

THE PROTECTION OF PLANT VARIETIES AND FARMERS RIGHTS (CRITERIA FOR DISTINCTIVENESS, UNIFORMITY AND STABILITY FOR REGISTRATION) REGULATIONS, 2009¹

In exercise of the powers conferred by clause (c) of sub-section 2 of Section 95 of the Protection of Plant Varieties and Farmers' Rights Act, 2001 (53 of 2001), the Protection of Plant Varieties and Farmers' Rights Authority hereby makes, with the approval of the Central Government, the following regulations, namely:—

1. Short title and commencement.—(1) These Regulations may be called the Protection of Plant Varieties and Farmers Rights (Criteria for Distinctiveness, Uniformity and Stability for Registration) Regulations, 2009.

(2) They shall come into force on the date² of their publication in the Official Gazette.

2. Definitions.—(1) In these regulations, unless the context otherwise requires,

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

(b) "Journal" means the Plant Variety Journal of India;

(2) All other words and expressions used in these regulations and not defined, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. The Protection of Plant Varieties and Farmers Rights Authority shall develop and publish in the Journal guidelines for the distinctiveness, uniformity and stability test for each crop.

4. Criteria of Distinctiveness, Uniformity and Stability for registration of variety about which there is Common Knowledge.—(1) The criteria for distinctiveness, uniformity and stability for registration of a variety about which there is a common knowledge shall be determined by conducting a field test for one season at two locations for the purpose of confirming the distinctiveness, uniformity and stability following the descriptors and plot size as may be specified in the Journal.

(2) Any person who applies for registration under clause (b) of Section 14 of the Act shall submit half the quantity of seeds as divided into five equal numbers of packets for the purpose of field test and also for storing in the National Gene Bank and the seed supply procedures shall be such as may be specified in the Journal.

1. *Vide* G.S.R. 452(E), dated 29th June, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 30th June, 2009.

3. Came into force on 30-6-2009.

5. Criteria of Distinctiveness, Uniformity and Stability for registration of farmers' variety.—(1) Any person who applies for registration under clause (c) of Section 14 of the Act shall submit half the quantity of seeds as divided into five equal numbers of packets for the purpose of field test and also for storing in the National Gene Bank and the seed supply procedures shall be such as may be specified in the Journal.

(2) Wherever the distinctiveness of the variety is required to be verified, field test will be conducted for distinctiveness, uniformity and stability in the test Centres.

(3) The farmers' variety along with example variety and any other similar variety shall be evaluated in the paired row test.

(4) The length of the row and plant population shall be such as may be specified in the Journal.

(5) It shall be a replicated trial and will be conducted for one season at two locations for the limited purpose of confirming the distinctiveness, following the descriptors such as may be specified in the Journal.

(6) The uniformity levels for Farmers' variety for the respective species shall not exceed double the number of off-types such as may be specified in the Journal:

Provided that the number of permitted off-types for each crop shall be developed and published in the Journal.

(7) If the variety meets the uniformity criteria, it shall be deemed to have met the stability criteria.
