

Implementation of PPV & FR Act, 2001 – Our preparedness

K. Rathinavel, S.Manickam, K.N.Gururajan and N.Gopalakrishnan

Throughout the world depending on the nature and tangibility of the intellectual property, different type of rights such as patent, copy rights, trademarks, industrial designs, plant breeders or farmer's rights, protection of undisclosed information, protection of database etc., are granted by the competent authority. In India, thrust on plant variety protection has been envisaged under the provisions of Trade Related aspects of intellectual property rights (TRIPS), which is an integral part of WTO. The article 27.3 (b) of TRIPS agreement provide opportunity to the member countries of WTO to have choice in formulating their own system of plant variety protection either patent or an effective sui generis system. The present sui generis system Protection of Plant Varieties and Farmers Rights Act, 2001 was presented in Lok Sabha on 9 August 2001 and Rajya Sabha on 28 August 2001. It was assented by the President of India on 30 October 2001 and thus it has become a law of the land [PPV & FR Act (No.532 of 2001)], to be implemented for the protection of extant and new plant varieties. The act has an in built mechanism to safe guard the interest of breeders, the researchers and the farmers whom are not only the users of new varieties but also the conservators of broad genetic resources.

The section 14 of PPV & FR Act, 2001 provides wider scope for registration of extant variety, new plant variety, the farmer's variety and the varieties of common knowledge provided it should confirm to the criteria of Novelty, Distinctiveness, Uniformity and Stability. As a part of the implementation of PPV & FR Act, 2001, the preparatory activity for the conduct of DUS was initiated under AICCIP, CICR, Regional Station, Coimbatore during 2003-04. A data base on cotton varieties and hybrids was developed which includes Name of the variety / hybrid, Species to which it belongs, Year of release, the institution that developed the variety, Pedigree of the variety, Notification status, Average yield (q/ha), Ginning percent, Fibre length (mm), Bundle Strength, Micronaire value, Spinning potential (Counts), recommended Eco system etc., A reference collection of 136 cotton genotypes including varieties and parental lines of hybrids have been collected from various cotton breeding stations. Since 2003-04 work on morphological characterization of cotton varieties and hybrids of both tetraploid and diploid have been taken up at various centers.

The seeds were multiplied and stored for testing with candidate varieties in future. For effective testing and monitoring of candidate varieties, the test centers at Central Institute for Cotton Research, Nagpur , National Seeds Project Unit, UAS, Dharwad, Department of Seed Science & Technology, CCS HAU, Hisar, National Seeds Project Unit, PAU, Ludhiana, and AICCIP, Central Institute for Cotton Research, Regional Station, Coimbatore act in integrated manner.

Since DUS test is mandatory for registration of new plant varieties as per PPV & FR Act, 200, a protocol namely the " Draft National Test Guidelines" for the conduct of such test was prepared and submitted for the approval of competent authority. The National Test Guidelines for tetraploid and diploid cotton was developed separately with sub headings such as subject, material required, conduct of tests, methods of observations, grouping of varieties, characters & symbols, table of characteristics, explanation on the table of characteristics and a technical questionnaire. In the table of characteristics for tetraploid species, out of 36 characteristics, 21 are essential which are marked with an asterisk (*), should be examined at every season of growing and included in the description of the varieties. The remaining characteristics are considered helpful in taking the final decision on the variety. Whereas in diploid species, the essential characteristics are 20 with 10 additional characteristics.

In addition to the above, a model agronomic practice for raising cotton (*Gossypium* L.) crop in DUS plots was also developed for inclusion in the DUS test protocols. Field facilities such as fencing, irrigation, transport etc., have been established in all the test centers.