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ADministrative and legal committee

Seventy-Third Session  
Geneva, October 25, 2016

Exchange and use of software and equipment

Document prepared by the Office of the Union  
  
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# Executive summary

The purpose of this document is to report on developments concerning exchange and use of software and equipment and to consider proposals for revision of documents UPOV/INF/16 “Exchangeable Software” and UPOV/INF/22/2 “Software and equipment used by members of the Union”.

The CAJ will be invited to:

(a) note that the Council, at its forty-ninth ordinary session adopted the revision of document UPOV/INF/16 “Exchangeable Software” (document UPOV/INF/16/5), on the basis of document UPOV/INF/16/5 Draft 1;

(b) note that the Republic of Moldova can, if appropriate, offer to explain the software at the thirty‑fifth session of the TWC on the software for inclusion in a draft of document UPOV/INF/16;

(c) note that subject to a positive recommendation by the TWC and agreements by the TC and CAJ in 2017, a draft of document UPOV/INF/16 “Exchangeable Software” containing the software proposed for inclusion by the Republic of Moldova will be presented for adoption by the Council;

(d) consider the proposed revision of document UPOV/INF/16/5 concerning the inclusion of information on the use of software by members of the Union as set out in Annex I to this document (see document UPOV/INF/16/6 Draft 1);

(e) note that, if agreed by the CAJ, a draft of document UPOV/INF/16/6 “Exchangeable Software” will be presented for adoption by the Council at its fiftieth ordinary session, to be held on October 28, 2016;

(f) note that the Council, at its forty-ninth ordinary session, adopted document UPOV/INF/22/2 “Software and equipment used by members of the Union”, on the basis of document UPOV/INF/22/2 Draft 1;

(g) consider the information in Annex II to this document for inclusion in document UPOV/INF/22 (see document UPOV/INF/22/3 Draft 1); and

(h) note that, if agreed by the CAJ, a draft of document UPOV/INF/22 concerning software and equipment used by members of the Union will be presented for adoption by the Council at its fiftieth ordinary session, to be held on October 28, 2016.

The following abbreviations are used in this document:

CAJ: Administrative and Legal Committee

TC: Technical Committee

TC-EDC: Enlarged Editorial Committee

TWC: Technical Working Party on Automation and Computer Programs

TWPs: Technical Working Parties

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# PURPOSE

The purpose of this document is to report on developments concerning exchange and use of software and equipment and to consider proposals for revision of documents UPOV/INF/16 “Exchangeable Software” and UPOV/INF/22/2 “Software and equipment used by members of the Union”.

# document UPOV/INF/16 “Exchangeable Software”

## Revision of document UPOV/INF/16

The Council, at its forty-ninth ordinary session[[1]](#footnote-2) adopted the revision of document UPOV/INF/16 “Exchangeable Software” (document UPOV/INF/16/5), on the basis of document UPOV/INF/16/5 Draft 1.[[2]](#footnote-3)

The CAJ is invited to note that the Council, at its forty-ninth ordinary session adopted the revision of document UPOV/INF/16 “Exchangeable Software” (document UPOV/INF/16/5), on the basis of document UPOV/INF/16/5 Draft 1.

### Software for inclusion

The procedure for considering software proposed for inclusion in document UPOV/INF/16 is set out in document UPOV/INF/16, 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.”

On January 21, 2016, the Office of the Union issued Circular E-16/009 to the designated persons of the members of the Union in the TC, inviting them to provide or update information regarding the use of the software included in document UPOV/INF/16. Information regarding new software for inclusion in document UPOV/INF/16 was received from the Republic of Moldova in response to the circular.

The TWC, at its thirty-fourth session[[3]](#footnote-4), did not receive an explanation on the software proposed for inclusion by the Republic of Moldova. The Republic of Moldova can, if appropriate, offer to explain the software at the thirty-fifth session of the TWC, to be held in Buenos Aires, Argentina, from November 13 to 17, 2017.

Subject to a positive recommendation by the TWC, at its thirty-fifth session, the software proposed for inclusion by the Republic of Moldova would be included in a draft of document UPOV/INF/16 “Exchangeable Software” to be considered at the TC, at its fifty-fourth session. Subject to agreement by the TC and CAJ in 2017, a draft of document UPOV/INF/16 “Exchangeable Software” would be presented for adoption by the Council.

The CAJ is invited to note that:

(a) the Republic of Moldova can, if appropriate, offer to explain the software at the thirty‑fifth session of the TWC on the software for inclusion in a draft of document UPOV/INF/16; and

(b) subject to a positive recommendation by the TWC and agreements by the TC and CAJ in 2017, a draft of document UPOV/INF/16 “Exchangeable Software” containing the software proposed for inclusion by the Republic of Moldova will be presented for adoption by the Council.

### Information on use by members

Section 4 of document UPOV/INF/16 “Exchangeable Software” 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.”

On January 21, 2016, the Office of the Union issued Circular E-16/009 to the designated persons of the members of the Union in the TC, inviting them to provide or update information regarding the use of the software included in document UPOV/INF/16. Information regarding the use of the software received from Finland and New Zealand in response to the circular is included in Annex I to this document. Information regarding new software for inclusion in document UPOV/INF/16 was received from the Republic of Moldova, but it is not included in Annex I because a positive recommendation is required by the TWC and the TC before consideration at the CAJ.

The TC, at its fifty-second session, agreed to propose the revision of document UPOV/INF/16/5 to include information on the use of software by members of the Union, as set out in Annex I to this document.[[4]](#footnote-5)

Subject to agreement by the CAJ, at its seventy-third session, a draft of document UPOV/INF/16/6 “Exchangeable Software” will be presented for adoption by the Council at its fiftieth ordinary session, to be held in Geneva on October 28, 2016.

The CAJ is invited to:

(a) consider the proposed revision of document UPOV/INF/16/5 concerning the inclusion of information on the use of software by members of the Union as set out in Annex I to this document (see document UPOV/INF/16/6 Draft 1); and

*(b) note that, if agreed by the CAJ, a draft of document UPOV/INF/16/6 “Exchangeable Software” will be presented for adoption by the Council at its fiftieth ordinary session, to be held on October 28, 2016.*

# document UPOV/INF/22 “Software and equipment used by members of the Union”

## Revision of document UPOV/INF/22/2

The Council, at its forty-ninth ordinary session, adopted document UPOV/INF/22/2 “Software and Equipment Used by Members of the Union”, on the basis of document UPOV/INF/22/2 Draft 1.[[5]](#footnote-6)

The CAJ is invited to note that the Council, at its forty-ninth ordinary session, adopted document UPOV/INF/22/2 “Software and equipment used by members of the Union”, on the basis of document UPOV/INF/22/2 Draft 1.

## Software/equipment proposed for inclusion in document UPOV/INF/22

The procedure for considering software and equipment proposed for inclusion in document UPOV/INF/22 is set out in document UPOV/INF/22, as follows:

“2.1 Software/equipment proposed for inclusion in this document by members of the Union is, in the first instance, presented to the TC.

“2.2 The TC will decide whether to:

1. propose to include the information in the document;
2. request further guidance from other relevant bodies (e.g. CAJ and TWPs); or
3. propose not to include the information in the document.

“2.3 In the case of a positive recommendation by the TC and, subsequently by the CAJ, the software/equipment will be listed in a draft of the document, to be considered for adoption by the Council.”

On January 21, 2016, the Office of the Union issued Circular E-16/009 to the designated persons of the members of the Union in the TC, inviting them to provide information for document UPOV/INF/22. The information received from Costa Rica, Germany, Finland, Israel, Kenya, New Zealand and Uruguay in response to the circular was included in Annex II of document TC/52/8 “Exchange and Use of Software and Equipment”.

The TC, at its fifty-second session, agreed to propose the revision of document UPOV/INF/22/2 to include information on the use of software by members of the Union subject to the amendments proposed by the TC-EDC.[[6]](#footnote-7) The revision of document UPOV/INF/22/2 including the information submitted by Costa Rica, Germany, Finland, Israel, Kenya, New Zealand and Uruguay, and the amendments proposed by the TC‑EDC are provided as Annex II to this document.

Subject to agreement by the CAJ, at its seventy-third session, a draft of document UPOV/INF/22/3 will be presented for adoption by the Council at its fiftieth ordinary session, to be held on October 28, 2016.

The CAJ is invited to:

(a) consider the information in Annex II to this document for inclusion in document UPOV/INF/22 (see document UPOV/INF/22/3 Draft 1); and

*(b) note that, if agreed by the CAJ, a draft of document UPOV/INF/22 concerning software and equipment used by members of the Union will be presented for adoption by the Council at its fiftieth ordinary session, to be held on October 28, 2016.*

[Annexes follow]

PROPOSED REVISION TO DOCUMENT UPOV/INF/16/5 “EXCHANGEABLE SOFTWARE”

(Information on use received from Finland and New Zealand in reply to Circular E-16/009 are highlighted)

(a) Administration of applications

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 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) |
| October 24, 2013 | 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](mailto:gossort@gossort.com) | Only available in Russian | RU | all crops |
|  |  |
| October 16, 2014 | SIVAVE | Database:  Mysql 5.1  PHP  Version 2.5.9  Ajax.  Javascript.  Routines are integrated with Java Applets and several Java Archives (JARS).  Complements:  Zend Optimizer 3.3  Compilers:  Zend Studio  ScriptCase | Allows for the real-time dissemination of the status of proceedings concerning applications for breeders’ rights in Mexico. | Mexico:  Manuel Rafael Villa Issa,  Director General, SNICS  E-mail: [manuel.villaissa@sagarpa.gob.mx](mailto:manuel.villaissa@sagarpa.gob.mx)  Eduardo Padilla Vaca, Director, Plant Varieties, SNICS  E-mail: [eduardo.padilla@snics.gob.mx](mailto:eduardo.padilla@snics.gob.mx) | Written application and justification of need for use. | MX | all crops |
|  |  |

(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) |
| October 21, 2010 | 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](mailto: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 |
| CZ | Oilseed Rape, Grasses and Luzerne |
| EE | Grasses and Legumes |
| FI | Grasses, Red Clover, White Clover, Turnip Rape, Rye |
| KE | Maize |
| NZ | Grasses, Brassicas, Wheat, Barley, Garden Peas |
| VN | Maize, Flowers, Rice, Tomato, Potato, Soybean, Vegetables, and other species |
| October 21, 2010 | GAIA | Windev | Computes comparisons of varieties for management of reference collections | France: Email:  [christophe.chevalier@geves.fr](mailto:christophe.chevalier@geves.fr) |  | FR | Sorghum, Sugar Beet, Maize, Wheat, Barley, Oats, Rapeseed, Sunflower, Triticale, Pea |
| CZ | Maize, Wheat, Barley, Oats, and Pea |
| HR | Barley, Maize, Soybean, Wheat |
| UY | Sorghum, Sugar Beet, Maize, Wheat, Barley, Oats, Rapeseed, Sunflower, Triticale, Pea |

(e) Data recording and transfer

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 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) |
| October 21, 2010 | SIRIUS | Windev | Hand-Held Data Capture Software | France: Email:  [christophe.chevalier@geves.fr](mailto:christophe.chevalier@geves.fr) |  | FR | Sorghum, Sugar Beet, Maize, Wheat, Barley, Oats, Rapeseed, Sunflower, Triticale, Pea, Herbage |

(f) Image 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) |
| October 24, 2013 | AIM | Windows | Image processing software | France: E-mail: [christophe.chevalier@geves.fr](mailto:christophe.chevalier@geves.fr) |  | FR | Rapeseed, Sunflower, Hydrangea, Flax, Peas, Carrot, Maize, Winter wheat, Orchids |

(g) Biochemical and molecular data

[Annex II follows]

PROPOSED REVISION TO DOCUMENT UPOV/INF/22/2 “software and equipment used by members of the Union

(Information received from Costa Rica, Finland, Germany, Israel, Kenya, New Zealand and Uruguay in reply to Circular E-16/009 is highlighted)

(a) Administration of applications

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| --- | --- | --- | --- | --- | --- |
| Date added | Title of software/equipment | Function (brief summary) | Source & contact details | Member(s) of the Union using the software/equipment | Application by user(s) |
| October 29, 2015 | Administrative data | Database for administrative data on plant varieties | Federal Plant Variety Office  E-mail:  [uwe.meyer@bundessortenamt.de](mailto:uwe.meyer@bundessortenamt.de) | DE | All species |
| October 29, 2015 | MS Office Professional Plus 2010 | Applications management and database | Plant Breeders’ Rights Unit  E-mail: [benzionz@moag.gov.il](mailto:benzionz@moag.gov.il) | IL | All species |
| October 29, 2015 | Access | Database management | Instituto Nacional de semillas  E-mail: [gcamps@inase.org.uy](mailto:gcamps@inase.org.uy) | UY | All species |
| October 28, 2016 | Sword Ptolemy | Intellectual property case management system supporting:  PVR assessing and examining applications, and administrative tasks relating to applications and granting rights;  Management of all records relating to these activities, including correspondence, documentation and transaction histories.  Also see (b) below. | <http://intellect.sword-group.com/Home/Ptolemy> | NZ | All species |

(b) On-line application systems

| Date added | Title of software/equipment | Function (brief summary) | Source & contact details | Member(s) of the Union using the software/equipment | Application by user(s) |
| --- | --- | --- | --- | --- | --- |
| October 29, 2015 | E- Application | Electronic application for the protection of plant varieties and approval including qualified electronic signature | Federal Plant Variety Office  E-mail:  [uwe.meyer@bundessortenamt.de](mailto:uwe.meyer@bundessortenamt.de) | DE | All species |
| October 29, 2015 | PDF | Application for the protection of plant varieties | Instituto Nacional de semillas  E-mail: [gcamps@inase.org.uy](mailto:gcamps@inase.org.uy) | UY | All species |
| October 28, 2016 | Office (Word) and PDF | E-application for the protection of plant varieties and approval including qualified electronic signature | Oficina Nacional de Semillas.  Registro de Variedades Vegetales.  [galizaga@ofinase.go.cr](mailto:galizaga@ofinase.go.cr) | CR | All species |
| October 28, 2016 | eAkte | Electronic system for processing and filing variety files | Federal Plant Variety Office  E-mail:  [uwe.meyer@bundessortenamt.de](mailto:uwe.meyer@bundessortenamt.de) | DE | All species |
| October 28, 2016 | Sword Ptolemy | Intellectual property case management system supporting:  PVR assessing and examining applications, and administrative tasks relating to applications and granting rights;  Management of all records relating to these activities, including correspondence, documentation and transaction histories.  Also see (a) above. | <http://intellect.sword-group.com/Home/Ptolemy> | NZ | All species |

(c) Variety denomination checking

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| --- | --- | --- | --- | --- | --- |
| Date added | Title of software/equipment | Function (brief summary) | Source & contact details | Member(s) of the Union using the software/equipment | Application by user(s) |
| October 29, 2015 | Variety denomination similarity | Checking of variety denominations in national procedures according to phonetic rules as a supplement to testing | Federal Plant Variety Office  E-mail:  [uwe.meyer@bundessortenamt.de](mailto:uwe.meyer@bundessortenamt.de) | DE | All species |
| October 28, 2016 | Sword Acsepto | Trade mark and design search tool supporting the searching for prior use of proposed denominations. | <http://intellect.sword-group.com/Home/Acsepto> | NZ | All species |

(d) DUS trial design and data analysis

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| --- | --- | --- | --- | --- | --- |
| Date added | Title of software/equipment | Function (brief summary) | Source & contact details | Member(s) of the Union using the software/equipment | Application by user(s) |
| October 29, 2015 | Register (DUS) | Cultivation design, data capture, compilation of lists, distinctness program, COYD and COYU, description of variety | Federal Plant Variety Office  E-mail:  [uwe.meyer@bundessortenamt.de](mailto:uwe.meyer@bundessortenamt.de) | DE | All species |
| October 29, 2015 | GAIA | Study and analysis of results | Instituto Nacional de semillas  E-mail: [gcamps@inase.org.uy](mailto:gcamps@inase.org.uy) | UY | All species |
| October 29, 2015 | INFOSTAST | Study and analysis of results | Instituto Nacional de semillas  E-mail: [gcamps@inase.org.uy](mailto:gcamps@inase.org.uy) | UY | All species |
| October 28, 2016 | SAS and R | Design and analysis |  | KE | All species |

(e) Data recording and transfer

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| --- | --- | --- | --- | --- | --- |
| Date added | Title of software/equipment | Function (brief summary) | Source & contact details | Member(s) of the Union using the software/equipment | Application by user(s) |
| October 29, 2015 | Reg.mobile | Mobile data capture with transmission of layout plan and data transfer to PC | Federal Plant Variety Office  E-mail:  [uwe.meyer@bundessortenamt.de](mailto:uwe.meyer@bundessortenamt.de) | DE | All species |
| October 29, 2015 | PANASONIC CF-U1 TOUGHBOOK | Data recording | Croatia  E-mail: [bojan.markovic@hcphs.hr](mailto:bojan.markovic@hcphs.hr) | HR | Maize |
| October 29, 2015 | Motorola MC55A0 PDA | Field DUS tests data acquisition | Plant Breeders’ Rights Unit  E-mail: [benzionz@moag.gov.il](mailto:benzionz@moag.gov.il) | IL | All species |
| October 28, 2016 | PANASONIC CF-U1  TOUGHBOOK | Data recording | Finnish Food Safety Authority  E-mail: [Kaarina.paavilainen@evira.fi](mailto:Kaarina.paavilainen@evira.fi) | FI | Mainly cross pollinated plants |

(f) Image analysis

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Date added | Title of software/equipment | Function (brief summary) | Source & contact details | Member(s) of the Union using the software/equipment | Application by user(s) |
| October 29, 2015 | Image analysis | Automatic measurement of leaf characteristics in various plant species | Federal Plant Variety Office  E-mail:  [uwe.meyer@bundessortenamt.de](mailto:uwe.meyer@bundessortenamt.de) | DE | Employees of Federal Plant Variety Office |

(g) Biochemical and molecular data

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| --- | --- | --- | --- | --- | --- |
| Date added | Title of software/equipment | Function (brief summary) | Source & contact details | Member(s) of the Union using the software/equipment | Application by user(s) |
| October 29, 2015 | NTSYSpc (version 2.21m) | Multivariate data analysis program | Applied Biostatistics, Inc. | KR | Clustering analysis for DNA marker development |

[End of Annex II and of document]

1. Held in Geneva, on October 29, 2015. [↑](#footnote-ref-2)
2. See document [C/49/19](http://www.upov.int/meetings/en/details.jsp?meeting_id=36742) “Report”, paragraph 31. [↑](#footnote-ref-3)
3. Held in Shanghai, China, from June 7 to 10, 2016 [↑](#footnote-ref-4)
4. See document [TC/52/29 Rev](http://www.upov.int/meetings/en/details.jsp?meeting_id=38785). “Revised Report”, paragraph 176. [↑](#footnote-ref-5)
5. See document [C/49/19](http://www.upov.int/meetings/en/details.jsp?meeting_id=36742) “Report”, paragraph 32. [↑](#footnote-ref-6)
6. See document [TC/52/29 Rev.](http://www.upov.int/meetings/en/details.jsp?meeting_id=38785) “Revised Report”, paragraph 179. [↑](#footnote-ref-7)