

PPV&FR Act:

Farmers' (Seed) Rights Law?

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ASHA Webinar:
Protection of Farmers' Seed Rights in India
30 October 2020

VARIETIES WITH NO IPR

No intellectual property rights (IPR) on seeds and plants **is**/has been the norm.



VARIETY HAS IPR

('REGD' under the PPV&FR Act, 2001)

The said law defines farmers' seed freedoms:

a farmer shall be 'deemed to be entitled' to…

BY STATUTE

VARIETIES WITH NO IPR

Farmers have inherent seed freedoms that pre-date modern laws



Pre-IPR in India

(under the Seeds Act, 1966)

The said law has an exemption:

it shall not apply to farmers' seeds and

F2F sales!

Section 24

Seeds Bill, 2019?

NO IPR

Farmers never asked for private rights on seeds.

Freedoms not time-bound, always!



Breeders seek IPR

(granted by the PPV&FR Authority)

If variety is regd, then

for 15 yrs – crops

for 18 yrs – trees/vines

farmers' (seed) rights w.r.t. the variety as per the PPV&FR Act

NO IPR

Farmers' seed quality,

TLS

PGS

Trusted networks

Local VCU



Breeder having IPR

(with valid Plant Variety Certificate)

If variety does not perform farmers' rights as consumers:

- compensation

No case so far!

NO IPR

Farmers' seed prices,

< proprietary varieties;

Often either barter or exchange



Breeder having IPR

If variety not available at reasonable price

farmers as consumers:

- compulsory license provision

Never invoked by PPV&FR Authority!

VARIETY HAS NO IPR

'Informal'/ 'Traditional' Farmer-Managed Seed Systems:

Village *Haats/Beej Melas;*

Seed networks, 'alternatives'

like OSS.



VARIETY HAS IPR

('REGD' under PPV&FR Act, 2001)

Formal/

Official Seed System:

- Global Market/MNCs, seed co.s
- Public Sector (ICAR, SAUs)

New varieties!

VARIETY HAS NO IPR

Folk
Varieties,
Landraces,
Traditional
Cultivars

Awarded ‘plant genome saviour’



VARIETY HAS IPR

(Farmer-breeders under PPV&FR Act, 2001)

i) File for ‘New’

None!

ii) File as **farmers’ varieties (FVs)**

and get IPR on them too.

FVs most no. regd, but…

in extant category.

VARIETY HAS NO IPR

Farmers time-honored seed practices are neither restricted by law nor by technology.



VARIETY HAS IPR

(FR under PPV&FR Act, 2001)

Farmers can

1. Save
2. Use
3. Sow
4. Resow
5. Exchange
6. Share

SEED℗

of a protected variety...

All these actions can potentially be made useless by new plant breeding technologies!

International Law (ITPGRFA, 2004)

Nothing in this Article shall be interpreted to limit any rights that farmers have to

save, use, exchange and sell farm-saved seed/propagating material,

subject to national law and as appropriate.

- Article 9.3



National Law (PPV&FR ACT, 2001)

...a farmer shall be deemed to be entitled to save, use, sow, resow, exchange, share or sell his farm produce including seed of a variety protected under this Act in the same manner as he was entitled before...this Act,

PROVIDED

...the farmer shall not be entitled to sell branded seed of a protected variety

- Section 39(1)(iv)

International Law (UNDROP) 2018

Peasants' Right to Seeds

- to save, use, exchange and sell their farm-saved seed or propagating material;

- Article 19



National Law (PPV&FR ACT, 2001)

Limited scope/no space for small farmers (as breeders) to sell/market/distribute/export their seeds in the formal seed market dominated by large players.

International Law (UNDROP) 2018

Peasants' Right to Seeds

- the right to maintain, control, protect and develop their own seeds and traditional knowledge;

- Article 19



National Law (PPV&FR ACT, 2001)

Gene Fund

to be applied for

- for *in situ* conservation & for strengthening Panchayat for conservation & sustainable use

- recognition & reward to farmers who conserve land races & wild relatives

PPV&FR Authority

may provide for compulsory cataloguing facilities for all varieties of plants

International Law (UNDROP)

State Obligations

- To respect, protect and fulfill the right to seeds of peasants
- To recognize the rights of peasants to rely either on their own seeds or on other locally available seeds of their choice and to decide on the crops and species that they wish to grow.
- States shall take appropriate measures to support peasant seed systems and promote the use of peasant seeds and agrobiodiversity.



(UNDROP Contd.)

States shall ensure that seed policies, plant variety protection and other intellectual property laws, certification schemes and seed marketing laws respect and take into account the rights, needs and realities of peasants and other people working in rural areas.

PPV&FR Act

- Article 19

Thank you.

Support farmers' seeds,

promote local crops.

Extend your seed solidarity!

- Shalini

Feedback welcome.

Email: emailsbhutani@gmail.com

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