c), (d) or (e) of sub-section (9) of section 28 for variation or cancellation of the terms of registration of a registered breeder or his successor or any other person shall be in Form PV-10 of the First Schedule.

(2) Every application under sub-rule (1) shall be accompanied by a fee as specified for the purpose in column (3) of the Second Schedule.

49. Notice and proceedings under section 28. –

(1) The Registrar shall issue notice of every application under sub-section (10) of section 28 in Form O-6 of the Third Schedule to the registered breeder or the agent or the licensee.

(2) Any person to whom a notice has been issued under sub-rule (1) and who intends to oppose or intervene in any proceedings under section 28, shall, within three months of the receipt of such notice, give notice of opposition or intervention to the Registrar in Form PV-11 of the First Schedule.

(3) On receipt of a notice of opposition or intervention the Registrar shall furnish a copy of it to the applicant.

(4) The Registrar may accept or refuse the application or accept it subject to any condition, modification or limitation as directed by the Authority and shall inform the parties in writing accordingly.

CHAPTER V - Surrender And Revocation Of Certificate Of Registration And Rectification And Correction Of Register

50. Surrender of certificate of registration under section 33. –

The registered breeder may at any time, by giving notice to the Registrar offer to surrender his certificate of registration of plant variety in the Form PV-12 of the First Schedule, under sub-section (1) of section 33.

51. Procedure on application for surrender of certificate of registration under section 33. –

(1) The Registrar shall give notice in Form O-7 of the Third Schedule, every notice of offer made under rule 50 to the registered agent or the licensee relating to such certificate.

(2) (a) Any person who has been given a notice of surrender of certificate of registration under sub-rule (1), who intends to oppose the surrender, shall within three month of the receipt of such notice, give notice of opposition to the Registrar in Form PV-13 of the First Schedule, and shall send therewith a written statement setting out the nature of the opponents' interest, the facts relied upon alongwith the notice of opposition.

(b) The Registrar shall thereupon serve the notice of opposition alongwith the written statement received by him to the applicant.

(3) If the applicant desires to contest the opposition, he shall file or leave at the appropriate office a reply statement setting out fully the grounds upon which the opposition is contested, within a period of three month from the date of receipt of the copy of the written statement by him under sub-rule (2) and deliver to the opponent a copy thereof.

(4) The applicant or any person to whom a notice under sub-rule (1) has been issued may, make an application to the Registrar in Form PV-14 of the First Schedule, for seeking an opportunity of being heard.

(5) On receipt of an application, under sub-rule (4), the Registrar may fix the time and place of hearing and issue notice to the parties accordingly and the interested parties may appear and give or file evidence in support of their case.

(6) The Registrar may accept or refuse the application or accept it subject to any condition, amendments, modifications or limitations and shall, accordingly, inform the parties in writing.

(7) If the Registrar accepts the registered breeder's offer of surrender of the plant variety, he shall by order direct the registered breeder to return the certificate of registration and on receipt of such certificate, the Registrar shall, by order, notify the surrender in the Official Gazette.

52. Application for revocation of protection granted to a breeder under section 34. -

Any person may make an application to the Authority in Form PV-15 of the First Schedule, for revocation of protection granted to a breeder in respect of a variety on any of the grounds laid down under clauses (a) to (h) of section 34.

53. Procedure on application for revocation under rule 52. –

(1) The Authority shall issue notice in Form O-8 of the Third Schedule, to the registered breeder of any application received by it under rule 52.

(2) (a) In case the registered breeder intends to oppose the application for revocation of protection, he shall, within three months from the date of receipt of such notice, give notice of opposition to the Authority in Form PV-16 of the First Schedule, and shall send therewith a written statement, setting out the facts upon which he bases his case and the relief sought.

(b) The Registrar shall serve the notice of opposition along with the written statement received by him to the applicant.

(3) If the applicant desires to contest the opposition, he shall file or leave at the appropriate office, a reply setting out the grounds upon which the opposition is contested, within a period of three months from the date of receipt of the copy of the written statement by him under sub-rule (2) and deliver to the opponent a copy thereof.

(4) (a) The applicant and the registered breeder may make an application to the Journal in Form PV-17 of the First Schedule, seeking an opportunity of being heard.

(b) The Journal may, on receipt of such application, fix such time and place for hearing and issue notice to the parties accordingly and the interested parties may appear and give or file evidence in support of his case.

(c) The Journal may, accept or refuse the application or accept it subject to any condition, amendments, modifications or limitations and shall, accordingly inform the parties in writing.

(5) If the Authority accepts the application for revocation of the plant variety, it may direct, by order, the registered breeder to return the certificate of registration and on receipt of such a certificate, the Registrar shall by order notify the revocation of the plant variety in the Journal.

54. Payment of annual fee for retention of registration under section 35. –

The registered breeder, agent and licensee shall pay an annual fee for retention of registration at such rate as specified for the purpose in column (3) of the Second Schedule.

55. Application for cancellation or change of certificate of registration under section 36. –

(1) Any person may make an application for changing the certificate of registration on the grounds laid down under sub-section (1) of section 36 to the Registrar.

(2) Every application under sub-rule (1) shall be made in Form PV-18 of the First Schedule and shall be accompanied by a statement of the grounds on which it is made.

56. Procedure on application for cancellation or change of certificate of registration under section 36. –

The Registrar may accept or refuse the application or accept it subject to any condition, amendment, modification or limitation as he may think fit to impose and shall inform the concerned parties in writing accordingly:

Provided that no application shall be rejected unless the applicant has been given a reasonable opportunity to make a representation against such rejection.

57. Application to rectify the register under section 36. –

Any person may make an application to the Registrar, in Form PV-19 of the First Schedule, stating the grounds on which it is made, for making, expunging or varying the entry on the grounds laid down under sub-section (2) of section 36.

58. Procedure on application to rectify the register under rule 57. –

The Registrar may accept or refuse the application for making, expunging or varying the entry or accept it subject to any condition, amendment, modification or limitation as he may think fit to impose and shall inform the concerned parties in writing accordingly:

Provided that no application shall be rejected unless the applicant has been given a reasonable opportunity to make a representation against such rejection.

59. Cancellation or change of registration or rectification of the register by the Registrar under section 36. –

(1) The Registrar while exercising the powers under sub-section (4) of section 36 to cancel the registration, may make changes to the registration, or in case of rectification of the register, shall give notice in Form O-9 of the Third Schedule to the registered breeder, agent or licensee, if any, and to any other person who appears to the Registrar to have any interest in the plant variety, and shall state the grounds on which the Registrar intends to take any action.

(2) If any person who has been given a notice under sub-rule (1) intends to oppose the action of the Registrar, he shall within three month from the date of the receipt of such notice, give the notice of opposition to the Registrar in Form PV-20 of the First Schedule, and shall send therewith a written statement setting out the facts upon which he bases his case and the relief sought for.

(3) The Registrar after hearing the person to whom a notice under sub-rule (1) has been given may pass such order as he may think fit and shall, accordingly, inform the parties in writing.

60. Application for correction of register by the registered breeder under section 37. –

An application for correction of the register may be made by the registered breeder of the plant variety to the Registrar under sub-section (1) of section 37 in Form PV-21 of the First Schedule, for making any change as laid down in clauses (a) to (c) of sub-section (1) of that section.

61. Procedure on application for correction of the register under rule 60. –

The Registrar may accept or refuse the application made under rule 60 for correction of register or accept it subject to any condition, amendments, modifications or limitations as he may think fit and shall, accordingly, inform the parties in writing.

62. Application for correction of the register by the registered agent or licensee under section 3. –

An application for correction of the Register may also be made by the registered agent or the licensee to the registrar under sub-section (2) of section 37 in Form PV-22 of the First Schedule on the grounds laid down in sub-section (2) of that section.

63. Procedure on application for correction of the register under rule 6. –

(1) The Registrar shall issue notice of every application under rule 62 in Form O-10 of the Third Schedule, to the registered breeder.

(2) The Registrar may accept or refuse the application or accept it subject to any condition, amendment, modification or limitation he may think fit and shall, accordingly, inform the parties in writing, provided that tests referred to in sub-section (3) of section 23 shall be conducted by the Authority in consultation with the Central Government:

Provided that no application shall be rejected unless the applicant has been given a reasonable opportunity to make a representation against such rejection.

64. Alteration of denomination of a registered variety under section 3. –

(1) An application, to delete any part or to add or to alter the denomination of a registered variety, under sub-section (1) of section 38, shall be made by the breeder to the Registrar in Form PV-23 of the First Schedule.

(2) The Registrar may determine whether and subject to what conditions, if any, the amendments shall be allowed.

(3) (a) The Registrar shall advertise the application for alteration in denomination in the Gazette or a journal or a daily newspaper and shall also advertise the nature of the proposed alteration in the denomination therein.

(b) The Registrar shall issue notice to all the persons, who, in his opinion, may have an interest in the matter.

65. Procedure on application for alteration of denomination under rule 6. –

(1) Any interested person may, within three months from the date of advertisement of an application for alteration in denomination of a registered variety, under sub-

section (2) of section 38, give a notice of opposition to the proposed change in denomination of a registered variety in Form PV-24 of the First Schedule.

(2) The Registrar shall serve a notice to the breeder about the opposition received for the proposed change in denomination and shall give an opportunity to both the parties of being heard, if so desired, before deciding the matter.

(3) In the event of leave being granted for alteration of denomination, the denomination as so altered shall be advertised in Gazette or a journal or a daily newspaper in Form O-11 of the Third Schedule.

CHAPTER VI - Farmers' Rights

66. Claim for compensation under section 3. –

(1) Any farmer, group of farmers or the organisation of the farmers may make an application, under sub-section (2) of section 39, to the Authority to claim compensation.

(2) Every application under sub-rule (1) shall be in Form PV-25 of the First Schedule.

67. Procedure on application for claim for compensation under rule 6. –

(1) The Authority shall give notice to the registered breeder about the compensation claim received in respect of the registered variety.

(2) After receiving a notice from the Authority under sub-rule (1), the registered breeder may, within three months from the date of receipt of such notice, file notice of opposition in Form PV-26 of the First Schedule.

(3) In the eventuality of the breeder failing or defaulting to tender his opposition, within a period of three months, from the date of receipt of the notice for compensation, it shall be presumed that he has no opposition to such claim and accordingly such claim shall be decided.

(4) The Authority shall, upon receiving opposition from the breeder give opportunity to both the parties of being heard and may direct the breeder to pay such compensation to the farmer, the group of farmers or the organisation of the farmers, as the case may be as it deems fit.

68. Issue of notice under section 4. –

(1) On receiving the report from the centre notified under sub-section (1) of section 41, in respect of claims filed by a person or group of persons or governmental or non-governmental organisation, for compensation to the people of any village or local community for their contribution in the development of new variety, and if satisfied, the Authority may issue notice to the registered breeder or his assignee or registered agent in Form O-12 of the Third Schedule.

(2) Upon receiving the notice from the Authority, the registered breeder or his assignee or registered agent may file objection to the claim for compensation within three months in Form PV-27 of the First Schedule.

(3) The Authority, upon receiving objection from the registered breeder or his assignee or registered agent, shall give opportunity of being heard to both the parties and after deciding on the eligibility for and quantum of compensation shall, direct, the breeder to pay compensation to the person, the group of persons or governmental or non-governmental organisation which has made the claim under sub-section (1) of section 41 and deposit the requisite funds within a period of two months with the Gene Fund.

69. Manner of receiving benefit sharing under section 4. –

The breeder of a variety or essentially derived variety shall deposit the amount of benefit sharing, as required under sub-section (6) of section 26, with the Gene Fund.

70. Manner of applying the Gene Fund under section 4. –

(1) The Authority shall pay the amount of benefit sharing, compensation required for use of genetic material towards evolution of new and essentially derived variety, to meet expenditure incurred for conservation and sustainable use of genetic resources and for the framing of schemes related to benefit sharing.

(2) The Gene Fund shall be applied for meeting the following purposes in accordance with the priority made hereunder:-

(a) to support and reward farmers, community of farmers, particularly the tribal and rural communities engaged in conservation, improvement and preservation of genetic resources of economic plants and their wild relatives, particularly in areas identified as agro-biodiversity hot spots;

(b) for capacity building on ex situ conservation at the level of the local body, particularly in regions identified as agro-biodiversity hot spots and for supporting in situ conservation;

(c) on benefit sharing and compensation in accordance with sub-section (5) of section 26 and sub-section (3) of section 41; and

(d) on transaction cost of administering the Gene Fund.

CHAPTER VII - Compulsory License

71. Compulsory licensing under section 4. –

(1) Any interested person may, after the expiry of three years from the date of issuance of a certificate of registration of a variety make an application to the Authority, in the Form PV-28 of the First Schedule alongwith the fee specified under the Second Schedule under sub-section (1) of section 47 for grant of compulsory license.

(2) The application for compulsory license under sub-section (1) shall-

(a) specifies particulars of variety denomination, generic and specific name of the variety or varieties concerned,

(b) contain the grounds for issue of compulsory license with supporting documents, and

(c) be supported by-

(i) qualification, technical and financial capabilities of the person making such request with evidence,

(ii) particulars of the holder of the right to the variety,

(iii) written evidence that the person, making such request, has exhausted all measures for voluntary license.

(3) If after considering the application under sub-rule (1), the Authority is satisfied that a prima facie case has not been made for grant of compulsory license, it shall notify the applicant accordingly.

(4) On receipt of an application for grant of compulsory license under sub-rule (1), the Authority shall serve notice to the breeder of such variety or his assignee or registered agent inviting his opposition within one month from the receipt of such notice.

(5) On receiving a notice under sub-rule (4), the registered breeder or his assignee or registered agent may give notice of opposition in Form PV-29 of the First Schedule, which shall be supported by documentary proof to substantiate the ground or grounds of opposition.

(6) If after giving an opportunity to both the parties of being heard, the Authority is satisfied that there is a need for the grant of compulsory license, he may order the breeder or his assignee or registered agent to license the variety on such terms of royalties and other remuneration as it may deem fit.

72. Manner of making material available under section 5. –

The Authority shall make available to the licensee of such compulsory license, the reproductive material of the licensed variety from the Gene Bank or any other centre, including the initial breeder of such variety.

73. Revocation of compulsory license under section 5. –

(1) (a) Any person in respect of compulsory license aggrieved may, under sub-section (1) of section 52, make an application in Form PV-30 of the First Schedule to the Authority, for revocation of compulsory license on any of the grounds specified in sub-section (1) of section 47 or section 52.

(b) The application under sub-rule (1), shall be supported by evidence.

(2) The Authority on its own motion or on receipt of the application from the aggrieved person under sub-rule (1), may give notice to the licensee.

(3) The licensee may file an opposition to an application under sub-rules (1) or a proceeding under sub-rule (2), in Form PV-31 of First Schedule with the Authority.

(4) The Authority shall after considering the opposition filed under sub-rule (3) and after giving an opportunity to the licensee of being heard passing an order of revocation or refuse to grant such order.

CHAPTER VIII - Finance, Accounts And Audit

74. Financial and administrative powers of the Chairperson under section 6. –

(1) The Chairperson shall exercise such financial and administrative powers over the functions of the Authority as are exercisable by a Head of Department under the

General Financial Rules in accordance with the accounts and financial rules of the Government of India.

(2) The Chairperson may, delegate such financial and administrative powers in writing as he may deem fit, to a member or any subordinate officer of the Authority not below the rank of a Registrar or equivalent subject to the condition that the member or officer so authorised shall, write exercise such delegated powers continue to be under the direction, control and supervision of the Chairperson.

74A. Form for preparing annual statement of account. –

The form for preparing annual statement of accounts shall be as specified by the Comptroller and Auditor-General of India for Central autonomous bodies.

CHAPTER IX – Miscellaneous

75. Manner of authorising registered agent or registered licensee under section 8. –

(1) A breeder of a variety or its propagating material or essentially derived variety or its propagating material registered under the Act, may make an application under section 81, in Form PV-32 of the First Schedule, for authorising the registered agent or registered licensee or his assignee to institute appropriate proceedings in any Court of law on his behalf.

(2) Where any authorisation has been made under sub-rule (1), the service upon the agent of any document relating to any proceeding or matter under the Act or these rules shall be presumed to be a service upon the person so authorising him; and all communications directed to be made to a person in respect of any proceeding or matter may be addressed to such agent, and all appearances before the Authority relating thereto may be made by or through such agent.

(3) Notwithstanding any thing contained in sub-rules (1) and (2), the Authority may, if it considers necessary, require the signature or presence of an applicant, opponent or party to such proceeding or matter.

76. Manner of issuing certified copy under section 83 and fee payable for obtaining a certified copy for inspection under section 84. –

Any interested person may, under section 84, make an application in Form PV-33 of the First Schedule, alongwith fee specified in the Second Schedule, to the Authority or Registrar for obtaining certified copies of any entry in the Register, certificates or extracts of plant variety application or other records maintained by the Authority and any document required in any proceedings under this Act and pending before

such Authority or Registrar; and he may make a request in similar manner and for similar purpose to inspect such entry or document.

Forms

The forms for application pertaining to this rule can be accessed [here](#).