

THE PLANT VARIETIES PROTECTION APPELLATE TRIBUNAL (APPLICATIONS AND APPEALS) RULES, 2010¹

In exercise of the powers conferred by clauses (lx) and (lxi) of sub-section (2) of section 96 of the Protection of Plant Varieties and Farmers' Rights Act, 2001 (53 of 2001), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Plant Varieties Protection Appellate Tribunal (Applications and Appeals) Rules, 2010.

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

2. Definitions.—(1) 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) "rules" means rules made under the Act.

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

3. Appeals to the Tribunal.—(1) Any person aggrieved by an order or decision of the Authority or Registrar may prefer an appeal to the Tribunal within three months from the date on which the order or decision of the Authority or Registrar sought to be appealed against is communicated to such person preferring the appeal.

(2) No appeal shall be admitted if it is preferred after the expiry of the period referred to in sub-rule (1):

Provided that an appeal may be admitted after the expiry of the period referred to in sub-rule (1), if the appellant satisfies the Tribunal that he or she has sufficient cause for not preferring the appeal within the specified period.

(3) A copy of the order or decision of the Authority or Registrar appealed against shall accompany an appeal to the Tribunal.

4. Forms for making application for appeal.—The form of making applications for appeal to the Tribunal shall be as specified in the Schedule to these rules.

1. *Vide* G.S.R. 772(E), dated 21st September, 2010, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 21st September, 2010.

2. Came into force on 21-9-2010.

SCHEDULE

MANNER OF MAKING APPLICATION AND FORMS FOR APPEAL

| Sl. No. | Section of Plant Varieties and Farmers' Right Act, 2001 | Title | Form Number |
|---------|---|---|-------------|
| (1) | (2) | (3) | (4) |
| 1. | Clause (a) of sub-section (1) of section 56 | Appeal against order or decision of Authority or Registrar, relating to registration of variety; | Form No. 1 |
| 2. | Clause (b) of sub-section (1) of section 56 | Appeal against order or decision of the Registrar relating to registration as an agent or a licensee of a variety; | Form No. 1 |
| 3. | Clause (c) of sub-section (1) of section 56 | Appeal against order or decision of the Authority relating to claim for benefit sharing; | Form No. 1 |
| 4. | Clause (d) of sub-section (1) of section 56 | Appeal against order or decision of the Authority regarding revocation of compulsory licence or modification of compulsory licence; | Form No. 1 |
| 5. | Clause (e) of sub-section (1) of section 56 | Appeal against order or decision of the Authority regarding payment of compensation, made under the Act or rules made thereunder. | Form No. 1 |

BEFORE THE PLANT VARIETY PROTECTION APPELLATE TRIBUNAL
FORM NO. 1

Appeal under sub-section (1) of section 56.....of the Protection of Plant Varieties and Farmers' Rights Act, 2001 filed against order or decision of authority or registrar relating to.....

(To be filed in triplicate)

Title of the Case:

Index

| Sl. No. | Description of documents | Relied upon | No. of Page(s) |
|---------|--------------------------|-------------|----------------|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |

.....
(Signature of the Appellant)

For use in the Tribunal Office

Date of filing

Or

Date of receipt by post

Registration No.

.....
(Signature of the authorized official of Tribunal)

BEFORE THE PLANT VARIETY PROTECTION APPELLATE TRIBUNAL

A.B. (add description such as full name, nationality, address, registered office...)

APPELLANT

C.D. (Add description such as full name, nationality, address, registered office and the residential or official address on which the service of notices is to be effected on the respondent or respondents. The details of each respondent are to be given in a chronological order).

v.

RESPONDENT

DETAILS OF APPEAL

1. Particulars of the order against which the appeal is made:
(Particulars of the order giving the details like the number, date and Authority, which has passed the order against which the appeal is made.)
2. Jurisdiction of the Tribunal:
The appellant declares that the subject-matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.
3. Limitation:
The appellant further declares that the appeal is within the period of limitation specified in the Plant Varieties Protection Appellate Tribunal (Applications and Appeals) Rules, 2010.
4. Facts of the case:
(Give here a concise statement of facts in a chronological order, each paragraph containing a separate issue or fact as neatly as possible.)
5. Grounds for relief with legal provisions:
6. Matters not previously filed or pending with any other court:
The appellant further declares that he had not previously filed any appeal, writ petition or suit before any court or any other authority regarding the matter in respect of which this appeal has been made.
(In case the appellant had previously filed any such appeal, writ petition or suit, the stage at which it is pending, and if decided, the list of the decisions should be given with reference to the number of Annexure to be given in support thereof.)
7. Relief(s) sought:
In view of the facts mentioned above the appellant prays for the following relief(s):—
(Specify the relief(s) sought explaining the grounds for such relief(s) and the legal provisions, if any relied upon).
8. List of enclosures:
 1.
 2.
 3.
 4.

9. All communications relating to these proceedings may be sent to the following address in India:—

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Verification

I,(Name of the appellant) age..... of..... nationality, resident of..... do hereby verify that the contents of para..... to are true to my personal knowledge and para.....to.....are believed to be true on legal advice and that I have not suppressed any material fact.

Dated, this.....day of20.....

Place.....

.....
Signature of the Appellant

.....
(Full name of the Signatory)

To

.....
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BEFORE THE PLANT VARIETY PROTECTION APPELLATE TRIBUNAL
FORM NO. 2

APPLICATION FOR LEAVE TO CONDONE THE DELAY IN
FILING APPEAL UNDER.....

(To be filed in triplicate together with statement of case in triplicate)

In the matter of order or decision of the Authority or Registrar in.....

I/We hereby apply for leave to condone the delay in filing the appeal.

The grounds for making this application are set forth in the accompanying statement.

(To be enclosed on separate sheet duly signed by the applicant)

All communications relating to this application may be sent to the following address in India:—

.....
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Dated this.....day of.....20.....

Place.....

.....
Signature of the Applicant

.....
(Full name of the Signatory)

To

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