



Overview

The protection afforded to plant varieties and farming communities reflects the importance of the agricultural industry in India and the need to balance commercial exploitation with sufficient agricultural output, innovation and benefit sharing.

India's sui generis system of plant variety protection i.e. The Protection of Plant Varieties and Farmers' Rights Act, 2001 introduces commercial exclusivity and recognition of plant breeders and farmers rights and contributions for conservation, improvement and making available of plant genetic resources. It reconciles also the reasonable sharing and disclosure requirements to meet agricultural demands, accelerate agricultural innovation, development and the needs of the populace. The Act is also unique for its overarching ambit of protection in that whole farming communities can avail of its provisions.

While protection of new plant varieties is for novelty, distinctiveness, uniformity and stability (DUS), novelty is not a criterion in the registration of an extant variety and this form of protection is unique to India. Commensurately, DUS testing involves subjecting plant varieties to repeated propagation to ensure uniformity across yields and verification of traits and characteristics distinguishing these from existing varieties.

Plant breeders and farmers can avail limited protection under the Act and registration grants exclusive rights to produce, market, sell, distribute and even import or export the variety. The duration of protection depends on the plant variety.

The firm makes representations for its clients before the Protection of Plant Varieties and Farmers' Rights Authority, National Green Tribunal and the High Courts. Our team with relevant domain knowledge and experience, monitor progress at DUS testing centres and raise concerns before the



Authority. The team has the expertise to handle all the matters from filling, prosecution, contentious and enforcement related issued involved under the Act.



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