

Administrative and Legal Committee

CAJ/76/6

**Seventy-Sixth Session
Geneva, October 30, 2019****Original:** English
Date: July 24, 2019**VARIETY DENOMINATIONS***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 provide information to assist the CAJ in its consideration of a revision of document UPOV/INF/12 “Explanatory Notes on Variety Denominations under the UPOV Convention” as presented in document UPOV/EXN/DEN/1 Draft 2, and to report on developments concerning the International Code of Nomenclature for Cultivated Plants (ICNCP) of the International Commission for the Nomenclature of Cultivated Plants of the International Union for Biological Sciences (IUBS Commission).

2. The Administrative and Legal Committee (CAJ) is invited to:

(a) note the developments concerning a revision of document UPOV/INF/12 “Explanatory Notes on Variety Denominations under the UPOV Convention” as presented in document UPOV/EXN/DEN/1 Draft 2, as set out in paragraphs 6 to 10 of this document;

(b) consider document UPOV/EXN/DEN/1 Draft 2 “Explanatory Notes on Variety Denominations under the UPOV Convention” in conjunction with the comments of the WG-DEN, as set out in paragraph 9;

(c) note developments concerning the process for the revision of the ninth edition of the ICNCP, as set out in paragraph 13 of this document;

(d) note developments concerning a UPOV similarity search tool for variety denomination purposes, as set out in paragraphs 16 and 17 of this document;

(e) note developments concerning the possible expansion of the content of the PLUTO Database, as set out in paragraphs 19 to 23 of this document;

(f) note developments concerning non-acceptable terms, as set out in paragraph 25 of this document;

(g) note that the sixth meeting of the WG-DEN will be held in Geneva, on October 29, 2019;

(h) note the draft agenda for the sixth meeting of the WG-DEN, as set out in paragraph 27 of this document; and

(i) note that a report on developments at the sixth meeting of the WG-DEN will be made at the seventy-sixth session of the CAJ.

3. The following abbreviations are used in this document:

CAJ: Administrative and Legal Committee

ICNCP: International Code of Nomenclature for Cultivated Plants

IUBS Commission: International Commission for the Nomenclature of Cultivated Plants of the
International Union for Biological Sciences

WG-DEN: Working Group on Variety Denominations

4. The structure of this document is as follows:

EXECUTIVE SUMMARY	1
POSSIBLE REVISION OF DOCUMENT UPOV/INF/12 “EXPLANATORY NOTES ON VARIETY DENOMINATIONS UNDER THE UPOV CONVENTION”	2
POSSIBLE CONTRIBUTION TO THE REVISION OF THE NINTH EDITION OF THE ICNCP	3
POSSIBLE DEVELOPMENT OF A UPOV SIMILARITY SEARCH TOOL FOR VARIETY DENOMINATION PURPOSES	3
EXPANSION OF THE CONTENT OF THE PLUTO DATABASE.....	3
NON-ACCEPTABLE TERMS.....	4
DATE AND PROGRAM OF THE NEXT MEETING OF THE WG-DEN.....	5

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

5. The background to this matter is provided in document [CAJ/75/7](#) “Variety denominations”, paragraphs 6 to 8.

6. The Working Group on Variety Denominations (WG-DEN), at its fifth meeting,¹ considered documents [UPOV/WG-DEN/5/2](#) “Revision of document UPOV/INF/12/5 ‘Explanatory Notes on Variety Denominations under the UPOV Convention’” and [UPOV/EXN/DEN/1 Draft 1](#) “Explanatory Notes on Variety Denominations under the UPOV Convention (Revision)”.

7. The report of the fifth meeting is provided in document [UPOV/WG-DEN/5/3](#) “Report”.

8. The WG-DEN agreed that a new draft of the relevant sections of document UPOV/EXN/DEN should be circulated for comments by correspondence to the WG-DEN early in 2019. The WG-DEN further agreed that document UPOV/EXN/DEN/1 Draft 2 should be prepared on the basis of the comments received by correspondence and that document UPOV/EXN/DEN/1 Draft 2 should be presented to the sixth meeting of the WG-DEN, on October 29, 2019, and at the seventy-sixth session of the CAJ, on October 30, 2019.

9. On April 18, 2019, the Office of the Union issued Circular E-19/041 to the designated persons of the members of the WG-DEN, inviting them to consider proposals for the relevant sections of document UPOV/EXN/DEN and to provide comments. Document UPOV/EXN/DEN/1 Draft 2 has been prepared on the basis of the responses received and will be considered by the WG-DEN at its sixth meeting and by the CAJ at seventy-sixth session.

10. The comments made by the WG-DEN on document UPOV/EXN/DEN/1 Draft 2 at its sixth meeting will be reported to the CAJ at its seventy-sixth session in an addendum to document CAJ/76/6.

11. *The CAJ is invited to:*

(a) note the developments concerning a possible revision of document UPOV/INF/12 “Explanatory Notes on Variety Denominations under the UPOV Convention” as presented in document UPOV/EXN/DEN/1 Draft 2, as set out in paragraphs 6 to 10 of this document; and

(b) consider document UPOV/EXN/DEN/1 Draft 2 “Explanatory Notes on Variety Denominations under the UPOV Convention” in conjunction with the comments of the WG-DEN, as set out in paragraph 9.

¹ Held in Geneva, on October 30, 2018.

POSSIBLE CONTRIBUTION TO THE REVISION OF THE NINTH EDITION OF THE ICNCP

12. The background to this matter is provided in document [CAJ/75/7 Add.](#) "Addendum to Variety denominations", paragraphs 3 to 7.

13. On April 9, 2019, the Office of the Union was informed by Mr. John C. David, Chairman of the IUBS Commission, that the next meeting of the ICNCP Commission at the International Symposium for the Taxonomy of Cultivated Plants, due to be held in Singapore, would be postponed until early 2020. On July 8, 2019, the Office of the Union was informed by Mr. David that the next meeting of the IUBS Commission responsible for the amendment of the ICNCP Code is planned to be held in Angers, France, in early 2020. Proposals to amend the ICNCP were requested to be sent to the Chairman of the IUBS Commission by the end of November 2019. The Office of the Union is planning to send proposals as approved by the CAJ in October 2018.²

14. The CAJ is invited to note the developments concerning the process for the revision of the ninth edition of the ICNCP, as set out in paragraph 13 of this document.

POSSIBLE DEVELOPMENT OF A UPOV SIMILARITY SEARCH TOOL FOR VARIETY DENOMINATION PURPOSES

15. The background of this matter is provided in document CAJ/75/7 "Variety Denominations", paragraph 10.

16. The WG-DEN, at its fifth meeting, agreed that the Office of the Union should restart its work to explore possibilities to improve the UPOV Denomination Similarity Search Tool in conjunction with the Community Plant Variety Office of the European Union (CPVO).³

17. The Office of the Union will report on the latest developments concerning this matter to the WG-DEN⁴ and to the CAJ at its seventy-sixth session.

EXPANSION OF THE CONTENT OF THE PLUTO DATABASE

18. The background to this matter is provided in document CAJ/75/7 "Variety denominations", paragraph 12.

19. The WG-DEN, at its fifth meeting, agreed.⁵

(a) to accept accents and special characters in denominations in the PLUTO database while noting that the denomination search tool on the PLUTO database would only use the character set ASCII representation, as defined in ISO Standard 646;

(b) to revise the "Program for Improvements to the Plant Variety Database", Section 3.1.3 in order to change the acceptable character set to ISO/IEC Standard 8859 1: 1998;

(c) to invite members of the Union to check whether they have relevant variety data that is no longer included in the PLUTO database but was submitted to the PLUTO database previously;

(d) that the Office of the Union should explore possibilities to introduce a unique identifier for variety records in the PLUTO database in order that new data submissions would add to the existing data rather than replacing it;

² See document CAJ/75/14 "Report", paragraph 45.

³ See document UPOV/WG-DEN/5/3 "Report", paragraph 28.

⁴ To be held in Geneva on October 29, 2019.

⁵ See document UPOV/WG-DEN/5/3 "Report", paragraph 30.

(e) that additional data should not be included in PLUTO but accessible via a search platform for independent databases; and

(f) that the Office of the Union to issue a circular to invite members of the Union to propose data that they would wish to include in the PLUTO database or make accessible via a search platform for independent databases.

Accents and special characters in denominations in the PLUTO database

20. Proposals concerning accents and special characters in denominations in the PLUTO database, as set out in paragraph 19 (a) and (b) above, are presented in document CAJ/76/7 “UPOV Information databases”.

Variety data no longer included in the PLUTO database (historical data)

21. With regard to the invitation for members of the Union to check variety data no longer included in the PLUTO database, as set out in paragraph 19 (c) above, the Office of the Union will issue a circular to invite contributors to the PLUTO database to inform the Office of the Union if they have relevant variety data that is no longer included in the PLUTO database but was submitted to the PLUTO database previously. Information received in response to that circular, where appropriate, will be presented to the WG-DEN.

22. With regard to the possible introduction of a unique identifier for variety record in the PLUTO database, as set out in paragraph 19 (d) above, the Office of the Union will present proposals on this matter at the sixth meeting of the WG-DEN.

Other varieties (new data)

23. With regard to the inclusion of other varieties (new data) in the PLUTO database, as set out in paragraphs 19 (e) and (f) above, on June 28, 2019, the Office of the Union issued Circular E-19/082 to the designated persons of the members of the Union in the Council, CAJ and WG-DEN, inviting them to propose, by July 31, 2019, additional types of record that they would wish to include in the PLUTO database or make accessible via a search platform for independent databases. Information received in response to that circular and consequent proposals, where appropriate, will be presented to the WG-DEN.

NON-ACCEPTABLE TERMS

24. The background to this matter is provided in document CAJ/75/7 “Variety denominations”, paragraph 14.

25. The WG-DEN, at its fifth meeting, agreed not to pursue further the matter in relation to this item “Non-acceptable terms”.⁶

⁶ See document UPOV/WG-DEN/5/3 “Report”, paragraph 32.

DATE AND PROGRAM OF THE NEXT MEETING OF THE WG-DEN

26. The sixth meeting of the WG-DEN will be held in Geneva, on the evening of October 29, 2019.
27. The WG-DEN, at its fifth meeting, agreed the following program for the sixth meeting of the WG-DEN:
 1. Opening of the meeting
 2. Adoption of the agenda
 3. Revision of document UPOV/INF/12/5 "Explanatory Notes on Variety Denominations under the UPOV Convention"
 4. UPOV denomination similarity search tool
 5. Expansion of the content of the PLUTO database
 6. Date, place and program of the next meeting
28. A report on developments at the sixth meeting of the WG-DEN will be made at the seventy-sixth session of the CAJ.

29. *The CAJ is invited to note:*

(a) developments concerning a UPOV similarity search tool for variety denomination purposes, as set out in paragraphs 16 and 17 of this document;

(b) developments concerning the possible expansion of the content of the PLUTO Database, as set out in paragraphs 19 to 23 of this document;

(c) developments concerning non-acceptable terms, as set out in paragraph 25 of this document;

(d) that the sixth meeting of the WG-DEN will be held in Geneva, on October 29, 2019;

(e) the draft agenda for the sixth meeting of the WG-DEN, as set out in paragraph 27 of this document; and

(f) that a report on developments at the sixth meeting of the WG-DEN will be made at the seventy-sixth session of the CAJ.

[End of document]