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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

ADMINISTRATIVE AND LEGAL COMMITTEE

Sixty-Fourth Session
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UPOV INFORMATION DATABASES

Document prepared by the Office of the Union

1.   The purpose of this document is to provide an update on developments concerning the program for improvements to the Plant Variety Database since the sixty-third session of the Administrative and Legal Committee (CAJ), held in Geneva on April 7, 2011. The program for improvements to the Plant Variety Database is set out in Annex I to this document.

2.   It is recalled that, 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)).

"(b)   UPOV to agree that data in the UPOV-ROM Plant Variety Database may be included in the WIPO Patentscope® search service. In the case of data provided by parties other than members of the Union (e.g. the Organisation for Economic Co-operation and Development (OECD)), permission for the data to be used in the WIPO Patentscope® search service would be a matter for the parties concerned."

3.   In accordance with the UPOV-WIPO arrangement, Mr. José Appave, Senior Data Administration Clerk, Brand Database Unit, Global Databases Service, WIPO, has taken up responsibility for collating all data for the UPOV-ROM Plant Variety Database (UPOV-ROM) (see circular E-1190). The arrangements for providing data for the UPOV-ROM according to the Memorandum of Understanding between UPOV and the Community Plant Variety Office of the European Union (CPVO) ("UPOV-CPVO Memorandum") (see document CAJ/57/6, paragraph 6), are not affected by that development.

4.   Also in accordance with the UPOV-WIPO arrangement, Mrs. Lili Chen, Software Developer, who has been recruited to the Brand Database Unit, Global Databases Service, WIPO to work 100% of her time on the program for improvements to the Plant Variety Database, took up her duties on May 1, 2010.

5.   The following paragraphs provide an update on developments concerning the Program and contain certain proposals.

Provision of assistance to contributors

6.   Annex II to this document provides a summary of the contributions to the Plant Variety Database in 2010. During the course of 2011, the Office of the Union contacted the following members of the Union in order to investigate the arrangements that would be needed in order for them to start to contribute data:

• Albania	• Croatia	• Panama
• Argentina	• Iceland	• Paraguay
• Azerbaijan	• Jordan	• Singapore
• Bolivia	• Kenya	• Tunisia
• Belarus	• Kyrgyzstan	• Trinidad and Tobago
• China	• Republic of Korea	• Ukraine
• Colombia	• Morocco	• Uruguay
• Costa Rica	• Mexico	• Uzbekistan
• Dominican Republic	• Nicaragua	• Viet Nam
• Georgia	• Oman	• South Africa

7.   In response to the approach above, the WIPO Brand Database Unit was contacted by the following members of the Union and has started to develop solutions to allow their contribution of data in non-TAG format:

• Azerbaijan	• Japan	• South Africa
• Belarus	• Mexico	• Uruguay
• Kyrgyzstan	• Morocco	• Viet Nam
• Israel	• Singapore	

8.   With regard to contributors that did not provide UPOV codes for their data supplied, a method for providing missing UPOV codes for data submitted for the Plant Variety Database has been developed by the WIPO Brand Database Unit. That method was used to suggest UPOV codes for consideration by the contributors, in order that UPOV codes could be entered for all data in the Plant Variety Database.

9.   With regard to the assistance provided to contributors, it is recalled that all contributors to the Plant Variety Database are responsible for the correctness and completeness of the data they supply (see Program, Section 2.4). In cases where assistance is provided to contributors, the contributor will continue to be responsible for the correctness and completeness of the data. Thus, contributors will always be requested to approve any suggested modifications of data they supply, including the addition or amendment of UPOV codes, before the data is entered in the Plant Variety Database.

10.   A further update on developments will be made at the sixty-fourth session of the CAJ.

Web-based version of the Plant Variety Database

11.   At its twenty-eighth extraordinary session, held in Geneva on April 8, 2011, the Council approved the launch of a web-based version of the Plant Variety Database and agreed that the web-based version of the Plant Variety Database should be made freely accessible to all users (see document C(Extr.)/28/3 "Report on the Decisions", paragraph 13).

12.   Section 1 of the Program states that the "[…] full name of the Plant Variety Database will be the 'VARDAT Plant Variety Database', abbreviated to VARDAT as appropriate". It has been concluded that it would be beneficial to amend the name of the Plant Variety Database in order to enable a visual icon to be associated with the database. On the basis of feedback from members of the Union in relation to previous proposals, it has been concluded that the name of the Plant Variety Database be changed to "PLUTO" (**PL**ant varieties in the **U**POV system: **T**he **O**mnibus).

13.   A pre-launch presentation of the web-based version of the Plant Variety Database will be made at the sixty-fourth session of the CAJ.

14.   The CAJ is invited to note the developments concerning the program for improvements to the Plant Variety Database.

[Annexes follow]

PROGRAM FOR IMPROVEMENTS TO THE PLANT VARIETY DATABASE

as approved by the Administrative and Legal Committee (CAJ),
at its fifty-ninth session, held in Geneva on April 2, 2009

1.   Title of the Plant Variety Database

In recognition of the intention to develop a web-based version of the Plant Variety Database, no reference will be made to the "UPOV-ROM". The full name of the Plant Variety Database will be the "VARDAT Plant Variety Database", abbreviated to VARDAT as appropriate.

2.   Provision of assistance to contributors

2.1   The Office will continue to contact all members of the Union and contributors to the Plant Variety Database that do not provide data for the Plant Variety Database, do not provide data on a regular basis, or do not provide data with UPOV codes. In each case, they will be invited to explain the type of assistance that would enable them to provide regular and complete data for the Plant Variety Database.

2.2   In response to the needs identified by members of the Union and contributors to the Plant Variety Database in 2.1, the designated World Intellectual Property Organization (WIPO) staff, in conjunction with the Office, will seek to develop solutions for each of the Plant Variety Database contributors.

2.3   An annual report on the situation will be made to the Administrative and Legal Committee (CAJ) and Technical Committee (TC).

2.4   With regard to the assistance to be provided to contributors, the UPOV-ROM "General Notice and Disclaimer" states that "[…] All contributors to the UPOV-ROM are responsible for the correctness and completeness of the data they supply. […]". Thus, in cases where assistance is provided to contributors, the contributor will continue to be responsible for the correctness and completeness of the data.

3.   Data to be included in the Plant Variety Database

3.1   Data format

3.1.1 In particular, the following data format options to be developed for contributing data to the Plant Variety Database:

(a)   data in XML format;
(b)   data in Excel spreadsheets or Word tables;
(c)   data contribution by on-line web form;
(d)   an option for contributors to provide only new or amended data

3.1.2 To consider, as appropriate, restructuring TAG items; for example, where parts of the field are mandatory and other parts not.

3.2   *Data quality and completeness*

The following data requirements to be introduced in the Plant Variety Database

TAG	Description of Item	Current Status	Proposed status	Database developments required
<000>	**Start of record and record status**	mandatory	**start of record to be mandatory**	mandatory, subject to development of facility to calculate record status (by comparison with previous data submission), if required
<190>	**Country or organization providing information**	mandatory	**mandatory**	data quality check: to verify against list of codes
<010>	**Type of record and (variety) identifier**	mandatory	**both mandatory**	(i) meaning of "(variety) identifier" to be clarified in relation to item <210>; (ii) to review whether to continue type of record "BIL"; (iii) data quality check: to check against list of types of record
<500>	**Species--Latin name**	mandatory until UPOV code provided	**mandatory (even if UPOV code provided)**	
<509>	Species--common name in English	mandatory if no common name in national language (<510>) is given.	not mandatory	
<510>	Species--common name in national language other than English	mandatory if no English common name (<509>) is given	not mandatory	
<511>	**Species--UPOV Taxon Code**	mandatory	**mandatory**	(i) if requested, the Office to provide assistance to the contributor for allocating UPOV codes; (ii) data quality check: to check UPOV codes against the list of UPOV codes; (iii) data quality check: to check for seemingly erroneous allocation of UPOV codes (e.g. wrong code for species)
	DENOMINATIONS			
<540>	**Date + denomination, proposed, first appearance or first entry in data base**	mandatory if no breeder's reference (<600>) is given	**(i) mandatory to have <540>, <541>, <542>, or <543 if <600> is not provided** (ii) date not mandatory	(i) to clarify meaning and rename; (ii) data quality check: mandatory condition in relation to other items
<541>	**Date + proposed denomination, published**		**see <540>**	(i) to clarify meaning and rename (ii) data quality check: mandatory condition in relation to other items

TAG	Description of Item	Current Status	Proposed status	Database developments required
\<542\>	**Date + denomination, approved**	mandatory if protected or listed	**see \<540\>**	(i) to clarify meaning and rename; (ii) to allow for more than one approved denomination for a variety (i.e. where a denomination is approved but then replaced) (iii) data quality check: mandatory condition in relation to other items
\<543\>	**Date + denomination, rejected or withdrawn**		**see \<540\>**	(i) to clarify meaning and rename (ii) data quality check: mandatory condition in relation to other items
\<600\>	Breeder's reference	mandatory if existing	not mandatory	
\<601\>	Synonym of variety denomination		not mandatory	
\<602\>	Trade name		not mandatory	(i) to clarify meaning (ii) to allow multiple entries
\<210\>	**Application number**	mandatory if application exists	**mandatory if application exists**	to be considered in conjunction with \<010\>
\<220\>	Application/filing date	mandatory if application exists	**mandatory**	explanation to be provided if TAG\<220\> not completed
\<400\>	Publication date of data regarding the application (protection)/filing (listing)		not mandatory	
\<111\>	**Grant number (protection)/registration number (listing)**	mandatory if existing	**(i) mandatory to have \<111\> / \<151\> / \<610\> or \<620\> if granted or registered** (ii) date not mandatory	(i) data quality check: mandatory condition in relation to other items; (ii) to resolve any inconsistencies concerning the status of TAG\<220\>
\<151\>	**Publication date of data regarding the grant (protection) / registration (listing)**		**see \<111\>**	data quality check: mandatory condition in relation to other items
\<610\>	**Start date--grant (protection)/registration (listing)**	mandatory if existing	**see \<111\>**	(i) data quality check: mandatory condition in relation to other items; (ii) data quality check: date cannot be earlier than \<220\>
\<620\>	**Start date--renewal of registration (listing)**		**see \<111\>**	(i) data quality check: mandatory condition in relation to other items: (ii) data quality check: date cannot be earlier than \<610\> (iii) to clarify meaning
\<665\>	Calculated future expiration date	mandatory if grant/listing	not mandatory	
\<666\>	Type of date followed by "End date"	mandatory if existing	not mandatory	
	PARTIES CONCERNED			

TAG	Description of Item	Current Status	Proposed status	Database developments required
<730>	**Applicant's name**	mandatory if application exists	**mandatory if application exists**	
<731>	**Breeder's name**	mandatory	**mandatory**	to clarify meaning of "breeder" according to document TGP/5 (see <733>)
<732>	Maintainer's name	mandatory if listed	not mandatory	to be accompanied by start and end date (maintainer can change)
<733>	**Title holder's name**	mandatory if protected	**mandatory if protected**	(i) to clarify meaning of "title holder" according to document TGP/5 (see <731>) (ii) to be accompanied by start and end date (title holder can change)
<740>	Type of other party followed by party's name		not mandatory	
	INFORMATION REGARDING EQUIVALENT APPLICATIONS IN OTHER TERRITORIES			
<300>	Priority application: country, type of record, date of application, application number		not mandatory	
<310>	Other applications: country, type of record, date of application, application number		not mandatory	
<320>	Other countries: Country, denomination if different from denomination in application		not mandatory	
<330>	Other countries: Country, breeder's reference if different from breeder's reference in application		not mandatory	
<900>	Other relevant information (phrase indexed)		not mandatory	
<910>	Remarks (word indexed)		not mandatory	
<920>	Tags of items of information which have changed since last transmission (optional)		not mandatory	to develop option to generate automatically (see 2.1.1.(a))
<998>	FIG		not mandatory	
<999>	Image identifier (for future use)		not mandatory	to create possibility to provide hyperlink to image (e.g. an authority's webpage)

3.3   Mandatory "items"

3.3.1 With respect to items that are indicated as "mandatory" in Section 3.2, data will not be excluded from the Plant Variety Database if that item is absent. However, a report of the non-compliances will be provided to the contributor.

3.4.2 A summary of non-compliances will be reported to the TC and CAJ on an annual basis.

3.4   Dates of commercialization

3.4.1 An item will be created in the Plant Variety Database to allow for information to be provided on dates on which a variety was commercialized for the first time in the territory of application and other territories, on the following basis:

Item <XXX>: dates on which a variety was commercialized for the first time in the territory of application and other territories (not mandatory)

	Comment
(i) Authority providing the [following] information	ISO two letter code
(ii) Territory of commercialization	ISO two letter code
(iii) Date on which the variety was commercialized[*] for the first time in the territory ([*] The term "commercialization" is used to cover "sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety" (Article 6(1) of the 1991 Act of the UPOV Convention) or "offered for sale or marketed, with the agreement of the breeder" (Article 6(1)(b) of the 1978 Act of the UPOV Convention), as appropriate.	according to the format YYYY[MMDD] (Year[MonthDay]): month and day will not be mandatory if not available
(iv) Source of information	mandatory for each entry in item <XXX>
(v) Status of information	mandatory for each entry in item <XXX> (to provide an explanation or a reference to where an explanation is provided (e.g. the website of the authority providing the data for this item)
Note: for the same application, the authority in (i) could provide more than one entry for items (ii) to (v). In particular, it could provide information on commercialization in the "territory of application", but also "other territories"	

3.4.2 The following disclaimer will appear alongside the title of the item in the database:

> *"The absence of information in [item XXX] does not indicate that a variety has not been commercialized. With regard to any information provided, attention is drawn to the source and status of the information as set out in the fields 'Source of information' and 'Status of information'. However, it should also be noted that the information provided might not be complete and accurate."*

4.   Frequency of data submission

The Plant Variety Database will be developed in such a way as to allow updating at any frequency determined by the members of the Union. Prior to completion and publication of the web-based version of the Plant Variety Database, no change is proposed to the frequency of updating, i.e. contributors will be requested to update their data on a bimonthly basis. Once that stage is complete, the TC and CAJ will be invited to consider whether to create possibilities for data to be updated on a more frequent basis.

5.   Discontinuation of inclusion of general information documents in UPOV-ROM

On the basis that such information is readily available on the UPOV website, the following general information documents will no longer be included in the UPOV-ROM:

> Addresses of Plant Variety Protection Offices
> List of members of the Union
> Cover with some useful information
> UPOV: What it is, what it does ("UPOV flyer")
> List of UPOV publications

6.   Web-based version of the Plant Variety Database

6.1   A web-based version of the Plant Variety Database will be developed. The possibility to create CD-ROM versions of the Plant Variety Database, without the need for the services of Jouve, will be developed in parallel to the web-based version of the database.

6.2   An update on the planned timetable for development of a web-based version of the Plant Variety Database will be provided to the TC and CAJ.

7.   Common search platform

A report on developments concerning the development of a common search platform will be made to the TC and CAJ. Any proposals concerning a common search platform will be put forward for consideration by the TC and CAJ.

[Annex II follows]

ANNEX II

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 2010[1]	UPOV Coding of data
1.	Albania	–	-
2.	Argentina	0	-
3.	Australia	6	Yes
4.	*Austria	3	Yes
5.	Azerbaijan	-	-
6.	Belarus	-	-
7.	*Belgium	6	Yes
8.	Bolivia	-	-
9.	Brazil	4	Yes
10.	*Bulgaria	6	Yes
11.	Canada	4	Yes
12.	Chile	2	Yes
13.	China	-	-
14.	Colombia	0	No
15.	Costa Rica	-	-
16.	Croatia	-	-
17.	*Czech Republic	5	Yes
18.	*Denmark	5	Yes
19.	Dominican Republic	-	-
20.	Ecuador	1	No
21.	*Estonia	4	Yes
22.	*European Union	6	Yes
23.	*Finland	3	Yes
24.	*France	5	Yes
25.	Georgia	-	-
26.	*Germany	6	Yes
27.	*Hungary	6	Yes
28.	*Iceland	-	
29.	*Ireland	3	Yes
30.	Israel	0	-
31.	*Italy	4	No
32.	Japan	1	No
33.	Jordan	-	-
34.	Kenya	-	-

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[1]   6   Indicates that new data was submitted for all six (6) new versions of the UPOV-ROM issued in 2010.
     –   Do not currently provide data for the UPOV-ROM.

∗   Data provided via the CPVO.

	Contributor	Number of new contributions to the UPOV-ROM in 2010[1]	UPOV Coding of data
35.	Kyrgyzstan	0	-
36.	*Latvia	1	Yes
37.	*Lithuania	2	Yes
38.	Mexico	-	-
39.	Moldova	2	Yes
40.	Morocco	-	-
41.	*Netherlands	5	Yes
42.	New Zealand	6	Yes
43.	Nicaragua	-	-
44.	*Norway	3	Yes
45.	Oman	-	-
46.	Panama	-	-
47.	Paraguay	-	-
48.	*Poland	5	Yes
49.	*Portugal	1	Yes
50.	Republic of Korea	5	No
51.	*Romania	6	Yes
52.	Russian Federation	4	Yes
53.	Singapore	-	-
54.	*Slovakia	4	Yes
55.	*Slovenia	6	Yes
56.	South Africa	-	-
57.	*Spain	5	Yes
58.	*Sweden	4	Yes
59.	*Switzerland	4	Yes
60.	Trinidad and Tobago	-	-
61.	Tunisia	-	-
62.	Turkey	4	Yes
63.	Ukraine	-	-
64.	*United Kingdom	6	No
65.	United States of America	6	No
66.	Uruguay	-	-
67.	Uzbekistan	-	-
68.	Viet Nam	-	-
69.	OECD	2	Yes

[End of Annex II and of document]