Intellectual Property Rights - Actions Beyond Power in Indian IP Scenario

Thought Leadership • September 22, 2017

Neeti Wilson discusses the challenge to section 24(5) of the Protection of Plant Varieties and Farmers' Rights Act 2001 and more in Expert Guides. India is an agriculture based economy even when it is India being recognized as the global power in the key economic sectors with consistent high economic growth. Indian agriculture contributes to 8% global agricultural gross domestic product to support 18% of world population. Indian biodiversity boasts of nearly 8% of the world's documented animal and plant species. Agriculture contribution in the gross domestic product in India is about 15% and the agriculture sector provides employment to about 52% of the workforce. Therefore, conservation of natural resources, maintenance of biological wealth and acceleration of agricultural growth to feed the ever-increasing population are considered of paramount importance. The Protection of Plant Varieties and Farmers' Rights Act, 2001 (PPVFRA), the Indian sui-generic statute for IPR over Plant varieties is therefore expected to have maximum impact on the Indian IPR regime. The Indian legislation is not only in conformity with International Union for the Protection of New Varieties of Plants (UPOV), 1978, but also have sufficient provisions to protect the interests of public sector breeding institutions and the farmers. The legislation recognizes the contributions of both commercial plant breeders and farmers in plant breeding activity and also provides to implement TRIPs in a way that supports the specific socio-economic interests of all the stakeholders. The Plant Variety protection system is functional only for a decade and its first constitutional controversy has already reached the Apex Court in India. The PPVFRA is being reviewed by the Supreme Court of India for the provisional rights provided to the plant variety applications pending for registration before the Registrar of Patents which were declared void by the Delhi High Court. *Published in Expert Guides*.

RELATED PRACTICES

PATENTS