

The legal protection of public and private plant varieties in India: A comparative analysis

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The enforcement and implementation of Protection of Plant Varieties and Farmers' Rights Act, 2001 has influenced the seed industry in a big way in India. The Protection of Plant Varieties and Farmers' Rights Authority has so far received 3984 applications for registration of plant varieties out of which 487 have been granted Certificates of Registration (CoR). It is interesting to note that farmers' varieties formed 29 percent of all the applications received. Crop-wise analysis of issue of CoR revealed that cereals, (such as maize, bread wheat, rice, pearl millet and sorghum) and cotton along with few pulses formed more than 90 percent of the varieties granted CoR. Public sector contributed for 83 percent of the total CoR issued in all categories of varieties. But in case of new varieties the private sector dominated with a share of almost 90 percent. Two private seed companies namely, Monsanto India Limited and MAHYCO together contributed 16 new varieties out of total 34 new varieties granted CoR. Maize and cotton together contributed for 66 percent of new varieties granted CoR. The widening gap between the public and private sector seed companies in the development of innovations (new varieties, hybrids and proprietary technologies) and getting plant variety protection is alarming. The public sector seed industry has to be revitalised to address the present day challenges of competitiveness in R&D, market access, and efficient technology transfer systems. India is the first country in the world to grant registration for farmers' varieties and this has implications for the developing countries to follow this unique model.

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