

4	पौधा किस्म परीक्षक	2	अनुभाग अधिकारी	वेतन बेण्ड-3(15600-39100 रु.) ग्रेड वेतन 5400/रु. सहित
5	ज्येष्ठ तकनीकी अधिकारी	5	सहायक	वेतन बेण्ड-2(9300-34800 रु.) ग्रेड वेतन 4600/रु. सहित
6	तकनीकी सहायक	1	तकनीकी सहायक	वेतन बेण्ड-2(9300-34800 रु.) ग्रेड वेतन 4200/रु. सहित
7	कम्प्यूटर सहायक	6	तकनीकी सहायक	वेतन बेण्ड-2(9300-34800 रु.) ग्रेड वेतन 4200/रु. सहित
8	कार्यपालक सहायक	2	तकनीकी सहायक	वेतन बेण्ड-2(9300-34800 रु.) ग्रेड वेतन 4200/रु. सहित

20. मूल नियमों में, छठी अनुसूची में,-

(क) पैरा 2 और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :-

"2अ. कारोबार का मुख्य स्थान या आवेदक का अधिवास

"।

(ख) घोषणा में, अंत में विद्यमान समर्थनकारी प्राधिकारियों के स्थान पर निम्नलिखित रखा जाएगा अर्थात्:-

"[संबंधित पंचायत जैव विविधता प्रबंधन समिति का अध्यक्ष/सचिव या संबंधित जिला कृषि अधिकारी या अनुसंधान निदेशक/ संबंधित राज्य कृषि विश्वविद्यालयों के विस्तारण का निदेशक या संबंधित जिला जनजातीय विकास कार्यालय/ आंचलिक परियोजना निदेशक (आईसीएआर) (कार्यालय खड़ मुहर सहित)]"।

[फा सं 1-24/2012-एसडी.V]

राजेश कुमार सिंह, संयुक्त सचिव

टिप्पण:- मूल नियम भारत के राजपत्र, भाग- II, खण्ड 3, उपखण्ड (i) में सा.का.नि. 738(अ), तारीख 12.9.2003 को प्रकाशित किए गए थे और तत्पश्चात् निम्नलिखित संख्याओं द्वारा संशोधित किए गए हैं :- (i) सा.का.नि. 843(अ), तारीख 30.12.2004, (ii) सा.का.नि. 731(अ), तारीख 14.10.2008, (iii) सा.का.नि. 319(अ), तारीख 11.05.2009, (iv) सा.का.नि. 783(अ), तारीख 27.10.2009, (v) सा.का.नि. 901(अ), तारीख 17.12.2009, (vi) सा.का.नि. 949(अ), तारीख 03.12.2010, (vii) सा.का.नि. 900(अ), तारीख 17.12.2012, (viii) सा.का.नि. 901(अ), तारीख 17.12.2012, (ix) सा.का.नि. 902(अ), तारीख 17.12.2012, (x) सा.का.नि. 115(अ), तारीख 20.02.2013.

MINISTRY OF AGRICULTURE

(Department of Agriculture and Co-Operation)

NOTIFICATION

New Delhi, the 15th June, 2015

G.S.R. 494(E).—In exercise of the powers conferred by Section 96 of the Protection of Plant Varieties and Farmers' Rights Act, 2001 (53 of 2001), the Central Government hereby makes the following rules further to amend the Protection of Plant Varieties and Farmers' Rights Rules, 2003, namely:-

- 1. Short title and commencement.**—(1) These Rules may be called the Protection of Plant Varieties and Farmers' Rights (Amendment) Rules, 2015.
(2) They shall come into force on the date of their publication in the Official Gazette.
- In the Protection of Plant Varieties and Farmers Rights Rules, 2003 (herein after referred to as the principal rules), in rule 8, for sub- rule (1), the following sub- rule shall be substituted, namely:-

“(1) The amount of fees payable in respect of the registration of plant varieties and grant of any right under the Act or any application or any document to be filed under the Act or the rules made thereunder shall be as per the rates specified in the Second Schedule. ”.

3. In the principal rules, in rule 16, in sub - rule (7), after the word “five”, the words “excluding Chairperson and Registrar - General” shall be inserted.

4. In the principal rules, in rule 19, sub-rule (5) shall be omitted.

5. In the principal rules, in rule 20,-

(a) in sub-rule (2), the words “by the method of direct recruitment or contract by selection after conducting interview.” shall be omitted.

(b) for sub-rule (3), the following sub-rule shall be substituted, namely:-

“(3) Notwithstanding anything contained in sub rule (1), the Authority may also appoint such other officers and employees as may be required by it on deputation or on contract basis with the prior approval of the Central Government.”.

6. In the principal rules, in rule 22,-

(a) for sub-rule (2), the following sub-rule shall be substituted, namely:-

“(2) The Authority shall register extant varieties under clause (a) of sub-section (2) of section 8 of such genera or species and within such period as may be determined by it and the suitable test criteria to conform distinctiveness, uniformity and stability (hereinafter referred to as DUS) of such genera or species shall be specified in the Plant Variety Journal of India.”.

(b) after sub-rule (2), the following sub-rule shall be inserted, namely:-

“(2A) The Authority shall register extant varieties (other than farmers variety), if at the date of filing of the application for registration, such variety has not been sold or otherwise disposed of for the purposes of exploitation of such variety for a period of eighteen years in case of trees and vines and fifteen years in other cases.”.

7. In the principal rules, rule 24 shall be omitted.

8. In the principal rules, in rule 29, -

(a) for sub- rule (4), the following sub-rules shall be substituted, namely:-

“(4) The DUS test shall be necessary for all new and extant varieties except essentially derived varieties and for varieties notified under section 5 of the Seeds Act, 1966 (54 of 1966).

4(A) The DUS criteria shall be determined based on report of the All India Coordinated Research Project trials. ”.

(b) sub-rule (5) shall be omitted.

9. In the principal rules, in rule 30, for sub-rule (2), the following sub-rule shall be substituted, namely:-

“(2) Before sending a variety for DUS testing, the Registrar shall publish in the Journal for the purposes of inspection by any person, the name and location of the DUS test centre where such variety will undergo the DUS testing.”.

10. In the principal rules, in rule 31, in sub-rule (4), the words “failing which the Registrar shall decide the merits of the opposition and notify his decision by giving reasons therefore” shall be omitted.

11. In the principal rules, for rule 32, the following rule shall be substituted, namely:-

“32. Compliance with time schedule.— The time schedule provided under these rules for notice of opposition, final opposition, evidence, intervention, written statement and reply shall not ordinarily be extended except by special order of the Authority or Registrar given on an application filed by the person seeking extension of time and on payment of the fee specified in the Second Schedule and such an application for extension shall be in Form PV-5 of the First Schedule.”.

12. In the principal rules, in rule 33:-

(a) In the marginal heading, the words

“evidence and time limit for filing notice of opposition, counter – statement “shall be omitted;

(b) sub-rule (6) shall be omitted.

13. In the principal rules, for rule 35, the following shall be substituted, namely:-
 “35. The manner of testing essentially derived varieties shall be decided by the Authority on a case-to-case basis and the same shall be published in the Plant Variety Journal of India.”.
14. In the principal rules, in rule 53,-
 (a) In sub - rule (4), in clause (a), clause (b) and clause (c), for the word “Registrar” the word “Authority” shall respectively be substituted;
 (b) in sub-rule (5) for the words “Official Gazette” the words “Journal” shall be substituted.
15. In the principal rules, in rule 76, for the marginal heading, the following shall be substituted, namely:-
 “ 76. Manner of issuing certified copy under section 83 and fee payable for obtaining a certified copy for inspection under section 84”.
16. In the principal rules, in the First Schedule,-
 (a) for Form PV-5, of the following Form shall be substituted, namely:-

“FORM PV- 5
 [See rule 32]
THE PROTECTION OF PLANT VARIETIES AND FARMERS’
RIGHTS ACT, 2001
REQUEST FOR EXTENSION OF TIME

I/We¹ hereby request for extension of time for
 months under rule 32 for filing.....

In respect of application No
 The reason for making this application is/are follows:-

- 1
 2

My / address for service in India is as follows:-

.....

Dated this day of 20

Signature²

To

The Authority
 The Plant Varieties Registry
 At

1. Insert the Name (in full), address and nationality of the Applicant.
 2. To be signed by the Applicant(s).”;

- (b) For Form PV-15, the following form shall be substituted, namely:-

“FORM PV - 15
 (See rule 52)
THE PROTECTION OF PLANT VARIETIES AND FARMERS’
RIGHTS ACT, 2001

APPLICATION FOR REVOCATION OF THE CERTIFICATE OF REGISTRATION OF THE PLANT VARIETY REGISTERED UNDER THIS ACT BY ANY PERSON

In the matter of plant variety of crop, having registration No..... registered in the name of Application of hereby made by¹being the² of the abovementioned registered plant variety for revocation of the certificate on one of the following grounds and in circumstances that are stand fully in the accompanying statement:

- that the grant of certificate of registration has been based on incorrect information furnished by the applicant.
- that the certificate of registration has been granted to a person who is not eligible for protection under this Act.

- that the breeder did not provide the Registrar with such information, documents or materials as required for registration under this Act.
- that the breeder has failed to provide an alternative denomination of the variety which is subject-matter of the registration to the Registrar in case where the earlier denomination of such variety provided to the Registrar is not permissible for registration under this Act.
- that the breeder did not provide the necessary seeds or propagating material to the person to whom compulsory license has been issued under section 47 regarding the variety in respect of which registration certificate has been issued to such breeder.
- that the breeder has not complied with the provisions of this Act or rules or regulations made there under.
- that the breeder has failed to comply with the direction of the Authority issued under this Act.
- that the grant of certificate of registration is not in the public interest.

All the communications relating to this application may be sent at the following address:-

³

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

Signature⁴.....

To

The Authority
The Plant Varieties Authority Registry
At⁵

1. Insert the name of the applicant.
2. Nature of relationship of the applicant with the registered plant variety.
3. Address of the applicant.
4. Signature of the applicant or his agent.
5. State the name of the place of the appropriate office of the Plant Varieties Registry.”;

(c) for Form PV-16, the following Form shall be substituted

“FORM PV-16

[See rule 53(2)]

THE PROTECTION OF PLANT VARIETIES AND FARMERS’ RIGHTS ACT, 2001

NOTICE OF OPPOSITION TO OPPOSE THE REVOCATION OF CERTIFICATE OF REGISTRATION OF PLANT VARIETY

In the matter of application for revocation of certificate of registration by¹I/We² who is the registered breeder, hereby give notice of my intention to oppose the revocation of certificate, of plant variety....., of crop....., having registration No.....notice of which was received by me, dated theday of.....20..... sent by the Registrar of plant variety.

The written statement stating the facts and grounds of opposition are as follows:-

³

All the communications in relation to these proceedings may be sent to the following address in India:-

⁴

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

Signature⁵.....

To

The Authority
The Office of the Plant Variety Registry
At⁶

1. Name of the person making an application for revocation of plant variety.
2. Name of the registered breeder.
3. Written statement setting out the nature of the opponent's interest, the facts upon which he bases his case and the relief, which he seeks. The opponent may furnish any documents upon which the opponent relies on as annexure to this notice of opposition.
4. Name and address of his principal of business or residence.
5. Signature of the person making this application for opposition or is agent.
6. State the name of the place of the appropriate office of the plant variety registry.”;

(d) For Form PV-17, the following shall be substituted, namely:-

“FORM PV-17

[See rule 53(4)]

**THE PROTECTION OF PLANT VARIETIES AND FARMERS’
RIGHTS ACT, 2001**

APPLICATION FOR AN OPPORTUNITY OF BEING HEARD

In the matter of the application made under Section¹..... dated..... day of20.....I²the applicant or the opponent hereby making an application to the Registrar to provide an opportunity of being heard in reference to the above matter. It is requested that the time and place of the hearing by kindly intimated to me in the following address:-

³

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

Signature⁴

To

The Authority
The Office of the Plant Varieties Registry
At⁵

1. Insert particulars such as section No., Form No. and also the name of the applicant making an application for revocation.
2. Name of the person making this notice.
3. Address of the person giving this notice.
4. Signature of person giving the notice or of his agent.
5. State the name of the place of the appropriate office of the Plant Variety Registry.
6. Strike out whichever is not necessary.”.

17. In the principal rules, for the Second Schedule, the following Schedule shall be substituted, namely:--

“SECOND SCHEDULE

(See rule 8)

FEE

Sl. No.	Fee payable on matters	Amount of fee	Form number
(1)	(2)	(3)	(4)
1.	Conducting tests	1) Depend on the nature and type of test subject to a maximum of Rs.2,00,000/- per entry	---

		2) For On-farm DUS testing, fee shall depend on the location of DUS test sites subject to a maximum of four times of the fee specified for item (1)	
2.	Notice of opposition	Rs.10,000/-	PV3
3.	Counter statement	Rs.2,000/-	PV4
4.	Extension of time	Rs.5,000 /-per month.	PV5
5.	Fees for registration of essentially derived varieties	Individual-Rs.7,000/- Educational-Rs.10,000/- Commercial-Rs.50,000/-	---
6.	Fees for registration of extant variety as notified under section 5 of the Seeds Act, 1966 (54 of 1966)	Rs.2,000/-	---
7.	Fees for registration of any variety of the genera and species other than extant varieties and farmers' varieties as specified in clause (a) of section 14 read with sub-section (2) of section 29 of the Act.	Individual-Rs.7,000/- Educational-Rs.10,000/- Commercial-Rs.50,000/-	---
8.	Fees for registration of a variety about which there is common knowledge i.e., the extant variety as specified under clause (j)(iii) of section 2 of the Act.	Individual-Rs.7,000/- Educational-Rs.10,000/- Commercial-Rs.50,000/-	---
9.	Renewal fee	Individual - Rs. 7,000/- Educational- Rs 10,000/- Commercial - Rs. 80,000/- Per year	PV6
10.	Application for benefit sharing	Rs.10,000/-	PV7
11.	Notice of opposition for benefit sharing	Rs.5,000/-	PV8
12.	Application for registering as agent/licensee	Rs.15,000/-	PV9
13.	Application for variation/cancellation of the terms of registration	Individual-Rs.3,000/- Educational –Rs.5,000/- Commercial-Rs.10,000/-	PV10
14.	Notice of opposition to application for variation/cancellation of terms of registration	Rs.5,000/-	PV11
15.	Application of surrender of certificate of registration of plant variety	Rs.5,000/-	PV 12
16.	Notice of opposition for offer to surrender the certificate	Rs.5,000/-	PV 13
17.	Application to revoke certificate of registration	Rs.20,000/-	PV 15
18.	Notice of opposition to application to revoke certificate of registration	Rs.5,000/-	PV 16
19.	Application for cancellation or change of the certificate of registration of a plant variety	Rs.10,000/-	PV 18

20.	Application for correction in National Plant Variety Register	Rs.10,000/-	PV 19
21.	Notice of opposition for application for correction in National Plant Variety Register	Rs.5,000/-	PV 20
22.	Application for correction in National Plant Variety Register by owner/breeder	Rs.10,000/-	PV 21
23.	Application for correction in National Plant Variety Register by registered agent or licensee	Rs.5,000/-	PV 22
24.	Application to alter denomination of a registered plant variety	Rs.20,000/-	PV 23
25.	Notice of opposition to application to alter denomination of a registered plant variety	Rs.10,000/-	PV 24
26.	Notice of opposition to application for claiming compensation	Rs.5,000/-	PV 26
27.	Notice of opposition to application for claiming compensation	Rs.5,000/-	PV 27
28.	Application for grant of compulsory license	Rs. 25,000/-	PV 28
29.	Notice of opposition to an application for grant of compulsory licence	Rs.10,000/-	PV 29
30.	Application for revocation of compulsory licence	Rs.10,000/-	PV 30
31.	Notice of opposition for application for revocation of compulsory licence	Rs.5,000/-	PV 31
32.	Request for inspection of entry in Plant Varieties Register under section 84	Rs. 1000/- (per entry)	PV 33
33.	Request for certified copies under section 84	Rs. 500/- per page.	PV 33”.

18. In the principal rules, in the Third Schedule, against Form number O-12, for the existing entry under column (3), the following entry shall be substituted, namely:-

“Notice for compensation towards communities’ rights”.

19. In the principal rules, for the Fourth Schedule, the following Schedule shall be substituted, namely:--

“FOURTH SCHEDULE

[See rule 20(1)]

Serial Number.	Name of post.	Number of post.	Equivalent post under the Central Government.	Pay band or grade pay or pay scale.
(1)	(2)	(3)	(4)	(5)
1.	Financial Advisor	1	Director	Pay band-4 (Rs. 37400-67000) with grade pay of Rs. 8700/-.
2.	Legal Advisor	2	Under Secretary	Pay band-3 (Rs. 15600-39100) with grade pay of Rs. 6600/-.
3.	Senior Accounts Officer	1	Under Secretary	Pay band-3 (Rs. 15600-39100) with grade pay of Rs. 6600/-.
4.	Plant Variety Examiner	2	Section Officer	Pay band-3 (Rs. 15600-39100) with grade pay of Rs. 5400/-.

5.	Senior Technical Officer	5	Assistant	Pay band-2 (Rs.9300-34800) with grade Pay of Rs. 4600/-.
6.	Technical Assistant	1	Technical Assistant	Pay band-2 (Rs. 9300-34800) with grade pay of Rs. 4200/-.
7.	Computer Assistant	6	Technical Assistant	Pay band-2 (Rs. 9300-34800) with grade pay of Rs. 4200/-.
8.	Executive Assistant	2	Technical Assistant	Pay band-2(Rs. 9300-34800) with grade pay of Rs.4200/-.

20. In the principal rules, in the Sixth Schedule,-

(a) after paragraph 2 and the entries relating thereto, the following shall be inserted, namely:-

“2A. Principal place of business or domicile of the applicant

_____”.

(b) in the declaration, for the existing endorsing authorities at the end, the following shall be substituted, namely:-

“[(Chairperson/Secretary of the Concerned Panchayat Biodiversity Management Committee OR Concerned District Agricultural Officer OR Director of Research/ Director of Extension of concerned State Agricultural Universities OR Concerned District Tribal Development Office/Zonal Project Director (ICAR) (with Official Rubber Stamp)]”.

[F. No. 1-24/2012-SD.V]

RAJESH KUMAR SINGH, Jt. Secy.

Note:-The principal rules were published in the Gazette of India, Part II, Section 3, Sub-section (i) vide number G.S.R. 738(E), dated the 12th September, 2003 and subsequently amended by the following numbers:- (i) G.S.R. 843(E), dated the 30th December, 2004, (ii) G.S.R. 731(E), dated the 14th October, 2008, (iii) G.S.R. 319(E), dated the 11th May, 2009, (iv) G.S.R. 783(E), dated the 27th October, 2009, (v) G.S.R. 901(E), dated the 17th December, 2009, (vi) G.S.R. 949(E), dated the 3rd December, 2010, (vii) G.S.R. 900(E), dated the 17th December, 2012, (viii) G.S.R. 901(E), dated the 17th December, 2012, (ix) G.S.R. 902(E), dated the 17th December, 2012 and (x) G.S.R. 115(E), dated the 20th February, 2013.

अधिसूचना

नई दिल्ली, 15 जून, 2015

सा.का.नि.495(अ)--केन्द्रीय सरकार पौधा किस्म और कृषक अधिकार संरक्षण अधिनियम, 2001 (2001 का 53) की धारा 39 की उप-धारा (1) के खण्ड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पौधा किस्म और कृषक अधिकार संरक्षण (जीन निधि से मान्यता और पुरस्कार) नियम, 2012 का संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :-

- संक्षिप्त नाम और प्रारंभ-** (1) इन नियमों का संक्षिप्त नाम पौधा किस्म और कृषक अधिकार संरक्षण (जीन निधि से मान्यता और पुरस्कार) संशोधन नियम, 2015 है।
(2) ये नियम राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।
- पौधा किस्म और कृषक अधिकार संरक्षण (जीन निधि से मान्यता और पुरस्कार) नियम, 2012 (जिनको इसमें इसके पश्चात् उक्त नियम कहा गया है) में नियम 2 के उप-नियम (3) में "एक लाख रूपए नकद" शब्दों के स्थान पर "नकद की ऐसी राशि, जो केन्द्रीय सरकार द्वारा विनिश्चित की जाए" शब्द रखे जाएंगे।
- मूल नियमों के नियम 3 में, उप-नियम (2) में, "प्रशंसा पत्र और स्मृति चिन्ह" शब्दों के स्थान पर "प्रशंसा पत्र, स्मृति चिन्ह और नकद की ऐसी राशि, जो केन्द्रीय सरकार द्वारा विनिश्चित की जाए" शब्द रखे जाएंगे।

[फा. सं 1-24/2012-एसडी.V]

राजेश कुमार सिंह, संयुक्त सचिव

टिप्पण मूल नियम भारत के राजपत्र, भाग-II, खण्ड 3, उपखण्ड(1) में अधिसूचना सा.का.नि.601 (अ) तारीख 31.7.2012 द्वारा प्रकाशित किए गए थे।