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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
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ADMINISTRATIVE AND LEGAL COMMITTEE

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UPOV-ROM PLANT VARIETY DATABASE

Document prepared by the Office of the Union

1. The purpose of this document is to provide an update on developments concerning the Plant Variety Database (UPOV-ROM) and to consider certain proposals concerning the Plant Variety Database.

2. PLANT VARIETY DATABASE

Improvements to the UPOV-ROM

3. At its fifty-first session held in Geneva on April 7, 2005, the Administrative and Legal Committee (CAJ) considered document CAJ/51/2. Document CAJ/51/2 explained that, in response to the discussions at the fortieth session of the Technical Committee (TC) and the forty-ninth session of the CAJ and, in particular, the wish that the Plant Variety Database should continue to be produced in its current UPOV-ROM format for the foreseeable future, even if a web-based version is developed alongside, the Office of the Union (Office) had reviewed its planned program. Instead of focusing work on the development of the new web-based media, priority would be focused on improvements which could equally be realized in the UPOV-ROM format, namely:

(a) introduction of the UPOV code;

(b) improving the ease of contributing data to the UPOV-ROM through the development of a data submission table allowing data to be provided without the use of TAG format;

(c) providing training in the use of the UPOV-ROM.

4. In relation to the UPOV code, a number of members of the Union now include the UPOV codes in their UPOV-ROM data. A report on the use of UPOV codes by members of the Union and other contributors is presented in the Annex to this document.

5. The Office, in conjunction with the IT Division of the World Intellectual Property Organization (WIPO IT Division), has been working on the development of a data submission table to improve the ease of submission of data to the UPOV-ROM. The basis for that work has been the data submission table developed by the Community Plant Variety Office of the European Community (CPVO) and provided to UPOV under the "Memorandum of Understanding between UPOV and the CPVO" (MoU). The need for the data submission table to perform automatic checks on the data, in order to ensure that the Office does not incur significant extra work, has meant that the finalization of the data submission table is dependent on the resources available from the WIPO IT Division and is not yet complete.

6. In the meantime, the Office has been contacted by the CPVO with a view to making more substantial progress in the quantity and quality of data included in the UPOV-ROM. The CPVO has reported to the Office its experiences in providing variety denomination data to the UPOV-ROM for all official registers kept by authorities of the Member States of the European Union, official registers kept by authorities of the European Economic Area (EEA) and Switzerland and the European Union Common Catalogues. It is recalled that the MoU currently states that:

"3.2.2 Maintenance of Data

"The responsibility for providing data would be as follows:

"(a) subject to the agreement of the countries and owners of other registers concerned, CPVO is to be responsible for variety denomination data for all official registers kept by authorities of the Member States of the European Union, official registers kept by authorities of the European Economic Area (EEA) and Switzerland, the European Union Common Catalogues and other relevant registers, such as the Dutch database PLANTSCOPE;

"(b) UPOV is to be responsible for variety denomination data for all official registers kept by authorities of members of the Union which are not mentioned in Section 3.2.2(a). UPOV is also to be responsible for data from international organizations (e.g. Organisation for Economic Co-operation and Development (OECD)); and

"(c) for other data, to be agreed by the Parties on a case-by-case basis."

7. In addition, the CPVO has been involved in cooperation with Croatia, Israel, Japan and Turkey. On the basis of that experience, the CPVO has concluded that the introduction of a data submission table alone will not be sufficient to facilitate the contribution of data by members of the Union which do not currently contribute to the UPOV-ROM. In particular,

their experience has demonstrated that a substantial amount of additional assistance is required.

8. The CPVO is aware of the limited resources of the Office and, on that basis, has offered its assistance in the collection of data for all contributors on behalf of which it does not currently provide data (see MoU, Section 3.2.2(b), above). That assistance would include, in particular, options for providing data in various formats, which the CPVO would transform as required for inclusion in the UPOV-ROM, and assistance in allocating UPOV codes to all entries.

9. Subject to the agreement of the members of the Union, the most effective approach would be to invite the CPVO to collect all data for the UPOV-ROM and provide that data directly to Jouve for production of the UPOV-ROM. In order for such an approach to be practical, it would be necessary for the members of the Union to agree that they would coordinate with the CPVO, rather than the Office, with regard to any queries on the data provided. All background information concerning the data included in the UPOV-ROM, in particular the information in the "Content.pdf" document, would also be maintained by the CPVO.

10. At the same time, in order to maximize efficiency, the various general information documents which are currently provided and regularly updated in the UPOV-ROM would no longer be included, on the basis that that information is now readily available elsewhere, for example from the UPOV website and the UPOV Gazette and Newsletter.

11. It is recognized that, in certain cases, members of the Union might still wish to submit data directly to the Office, or that there may be particular requirements which could not easily be accommodated by the CPVO. Such options would remain open and would be considered on a case-by-case basis.

12. The CAJ is invited to note that the TC will be invited to consider this proposal at its forty-fourth session, to be held in Geneva from April 7 to 9, 2008.

13. Subject to the approach outlined above being agreed in principle by the TC and the CAJ in April, a revised MoU would be prepared for endorsement by the Consultative Committee at its seventy-sixth session, to be held in Geneva on October 29, 2008.

14. With regard to the provision of training in the use of the UPOV-ROM, the Office ensures that information on the UPOV-ROM is included in relevant UPOV workshops and has integrated an explanation of the UPOV-ROM in the Distance Learning Course DL-205 "Introduction to the UPOV System of Plant Variety Protection under the UPOV Convention". DL-205 participants are issued with a sample UPOV-ROM and are required to undertake searches using the UPOV-ROM as a part of the exam. A section on the use of the UPOV-ROM in checking variety denominations is also planned to be included in the advanced distance learning course "Examination of Applications for Plant Breeders' Rights", which is currently under development by the Office.

15. The CAJ is invited to consider the proposal for the CPVO to take on the collation of data for the UPOV-ROM, as set out in paragraphs 8 to 14.

Date of commercialization

16. At its forty-first session, the Technical Working Party for Vegetables (TWV) agreed to propose that the TC consider the introduction of a field in the UPOV-ROM Plant Variety Database to indicate the dates on which a variety was commercialized for the first time in the territory of application and other territories as provided in the UPOV Model Form for the Application for Plant Breeders' Rights (see document TGP/5: Section 2/2 Draft 1, item 8.)

17. The CAJ is invited to note that the TC will be invited to consider that matter at its forty-fourth session.

Development of a web-based Plant Variety Database

18. At its fifty-first session, held in Geneva, April 7, 2005, the CAJ was informed that the schedule for the development of an initial prototype of the web-based Plant Variety Database would depend on the resources (i.e. of the Office and the WIPO IT Division) needed to advance the three priorities set out in paragraph 3, above. The Office explained that the prototype web-based Plant Variety Database, once developed, would be presented with proposals concerning the fields to be included and proposals for which fields might be considered to be mandatory, as requested by the TC at its fortieth session. The frequency of updating of the web-based Plant Variety Database would be considered in conjunction with the presentation of the prototype together with consideration of the establishment of links to relevant websites for variety denomination checking purposes. At its forty-second session, the TC also heard that the Office would investigate the potential for the development of a common search platform to be provided for certain databases relevant for variety denomination searching purposes.

19. At its forty-first session, the TWV welcomed the plans to investigate the potential for the development of a common search platform to be provided for certain databases relevant for variety denomination searching purposes. At the fortieth session of the TWO, the representative of the International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOFORA) welcomed the initiative to investigate the potential for the development of a common search platform to be provided for certain databases relevant for variety denomination searching purposes. An expert from the European Community emphasized the importance of raising awareness of the existence of the Plant Variety Database in order to increase its use by breeders.

20. With regard to potential partners in the development of a common search platform, the Office has had discussions with the Assistant Director General of WIPO responsible for the Sector of Trademarks, Industrial Designs and Geographical Indications. In addition, the matter was discussed at the 5th International Symposium on the Taxonomy of Cultivated Plants, held in Wageningen, Netherlands, from October 15 to 19, 2007 (<http://www.istcp2007.wur.nl>). At that symposium, Mr. Kees van Ettehoven (Netherlands) was elected as President of the International Association for Cultivated Plant Taxonomy (IACPT) (see document TC/44/8, paragraph 3 and www.iacpt.net) and has agreed to organize a meeting with relevant partners to discuss the development of a common search platform. It is also recalled that, at the forty-second session of the TC, the representative of OECD indicated that the OECD website containing the List of Varieties Eligible for Certification would be a relevant database for the purposes of a common search platform.

21. The Office has had initial discussions with the WIPO IT Division concerning the development of an internet based version of the Plant Variety Database (UPOV-ROM). The WIPO IT Division has also agreed to participate in technical discussions with potential partners concerning the development of a common search platform.

22. The CAJ is invited to note the situation concerning the development of a web-based version of the Plant Variety Database and the development of a common search platform.

[Annex follows]

ANNEX

REPORT ON THE USE OF UPOV CODES BY MEMBERS OF THE UNION
AND OTHER CONTRIBUTORS

Contributor	Number of new contributions to the UPOV-ROM in 2007 ^{1/}	UPOV Coding of data
Albania	—	
Argentina	0	-
Australia	6	No
*Austria	4	Yes
Azerbaijan	—	
Belarus	—	
*Belgium	6	Part
Bolivia	—	
Brazil	2	No
*Bulgaria	4	Yes
Canada	6	Yes
Chile	3	No
China	—	
Colombia	1	No
Croatia	—	
*Czech Republic	4	Yes
*Denmark	5	Yes
Dominican Republic	—	
Ecuador	—	
*Estonia	4	Yes
*European Community	6	Yes
*Finland	1	Yes
*France	5	Part
*Germany	6	Yes
*Hungary	6	Yes
Iceland	—	
*Ireland	2	Yes
Israel	0	
*Italy	5	No
Japan	1	No
Jordan	—	
Kenya	—	
Kyrgyzstan	0	
*Latvia	3	Yes
*Lithuania	2	Yes

Contributor	Number of new contributions to the UPOV-ROM in 2007 ^{1/}	UPOV Coding of data
Mexico	—	
Moldova	1	No
Morocco	—	
*Netherlands	6	Part
New Zealand	6	Part
Nicaragua	—	
Norway	4	Yes
Panama	—	
Paraguay	—	
Poland	6	Yes
*Portugal	2	Yes
Republic of Korea	1	No
*Romania	4	Part
Russian Federation	5	Yes
Singapore	—	
*Slovakia	6	Yes
*Slovenia	3	Yes
South Africa	1	Yes
*Spain	3	No
*Sweden	3	Yes
*Switzerland	6	Yes
Trinidad and Tobago	—	
Tunisia	—	
Turkey	—	
Ukraine	0	
*United Kingdom	6	No
United States of America	6	No
Uruguay	0	
Uzbekistan	—	
Viet Nam	—	
OECD	1	No
→ 64% of entries provided with UPOV code.		

[End of Annex and of document]

* Data provided via the CPVO.

^{1/} 6 indicates that new data were submitted for all six (6) new versions of the UPOV-ROM issued in 2007.

— Do not currently provide data for the UPOV-ROM.