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High Court Bars Civil Courts from Deciding Validity of Plant Variety Registrations in Infringement Cases

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In July, the Calcutta High Court ruled in favor of Pan Seeds Pvt. Ltd. (Pan) in an appeal against a District Court's decision to dismiss Pan's interim injunction application. Pan had filed a suit against Ramnagar Seeds Farm Pvt. Ltd. and Ors. (RSF) for alleged infringement of its registered seed variety under the Protection of Plant Varieties and Farmers' Rights Act (PPVFRA).

The order states that the intention of the law, as outlined in Section 89 of the PPVFRA, is clearly to prevent civil courts from interfering with matters within the authority or jurisdiction of the relevant regulatory bodies or the Registrar.

Pan was granted the registration of their rice seed variety in 2018, which they claimed was genetically related to the RASI variety but with a distinguishing white stigma, without any recorded oppositions. Earlier, Pan had also obtained trademark registration for marks 'JAMUN' and 'PAN 804', under the Trade Marks Act, 1999 in 2009 and 2016, respectively. Pan argued that RSF was using, selling, and producing seeds, under the names JAMUN and DURONTO, which were identical to their registered plant varieties 'PAN 804' in terms of the white stigma.

Pan filed a suit with an application for an injunction against RSF at the District Court on this basis. However, the District Court dismissed the suit. It stated that the distinctiveness and distinguishing characteristics of a registered plant variety with contesting plant varieties could be evaluated under the PPVFRA, as is done under respective laws in the

case of contesting trademarks or patents. Relying on such reasoning the District Court concluded that the certificate of registration of Pan's registered plant variety did not indicate any distinctive and distinguishing characteristics.

Consequently, Pan challenged this decision in the High Court, arguing that the District Court had no authority to decide the validity of the registration, neither prima facie nor finally; and such power is vested only with the Plant Variety Authority, or the Registrar specified in the PPVFRA. Pan also argued that under Sections 34 and 36 of the Act, only the Registrar has the authority to reconsider or cancel the registration of a plant variety and the lower courts do not have the power to conduct a preliminary assessment of the validity of plant variety registration of 'PAN804'. In addition, Pan raised an objection before the High Court regarding the lower court's ruling, which permitted RSF to submit a 1,500-page affidavit in response to Pan's case without granting Pan an opportunity to provide a reply.



In response, RSF argued that the only unique feature of Pan's variety is the 'white stigma', which is also present in other varieties as per the Distinctness, Uniformity and Stability (DUS) Testing. RSF also relied on Section 76 of the PPVFRA, which provides that in a criminal trial an accused charged with an offence under the Act, may plead the invalidity of registration as a defence. RSF argued that the same should be allowed in the infringement suit, a civil proceeding. However, the High Court rejected the RSF's argument and clarified that unlike the Trade Marks Act, 1999, which requires the validity of registration to be established before the proprietor can use the mark exclusively, Section 31 of the PPVFRA provides that registration itself is prima facie evidence of validity.

The High Court explained that Section 89 of PPVFRA...prohibits civil courts from determining any matter over which the authority or the Registrar has jurisdiction and concluded that once a plant variety is registered under Section 24 of PPVFRA, then civil courts cannot even prima facie test the validity of such registration.

The High Court also explained that Section 89 of PPVFRA, similar to Section 93 of the Trade Marks Act, prohibits civil courts from determining any matter over which the authority or the Registrar has jurisdiction and concluded that once a plant variety is registered under Section 24 of PPVFRA, then civil courts cannot even prima facie test the validity of such registration.

The Court also dismissed RSF's argument that Pan did not submit a detailed description of the Variety before the Registrar and hence cannot claim novelty of their plant variety. The Court held that the issue was immaterial in the District Court's injunction application since it had no jurisdiction to go into the question of validity of registration.

As a passing note, the Court also suggested that if a suit alleging infringement is filed under the PPVFRA and the infringing party claims that the registration is invalid, the civil court must treat the registration as valid and proceed with the case. However, if the infringing party can show that they have taken diligent steps against the registration of plant variety before the appropriate authority or the Registrar, the respective court may adjourn the proceeding of the suit to give them a chance to prove their point. This is similar to the procedure that was followed under the Trade Marks Act before it was amended in 2021. It is important to note that only the suit can be adjourned, not any interim applications.

The outcome of this case sets a precedent and provides guidance for future cases involving plant variety protection rights. It emphasizes the role of the Plant Variety Authority or Registrar in determining the validity of registrations and restricts the scope of civil courts in deciding such matters. This ruling may influence similar cases and establish a clearer framework for resolving disputes related to plant variety rights.