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ADMINISTRATIVE AND LEGAL COMMITTEE

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UPOV INFORMATION DATABASES

Document prepared by the Office of the Union

Disclaimer: this document does not represent UPOV policies or guidance

1. The purpose of this document is to present proposals concerning the program for improvements to the Plant Variety Database (PLUTO database) and to report on the plans of the Office of the Union to conduct a survey of members of the Union on their use of databases for plant variety protection purposes and on their use of electronic application systems.

2. Also in relation to proposals concerning the program for improvements to the PLUTO database, it is recalled that a proposal made during the presentation by the Community Plant Variety Office of the European Union (CPVO) at the sixty-seventh session of the Administrative and Legal Committee (CAJ), held in Geneva on March 21, 2013, to explore the possibility to develop a UPOV similarity search tool for variety denomination purposes, based on the CPVO search tool, is considered in document CAJ/68/9 "Possible development of a UPOV similarity search tool for variety denomination purposes".

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PROPOSALS CONCERNING THE PROGRAM FOR IMPROVEMENTS TO THE PLUTO DATABASE

3. A copy of the program for improvements to the PLUTO database is provided as Annex I to this document.

UPOV codes

4. The Guide to the UPOV Code System, Section 1.1 explains that “[t]he main purpose of the UPOV Code System is to enhance the usefulness of the UPOV Plant Variety Database by overcoming the problem of synonyms for plant taxa. That is achieved by attributing each taxa a code according to the UPOV Code System (“UPOV code”); synonyms for the same plant taxa are attributed the same UPOV code” (see http://www.upov.int/export/sites/upov/genie/en/pdf/upov_code_system.pdf).

5. In recognition of the critical importance of the UPOV code for the effectiveness of the PLUTO database, the program for improvements to the PLUTO database includes provision of assistance to contributors to the PLUTO database, as follows:

“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.”

6. In order to ensure that contributors are responsible for the correctness and completeness of the data they supply, the procedure for UPOV codes has been as follows:

(a) in cases where contributors allocate UPOV codes to their data, the UPOV code allocation is checked against the GENIE database. If there are any discrepancies, contributors are requested to approve a change to the allocated UPOV code, if appropriate; and

(b) in cases where contributors do not allocate UPOV codes to their data, UPOV codes are proposed for approval by the contributor.

7. Contributors are requested to approve the proposed UPOV code corrections or allocations within two weeks. However, there can be delays beyond two weeks where further clarification is required. Therefore, this procedure can result in significant delays to the uploading of data to the PLUTO database, because all data is uploaded to the PLUTO database in a single batch on a bi-monthly basis.

8. The delay in uploading data to the PLUTO database is considered to present a substantially greater risk to the quality of decisions by members of the Union on variety denominations than the risk posed by a potential misallocation of UPOV codes by the UPOV/WIPO administrator of the PLUTO database¹ (PLUTO

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)).”

database administrator). In particular, it has been observed that in most cases the UPOV code proposals and corrections suggested by the PLUTO database administrator are correct and, in the overwhelming majority of cases, any changes that need to be made to the PLUTO database administrator's proposals do not result in a change that would affect the variety denomination class.

9. On the above basis, it is proposed to amend the procedure for the allocation and correction of UPOV codes. On receipt of data, the PLUTO database administrator would allocate UPOV codes where they have not been provided and would correct UPOV codes where those do not correspond to the allocation in the GENIE database. Contributors would be notified of the proposed allocation and, in the absence of advice to the contrary within two weeks, the UPOV codes proposed by the PLUTO database administrator would be used. In cases where the contributor notified the PLUTO database administrator of a misallocation, the data would be amended at the subsequent uploading of data (see Section 4 "Frequency of data updating").

10. With regard to the need to ensure that contributors to the PLUTO database are responsible for the correctness and completeness of the data they supply, it is noted that the UPOV code is a code added to the variety data to assist in the searching of data and does not affect the data *per se*.

11. Subject to agreement by the CAJ at its sixty-eighth session, the program for improvements to the PLUTO database would be amended as follows:

"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. In cases where the PLUTO database administrator is requested by the contributor to allocate UPOV codes, or where it is considered to be appropriate to amend a UPOV code allocated by the contributor, the PLUTO database administrator will make proposals for approval by the contributor. In the absence of objections within the designated time, the proposed UPOV codes will be used in the PLUTO database. Where the contributor subsequently notifies the PLUTO database administrator of a need for correction, the correction will be made at the first opportunity, in accordance with Section 4 "Frequency of data updating".

Frequency of data updating

12. The program for improvements to the Plant Variety Database states the following:

"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."

13. In order to ensure that the data in the PLUTO database is as current as possible, it is proposed to encourage contributors to provide data as soon as possible after it is published by the authority concerned.

"(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."

The data would then be uploaded in the PLUTO database as quickly as possible thereafter, in accordance with the uploading procedure. The timing of reminders, issued by the PLUTO database administrator, to contributors to provide data would be issued according to the timing of submission of data of each individual contributor. Thus, the frequency and number of updates for each contributor could vary.

14. Subject to agreement by the CAJ at its sixty-eighth session, the program for improvements to the PLUTO database would be amended as follows:

“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. Contributors will be encouraged to provide data as soon as possible after it is published by the authority concerned. The PLUTO database will be updated with new data as quickly as possible after receipt, in accordance with the uploading procedure. The PLUTO database can, as necessary, be updated with corrected data, in accordance with the uploading procedure.”~~

Discontinuation of inclusion of general information documents in UPOV-ROM

15. It is proposed to delete Section 5 “Discontinuation of inclusion of general information documents in UPOV-ROM”, on the basis that all the actions have been completed.

Web-based version of the Plant Variety Database

16. It is proposed to delete Section 6 “Web-based version of the Plant Variety Database”, on the basis that all the actions have been completed.

General amendments

17. General amendments are proposed to the program for improvements to the PLUTO database in order to reflect changes since the program was initiated.

18. All proposed amendments presented in this section, including the general amendments, are presented in Annex II.

19. The CAJ is invited to approve the amendments to the program for improvements to the PLUTO database, as set out in Annex II, on the basis of the explanations in paragraphs 4 to 18.

DISCLAIMER

20. Users of the PLUTO database are required to acknowledge the following disclaimer before they can gain access to the PLUTO database:

“The [data currently in PLUTO](#) is the data in version 201303 of the [UPOV-ROM](#) Plant Variety Database. A subscription service will also shortly be introduced for PLUTO, which will allow us to inform users of future updates of the data.

“To continue to the PLUTO page, you must first agree to the following disclaimer.

“Please note that the information concerning plant breeders' rights provided in the PLUTO Plant Variety Database (PLUTO) does not constitute the official publication of the authorities concerned. To consult the official publication, or to obtain details on the status and completeness of the information in PLUTO, please contact the relevant authority, contact details for which are provided at http://www.upov.int/members/en/pvp_offices.html.

"All contributors to PLUTO are responsible for the correctness and completeness of the data they supply. Users are particularly requested to note that it is not obligatory for members of the Union to supply data for PLUTO and, for those members of the Union who supply data, it is not obligatory to supply data for all items."

21. Subject to approval by the CAJ of the amendments to the program for improvements to the PLUTO database, as set out in Annex II, the disclaimer would be amended as follows:

~~"The data currently in the Plant Variety Database (PLUTO database) was last updated on [dd/mm/yyyy] is the data in version 201303 of the UPOV-ROM Plant Variety Database. A subscription service will also shortly be introduced for PLUTO, which will allow us to inform users of future updates of the data.~~

"To continue to the PLUTO page, you must first agree to the following disclaimer.

"Please note that the information concerning plant breeders' rights provided in the PLUTO ~~Plant Variety database (PLUTO)~~ does not constitute the official publication of the authorities concerned. To consult the official publication, or to obtain details on the status and completeness of the information in the PLUTO database, please contact the relevant authority, contact details for which are provided at http://www.upov.int/members/en/pvp_offices.html.

"All contributors to the PLUTO database are responsible for the correctness and completeness of the data they supply. Users are particularly requested to note that it is not obligatory for members of the Union to supply data the PLUTO database and, for those members of the Union who supply data, it is not obligatory to supply data for all items."

22. The Technical Working Party for Agricultural Crops (TWA), at its forty-second session, held in Kyiv, Ukraine, from June 17 to 21, 2013, noted that, in the case of the new item in the PLUTO database for dates on which a variety was commercialized for the first time in the territory of application and other territories, 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."

23. The TWA proposed to include a similar disclaimer in the reports generated by the PLUTO database (see document TWA/42/31 "Report", paragraph 3.4.2).

24. As explained in paragraph 20, users of the PLUTO database are required to acknowledge the disclaimer before they can gain access to the PLUTO database. However, reports that are generated from PLUTO may be printed and viewed by persons that have used the PLUTO database and have not read the disclaimer. Including such a disclaimer in reports generated from PLUTO would help to ensure that the limitations of the data are known. The inclusion of such a disclaimer would not present major technical difficulties and the following wording might be considered:

"The data in this report was generated from the PLUTO database on [dd/mm/yyyy].

"Please note that the information concerning plant breeders' rights provided in the PLUTO database does not constitute the official publication of the authorities concerned. To consult the official publication, or to obtain details on the status and completeness of the information in the PLUTO database, please contact the relevant authority, contact details for which are provided at http://www.upov.int/members/en/pvp_offices.html.

"All contributors to the PLUTO database are responsible for the correctness and completeness of the data they supply. Users are particularly requested to note that it is not obligatory for members of the Union to supply data the PLUTO database and, for those members of the Union who supply data, it is not obligatory to supply data for all items."

25. *The CAJ is invited to consider if it would be appropriate to seek to provide a disclaimer in reports generated by the PLUTO database, as proposed in paragraph 24 of this document.*

SURVEY OF MEMBERS OF THE UNION ON THEIR USE OF DATABASES FOR PLANT VARIETY PROTECTION PURPOSES AND ON THEIR USE OF ELECTRONIC APPLICATION SYSTEMS

25. The CAJ, at its sixty-sixth session, requested the Office of the Union to conduct a survey of members of the Union on their use of databases for plant variety protection purposes and also on their use of electronic application systems (see document CAJ/66/8 "Report on the Conclusions", paragraph 21).

26. In order to ensure that the survey is as effective as possible, a draft of the survey questions is presented in Annex III to this document, for consideration by the CAJ.

27. The CAJ is invited to consider the draft questions for the survey of members of the Union on their use of databases for plant variety protection purposes and on their use of electronic application systems, as set out in Annex III to this document.

[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
and amended by the CAJ
at its sixty-fifth session, held in Geneva on March 29, 2012*

1. *Title of the Plant Variety Database*

The name of the Plant Variety Database will be the "PLUTO Plant Variety Database", abbreviated to PLUTO as appropriate (PLUTO = **PL**ant varieties in the **UPOV** system: **The Omnibus**).

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.

3.1.3 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.

3.1.4 In the case of data submitted for TAG <520>, <550>, <551>, <552>, <553>, <650> <651>, <652>, <750>, <751>, <752>, <753>, <760>, <950> and <960>, the data must be submitted in Unicode Transformation Format-8 (UTF-8).

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	REQUIRED if <520> is provided	
<520>	Species--common name in national language other than English in non-Roman alphabet		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 (iii) REQUIRED if <550>, <551>, <552> or <553> are provided	(i) to clarify meaning and rename; (ii) data quality check: mandatory condition in relation to other items
<550>	Date + denomination, proposed, first appearance or first entry in data base in non-Roman alphabet		not mandatory	
<541>	Date + proposed denomination, published		see <540>	(i) to clarify meaning and rename (ii) data quality check: mandatory condition in relation to other items
<551>	Date + proposed denomination, published in non-Roman alphabet		not mandatory	

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
<552>	Date + denomination, approved in non-Roman alphabet		not mandatory	
<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
<553>	Date + denomination, rejected or withdrawn in non-Roman alphabet		not mandatory	
<600>	Breeder's reference	mandatory if existing	REQUIRED if <650> is provided	
<650>	Breeder's reference in non-Roman alphabet		not mandatory	
<601>	Synonym of variety denomination		REQUIRED if <651> is provided	
<651>	Synonym of variety denomination in non-Roman alphabet		not mandatory	
<602>	Trade name		REQUIRED if <652> is provided	(i) to clarify meaning (ii) to allow multiple entries
<652>	Trade name in non-Roman alphabet		not mandatory	
<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	

TAG	Description of Item	Current Status	Proposed status	Database developments required
PARTIES CONCERNED				
<730>	Applicant's name	mandatory if application exists	mandatory if application exists or REQUIRED if <750> is provided	
<750>	Applicant's name in non-Roman alphabet		Not mandatory	
<731>	Breeder's name	mandatory	mandatory	to clarify meaning of "breeder" according to document TGP/5 (see <733>)
<751>	Breeder's name in non-Roman alphabet		Not mandatory	
<732>	Maintainer's name	mandatory if listed	REQUIRED if <752> is provided	to be accompanied by start and end date (maintainer can change)
<752>	Maintainer's name in non-Roman alphabet		Not mandatory	
<733>	Title holder's name	mandatory if protected	mandatory if protected or REQUIRED if <753> is provided	(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)
<753>	Title holder's name in non-Roman alphabet		Not mandatory	
<740>	Type of other party followed by party's name		REQUIRED if <760> is provided	
<760>	Type of other party followed by party's name in non-Roman alphabet		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)		REQUIRED if <950> is provided	
<950>	Other relevant information (phrase indexed) in non-Roman alphabet		not mandatory	
<910>	Remarks (word indexed)		REQUIRED if <960> is provided	
<960>	Remarks (word indexed) in non-Roman alphabet		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)

TAG	Description of Item	Current Status	Proposed status	Database developments required
DATES OF COMMERCIALIZATION				
<800>	Commercialization dates		not mandatory	

<800> example: "AB CD 20120119 source status"
or "AB CD 2012 source status"

3.3 Mandatory and required "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.

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

3.3.3 With respect to items that are indicated as "REQUIRED" in Section 3.2, data will be excluded from the Plant Variety Database if the required item is absent in Roman alphabet.

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))
<i>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"</i>	

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]

PROPOSED AMENDMENTS TO THE PROGRAM FOR IMPROVEMENTS
TO THE PLANT VARIETY DATABASE

1. *Title of the Plant Variety Database*

The name of the Plant Variety Database will be the "PLUTO database ~~Plant Variety Database~~", abbreviated to ~~PLUTO as appropriate~~ (PLUTO = **PL**ant varieties in the **UPOV** system: **The Omnibus**).

2. *Provision of assistance to contributors*

2.1 The ~~Office PLUTO database administrator~~¹ will continue to contact all members of the Union and contributors to the ~~Plant Variety Database PLUTO database~~ that do not provide data for the ~~Plant Variety Database PLUTO 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 PLUTO database~~.

2.2 In response to the needs identified by members of the Union and contributors to the ~~Plant Variety Database PLUTO database~~ in 2.1, the ~~designated World Intellectual Property Organization (WIPO) staff, in conjunction with the Office PLUTO database administrator,~~ will seek to develop solutions for each of the ~~Plant Variety Database PLUTO 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 PLUTO database~~ "General Notice and Disclaimer" states that "[...] All contributors to the ~~UPOV-ROM PLUTO database~~ 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 PLUTO 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 PLUTO 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.

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))."

"(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."

3.1.3 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.

3.1.4 In the case of data submitted for TAG <520>, <550>, <551>, <552>, <553>, <650> <651>, <652>, <750>, <751>, <752>, <753>, <760>, <950> and <960>, the data must be submitted in Unicode Transformation Format-8 (UTF-8).

3.2 Data quality and completeness

The following data requirements to be introduced in the Plant Variety Database PLUTO 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	REQUIRED if <520> is provided	
<520>	Species--common name in national language other than English in non-Roman alphabet		not mandatory	
<511>	Species--UPOV Taxon Code	mandatory	mandatory	(i) if requested, the <u>Office PLUTO database administrator</u> 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 (iii) REQUIRED if <550>, <551>, <552> or <553> are provided	(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
<550>	Date + denomination, proposed, first appearance or first entry in data base in non-Roman alphabet		not mandatory	
<541>	Date + proposed denomination, published		see <540>	(i) to clarify meaning and rename (ii) data quality check: mandatory condition in relation to other items
<551>	Date + proposed denomination, published in non-Roman alphabet		not mandatory	
<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
<552>	Date + denomination, approved in non-Roman alphabet		not mandatory	
<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
<553>	Date + denomination, rejected or withdrawn in non-Roman alphabet		not mandatory	
<600>	Breeder's reference	mandatory if existing	REQUIRED if <650> is provided	
<650>	Breeder's reference in non-Roman alphabet		not mandatory	
<601>	Synonym of variety denomination		REQUIRED if <651> is provided	
<651>	Synonym of variety denomination in non-Roman alphabet		not mandatory	
<602>	Trade name		REQUIRED if <652> is provided	(i) to clarify meaning (ii) to allow multiple entries
<652>	Trade name in non-Roman alphabet		not mandatory	
<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>

TAG	Description of Item	Current Status	Proposed status	Database developments required
<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				
<730>	Applicant's name	mandatory if application exists	mandatory if application exists or REQUIRED if <750> is provided	
<750>	Applicant's name in non-Roman alphabet		Not mandatory	
<731>	Breeder's name	mandatory	mandatory	to clarify meaning of "breeder" according to document TGP/5 (see <733>)
<751>	Breeder's name in non-Roman alphabet		Not mandatory	
<732>	Maintainer's name	mandatory if listed	REQUIRED if <752> is provided	to be accompanied by start and end date (maintainer can change)
<752>	Maintainer's name in non-Roman alphabet		Not mandatory	
<733>	Title holder's name	mandatory if protected	mandatory if protected or REQUIRED if <753> is provided	(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)
<753>	Title holder's name in non-Roman alphabet		Not mandatory	
<740>	Type of other party followed by party's name		REQUIRED if <760> is provided	
<760>	Type of other party followed by party's name in non-Roman alphabet		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)		REQUIRED if <950> is provided	
<950>	Other relevant information (phrase indexed) in non-Roman alphabet		not mandatory	
<910>	Remarks (word indexed)		REQUIRED if <960> is provided	

TAG	Description of Item	Current Status	Proposed status	Database developments required
<960>	Remarks (word indexed) in non-Roman alphabet		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)
DATES OF COMMERCIALIZATION				
<800>	Commercialization dates		not mandatory	

<800> example: "AB CD 20120119 source status"
or "AB CD 2012 source status"

3.3 Mandatory and required "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~~ PLUTO database if that item is absent. However, a report of the non-compliances will be provided to the contributor.

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

3.3.3 With respect to items that are indicated as "REQUIRED" in Section 3.2, data will be excluded from the ~~Plant Variety Database~~ PLUTO database if the required item is absent in Roman alphabet.

3.4 Dates of commercialization

3.4.1 An item ~~will be~~ has been created in the ~~Plant Variety Database~~ PLUTO 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 ¹ for the first time in the territory (¹ 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))
<i>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"</i>	

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. Contributors will be encouraged to provide data as soon as possible after it is published by the authority concerned. The PLUTO database will be updated with new data as quickly as possible after receipt, in accordance with the uploading procedure. The PLUTO database can, as necessary, be updated with corrected data, in accordance with the uploading procedure.~~

~~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.~~

~~7.5. *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 III follows]

SURVEY OF MEMBERS OF THE UNION ON THEIR USE OF DATABASES FOR PLANT VARIETY
PROTECTION PURPOSES AND ON THEIR USE OF ELECTRONIC APPLICATION SYSTEMS

REPLY FORM

1. UPOV member:

DATABASE

2. Do you have a database for plant variety protection purposes?
(if no, please proceed to question 5)

Yes No

3. Does your database include the following information:

(a) Applicant name	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>Comments:</i>	
(b) Applicant details	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>Comments:</i>	
(c) The person(s) ¹ who bred, or discovered and developed, the variety (if different from application)	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>Comments:</i>	
(d) Title holder's name	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>Comments:</i>	
(e) Botanical name of species	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>Comments:</i>	
(f) Common name of species	Yes <input type="checkbox"/> No <input type="checkbox"/>

¹ The term "person" in Article 1(iv) of the 1991 Act of the UPOV Convention should be understood as embracing both physical and legal persons (e.g. companies).

<i>Comments:</i>	
(g) UPOV code	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>Comments:</i>	
(h) Breeder's reference	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>Comments:</i>	
(i) Denomination proposals	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>Comments:</i>	
(j) Denomination approvals	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>Comments:</i>	
(k) Denomination rejections/withdrawals	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>Comments:</i>	
(l) Application number	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>Comments:</i>	
(m) Unique variety identifier (an identifier that is unique for the variety, e.g. a combination of application type (PBR), application number and crop/species)	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>Comments:</i>	
(n) Grant number	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>Comments:</i>	
(o) Start date of protection	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>Comments:</i>	

(p) Dates on which the variety was commercialized for the first time in the territory of application and other territories	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>Comments:</i>	
(q) Variety descriptions in the form of states of expression/notes	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>Comments:</i>	
(r) Variety data (other than descriptions in the form of states of expression/notes)	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>Comments:</i>	
(s) Variety DNA-profile	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>Comments:</i>	
(t) Photographs	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>Comments:</i>	
(u) Other (please provide information on any other important PVP information that is contained in your database)	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>Comments:</i>	

4. Is your database used to generate the official publication?

Yes No

<i>Comments:</i>

5. If you do not have a database for plant variety protection purposes, do you have plans to develop a database, or would you wish assistance in the development of such a database?

<i>Comments:</i>

ELECTRONIC APPLICATION FORM

6. Do you provide an electronic application form?
(if no, please proceed to question 12)

Yes No

Comments:

7. Is the information provided in the electronic form sufficient to receive a filing date?

Yes No

Comments:

8. Are applicants required to provide supplementary material (e.g. signed paper copies) or information in addition to the completing the electronic form?

Yes No

Comments:

9. Are applicants able to provide an electronic signature?

Yes No

Comments:

10. Are applicants able to pay online?

Yes No

Comments:

11. In what languages can the electronic form be completed?

12. If you do not provide an electronic application form, do you have plans to develop a database, or would you wish assistance in the development of such a database?

[End of Annex III and of document]