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ADMINISTRATIVE AND LEGAL COMMITTEE

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EXCHANGEABLE SOFTWARE

Document prepared by the Office of the Union

1. The purpose of this document is to report on relevant matters concerning document UPOV/INF/16 “Exchangeable Software” and to provide the Administrative and Legal Committee (CAJ) with background information for its consideration of the revision of document UPOV/INF/16 “Exchangeable Software.”

2. The structure of the document is as follows:

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3. The following abbreviations are used in this document:

CAJ:	Administrative and Legal Committee
TC:	Technical Committee
TC-EDC:	Enlarged Editorial Committee
TWA:	Technical Working Party for Agricultural Crops
TWC:	Technical Working Party on Automation and Computer Programs
TWF:	Technical Working Party for Fruit Crops
TWO:	Technical Working Party for Ornamental Plants and Forest Trees
TWV:	Technical Working Party for Vegetables
TWPs:	Technical Working Parties

I. BACKGROUND

4. The Technical Committee (TC), at its forty-sixth session, held in Geneva from March 22 to 24, 2010, and the CAJ, at its sixty-first session, held in Geneva on March 25, 2010, agreed that document UPOV/INF/Software Draft 3, reproduced as document UPOV/INF/18/1 Draft 1, should be put forward for adoption by the Council at its forty-fourth ordinary session.

5. At its forty-fourth ordinary session, held in Geneva on October 21, 2010, the Council adopted document UPOV/INF/18/1 “Exchangeable Software” on the basis of document UPOV/INF/18/1 Draft 1. On the basis of the decision by the Council not to adopt document UPOV/INF/16/1 Draft 1, and in order to maintain a sequential numbering for information materials, the code for document “Exchangeable Software” has been changed from “UPOV/INF/18/1” to “UPOV/INF/16/1” (see document C/44/17 “Report”, paragraph 33).

II. TRANSLATION OF USER GUIDE FOR THE SIRIUS SYSTEM OF DATA CAPTURE

6. The TC, at its forty-sixth session, and the CAJ, at its sixty-first session, approved the translation into English of the user guide for the SIRIUS system for data capture by the Office of the Union, on the basis that the experts from France would check, and also be responsible for, the English version.

7. As agreed by the TC at its forty-sixth session, and the CAJ, at its sixty-first session, the user guide has been translated into English by the Office of the Union and submitted to the French experts in June 2011.

8. *The CAJ is invited to note the report on developments concerning the translation of the user guide for the SIRIUS system into English.*

III. REVISION OF DOCUMENT UPOV/INF/16/1 “EXCHANGEABLE SOFTWARE”

9. Section 4 of document UPOV/INF/16/1 “Exchangeable Software”, adopted by the Council at its forty-fourth ordinary session, provides the following:

“4. Information on use by members of the Union

“4.1 A circular is issued to members of the Union on an annual basis, inviting them to provide information on their use of the software included in document UPOV/INF/16.

“4.2 The information on software use by members of the Union is indicated in the columns ‘Member(s) of the Union using the software’ and ‘Application by user(s)’. With regard to the indication of ‘Application by user(s)’, members of the Union can indicate, for example, crops or types of crop for which the software is used.”

10. On February 4, 2011, the Office of the Union issued Circular E-1464 to the designated persons of the members of the Union in the Technical Committee, inviting them to provide information regarding the use of the software included in document UPOV/INF/16. The Office of the Union received information regarding the use of the software included in document UPOV/INF/16 from Croatia. Annex I to this document presents the updated information on the use of exchangeable software provided by Croatia.

11. The TC, at its forty-seventh session, held in Geneva, from April 4 to 6, 2011, approved the content of document UPOV/INF/16 “Exchangeable software” as presented in Annex I to this document. It noted that, subject to agreement by the CAJ at its sixty-fourth session, to be held in Geneva in October 2011, the revision of document UPOV/INF/16/1 (document UPOV/INF/16/2) would be put forward for adoption by the Council at its forty-fifth ordinary session, to be held in Geneva on October 20, 2011 (see document TC/47/26 “Report on the Conclusions”, paragraph 37).

12. The CAJ is invited to approve the revision of document UPOV/INF/16, as set out in paragraph 11.

IV. NEW SOFTWARE TO BE CONSIDERED FOR INCLUSION IN A FUTURE REVISION OF DOCUMENT UPOV/INF/16 “EXCHANGEABLE SOFTWARE”

Software presented at the twenty-eighth session of the TWC

13. The procedure for considering such proposed inclusions is set out in document UPOV/INF/16/1 “Exchangeable Software”, as follows:

“2. Procedure for inclusion of software

“Software proposed for inclusion in document UPOV/INF/16 by members of the Union is, in the first instance, presented for review by the Technical Working Party on Automation and Computer Programs (TWC). On the basis of such presentations and the experience of members of the Union, the TWC makes a recommendation to the Technical Committee on whether to include that software in document UPOV/INF/16. In the case of a positive recommendation by the TC and by the Administrative and Legal Committee (CAJ), the

software will be listed in a draft of document UPOV/INF/16, to be considered for adoption by the Council. Document UPOV/INF/16 is adopted by the Council.”

14. At the twenty-eighth session of the Technical Working Party on Automation and Computer Programs (TWC), held in Angers, France, from June 29 to July 2, 2010, the Community Plant Variety Office of the European Union (CPVO) invited the TWC to consider including the CPVO Centralised Database on Variety Denominations in document UPOV/INF/Software. It was explained that the database would be made available to all members of the Union and would enable them to use the CPVO variety denomination checking tool in conjunction with all data in the CPVO Centralised Database on Variety Denominations. The TWC noted the benefits that could be achieved from harmonization in the checking of variety denominations and agreed that the CPVO Centralised Database on Variety Denominations should be proposed for inclusion in document UPOV/INF/Software (see document TWC/28/36 “Report” paragraphs 65 and 66).

15. Following the twenty-eighth session of the TWC, the CPVO wrote to the Office of the Union explaining that the CPVO Centralised Database on Variety Denominations was accessible to members of the Union through the CPVO website and explained that the software for checking variety denominations, which was the result of cooperation between the CPVO and the *Groupe d'étude et de contrôle des variétés et des semences* (GEVES) (France), would also be made available to members of the Union. In that regard, it clarified that neither CPVO nor GEVES would be in a position to provide assistance for the installation or use of this software.

16. The TWC also received a presentation on the electronic office management systems deployed by CPVO, a copy of which was provided as document TWC/28/35, Annex III. The CPVO offered its assistance to any member of the Union wishing to benefit from the experience of the CPVO in developing their system and suggested that consideration might be given to how that offer might be reflected in document UPOV/INF/Software, or elsewhere (see document TWC/28/36 “Report” paragraph 67).

17. The TC, at its forty-seventh session, noted the accessibility to members of the Union of the CPVO Centralised Database of Variety Denominations of the Community Plant Variety Office (CPVO) of the European Union and noted that the CPVO was considering means of making its software for checking variety denominations available to members of the Union (see document TC/47/26 “Report on the Conclusions”, paragraph 38). Following the forty-seventh session of the TC, the CPVO clarified that the accessibility to members of the Union of the CPVO Centralised Database of Variety Denominations also provided access to the software for checking variety denominations.

18. The TC, at its forty-seventh session held in Geneva from April 4 to 7, 2011, agreed that document UPOV/INF/16 should be modified in order to include the offer for assistance on the electronic office management systems made by the CPVO, (see paragraph 16 of this document and paragraph 39 of document TC/47/26 “Report on the Conclusions”).

19. Document UPOV/INF/16 provides information on exchangeable software made available to other members of the Union. In that regard, the offer of assistance by the CPVO in the development of electronic office management systems does not directly correspond to the purpose of document UPOV/INF/16.

20. Information on certain assistance provided by members of the Union is provided on the UPOV website, under section “News and Events”. For instance, item “Assistance offered by Naktuinbouw” provides information on assistance provided in the form of a helpdesk on practical technical questions as well as information on internship. In addition, the Consultative Committee, at its eightieth session, held in October 20, 2010, noted the proposal for the publishing of the “Assistance” webpage on the second restricted area of the UPOV website and agreed that the access to the “Assistance” webpage would be reviewed at its eighty-second session, to be held in Geneva, on October 19, 2011. Therefore, the CAJ may wish to invite the Consultative Committee to review how such offers for assistance made by UPOV members might be presented in a coordinated approach.

21. *The CAJ is invited to:*

(a) note the accessibility to members of the Union of the CPVO Centralised Database on Variety Denominations as set out in paragraphs 14 and 15;

(b) note that the software for checking variety denominations developed by the CPVO and GEVES is made available to members of the Union as set out in paragraph 17; and

(c) ask the Consultative Committee to review how offers for assistance made by members of the Union might be presented in a coordinated approach.

Software to be presented at the twenty-ninth session of the TWC

22. In reply to Circular E-1464, the Netherlands and the Russian Federation provided information on exchangeable software in addition to that included in document UPOV/INF/16/1 “Exchangeable Software”. The information provided by the Netherlands is presented in Annex II to this document and the information provided by the Russian Federation is presented in Annex III to this document.

23. The procedure for considering such proposed inclusions is set out in document UPOV/INF/16/1 “Exchangeable Software”, as follows:

“2. Procedure for inclusion of software

“Software proposed for inclusion in document UPOV/INF/16 by members of the Union is, in the first instance, presented for review by the Technical Working Party on Automation and Computer Programs (TWC). On the basis of such presentations and the experience of members of the Union, the TWC makes a recommendation to the Technical Committee on whether to include that software in document UPOV/INF/16. In the case of a positive recommendation by the TC and by the Administrative and Legal Committee (CAJ), the software will be listed in a draft of document UPOV/INF/16, to be considered for adoption by the Council. Document UPOV/INF/16 is adopted by the Council.”

24. On that basis, the Netherlands and the Russian Federation were invited to present their proposals, at the twenty-ninth session of the TWC, to be held in Geneva from June 7 to 10, 2011 (see paragraph 40 of document TC/47/26 “Report on the Conclusions”).

25. At its twenty-ninth session, the TWC considered document TWC/29/7 “Exchangeable Software” and received a presentation by Mrs. Hedwich Teunissen (Netherlands) on “Bionumerics Software for Databasing and Data Analysis” (document TWC/29/30). The TWC agreed that the Bionumerics Software for Databasing and Data Analysis could be included in the exchangeable software subject to agreement by the Working Group on Biochemical and Molecular Techniques and DNA Profiling in Particular (BMT) at its thirteenth session, to be held in Brasilia, from November 22 to 24, 2011 (see document TWC/29/31, “Report”, paragraphs 39 and 40). There was no presentation from the Russian Federation at the twenty-ninth session of the TWC. The next opportunity for the review of the additional software provided by the Russian Federation will be at the thirtieth session of the TWC in 2012.

26. The recommendations of the TWC at its twenty-ninth session and of the BMT at its thirteenth session will be reported to the TC at its forty-eighth session, in March 2012 and to the CAJ at its sixty-sixth session, in October 2012.

27. The CAJ is invited to note the information in respect to additional software for document UPOV/INF/16, presented in paragraphs 22 to 26 of this document.

[Annexes follow]

ANNEX I

Proposed revision to document UPOV/INF/16/1 “Exchangeable Software”
 (Information on new exchangeable software provided by Croatia (HR) in reply to Circular E-1464 appears highlighted)

UPOV EXCHANGEABLE SOFTWARE

- (a) Administration of applications
 (b) On-line application systems
 (c) Variety denomination checking
 (d) DUS trial design and data analysis

Date added	Program name	Programming language	Function (brief summary)	Source & contact details	Condition for supply	Member(s) of the Union using the software	Application by user(s)
	DUSTNT	FORTRAN 90	General program for analysis of data from DUS trials. Includes facilities for COY analysis and a wide range of multivariate analysis techniques	United Kingdom: Dr. Sally Watson Email: sally.watson@afbini.gov.uk		GB	Herbage, Pea (Field & Veg), Parsnip, Swede, Onion, Brussels Sprout, Winter Oilseed Rape, Sugar Beet, Faba Beans, Spring Oilseed Rape, Kale, Linseed
	GAIA	Windev	Computes comparisons of varieties for management of reference collections	France: Email: christophe.chevalier@geves.fr		FR	Sorghum, Sugar Beet, Maize, Wheat, Barley, Oat, Rape, Sunflower, Triticale, Pea
						HR	Barley, Maize, Wheat

[Annex II follows]

ANNEX II

Information on new exchangeable software provided by the Netherlands in reply to Circular E-1464

UPOV EXCHANGEABLE SOFTWARE:

Please submit your country/organization information by completing the columns “Member(s) of the Union using the software” and “Application by user(s)” as appropriate.

INFORMATION SUBMITTED BY (NAME OF THE STATE/ORGANIZATION):	
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- (a) Administration of applications
- (b) On-line application systems
- (c) Variety denomination checking
- (d) DUS trial design and data analysis
- (e) Data recording and transfer
- (f) Image analysis
- (g) Biochemical and molecular data

Date added	Program name	Programming language	Function (brief summary)	Source & contact details	Condition for supply	Member(s) of the Union using the software	Application by user(s)
	BIONUMERICS		Platform for databasing and analysis of 1D patterns, 2D gels, phenotype arrays and DNA/protein sequences	Netherlands: Email: h.teunissen@naktuinbouw.nl	Commercial software available through Applied Maths	NL	Potato, Strawberry, Carnation, Apple, Campanula, Chinese cabbage, Fresia, Geranium, Gladiolus, Guzmania, Gypsophila, Helleborus, Hydrangea, Bristle oats, Euonymus, King grass, Cucumber, Lily, Mandevilla, Ornithogalum, Pepper, Pear, Phalaenopsis, Platycodon, Rhipsalis, Rose, Savoy cabbage, Lettuce, White cabbage, Bean, Tomato, Onion, Watermelon, Carrot, Zantedeschia

[Annex III follows]

ANNEX III

Information on new exchangeable software provided by the Russian Federation in reply to Circular E-1464

UPOV EXCHANGEABLE SOFTWARE:

Please submit your country/organization information by completing the columns “Member(s) of the Union using the software” and “Application by user(s)” as appropriate.

INFORMATION SUBMITTED BY (NAME OF THE STATE/ORGANIZATION):	
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- (a) Administration of applications
- (b) On-line application systems
- (c) Variety denomination checking
- (d) DUS trial design and data analysis

Date added	Program name	Programming language	Function (brief summary)	Source & contact details	Condition for supply	Member(s) of the Union using the software	Application by user(s)
	ZAJVKA	SQL Windows	Information on applications (name and address of applicants, proposed denomination, date of application etc) and registration (denomination, date of registration)	Russian Federation, State Commission of the Russian Federation for Selection Achievements Test and Protection Valentin Sherbina, Chief of IT Department e-mail: gossort@gossort.com		RU	all crops
	OOS	SQL Windows	General database software for programming and analysis of data of plant varieties of DUS-trials	Russian Federation, State Commission of the Russian Federation for Selection Achievements Test and Protection Valentin Sherbina, Chief of IT Department e-mail: gossort@gossort.com		RU	all crops

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Date added	Program name	Programming language	Function (brief summary)	Source & contact details	Condition for supply	Member(s) of the Union using the software	Application by user(s)
	PLOD_PLAN	SQL Windows	Database software for DUS-analysis and programming of data of fruit- and berry- DUS trials	Russian Federation, State Commission of the Russian Federation for Selection Achievements Test and Protection Valentin Sherbina, Chief of IT Department e-mail: gossort@gossort.com		RU	fruit, berry
	ISS (SPRAVKA)	Borland C (DOS) VBA (Information)	Software to report, calculate and analyze data of plant varieties of DUS trials for the last 10 years	Russian Federation, State Commission of the Russian Federation for Selection Achievements Test and Protection Valentin Sherbina, Chief of IT Department e-mail: gossort@gossort.com		RU	all crops

[End of Annex III and of document]