

“FORM 1

[See regulation 10]

APPLICATION FOR REGISTRATION OF NEW VARIETY AND EXTANT VARIETY UNDER PROTECTION OF PLANT VARIETY AND FARMERS' RIGHTS ACT, 2001.

[See section 18, other than essentially derived variety.]

(Instruction to applicant: Wherever a box item appears against queries, please tick the relevant box and provide legibly written/typed response in other queries.)

1.

Identity of the Applicant(s):

- INDIVIDUAL BREEDER
- SUCCESSOR OF BREEDER
- INSTITUTIONAL APPLICANT
- ASSIGNEE OF ANY OF ABOVE¹
- CONVENTION COUNTRY²
- ANY OTHER³

1. An assignee or legal representative applicant shall submit required proof of the right of making the application in accordance with rule 27.
2. The Gazette Notification of Government of India should cover the country of the applicant and that India enjoys such mutual privileges (see rule 31 of the Act)
3. For material developed by participatory plant breeding, attach documents to explicitly show the deal struck between the farmer and the plant breeder.

2. Name(s) and Nationality of Applicant(s)

(a.) (If natural person): [Insert additional rows, if required]

1. Serial Number.
2. Name
3. Complete Address
4. Nationality

(b.) (If a legal person; for example a firm or company or institution)

Name: _____

Address of its seat or establishment: _____

(Registered office): _____

Year of Incorporation: _____

State whether the applicant legal person has non-Indian participation in capital or management:

Yes No

If yes, identify the nationality

(c.) Indicate the name and address of the natural person, being an employee of the legal person, who is duly authorized to represent the legal person (example a director of a company or a partner of a firm):

Name. _____

Designation: _____

Address: _____

Telephone: Fax: _____

E-mail: _____

3. Name and Address of the Person to whom Correspondence related to this application is to be sent: (Attach authorisation in Form-PV-1, if required)

Name: _____

Address: _____

Pin: _____

Telephone: _____

Fax: _____

E-mail: _____

3 (a). Principal place of business or domicile of the applicant:

4. General Information of the Candidate Variety:

Common name of the Crop: _____

Botanical name⁴: _____

Family: _____

Denomination (in block letters): _____

⁴ Botanical names mean the scientific name approved by the International Code for Nomenclature of Cultivated Plants, 2004.

5. Type of Variety (see chapter III of the Protection of Plant Varieties and Farmers' Rights Authority, 2003)

NEW VARIETY

EXTANT VARIETY

6.(a.) Classification of the Candidate Variety:

TYPICAL VARIETY⁵

HYBRID VARIETY*

TRANSGENIC

OTHER (SPECIFY)

5. Typical variety means a variety, which is not a hybrid or an essentially derived variety and normally propagated by using propagules saved from previous crop production cycles (Example: pure lines including parental lines/composite varieties or vegetative propagated varieties).

*The hybrid and not a transgenic hybrid. In case of transgenic attach copy of the Genetic Engineering Approval Committee clearances for cultivation and seed productions.

(b.) What is (are) the Distinctness Uniformity Stability feature on the basis of which registration is sought. Explain in detail the group characters (see specific guidelines for details). Attach 'Technical Questionnaire' sheet with all needed details duly signed with seal.

(c.) If new variety is a transgenic attach clearance on Bio-safety from Ministry of Environment and Forests.

7. Names and Addresses of Breeder(s) who has/have bred the Candidate Variety*:

Name: _____

Address: _____

Telephone: _____

Fax: _____

E-mail: _____

Nationality: _____

*In case of more than one breeder, mention all names as (ii), (iii) and so on in the above format. If required insert extra page.

8.(a.) Details of all other earlier applications made on the candidate variety in convention countries or other countries (if applicable):

Variety denomination: _____

Nature of right applied for: Plant Breeder's Rights Patent

Filing Date
(Attach evidence): _____

Name of Country: _____

Name of Authority: _____

Application Number: _____

Status of Application: Under process Approved Rejected

(If required, repeat the above for each applicable country and attach separate sheet)

(b.) Priority is now claimed in respect of the earliest application for a candidate variety of said denomination (if applicable):

In (country): _____

On (date of application): _____

9. Has the candidate variety been commercialised or otherwise exploited?

Yes No

If yes, please indicate the following:

Date of the first sale of the variety: _____

Country (ies) where Protection is made: _____

Denomination used: _____

Trademark used, if any: _____

Variation in important trait with Respect to first filing: (attach sheet)

10.(a.) If the candidate variety is a hybrid, state whether all the parental lines required for the repeated propagation of the hybrid are bred exclusively by the applicant(s):

Yes No⁶

⁶If no, mention which of the parental line is outsourced, whether letter of agreement is obtained for each of the outsourced protected parental lines in compliance with Section 30 of the Protection of the Plant Varieties and Farmers' Rights Act and also provide following information on each of them:

Parental line (S):

Denominations⁷:

Source:

Authorisation letter obtained: Attached Not attached

⁷Denomination should not be altered from what was used at the source. Information on source may include name of breeder or institution or farmer or farming community who had bred and maintained the parental line. Repeat above information for additional applicable parental line.

(b.) State if any Farmers' Variety or Variety of Common Knowledge or variety in public domain is used as parental line for the repeated propagation of the hybrid:

Yes

No

If yes, give following details:

Denomination:

Geographical Source:

Details of Attribution (origin):

Details of owner farmer /village community/ Institution/ Organisation:

(c.) The Protection of Plant Varieties and Farmers' Rights Act, 2001 provides access to benefit sharing to farmers who have conserved the genetic resource that has contributed towards variety development. In this particular case what sort of farmer/community recognition the Applicant has planned?

11. In case exotic germplasm was used in the derivation of the variety or hybrid, give details:

12. Details on the payment of application fee and Distinctness Uniformity Stability testing fee:

Amount of fee: Rupees (Rupeesonly)

Demand Draft Number and date:

Name of Bank and branch in which the Demand Draft is drawn:

(Signature of the Applicant)

DECLARATIONS

I/We hereby apply for the grant of registration of the candidate variety with the above said denomination and I/we am are conversant with the Protection of Plant Varieties and Farmers' Rights Act, 2001 and Rules thereof related to this application.

I/We hereby declare that no person other than the person or persons mentioned in this application has been involved in the breeding, or discovery or development of the candidate variety.

I/We hereby declare that the candidate variety complies with the sub- section (3) of section 29 of Protection of Plant Varieties and Farmers Rights Act, 2001.

I/We hereby declare that I/we have not applied for or received a trademark for the said denomination of the variety.

I/We hereby attach an affidavit in compliance with clause (C) of sub- section (1) of section 18 of Protection of Plant Varieties and Farmers' Rights Act, 2001.

I/We hereby declare that the information given in this application for the registration of the above said candidate variety, including annexure and all supporting documents are complete, true and correct to the best of my/our knowledge, information and belief and no information has been wilfully concealed.

I/We hereby declare that genetic material or parental material acquired for breeding, evolving or developing the variety has been lawfully acquired.

I/We hereby declare that I/We shall abide by all the provisions and guidelines of Protection of Plant Varieties and Farmers' Rights Act, 2001.

Place: _____

Date: _____

Signature of Applicants⁸

⁸Wherever the applicants are more than one person each applicant has to sign. In the case of authorised application or application by assignees, such person(s) authorised or assigned shall sign

Following are the attachments (duly signed/seal) submitted along with of the application (note that wherever signature is affixed in the application or attachments, all such signatures shall be in the original):

- (a) complete application ;
- (b) document of authorisation in Form PV-1 (if applicable) ;
- (c) document of assignment in Form PV-2 (if applicable);
- (d) documents in support of (b) and (c) as given above. (If applicable);
- (e) affidavit that the Terminator Technology and the Genetic Use Restriction Technology is not involved;
- (f) copy of document on filing date (vide column 8A, if applicable);
- (g) copy of letter of agreement (vide column 10A, if applicable);
- (h) technical Questionnaire for the Candidate variety (attached);
- (i) if the applicants by virtue of succession or an assignment of the right to apply for registration attach a proof to show the right to application as stipulated in sub -section (3) of section 18 of the Protection of Plant Varieties and Farmers' Rights Act, 2001;
- (j) in case of Convention Country applicant attach complete details on the variation in the important trait with respect to first filing as enclosure;
- (k) in case of Convention Country applicant provide information whether the variety has been sold or otherwise disposed of within or outside the convention Country with details thereof;
- (l) in case of transgenic relevant Genetic Engineering Approval Committee clearances and approvals; and
- (m) Fees as applicable;

If felt necessary attach colour pictures of specific characteristics used for establishing distinctness. Please sign each page of the application and other document on the left margin.

FORM II

[See regulation 10]

APPLICATION FOR REGISTRATION OF ESSENTIALLY DERIVED VARIETY (EDV) UNDER PROTECTION OF PLANT VARIETY AND FARMERS' RIGHTS ACT, 2001.

[See section 28 of the Act.]

(Instruction to applicant: Wherever a box item appears against queries, please tick the relevant box and provide legibly written/typed response in other queries.)

1. Identity of the Applicant(s):

- INDIVIDUAL BREEDER
 SUCCESSOR OF BREEDER
 INSTITUTIONAL APPLICANT
 OTHER¹

¹For material developed by participatory plant breeding, attach documents to explicitly show the deal struck between farmer and plant breeder

2. Name(s) and Nationality of Applicant(s)

(a.) (If natural person): [Insert additional rows, if required]

1. Serial Number. _____
2. Name _____
3. Complete Address _____

4. Nationality _____

(b.) (if a legal person; for example a firm or company or institution)

Name: _____

Address of its seat or establishment: _____

(Registered Office)

Year of Incorporation: _____

State whether the applicant legal person has non-Indian participation in capital or management:

Yes

No

If yes, identify the nationality (ies): _____

(c.) Indicate the name and address of the natural person, being an employee of the legal person, who is duly authorized to represent the legal person (example a director of a company or a partner of a firm):

Name: _____
Designation: _____
Address: _____

Telephone: _____
Fax: _____
E-mail: _____

3. Name and Address of the Person to whom Correspondence related to this application is to be sent (Attach authorisation in Form-PV-1, if required)

Name: _____
Address: _____

Telephone: _____
Pin: _____
Fax: _____
E-mail: _____

3(a). Principal place of business or domicile of the applicant:

4. General Information of the Essentially Derived Variety:

Common name of the Crop: _____
Botanical name²: _____
Family: _____
Denomination (in block letters): _____

²Botanical names mean the scientific name approved by the International Code for nomenclature of cultivated plants, 2004.

5.(a.) Type of Essentially Derived Variety

- TRANSGENIC
- MUTANT
- TISSUE CULTURE DERIVED

- BACK CROSS DERIVATIVE
 ANY OTHER (Ploidy Change etc)

(b.) If transgenic attach copy of Genetic Engineering Approval Committee clearance and if the Essentially Derived Variety is a transgenic attach clearance on Bio-safety angle and Environment Department (GEAC) and related seed production permission (Give details)

6.(a.) Classification of the Candidate Variety:

- TYPICAL VARIETY³
 HYBRID VARIETY
 OTHERS (SPECIFY)

³ Typical variety means a variety, which is not a hybrid or an essentially derived variety and normally propagated by using propagules saved from previous crop production cycles (Example: pure lines including parental lines, synthetic/composite varieties or vegetative propagated varieties).

(b.) What is (are) the Distinctness Uniformity Stability feature on the basis of which registration is sought. Explain in detail the group characters (see specific guidelines for details). Attach 'Technical Questionnaire' sheet with all needed details duly signed with seal.

(c.) Whether the authorisation of the breeder of initial variety has been taken

Yes

No

(d.) If yes please attach the copy of Authorisation:

7. Names and Addresses of Breeder(s) who has/have bred the candidate Essentially Derived Variety⁴:

Name: _____

Address: _____

Telephone: _____

Fax: _____

E-mail: _____

Nationality: _____

⁴ In case of more than one breeder, mention all names as (ii), (iii) and so on in the above format. If required insert extra page.

8.(a.) Details of all other earlier applications made on the candidate Essentially Derived Variety in convention countries or other countries (if applicable):
EDV denomination: _____

Nature of right applied for: Plant Breeder's Rights Patent
Filing Date (Attach evidence): _____
Name of Country: _____
Name of Authority: _____
Application Number: _____
Status of Application. Under process Approved Rejected
(If required, repeat the above for each applicable country and attach separate sheet)

(b.) Priority is now claimed in respect of the earliest application for an Essentially Derived Variety of said denomination (if applicable):

In (country): _____
On (date of application): _____

9. Has the Essentially Derived Variety been commercialised or otherwise exploited?

Yes No

If yes, please indicate the following: _____
Date of the first sale of the Essentially Derived Variety: _____
Country of first sale of the Essentially Derived Variety: _____
Denomination used: _____
Trademark used, if any: _____

10.(a.) If the candidate Essentially Derived Variety is a hybrid, state whether all the parental lines required for the repeated propagation of the hybrid are bred exclusively by the applicant(s):

Yes No⁵

⁵If no, mention which of the parental lines are outsourced, whether letter of agreement is obtained for each of the outsourced protected parental lines in compliance with Section 30 of the Protection of Plant Varieties and Farmers' Rights Act and also provide following information on each of them:

Parental line (S):

Denomination⁶:

Source:

Authorisation letter obtained: Attached Not attached

⁶Denomination should not be altered from what was used at the source. Information on source may include name of breeder or institution or farmer or farming community who had bred and maintained the parental line. Repeat above information for additional applicable parental line.

(b.) If the candidate Essentially Derived Variety is a hybrid, state any Farmers' variety of common knowledge or in public domain is used as parental line for the repeated propagation of the hybrid:

Yes

No

If yes, give following details:

Denomination:

Geographical Source:

Details of Attribution (Origin):

Details of owner farmer/village community/Institution/Organisation:

(c.) If the candidate is an Essentially Derived Variety, state whether a variety registered under the Protection of Plant Varieties and Farmers' Rights, Act 2001 and notified in the Plant Variety of Journal of India has been used as the initial variety:

Yes

No

If yes provide

Denomination:

Geographical Source:

Details of owner farmer/village community/Institution/Organisation:

11. In case exotic germplasm was used in the derivation of the Essentially Derived Variety or hybrid give details:

12. Details on the payment of application fee and Distinctness Uniformity Stability testing fees⁷:

Amount of fee: Rupees (Rupeesonly)

Demand Draft Number and date:

Name of Bank and branch in which the Demand Draft is drawn:

⁷The Distinctness Uniformity Stability testing fee for Essentially Derived Variety will be fixed based on the tests to be conducted but will not be less for what has been fixed for varieties under application-I.

(Signature of the Applicant)

DECLARATIONS

I/We hereby apply for the grant of registration of the candidate Essentially Derived Variety with the above said denomination and I am/we are conversant with the Protection of Plant Varieties and Farmers' Rights Act, 2001 and Rules thereof related to this application.

I/We hereby declare that no person other than the person or persons mentioned in this application has been involved in the breeding, or discovery or development of this Essentially Derived Variety denomination.

I/We hereby declare that the candidate Essentially Derived Variety complies with the sub -section (3) of section 29 of Protection of Plant Varieties and Farmers' Rights Act, 2001.

I/We hereby declare that I/we have not applied for or received a trademark for the said denomination of the Essentially Derived Variety.

I/We hereby declare an affidavit in compliance with clause (c) of sub -section (1) of Protection of Plant Varieties and Farmers' Rights Act, 2001 is attached.

I/We hereby declare that the information given in this application for the registration of the above said candidate Essentially Derived Variety, including annexure and all supporting documents are complete, true and correct to the best of my/our knowledge, information and belief and no information has been wilfully concealed.

I/We hereby declare that terminator technology (TT) or Genetic Usage Restrictive Technologies (G URTS) or such ones are not there in this material submitted for registration.

I/We hereby declare that the genetic material or parental material acquired for breeding, evolving or developing the variety has been lawfully acquired.

I/We hereby declare that I/We shall abide by all the provisions and guidelines of Protection of Plant Varieties and Farmers' Rights Act, 2001.

Place: _____

Date: _____

Signature of Applicants⁸

Seal

⁸Wherever the applicants are more than one person each applicant has to sign. In the case of authorised application or application by assignees, such person(s) authorised or assigned shall sign

Following are the attachments submitted along with each of the three copies of the application (note that wherever signature is affixed in the application or attachments, all such signatures shall be in the original):

- (a) complete application;
- (b) document of authorisation in Form PV-1 (if applicable);
- (c) document of assignment in Form PV-2 (if applicable);
- (d) documents in support of (b) and (c) as given above (if applicable);
- (e) affidavit that the Terminator Technology and the Genetic Use Restriction Technology is not involved;
- (f) copy of document on filing date (vide column SA, if applicable);
- (g) copy of letter of agreement (vide column 10A, if applicable);
- (h) technical Questionnaire for the Candidate variety (attached);
- (i) If the applicants by virtue of succession or an assignment of the right to apply for registration attach a proof to show the right to application as stipulated in sub section (3) of section 18 of Protection of Plant Varieties and Farmers' Rights Authority, 2001; and
- (j) Fees as applicable.

If felt necessary attach colour pictures on the distinctness and other traits. Please sign each page of the application and other document on the left margin.

TECHNICAL QUESTIONNAIRE

1 Name of the Applicant/breeder/company: -

2 Year of Establishment: -

3 If registered company under Company's Act 1956 (Give details): -

4 Location of corporate office and address: -

5 Tel/fax/e-mail: -

6 Name of candidate variety:-

(a) Has it been released in any Convention Country earlier

Yes

No

If yes give complete details in column number 13

(b) Pedigree/genealogy: -

(Include schematic diagram giving details of varieties, lines, or clones used in the breeding of candidate variety)

(c) Breeding of Candidate Variety

(i) Origination (Tick the correct one)

Controlled pollination / open pollination / induced mutation / spontaneous mutation / introduction / selection / seedling selection / any other (specify)

(ii) Parental material (name of the parental material, characteristics of the parental material, distinguishable from the candidate variety). If the variety was developed by selection, then the number of selection cycles completed before fixing it.

(iii) Breeding technique/procedure used

(iv) Selection criteria used

(v) Stage of selection and multiplication

(vi) Location where breeding was conducted

7 Particulars of comparative trial conducted by the applicant, if any.

Information on the location, place, period and year/month of comparative trial conducted method of cultivation such as open field, facilities, planting, potting etc., scale of cultivation, reference varieties used, criteria for choice of the reference varieties, design of experiment, method of analysis of variance experimental error where applicable, and other details.

NOTE: Applicant may, furnish data, tables, copy (ies) of publication(s) related to the details of breeding, comparative trial and comparative data in addition to table of characteristics of candidate and reference varieties. This information provided under this item will not be published by the Authority but will be used to facilitate examination of candidate variety.

8 Characteristics of the candidate variety

Please describe characteristics of the variety in the subheadings: Plant, Stem, Leaf, Inflorescence, Flower and flower parts, Fruit and fruit parts, Seed etc. Describe characters within subheadings generally in the following order: habit, height, length, width, size, shape, colour (RHS colour chart reference with edition). Refer the specific guideline wherever necessary for clarity of description.

(a) (i) Give group characters.

9 Characteristics of the reference varieties

(a) Most similar variety

(i) Denomination

(ii) Basis of choice of this variety for comparison

(iii) Distinguishable Characteristics

(b) Other reference variety

(i) Denomination

(ii) Basis of choice of this variety for comparison

(iii) Distinguishable Characteristics

10 Statement of distinctness of candidate variety

Please give a distinctness statement covering a brief summary of the characteristics that distinguish the candidate variety from all varieties of common knowledge. The distinctness statement should include, (i) names of reference variety (ies) that have been observed most similar to the candidate variety, and (ii) salient comparison for major distinguishing characteristics between the candidate variety and the similar/reference variety (ies).

11 Statement on uniformity and stability of candidate variety

Please give a brief statement describing any variation in the variety that may be regarded as part of its normal uniform or stable expression, which is predictable, capable of being described in clear terms and commercially acceptable. This should include description and frequency of any off-types, variants or mutations. In your opinion what should be the frequency of off types or any other describable variation beyond which the candidate variety shall be deemed to be non-uniform. Also please point out which are the traits that may be particularly referred to as indicators to determine an unstable expression of the phenotype of candidate variety.

12 Methods for maintaining the candidate variety

Please provide in a brief statement as to how the propagating material will be maintained throughout the duration of the plant breeder's right, and complete address where the variety will be maintained. This should include status of varieties that are not propagated by seeds including place and method of maintenance and storage of their vegetative material.

NOTE: The holder of a plant breeder's right is responsible for ensuring that propagating material representative of the variety is maintained for the duration of the right.

13 Information on variety registered in Convention Countries.

a. What were the grouping characters in that application for this candidate variety?

(i) _____

- (ii) _____
- (iii) _____
- (iv) _____
- (v) _____
- (vi) _____
- (vii) _____
- (viii) _____
- (ix) _____

b. What was the Distinctness Uniformity and Stability parameter on which it was registered?

- (i) _____
- (ii) _____
- (iii) _____
- (iv) _____
- (v) _____
- (vi) _____
- (vii) _____
- (viii) _____
- (ix) _____
- (x) _____

c. What is the variation in important trait with respect to first filing and the present one (Attach photograph)?

d. **Has the Variety been withdrawn in the first filed country from cultivation or banned or from any of the subsequently released country?**

e. If so, the reasons (supplement with information)?

I/We hereby declare that no person other than the person or persons mentioned in this application has been involved in the breeding, or discovery or development of this denomination.

Date.....

Signature

Signature of Witness and Address _____

Designation of the Breeder/Company with seal

The breeder/company should sign with date each page of the Technical Questionnaire.