

**Agricultural And Processed Food Products Export  
Development Authority (Amendment) Act, 2009**

**20 of 2009**

**[06 March 2009]**

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**Agricultural And Processed Food Products Export  
Development Authority (Amendment) Act, 2009**

**20 of 2009**

**[06 March 2009]**

An Act to amend the Agricultural and Processed Food Products Export Development Authority Act, 1985 Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:--

**1. Short Title And Commencement :-**

- (1) This Act may be called the Agricultural and Processed Food Products Export Development Authority (Amendment) Act, 2009.
- (2) It shall be deemed to have come into force on the 13th October, 2008.

**2. Amendment Of Section 2 :-**

In the Agricultural and Processed Food Products Export Development Authority Act, 1985(2 OF 1986) (hereinafter referred to as the principal Act), in section 2,--

- (a) in clause (g), for the words "Scheduled products", the words "Scheduled products or, as the case may be, Special products" shall

be substituted;

(b) in clause (i), for the words "the Schedule", the words "the First Schedule" shall be substituted;

(c) after clause (i), the following clause shall be inserted, namely:--

(j) "Special product" means any of the agricultural or processed food products included in the Second Schedule..

### **3. Substitution Of New Section For Section 3 :-**

For section 3 of the principal Act, the following section shall be substituted, namely:--

"3. Power to amend the Schedule - The Central Government may, having regard to the objects to this Act, and if it considers necessary or expedient so to do, by notification in the Official Gazette, add to, or, as the case may be, omit from, the First Schedule or the Second Schedule any agricultural or processed food product and on such addition, or as the case may be, omission, such product shall be, or shall cease to be, a Scheduled product or Special product as the case may be."

### **4. Amendment Of Section 4 :-**

In section 4 of the principal Act, in sub-section (4), in clause (h), for sub-clause (iii), the following sub-clause shall be substituted, namely:--

"(in) other Scheduled products or Special products industries;"

### **5. Insertion Of New Section 10A :-**

After section 10 of the principal Act, the following section shall be inserted, namely:--

10A. Functions in respect of Special products, etc.-Without prejudice to any law for the time being in force, it shall be the duty of the Authority to undertake, by such measures as may be prescribed by the Central Government for registration and protection of the Intellectual Property rights in respect of Special products in India or outside India.

Explanation.-- For the purpose of this section "Intellectual Property" means any right to intangible property, namely, trade marks, designs, patents, geographical indications or any other similar intangible property, under any law for the time being in force..

### **6. Amendment Of Section 32 :-**

In section 32 of the principal Act, in sub-section (2), after clause (h), the following clause shall be inserted, namely:--

"(ha) the measures for registration and protection of the Intellectual Property rights under section 10A;".

#### **7. Insertion Of Section 35 :-**

After section 34 of the principal Act, the following section shall be inserted, namely:--

"35. Validation - All things done, or, omitted to be done, and all actions or measures taken, or, not taken, during the period beginning on or after the 13th day of October, 2008 and ending immediately before the date of commencement of the Agricultural and Processed Food Products Export Development Authority (Amendment) Act, 2009, shall, in so far as they are in conformity with the provisions of this Act, as amended by the Agricultural and Processed Food Products Export Development Authority (Amendment) Act, 2009, be deemed to have been done, or, omitted to be done, or, taken, or, not taken, under the provisions of this Act, as amended by the Agricultural and Processed Food Products Export Development Authority (Amendment) Act, 2009, as if such provisions were in force at the time such things were done or omitted to be done and actions or measures taken or not taken during the said period."

#### **8. Amendment Of The Schedule :-**

The Schedule to the principal Act shall be numbered as the First Schedule and after the First Schedule as so numbered, the following Schedule shall be inserted, namely:--

"THE SECOND SCHEDULE

[See section 2(j)]

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