

The Protection of Plant Varieties and Farmers' Rights Scheme, 2015

UNION OF INDIA

India

The Protection of Plant Varieties and Farmers' Rights Scheme, 2015

Rule

THE-PROTECTION-OF-PLANT-VARIETIES-AND-FARMERS-RIGHTS-Scheme of 2015

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The Protection of Plant Varieties and Farmers' Rights Scheme, 2015Published vide Notification No. G.S.R. 497(E), dated 15th June, 2015G.S.R. 497(E). - In exercise of the powers conferred by section 46 of the Protection of Plant Varieties and Farmers' Rights Act, 2001 (53 of 2001), the Central Government hereby frames the following scheme, namely:-

Chapter I Preliminary

1. Short title and commencement.

(1)This Scheme may be called the Protection of Plant Varieties and Farmers' Rights Scheme, 2015.(2)They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

- In these Schemes, unless the context otherwise requires,-(a)"Act" means the Protection of Plant Varieties and farmers' Rights Act, 2001 (53 of 2001);(b)"Scheme" means the Scheme framed under the Act;(c)"Schedule" means the Schedule annexed to the Schemes;(d)all other words and expressions used, but not defined in this Scheme, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. Registration of claims.

(1)The claim for purposes of Section 41 shall be filed in triplicate in accordance with the first Schedule before the concerned notified centre.(2)The concerned notified centre upon the receipt of the claim under section 41, shall inform the applicant and forward a copy of it to the Authority and thereafter report its findings to the Authority within a period of thirty days from the date of receipt of such claim.(3)Upon the receipt of the copy of the claim from the concerned notified centre, the Authority shall register the claim which shall be maintained in accordance with the Second Schedule.

4. Maintenance of records and register.

(1)The Authority upon receipt of the report from the concerned notified centre and upon such enquiry and perusal of the report, enter such claim in the register and maintain it in accordance with the Second Schedule.(2)All the documents related to the claim shall be maintained in triplicate.

5. Utilisation of amounts received in satisfaction of such claims.

(1)The compensation awarded by the Authority in respect of such claims shall be utilised by the community for conservation and sustainable use of genetic resources including in situ and ex situ collections and for strengthening the capability of panchayat in carrying out such conservation and sustainable use.(2)The compensation awarded shall be apportioned by the Authority, if necessary, between the community, its panchayat and Bio-Diversity Management Committee in the ratio as deemed fit by it, for the purpose mentioned above.

6. Procedure for disbursal or apportionment.

- If any dispute arises between disbursal or apportionment of the compensation, the Authority shall adjudicate it in the manner as may be deemed fit by it.

7. Utilisation of benefit sharing.

- The Authority shall set-apart ten percent of benefit sharing amount deposited by the registered breeder and shall be utilised for supporting farmers engaged in breeding, discovery or development of varieties in respect of which benefit sharing has been determined.

8. Maintenance and audit of accounts.

- The maintenance and audit of accounts shall be as specified by the Comptroller and Auditor-General of India for Central autonomous bodies.First Schedule[See paragraph 3(1)]Form for Claim of Compensation Under Section 41To,(Name and address of notified centre)

1 Name of the applicant(In Capital Letters)

- 2 Status of the applicant
- Persons Group of persons
Governmental
Non-Governmental
- 3 If non-Governmental, then details of registration.
- 4 Postal address of applicant (for correspondence)
- 5 Name and location of the village or local community
- 6 Name of the registered breeder against whom claim is filed.
- 7 Name of registered variety in respect of which claimed is filed.
- Details of contribution of the village or local community
- 8 in respect of the variety (alleged to be used in the evolution of the registered variety)
- 9 Is the variety still being conserved by the village or local communities? If the answer is yes, give the details
- Whether the variety conserved by the village or local community finds place in People's Bio-diversity Register
- 10

Declaration Name and address/telephone No. /e-mail of the person with whom the Registrar, Protection of Plant Varieties & Farmers' Rights Authority can correspond with: Name (in block letters) _____ Postal address (for correspondence) _____ Block _____

_____ Village _____ P.O. _____
_____ District _____ State _____
_____ Pin _____ Tel. (if any) _____

_____ The information given in the application is true to the best of my knowledge, information and belief. Signature of the applicant It is hereby certified that the farmer named in this application has conserved and improved the material mentioned in this application form. (To be certified by Chairperson/Secretary of the concerned panchayat Bio-diversity Management Committee or concerned District Agricultural Officer or Director of Research of concerned State Agriculture University or Concerned District Tribal Development Office) (Seal, Sign with date) Note: 1. Please sign each page of the application Form.

2. There is no application fee.

3. For details/ information in any column, extra pages can be attached as Annexure.

4. Declaration to be attached.

Second Schedule [See paragraphs 3(2) and 4(1)] Format of register of claims under section 41

Serial number	Applicants name	Details of village or local	Date of filing of claim in	Details of community's variety with	Details of registered variety	Details of breeder of registered	Claim number and year.
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community.		notified centre and details of notified centre.	respect to which claim is filed.	against which claim is filed.	variety against which claim is filed.		
1	2	3	4	5	6	7	8
Date of receipt of claim from notified centre.	Date of receipt of enquiry report from notified centre.	Date of issue of Form O-12 of Third Schedule of Protection of Plant Varieties & Farmers Rights Rules, 2003.	Date of filing of Form PV-27 of First Schedule of PPV&FR Rules 2003.	Details hearing and its outcome.	Amount of compensation.	Deposit of compensation in the Gene Fund.	Date of grant of compensation to claimant.
9	10	11	12	13	14	15	16
Details of utilisation of compensation by the community.		Details of dispute as to utilisation/disbursal of claim amount.		Details of apportionment.		Utilisation for breeding, discovery of development of varieties.	Comments of audit. Others.
17		18		19	20	21	22