UPOV

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
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TECHNICAL COMMITTEE

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UPOV INFORMATION DATABASES

Document prepared by the Office of the Union

1.   The purpose of this document is to provide an update on developments concerning the GENIE database, the UPOV Code System and the Plant Variety Database (UPOV-ROM).

GENIE DATABASE

2.   It is recalled that the GENIE database is being developed to provide, for example, online information on the status of protection (see document C/39/6), cooperation in examination (see document C/39/5), experience in DUS testing (see document TC/42/4), and existence of UPOV Test Guidelines (see document TC/42/2) for different <u>GEN</u>era and spec<u>IE</u>s (hence GENIE), and will also be used to generate the relevant Council and Technical Committee (TC) documents concerning that information. In addition, the GENIE database is the repository of the UPOV codes, which will be the basis for identifying the relevant variety denomination class for the purposes of the Plant Variety Database, and will also provide information concerning alternative botanical and common names.

3.   A prototype GENIE database in Microsoft Access format has been populated with all available UPOV codes and corresponding information relating to the documents mentioned above. That prototype was demonstrated at the forty-first session of the TC, held in Geneva, from April 4 to 6, 2005, the fifty-first session of the Administrative and Legal Committee (CAJ), held in Geneva on April 7, 2005, and at the Technical Working Party (TWP) sessions

in 2005. The Technical Working Party for Vegetables (TWV) made the following proposals with regard to features of the GENIE database as it would be available on the UPOV website:

(i)   to provide a link from the Test Guidelines references in the GENIE database to the relevant UPOV Test Guidelines on the UPOV website;

(ii)   to provide a link to the relevant e-mail or website address for authorities in relation to experience and protection information.

The Office of the Union (Office) plans to address the TWV proposals in the final, web-based version of the GENIE database. In addition, on the basis of experience in using the Access version of the GENIE database and other developments, the Office plans to introduce the following modifications in the final version:

(iii)   to create a new field for "Family". Some members of the Union use the Family level classification in relation to certain information;

(iv)   to attribute each genus to a "Category": Plant; Plant/Fungus; or Plant/Algae. This extra classification is necessary for information concerning protection. Many members of the Union apply the provisions of the UPOV Convention to all plant genera and species. However, there are some differences between members of the Union with regard to whether certain fungi and algae are considered to be "plants". For the "Plant" category, it means that all members of the Union consider the genera within the category to be "plants" and members of the Union offering protection to all plant genera and species offer protection for the genera concerned. Within the "Plant/Fungus" and "Plant/Algae" categories, it is possible that not all members of the Union consider that the genera concerned are "plants". Therefore, for those categories, the protection situation will be considered for each individual member of the Union on a case-by-case basis;

(v)   to introduce the possibility for a UPOV code to have more than one denomination class. At present, some varieties in the UPOV-ROM are only identified as belonging to a genus (e.g. *Brassica*). Where genera have species in more than one denomination class (e.g. *Brassica*: *Brassica oleracea* (Class 5), *Brassica napus* (Class 6) etc. (see document UPOV/INF/12 Rev.), the GENIE database indicates the class for the genus as "Divided". By specifying all the possible classes for the genus (e.g. for *Brassica*: Class 5, Class 6 and Class 28), instead of just "divided", any variety for which the species was not specified could be included in all relevant classes for variety denomination checking purposes. However, it is anticipated that, in cases where there is more than one denomination class for a genus, the instances of varieties entered without species information will be eliminated over time, as the situation becomes clarified; and

(vi)   to update the variety denomination classes according to any revision of document UPOV/INF/12 Rev.

4.   On the basis of the modifications above, the design of the web-based version of the GENIE database is now underway, and an oral report on progress will be made to the TC at its forty-second session.

5.   *The TC is invited to comment on the proposals for the final, web-based version of the GENIE database, as set out in paragraph 3.*

UPOV CODE SYSTEM

6.   The procedure for the introduction and amendment of codes as agreed by the TC at its fortieth session is reproduced in the Annex to this document.

7.   At its forty-first session, the TC noted that the Office planned to develop some guiding criteria for identifying the most appropriate authorities to check UPOV code entries. The following guiding criteria have been developed by the Office and considered by the TWPs at their sessions in 2005:

(a)   *Checking Technical Working Party(ies)*

The Office to determine the relevant Technical Working Party(ies) (TWP(s)) for checking each UPOV code on the basis of available information.

(b)   *Checking by all authorities*

All the experts of the relevant TWP(s) to be invited to check the UPOV codes where:

(i)   many authorities (e.g. 10 or more) have practical experience in DUS testing (based on GENIE database / document TC/xx/4 (e.g. TC/42/4)), have provided interested experts in the drafting of relevant Test Guidelines and/or have protected varieties (based on Plant Variety Database (UPOV-ROM)); or

(ii)   they concern genera or species for which a wide review is considered appropriate by the Office (e.g. because it concerns a proposal for a species or sub-species not previously recognized within the genus, or a proposal for restructuring of the UPOV code).

(c)   *Checking by specific authorities*

In cases not covered by (b) above, the experts of the relevant TWP(s) of specific authorities to be invited to check the UPOV codes. The specific authorities being those which have practical DUS testing experience, have provided interested experts in the drafting of relevant Test Guidelines, or which have granted protection for varieties covered by the relevant UPOV code.

8.   For the TWP sessions in 2005, the Office prepared a table of UPOV code amendments which all experts were requested to check (see (b) above) and for each individual authority the amendments which they were specifically requested to check (see (c) above). The Office also provided an explanation of the information provided and some guidance on how to check the code amendments. However, the checking of the UPOV code amendments required reference to a summary report of the latest information on UPOV codes, the production of which has been delayed, and the checking by the TWPs did not take place in 2005. Given the delay, it is proposed that the checking of the 2005 and 2006 amendments be combined into a single

exercise by the TWPs in 2006. The delay in the production of the summary has arisen because it was linked to the development of the data submission table for the UPOV-ROM (see paragraph 12 below).

9.   *The TC is invited:*

(a)   to consider the proposed guiding criteria for identifying the most appropriate authorities to check UPOV code amendments, as set out in paragraph 7, and to consider updating the procedure for the introduction and amendment of UPOV codes accordingly; and

(b)   to endorse the proposal for the checking of the 2005 amendments to the UPOV code to be combined with the checking of the 2006 amendments, to be considered by the TWPs in 2006.

PLANT VARIETY DATABASE

Improvements to the UPOV-ROM

10.   At its forty-first session, the TC noted that, with regard to the program to improve the Plant Variety Database, priority was focused on improvements which could equally be realized in both the UPOV-ROM and web-based formats, namely:

(a)   introduction of the UPOV code;

(b)   improving the ease of contributing data to the UPOV-ROM through the development of a data submission table allowing data to be provided without the use of TAG format;

(c)   providing training in the use of the UPOV-ROM.

11.   In relation to the UPOV code, some members of the Union have already started to introduce the UPOV codes into their UPOV-ROM data, using spreadsheets containing UPOV codes provided by the Office.

12.   In due course, the Office plans to launch a program encouraging all contributors to start using the UPOV codes in their data and encouraging all members of the Union who do not currently contribute data to start contributing data. The starting point for that program will be the following synchronized actions:

(a)   the posting on the first restricted area of the UPOV website of spreadsheets containing all UPOV codes and related names, together with guidance notes, in all UPOV languages, on how to use those spreadsheets for identifying the correct UPOV code (the spreadsheets will, thereafter, be updated on a regular basis);

(b)   the posting on the first restricted area of the UPOV website of a data submission table allowing data to be provided without the use of TAG format, together with guidance notes, in all UPOV languages, on how to use the data submission table. The data submission table will be linked to the tables for identifying the appropriate UPOV code (see (a) above) and will require all entries to be provided with a UPOV code;

(c)   the issuing of a circular to UPOV-ROM contributors encouraging them to start including UPOV codes in their UPOV-ROM entries and notifying them of (a) and (b) above. The circular will invite contributors to contact the Office if they require assistance in starting to use the UPOV codes. With regard to assistance in starting to include UPOV codes, the circular will explain that particular assistance can be provided in conjunction with the Community Plant Variety Office (CPVO): CPVO is obliged to enter a UPOV code for all data in their own database. For that reason, CPVO has reviewed all varieties in the UPOV-ROM (not just the data from the countries of the European Community) and has allocated what it considers to be appropriate UPOV codes for those varieties. Contributors wishing to receive a list of the UPOV codes allocated to their data by CPVO (for the CPVO database) will be invited to contact the Office; and

(d)   the issuing of a circular to members of the Union who do not contribute data to the UPOV-ROM, or who do not contribute data on a regular basis, informing them of the introduction of the data submission table (see (b) above) and inviting them to contact the Office if they require particular assistance in submitting data.

13.   In relation to improving the completeness of data in the UPOV-ROM, the TC is invited to note that certain States (Cyprus, Greece, Luxembourg, Malta), which are not members of UPOV, are members of the European Community and, as such, may provide data to CPVO. Consequently, data from those States provided to CPVO will be included in the UPOV-ROM.

14.   With regard to providing training in the use of the UPOV-ROM, the Office ensures that information on the UPOV-ROM is included in relevant UPOV workshops and has integrated an explanation of the UPOV-ROM in the Distance Learning Course DL-205 "Introduction to the UPOV System of Plant Variety Protection under the UPOV Convention".   DL-205 participants are issued with a sample UPOV-ROM and are required to undertake searches using the UPOV-ROM as a part of the exam.

15.   To further emphasize the status of the data in the UPOV-ROM, the Office has recently updated the general notice and disclaimer and placed it at the beginning of the User Guide. It reads as follows:

> "GENERAL NOTICE AND DISCLAIMER
> Please note that the information concerning plant breeders' rights provided in the UPOV-ROM Plant Variety Database (UPOV-ROM) 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 UPOV-ROM, please contact the relevant authority, contact details for which are provided on the UPOV website at http://www.upov.int/en/about/members/pvp_offices.htm or on the CD-ROM in D:\UPOVPDF\address.pdf (if D: is the CD-ROM drive).

All contributors to the UPOV-ROM 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 the UPOV-ROM and, for those members of the Union who supply data, it is not obligatory to supply data for all items."

Development of a web-based Plant Variety Database

16.   At its forty-first session, the TC was informed that the schedule for the development of an initial prototype of the web-based Plant Variety Database would depend on the resources needed to advance the three priorities set out in paragraph 10, above. The Office explained that the prototype web-based Plant Variety Database, once developed, would be presented with proposals concerning the fields to be included and proposals for which fields might be considered to be mandatory, as requested by the TC at its fortieth session. The frequency of updating of the web-based Plant Variety Database would be considered in conjunction with the presentation of the prototype together with consideration of the establishment of links to relevant websites for variety denomination checking purposes.

17.   The TC heard that the Office would investigate the potential for the development of a common searching platform to be provided for certain databases relevant for variety denomination searching purposes. The Office plans to make a report on that matter at the forty-third session of the TC.

> 18.   *The TC is invited to:*
>
> (a)   *note the developments and planned program concerning improvements to the UPOV-ROM and for the development of a web-based Plant Variety Database, as set out in paragraphs 12 to 14;*
>
> (b)   *note the revision of the UPOV-ROM User Guide with the updating of the general notice and disclaimer (see paragraph 15); and*
>
> (c)   *note the situation concerning the development of a web-based Plant Variety Database (see paragraph 17).*

[Annex follows]

ANNEX

PROCEDURE FOR THE INTRODUCTION AND
AMENDMENT OF UPOV CODES

The Technical Committee (TC), at its fortieth session, held in Geneva from March 29 to 31, 2004 (see document TC/40/10, paragraph 17), agreed to the following procedure for the introduction and amendment of codes:

(1)   Responsibility for the UPOV Code System

The Office of the Union (Office) is responsible for the UPOV Code System and the individual codes.

(2)   Repository of UPOV Codes

The definitive collection of UPOV codes exists exclusively in the GENIE database.

(3)   Introduction of New UPOV Codes / Amendments to UPOV Codes

(a)   In the first instance, the Office will draft a code on the basis of the Germplasm Resources Information Network (GRIN) database, or other suitable references if the species concerned are not included in the GRIN database.

(b)   Where the Office is aware of relevant experts for the genus or species concerned, or is advised of such experts, for example by the proposer of a new code, it will, wherever possible, check its proposals with those experts before creating the code.

(c)   New codes might be proposed by any party, but it is expected that the majority of proposals will be made by contributors to the Plant Variety Database. Where the Office receives such proposals, it will respond by updating the GENIE database with the new codes in a timely manner and, in particular, will seek to ensure that new codes are available to allow their use for the forthcoming edition of the Plant Variety Database. In addition, the Office will add new codes where it identifies a need.

(d)   In general, amendments to codes will not be made as a result of taxonomic developments unless these result in a change to the genus classification of a species. The UPOV recommendations on variety denominations are based on the general principle that, unless the list of classes applies, all taxonomic units which belong to the same genus are closely related. Therefore, it is important that the first element of the code can be used to sort species into the correct genus. The codes will also be amended if there are consequences for the content of a variety denomination class where the list of classes applies. Amendments to UPOV codes will be handled by the same procedure as the introduction of new codes as in paragraphs (a) and (b), above. However, in addition, all members of the Union and contributors of data to the Plant Variety Database will be informed of any amendments.

(e)   New and amended codes will be presented to the relevant Technical Working Parties (TWP(s)) for comment at their first available session. If the TWP recommends any change, this will be treated as an amendment according to paragraph (d), above.

(4) Updating of Information Linked to UPOV Codes

(a) UPOV codes might need to be updated to take account of, for example, changes in taxonomic classification, new information on common names, etc. In the case of changes of taxonomic classification, this might, although it is emphasized that this is not necessarily the case (see section (3)(d), above), result in a need to change the UPOV code. In such cases, the procedure is as explained in section (3), above. In other cases, the Office will amend the information linked to the existing code as appropriate.

(b) The TC, the TWPs and individual communications from members and observers of these bodies will be the principal routes by which the Office will update its information.

[End of Annex and of document]