Section 24(5) of PPVFRA declared void

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Section 24(5) of the Protection of Plant Varieties and Farmers' Rights Act, 2001 declared void by the Delhi High Court. Prabhat Agri Biotech Ltd, Nuziveedu Seeds (P) Ltd and Kaveri Seed Company Ltd. challenged the vires of section 24(5) of the Protection of Plant Varieties & Farmers' Rights Act 2001 in a writ before the Delhi High Court, with an application for intervention made by Pioneer Overseas Corporation. The writ was allowed by the court. It agreed with the petitioner and held that, "*although the provision envisages the issuance of orders to injunct the commission of abusive acts, it does not explain what acts are to be considered abusive. This further fortifies the argument that the Registrar has been vested with unbridled power under the Act*". The court further went on to state that, "*The term "abusive act" is not defined; likewise, the question of decision taken by the authority on such application. More importantly the decision – final – taken upon an application for registration according to the provision is "by the Authority". Authored by Gitika Suri. Patents Rewind* Read more about Archana Shanker's talk at the Punjab Agricultural University to on the confluence of plant variety and patent laws.

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