Pioneeer Overseas Corp versus Kaveri Seeds

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Pioneer Overseas Corp, a DuPont group company, accused Hyderabad-based plant breeder Kaveri Seeds of copying the gene structure of a variety of corn developed by the US-based firm. Under the Protection of Plant Variety and Farmers Right Act, 2001, a provision allowed the Registrar of Plant Varieties to pass interim orders (such as an injunction) against breeders of seeds and plant varieties, till the time an application attained registration. In addition to being constitutionally unsound, this provision also gave such powers to the Registrar, which was not conferred upon any other Registrar under other IP legislations. In a writ petition filed by certain seed companies in India, the Delhi High Court had ruled that the provision was arbitrary, constitutionally unsound and that the Registrar was granted unreasonably wide powers. In a bold move, Pioneer Overseas Corporation (one of the interveners in the writ petition before the Delhi High Court), through Anand and Anand approached the Supreme Court of India and challenged the order passed by the Delhi High Court. Although interim orders in matters challenging the final orders passed by the writ court at a preliminary stage in the appeal is a rather rare feat, Pioneer was successful in obtaining a stay of the order which rendered the above-mentioned provision as constitutionally invalid. The victory marks a monumental feat in the regime governing plant varieties in India. The matter was recognized by IBLJ Deals of the Year 2017.

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