



UPOV/WG-DST/1/4

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

WORKING GROUP FOR THE DEVELOPMENT OF A UPOV DENOMINATION SIMILARITY SEARCH TOOL

**First Meeting
Geneva, September 3, 2014**

DRAFT REPORT

prepared by the Office of the Union

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Opening of the meeting

1. The Working Group for the Development of a UPOV Denomination Similarity Search Tool (WG-DST) held its first meeting in Geneva, Switzerland, on September 3, 2014, under the Chairmanship of the Vice Secretary-General of UPOV. The list of participants is reproduced in the Annex I to this report.
2. The meeting was opened by the Chair, who welcomed the participants in Geneva and those who participated in the meeting by means of electronic conference.

Adoption of the agenda

3. The WG-DST adopted the draft agenda as reproduced in document UPOV/WG-DST/1.
4. The Chairman recalled that the terms of reference of the WG-DST were contained in document CAJ/70/4, Annex I, as reproduced in Annex II to this report.
5. The WG-DST recalled that the Administrative and Legal Committee (CAJ) had anticipated that the first step of the WG-DST would be to review the search types currently available in the denomination search tab of the PLUTO database and to review search types in use in other situations that might provide an alternative basis for a UPOV similarity search tool

Presentation on currently available similarity search tools

(a) *CPVO search tool (PLUTO database "similarity factor")*

6. The WG-DST received a presentation by Mr. Jean Maison, Community Plant Variety Office of the European Union (CPVO), on the main features of the CPVO search tool (see document UPOV/WG-DST/1/2).

(b) *PLUTO and Global Brand database search options*

7. The WG-DST received a presentation by Mr. Glenn Mac Stravic, Brand Database Section, World Intellectual Property Organization (WIPO), on the denomination search tab function and denomination similarity search tools contained in the PLUTO database (see document UPOV/WG-DST/1/3). He explained the merit of using common software for the PLUTO and Global Brand databases.

8. The Chairman recalled that the contribution of WIPO to the WG-DST was a part of the UPOV-WIPO arrangement concerning the UPOV Plant Variety Database¹.

Work plan

9. The members of the WG-DST agreed to share their search tools and procedures in order to ensure that a similarity search tool could be developed that would meet the needs of all concerned.

10. The WG-DST agreed that the function of a similarity search tool should be to identify those denominations that were similar to existing denominations to the extent that they would require further, individual consideration before deciding if the denomination was (sufficiently) different from existing denominations (see Article 20(2) of the 1991 Act and Article 13(2) of the 1978 Act).

“Article 20

Variety Denomination

(2) [Characteristics of the denomination] The denomination must enable the variety to be identified. It may not consist solely of figures except where this is an established practice for designating varieties. It must not be liable to mislead or to cause confusion concerning the characteristics, value or identity of the variety or the identity of the breeder. In particular, it must be different from every denomination which designates, in the territory of any Contracting Party, an existing variety of the same plant species or of a closely related species. “

11. The WG-DST noted that it would be possible to use powerful computing methods to identify a search algorithm if sufficient empirical data could be provided on similarity of denominations.

12. On that basis, the WG-DST agreed that, as a starting point, it would be essential to organize a study of desirable results on the similarity of a set of test variety denominations.

13. The WG-DST agreed that the Office of the Union should issue a circular² to request the members of WG-DST to propose denomination classes and test denominations for a test study to develop an efficient denomination search tool. The WG-DST further agreed that the CAJ, at its seventieth session, to be held in Geneva, on October 13, 2014, should be invited to consider whether the test study should be offered to all members of the Union, or whether it should be limited to the members of the WG-DST.

14. The WG-DST recalled that, at its sixty-eighth session held in Geneva, on October 21, 2013, the CAJ had noted the relation with UPOV/INF/12 (see document CAJ/48/10 “Report on the Conclusion”, paragraph 40).

“40. The review of the suitability of search types will, in particular, take into account document UPOV/INF/12 “Explanatory notes on variety denominations under the UPOV Convention”. In that regard, the working group will need to refer to the CAJ for further guidance if its work indicates that a review of document UPOV/INF/12 would be necessary for the development of an effective UPOV similarity search tool.”

¹ At its seventy-sixth session, held in Geneva on October 29, 2008, the Consultative Committee, approved an arrangement between UPOV and the World Intellectual Property Organization (WIPO) (UPOV-WIPO arrangement), concerning the UPOV Plant Variety Database, as follows:

“(a) WIPO to undertake the collation of data for the UPOV-ROM and to provide the necessary assistance to deliver the program of improvements concerning, in particular, options for receiving data for the UPOV-ROM in various formats and assistance in allocating UPOV codes to all entries (see documents CAJ/57/6, paragraphs 3 and 8 and TC/44/6, paragraphs 12 and 17). In addition, WIPO to undertake the development of a web-based version of the UPOV Plant Variety Database, and the facility to create CD-ROM versions of that database, and to provide the necessary technical support concerning the development of a common search platform (see documents CAJ/57/6, paragraphs 18 to 21 and TC/44/6, paragraphs 27 to 30)) [...]”

² See UPOV circular E-14/222 of September 10, 2014

15. With regard to alphabets, the WG-DST recalled that the situation in PLUTO was as follows (see document CAJ/69/6 Annex I, paragraph 3.1.3, the last sentence, and CAJ/65/13 "Report", paragraph 47)

"3.1.3 (the last sentence) Only characters of the English alphabet may be used."

"47. The CAJ agreed to amend the "Program for Improvements to the Plant Variety Database", as set out in Annex II to document CAJ/65/6, with regard to Section 3.2 "Data quality and completeness" and Section 3.3 "Mandatory items", in order to introduce the possibility for contributors to the Plant Variety Database to provide data in the original alphabet, in addition to the data being provided in Latin alphabet. That amendment was on the basis that:

(a) data in the original alphabet could be provided for the following fields (see Section 3.2 "Data quality and completeness", Table):

- (i) Species: common name (see new TAG <520>);*
- (ii) Denomination (see <550>, <551>, <552>, <553>);*
- (iii) Breeder's reference (see <650>);*
- (iv) Synonym of variety denomination (see <651>);*
- (v) Trade name (see <652>);*
- (vi) Applicant's name (see <750>);*
- (vii) Breeder's name (see <751>);*
- (viii) Maintainer's name (see <752>);*
- (ix) Title holder's name (see <753>);*
- (x) Type of other party (see <760>);*
- (xi) Other relevant information (see <950>); and*
- (xii) Remarks (see <960>); and*

(b) data would not be included in the Plant Variety Database unless all data provided in the original alphabet was also provided in Latin alphabet (see Sections 3.2 and 3.3 "Required data")."

16. In relation to linguistic matters, the WG-DST recalled the situation on transcription, transliteration and translation as set out in document UPOV/INF/12/4, paragraph 5.2(c), as follows:

"(c) Due to different alphabetic scripts or systems of writing, it may be necessary to transliterate or transcribe the submitted denomination to enable its registration in another territory. In such cases, both the variety denomination submitted in the application and its transliteration or transcription are regarded as the same denomination. However, a translation would not be considered as the same denomination."

17. The WG-DST recalled that the situation with regard to accents and characters was as follows (see document CAJ/69/6 Annex I, paragraph 3.1.3):

"3.1.3 Subject to Section 3.1.4, the character set for data shall be the ASCII [American Standard Code for Information Interchange] representation, as defined in ISO [International Standards Organization] Standard 646. Special characters, symbols or accents (~, ^, ", °, etc.) are not accepted. Only characters of the English alphabet may be used."

18. The WG-DST agreed that linguistic and phonetic issues should be considered further at the next meeting.

Date, place and program of the next meeting

19. The next meeting will be held in Geneva, in March 2015³.

³ It has since been proposed to hold the meeting on June 9, 2015.

20. The WG-DST planned to discuss the following items during the second meeting:
 1. Test Study (document to be prepared by the Office of the Union)
 2. Possible use of a UPOV denomination similarity search tool within UPOV (document to be prepared by the Office of the Union)
 3. Possible need for review of document INF/12/4
 4. Linguistic and phonetic issues
 5. Date, place and program of the next meeting

[Annexes follow]

ANNEX I

LIST OF PARTICIPANTS

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[Annex II follows]

ANNEX II

TERMS OF REFERENCE OF THE WORKING GROUP TO DEVELOP PROPOSALS FOR A
UPOV SIMILARITY SEARCH TOOL FOR VARIETY DENOMINATION PURPOSES
("Working Group on Denomination Search Tool")

ESTABLISHMENT OF A WORKING GROUP

The Administrative and Legal Committee (CAJ), at its sixty-eighth session, held in Geneva, on October 21, 2013, considered document CAJ/68/9 "Possible development of a UPOV similarity search tool for variety denomination purposes" and approved the establishment of a working group to develop proposals for a UPOV similarity search tool for variety denomination purposes, as proposed in document CAJ/68/9, paragraphs 4 to 7, as follows⁴:

Composition of the working group:

- (a) Denomination examiners from members of the Union (3 to 6 experts);
- (b) WIPO Global Databases Service (responsible for the PLUTO database);
- (c) Community Plant Variety Office of the European Union (CPVO); and
- (d) Office of the Union.

The work plan of the working group will be established by the working group itself; however, it is anticipated that the first step will be to review the search types currently available in the denomination search tab of the PLUTO database, particularly the Similarity factor (CPVO search tool), and to review search types in use in other situations (e.g. in relation to trademarks) that might provide an alternative basis for a UPOV similarity search tool.

The review of the suitability of search types will, in particular, take into account document UPOV/INF/12 "Explanatory notes on variety denominations under the UPOV Convention". In that regard, the working group will need to refer to the CAJ for further guidance if its work indicates that a review of document UPOV/INF/12 would be necessary for the development of an effective UPOV similarity search tool.

The meetings of the working group will be hosted by the Office of the Union in Geneva and will be chaired by the Office of the Union. The meetings will not be arranged to coincide with UPOV sessions and electronic participation by denomination examiners and the CPVO will be anticipated. Proposals developed by the working group will be presented to the CAJ and to the Technical Committee (TC), and the CAJ and TC will receive a brief report of the meetings of the working group.

The CAJ, at its sixty-eighth session, noted the suggestion by the Delegation of the European Union for the inclusion in the working group of denomination examiners from the Netherlands and Spain and the importance of ensuring that there was sufficient coverage by the experts of the linguistic aspects of variety denominations⁵.

The CAJ, at its sixty-eighth session, agreed that members and observers should be encouraged to provide suggestions on matters concerning the tasks of the working group⁶.

[End of Annexes and of document]

⁴ See document CAJ/68/10 "Report on the Conclusions", paragraph 40.

⁵ See document CAJ/68/10 "Report on the Conclusions", paragraph 41.

⁶ See document CAJ/68/10 "Report on the Conclusions", paragraph 42.