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Protection of Plant Varieties and Farmers Rights Act

The power of knowledge in the society is truly unimaginable. Gone are the days where wealth is associated with tangible properties i.e., for more than a century, the world's wealthiest man has been associated with oil, starting with John Rockefeller ending with the Sultan of Brunei in the late twentieth century. But today, for the first time in history, the world's wealthiest person is a knowledge worker Bill Gates. The paradigm shift in the understanding from **“Heritage of Mankind”** to the **“Sovereign Rights of state”** in respect of biological resources as a consequence of Convention on Biological Diversity (CBD) triggered several changes in the International arena.

CBD is an International Treaty concluded under the auspices of the United Nations conference (3-14 June 1992) on Environment and Development at Rio de Janeiro, Brazil, On 5th June 1992 and Convention was participated and signed by 168 countries .Currently 188 countries has joined Party to the CBD.CBD came into force on 29 December, 1993.

CBD was developed on recognition of the intrinsic value of biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components. And the importance of Biological Diversity for evolution and for maintaining live supporting systems of the biosphere.

Mean while the global paradigm shift occurred due to several Asian countries which were major importers of food grains like India and China with 21% of arable land and 39% of world population became self-sufficient and Shift in agricultural research from public to private sector in Developed countries having agricultural surplus.

The setting up of International body-the World Trade Organization (WTO) in January 1995 – was to restructure international institutions in the areas of finance, trade and economic stability. The liberalized trade regime under WTO became operational with the Marrakesh Agreement, ratified in 1994 at the conclusion of 8th Uruguay Round of Trade talks which began in 1986. India was one of the 136 member countries and signatories to the Agreement which altered the whole framework of international trade which has existed under the earlier General Agreement on Trade and Tariffs (GATT).

Three-fourths of the member countries are developing countries, and together, they account for over 90% of world trade. The issue of Plant variety Protection has been brought into focus under the provisions of Trade Related Aspects of Intellectual Property (TRIPs) Right which is a part of Agreement on Agriculture (AoA) under World Trade Organization (WTO) for which India is signatory and a founding member.

Different forms of Protection of New Plant Varieties have been existing in the developed countries through the system of Plant Breeder's Rights (PBRs). In order to co-ordinate inter-country implementation of PBRs "International Union for the Protection of New varieties of Plants" (UPOV) was established by International Convention for Protection of New varieties of Plants, which was signed in Paris in 1961.

The purpose of the convention is to ensure that the member states of the union acknowledge the achievements of breeder of new plant varieties by making available to him exclusive marketing rights, on the basis of a set of uniform and clearly defined principles. As the existing UPOV models of plant variety protection were not suitable for our requirements, the Government of India enacted our own legislation on the Protection of Plant Varieties and Farmers Rights Act (PPV&FR) in 2001 which is a unique model in the world as it provides equal rights to farmers along with breeders. For the purpose of implementation of this act, central Govt. of India established PPV&FR authority.

Main objectives of the Protection of Plant Varieties and Farmers Rights Act

1. Registration of plant varieties,
2. Characterization and documentation of registered varieties,
3. Documentation, indexing and cataloguing of farmer's varieties,
4. Providing compulsory cataloguing facility for all plant varieties,
5. Ensuring that seeds of all registered varieties are made available to farmers,
6. Collection of comprehensive statistics on plant varieties,
7. Maintenance of National Register of Plant variety