



CAJ/70/4

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

ADMINISTRATIVE AND LEGAL COMMITTEE

**Seventieth Session
Geneva, October 13, 2014**

VARIETY DENOMINATIONS

Document prepared by the Office of the Union

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Executive Summary^a

1. The purpose of this document is to report on developments concerning the working group to develop proposals for a UPOV similarity search tool for variety denomination purposes (the "WG-DST") and the revision of document UPOV/INF/12/4 "Explanatory Notes on Variety Denominations under the UPOV Convention".
2. A report on the first meeting of the WG-DST, which will be held in Geneva on September 3, 2014, will be made to the CAJ at its seventieth session.
3. Latest developments concerning the revision of document UPOV/INF/12 "Explanatory Notes on Variety Denominations under the UPOV Convention", which will be considered by the CAJ-AG, at its ninth session on October 14 and 17, 2014, are reported in document CAJ/70/2 "Development of information materials concerning the UPOV Convention".

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4. The following abbreviations are used in this document:

CAJ: Administrative and Legal Committee
CAJ-AG: Administrative and Legal Committee Advisory Group
TC: Technical Committee
IUBS Commission: International Union of Biological Sciences Commission
ISHS Commission: International Society for Horticultural Sciences Commission

I. POSSIBLE DEVELOPMENT OF A UPOV SIMILARITY SEARCH TOOL FOR VARIETY DENOMINATION PURPOSES¹

5. The Administrative and Legal Committee (CAJ), at its sixty-eighth session, held in Geneva, on October 21, 2013, approved the establishment of a working group to develop proposals for a UPOV similarity search tool for variety denomination purposes (the “WG-DST”). The terms of reference of the WG-DST and its composition are contained in Annexes I and II to this document.

6. The CAJ, at its sixty-ninth session, held in Geneva on April 10, 2014, noted that the TC, at its fiftieth session, held in Geneva from April 7 to 9, 2014, had welcomed the establishment of a working group for the development of a UPOV similarity search tool and had invited experts to contribute to its work. Furthermore, the CAJ agreed with the TC that there were some challenges concerning linguistic and alphabet aspects which should be considered by the working group when defining the objectives of its work.²

7. On May 12, 2014, the United States of America requested to participate in the WG-DST.

8. On August 4, 2014, Australia requested to participate in the WG-DST.

9. The first meeting of the WG-DST will be held at the UPOV headquarters in Geneva, on September 3, 2014 (see UPOV circular E-14/189 of July 15, 2014).

10. A report on the first meeting of the WG-DST will be made to the CAJ at its seventieth session.

II. REVISION OF DOCUMENT UPOV/INF/12 “EXPLANATORY NOTES ON VARIETY DENOMINATIONS UNDER THE UPOV CONVENTION”

11. Developments concerning the revision of document UPOV/INF/12 “Explanatory Notes on Variety Denominations under the UPOV Convention”, which will be considered by the CAJ-AG, at its ninth session on October 14 and 17, 2014, are reported in document CAJ/70/2 “Development of information materials concerning the UPOV Convention”.

¹ The background to this topic is provided in document CAJ/69/9 “Possible development of a UPOV similarity search tool for variety denomination purposes”.
² See document CAJ/69/12 “Report on the Conclusions”, paragraph 77.

12. *The CAJ is invited to note that:*

(a) a report on the first meeting of the WG-DST which will be held in Geneva on September 3, 2014, will be made to the CAJ at its seventieth session;

(b) that latest developments concerning the revision of document UPOV/INF/12 "Explanatory Notes on Variety Denominations under the UPOV Convention", which will be considered by the CAJ-AG, at its ninth session on October 14 and 17, 2014, are reported in document CAJ/70/2 "Development of information materials concerning the UPOV Convention".

[Annexes follow]

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

ESTABLISHMENT OF A WORKING GROUP

The Administrative and Legal Committee (CAJ), at its sixty-eighth session, held in Geneva, on October 21, 2013, considered document CAJ/68/9 "Possible development of a UPOV similarity search tool for variety denomination purposes" and approved the establishment of a working group to develop proposals for a UPOV similarity search tool for variety denomination purposes, as proposed in document CAJ/68/9, paragraphs 4 to 7, as follows³:

Composition of the working group:

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

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

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

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

The CAJ, at its sixty-eighth session, noted the suggestion by the Delegation of the European Union for the inclusion in the working group of denomination examiners from the Netherlands and Spain and the importance of ensuring that there was sufficient coverage by the experts of the linguistic aspects of variety denominations⁴.

The CAJ, at its sixty-eighth session, agreed that members and observers should be encouraged to provide suggestions on matters concerning the tasks of the working group⁵.

[Annex II follows]

³ See document CAJ/68/10 "Report on the Conclusions", paragraph 40.

⁴ See document CAJ/68/10 "Report on the Conclusions", paragraph 41.

⁵ See document CAJ/68/10 "Report on the Conclusions", paragraph 42.

WORKING GROUP TO DEVELOP PROPOSALS FOR A UPOV SIMILARITY SEARCH TOOL
FOR VARIETY DENOMINATION PURPOSES

(Composition as of August 14, 2014)

<i>Member of the Union</i>	<i>Expert</i>
Australia	Mr. Nik Hulse
European Union	Mr. Jean Maison (CPVO) Mr. Patrick Lecoq (CPVO) Ms. Carole Bonneau (CPVO)
Netherlands	Mr. Kees van Ettehoven
Spain	Mr. Luis Salaices
United States of America	Mr. Fawad S. Shah

<i>WIPO Global Databases Service</i>
Mr. Glenn Mac Stravic
Ms. Lili Chen

<i>Office of the Union</i>
Mr. Peter Button, Chair
Ms. Yolanda Huerta
Mr. Jun Koide
Mr. Ben Rivoire
Mr. Leontino Taveira

[End of Annex II and of document]

^a The CAJ, at its sixty-ninth session, held in Geneva on April 10, 2014, agreed to consider the possibility to modify CAJ documents in order to:

- include an executive summary
- make reference to previous documents in footnotes
- use presentations
- combine decision paragraphs relating to matters for information.

The CAJ requested the Office of the Union to develop examples for consideration by the CAJ at its seventieth session and to provide information on resource implication for the Office of the Union (see document CAJ/69/12 "Report on the Conclusions", paragraphs 95 and 96).

This document is intended to provide an example. Information on resource implication for the Office of the Union will be provided in a document for consideration at the CAJ session in March 2015.