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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**Disclaimer: this document does not represent UPOV policies or guidance*

EXECUTIVE SUMMARY

1. 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".
2. 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.

3. 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
TWP: Technical Working Parties

4. The structure of this document is as follows:

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PURPOSE

5. 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

6. The Council, at its forty-ninth ordinary session¹ 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

7. 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

8. 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."

9. 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

¹ Held in Geneva, on October 29, 2015.

² See document [C/49/19](#) "Report", paragraph 31.

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.

10. The TWC, at its thirty-fourth session³, 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.

11. 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.

12. *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

13. 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.”

14. 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.

15. 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

16. 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.

³ Held in Shanghai, China, from June 7 to 10, 2016

⁴ See document [TC/52/29 Rev.](#) "Revised Report", paragraph 176.

17. *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

18. 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

19. *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

20. 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:

- a) propose to include the information in the document;
- b) request further guidance from other relevant bodies (e.g. CAJ and TWPs); or
- c) 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.”

21. 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”.

22. 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 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.

⁵ See document [C/49/19](#) “Report”, paragraph 32.

⁶ See document [TC/52/29 Rev.](#) “Revised Report”, paragraph 179.

23. 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.

24. *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	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 Eduardo Padilla Vaca, Director, Plant Varieties, SNICS E-mail: 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		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		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		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		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

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	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	IL	All species
October 29, 2015	Access	Database management	Instituto Nacional de semillas E-mail: 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	DE	All species
October 29, 2015	PDF	Application for the protection of plant varieties	Instituto Nacional de semillas E-mail: gcamps@inase.org.uy	UY	All species

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 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	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	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

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	DE	All species
October 28, 2016	Sword Accepto	Trade mark and design search tool supporting the searching for prior use of proposed denominations.	http://intellect.sword-group.com/Home/Accepto	NZ	All species

(d) DUS trial design and data 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	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	DE	All species
October 29, 2015	GAIA	Study and analysis of results	Instituto Nacional de semillas E-mail: 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	UY	All species
October 28, 2016	SAS and R	Design and analysis		KE	All species

(e) Data recording and transfer

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	DE	All species
October 29, 2015	PANASONIC CF-U1 TOUGHBOOK	Data recording	Croatia E-mail: 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	IL	All species
October 28, 2016	PANASONIC CF-U1 TOUGHBOOK	Data recording	Finnish Food Safety Authority E-mail: 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	DE	Employees of Federal Plant Variety Office

(g) Biochemical and molecular data

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]