

The Protection of Plant Varieties and Farmers' Rights (Use of Denomination of Registered Variety) Rules, 2012

UNION OF INDIA

India

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Rule

THE-PROTECTION-OF-PLANT-VARIETIES-AND-FARMERS-RIGHTS-US of 2012

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The Protection of Plant Varieties and Farmers' Rights (Use of Denomination of Registered Variety) Rules, 2012 Published vide Notification New Delhi, the 17th December, 2012 Ministry of Agriculture (Department of Agriculture and Cooperation) G.S.R. 903(E). - In exercise of the powers conferred by sub-section (1) of Section 68 read with clause (Lxiv) of sub-section (2) of Section 96 of the Protection of Plant Varieties and Farmer's 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 Protection of Plant Varieties and Farmers' Rights (Use of Denomination of Registered Variety) Rules, 2012. (2) They shall come into force on the date of their publication in the official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires, - (i) "Act" means the Protection of Plant Varieties and Farmers' Rights Act, 2001 (53 of 2001). (ii) All other words and expressions used in these rules but not defined, shall have the same meaning respectively assigned to them in the Act.

3. Use of denomination.

- The use of a denomination in relation to a variety registered shall be construed as a reference to the use of printed or other visual representation of the denomination.

4. Indication of details of registration.

- The package or any other container, containing the seeds of a variety registered under the Act shall indicate the denomination and details of registration obtained under the Act.

5. Use of the denomination in relation to a registered variety.

- The use of a denomination in relation to a variety registered shall be construed as a reference to the use of the denomination upon, or in any physical or in any other relation whatsoever, to such variety.

6. Manner of using the denomination in the container.

(1)The denomination shall appear on each container of seed in a conspicuous place on the container in which the seed is packed and on every other covering in which that container is packed and shall be clear and legible.(2)The application of a denomination of a registered variety within the meaning of sub-section (2) and (3) of Section 68 of the Act shall also be construed as a use of denomination.

7. Use of denomination by registered agent or registered licensee.

- The use of a denomination by registered agent or registered licensee shall be construed as use of denomination, where only.(a)the said registered agent or registered licensee is connected in the course of the trade;(b)in respect of which variety the denomination remains registered for the time being;(c)he is registered as licensee or registered agent under the provisions of the Act;(d)he complies with the conditions and limitations to which the registration of a registered licensee or registered agent is subject.

8. Use in India and use for export trade.

(1)Use of a denomination of a variety shall be construed as use in India(2)Applying a denomination in India to a variety to be exported from India shall constitute use of the denomination.