



TC/49/12

ORIGINAL: English

DATE: February 21, 2013

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

TECHNICAL COMMITTEE

Forty-Ninth Session Geneva, March 18 to 20, 2013

EXCHANGEABLE SOFTWARE

Document prepared by the Office of the Union

1. The purpose of this document, and its Addendum (document TC/49/12 Add.), is to consider relevant matters concerning exchangeable software.

2. The structure of the document is as follows:

I.	REVIEW OF REQUIREMENTS FOR EXCHANGEABLE SOFTWARE.....	2
II.	SOFTWARE PROPOSED FOR INCLUSION IN UPOV/INF/16.....	3
III.	INFORMATION ON USE BY MEMBERS.....	4

ANNEX SOFTWARE PROPOSED FOR INCLUSION IN DOCUMENT UPOV/INF/16 "EXCHANGEABLE SOFTWARE"

3. The following abbreviations are used in this document:

CAJ:	Administrative and Legal Committee
TC:	Technical Committee
TC-EDC:	Enlarged Editorial Committee
TWA:	Technical Working Party for Agricultural Crops
TWC:	Technical Working Party on Automation and Computer Programs
TWF:	Technical Working Party for Fruit Crops
TWO:	Technical Working Party for Ornamental Plants and Forest Trees
TWV:	Technical Working Party for Vegetables
TWPs:	Technical Working Parties

I. REVIEW OF REQUIREMENTS FOR EXCHANGEABLE SOFTWARE

4. At its twenty-ninth session, held in Geneva, from June 7 to 10, 2011, the TWC considered document TWC/29/7 "Exchangeable Software" and received a presentation by Mrs. Hedwich Teunissen (Netherlands) on "Bionumerics Software for Databasing and Data Analysis" (document TWC/29/30). Copies of those documents are posted on the website of the forty-eighth session of the TC (http://www.upov.int/meetings/en/details.jsp?meeting_id=25503). The TWC agreed that the Bionumerics Software for Databasing and Data Analysis could be included in the exchangeable software subject to agreement by the Working Group on Biochemical and Molecular Techniques and DNA Profiling in Particular (BMT) at its thirteenth session, to be held in Brasilia, from November 22 to 24, 2011 (see document TWC/29/31, "Report", paragraphs 39 and 40). There was no presentation from the Russian Federation at the twenty-ninth session of the TWC. The next opportunity for the review of the additional software provided by the Russian Federation will be at the thirtieth session of the TWC in 2012.

5. The TWV, at its forty-fifth session, held in Monterey, United States of America, from July 25 to 29, 2011, noted the information provided in document TWV/45/7. The TWV agreed that information on the cost and intellectual property rights for the Bionumerics Software for Databasing and Data Analysis should be provided. The TWV suggested that the TC should consider the type of information to be included in document "Exchangeable Software" (see document TWV/45/26 "Report", paragraph 68).

6. The TWF, at its forty-second session, held in Hiroshima, Japan, from November 14 to 18, 2011, noted the information provided in document TWF/42/7. It agreed that information on the cost and intellectual property rights should be considered with regard to software proposed for inclusion in document "Exchangeable Software" (see document TWF/42/26 Rev. "Revised Report", paragraph 56).

7. The TWO, at its forty-fourth session, held in Fukuyama, Japan, from November 7 to 11, 2011, noted the information provided in document TWO/44/7. It agreed that information on the cost and intellectual property rights should be considered with regard to software proposed for inclusion in document UPOV/INF/16 "Exchangeable Software" (see document TWO/44/25 "Report", paragraph 49).

8. At its thirteenth session, held in Brasilia, from November 22 to 24, 2011, the BMT received a presentation by Ms. Hedwich Teunissen (Netherlands) on the Bionumerics Software for Databasing and Data Analysis, based on document BMT/13/31, which is provided in document BMT/13/31 Add. Copies of those documents are posted on the website of the forty-eighth session of the TC. In reply to a question from Mr. Tetsuya Kimura (Japan), Ms. Teunissen explained that the cost of purchasing the software varies depending on how many functions (plug-ins) are needed. The BMT noted that the Bionumerics Software had been proposed to be included in document UPOV/INF/16 "Exchangeable Software" by the TWC (see document BMT/13/36 "Report", paragraphs 64 to 66).

9. The TC, at its forty-eighth session, held in Geneva, from March 26 to March 28, 2012, considered the recommendation of the TWC at its twenty-ninth session concerning the inclusion of "Bionumerics Software for Databasing and Data Analysis" in document UPOV/INF/16, in conjunction with the comments of the TWV, TWF, TWO and BMT. The TC noted different views on whether commercial software should be considered in document UPOV/INF/16 and suggested that it would be appropriate to review the title of document UPOV/INF/16 "Exchangeable Software" and Section "1. Requirements for exchangeable software", before taking a view on the inclusion of the "Bionumerics Software for Databasing and Data Analysis" software. It agreed that the review should be included in the agenda for its forty-ninth session (see document TC/48/22 "Report on the Conclusions", paragraph 120).

10. The CAJ, at its sixty-fifth session, held in Geneva, on March 29, 2012, considered the recommendation of the TWC, at its twenty-ninth session, concerning the inclusion of "Bionumerics Software for Databasing and Data Analysis" in document UPOV/INF/16, in conjunction with the comments of the TC. The CAJ noted that different views on whether commercial software should be considered in document UPOV/INF/16 had been expressed at the TC session and that the TC had suggested that it would be appropriate to review the title of document UPOV/INF/16 "Exchangeable Software" and Section "1. Requirements for exchangeable software", before taking a view on the inclusion of the "Bionumerics Software for Databasing and Data Analysis" software (see paragraph 61 of the Annex to document CAJ/65/11). The CAJ agreed that a review of document UPOV/INF/16 should be included in the agenda for its October session in 2013 (see document CAJ/65/12 "Report on the Conclusions", paragraph 59).

11. To assist the TC in its review of the title of document UPOV/INF/16 "Exchangeable Software" and Section "1. Requirements for exchangeable software", Section 1 of the document is reproduced below:

"1. Requirements for exchangeable software

"1.1 Members of the Union are invited to offer software for inclusion in this document on the basis that the software will be made available to other members of the Union, subject to any specified conditions (e.g. software to be supplied, but no provision of installation or on-going maintenance etc.).

"1.2 Members of the Union may propose software that they, themselves, have not developed, provided that the member of the Union proposing the software has used the software for the function described. In particular, jointly-developed software, freely-available software packages and packages built around commercial software products can be included, provided that intellectual property rights are respected and the relevant information concerning those aspects is covered by the information provided in the column for "Condition for Supply".

"1.3 Information on the following should be provided by any member of the Union proposing software for inclusion in document UPOV/INF/16:

Program name
 Programming language
 Function (brief summary)
 Source & contact details
 Category(ies) of use (see Section 3 "Categories of software")"

12. The TC is invited to review the title of document UPOV/INF/16 "Exchangeable Software" and Section "1. Requirements for exchangeable software".

II. SOFTWARE PROPOSED FOR INCLUSION IN UPOV/INF/16

13. The procedure for considering proposed inclusions of software is set out in document UPOV/INF/16 "Exchangeable Software", 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."

14. The TWC, at its thirtieth session, held in Chisinau, Republic of Moldova, from June 26 to 29, 2012, considered documents TWC/30/7 "Exchangeable software" and TWC/30/35 "Information System (IS) Used for Test and Protection of Plant Varieties in the Russian Federation" (see document TWC/30/41 "Report", paragraph 68).

15. The TWC, at its thirtieth session, noted information in document TWC/30/7 and commented that the conditions of availability of exchangeable software should be clarified, such as the need for translation, training, maintenance and costs for potential users before taking a view on its inclusion to the list (see document TWC/30/41 "Report", paragraph 69).

16. The TWC, at its thirtieth session, agreed that the title of the document "Exchangeable Software" should remain unchanged (see document TWC/30/41 "Report", paragraph 70).

17. The TWC, at its thirtieth session, noted document TWC/30/35 "Information System (IS) used for Test and Protection of Plant Varieties in the Russian Federation". In the absence of experts from the Russian Federation, an expert of Belarus reported on the experience of use of this software in Belarus (see document TWC/30/41 "Report", paragraph 71).

18. The TWC, at its thirtieth session, agreed that the software presented by the Russian Federation in document TWC/30/35 was suitable for inclusion in the list of document UPOV/INF/16/2 "Exchangeable

Software”, with a remark that it would be available in the Russian language (see document TWC/30/41 “Report”, paragraph 72), the proposal of which is presented in the Annex to this document.

19. The TWC, at its thirtieth session, received a presentation on the AIM software on management of image analysis, made by an expert from France, as reproduced in document TWC/30/31 and in document TC/49/33, Annex II. It noted that the features of the AIM software was available in French and that it could be made available free of charge by its developer (GEVES). The TWC suggested that training on use of this software and its translation into English would be essential for wide use. It also agreed that this software could be included in the list of exchangeable software, the proposal of which is presented in the Annex to this document. The TWC requested the Office of the Union to help translate the software into English (see document TWC/30/41 “Report”, paragraphs 77 and 78).

20. *The TC is invited to:*

(a) consider the recommendation of the TWC concerning the inclusion of “Information System (IS) used for Test and Protection of Plant Varieties in the Russian Federation” in document UPOV/INF/16, as set out in paragraph 18 of this document; and

(b) consider the recommendation of the TWC concerning the inclusion of the AIM software from France in document UPOV/INF/16, as set out in paragraph 19 of this document.

III. INFORMATION ON USE BY MEMBERS

21. 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.”

22. On February 5, 2013, the Office of the Union issued Circular E 13/023 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 by March 4, 2013. The information received in response to the Circular will be presented in an Addendum to this document.

23. The TC will be invited to consider the information which will be contained in the Addendum to this document as a basis for the adoption of a revision of document UPOV/INF/16 by the Council at its forty-seventh session, to be held in Geneva on October 24, 2013. The comments of the TC, at its forty-ninth session, concerning document UPOV/INF/16, will be reported to the CAJ at its sixty-seventh session, to be held in Geneva on March 21, 2013.

[Annex follows]

SOFTWARE PROPOSED FOR INCLUSION IN DOCUMENT UPOV/INF/16 "EXCHANGEABLE SOFTWARE"

INFORMATION SUBMITTED BY:	Russian Federation
---------------------------	--------------------

(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)
	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

INFORMATION SUBMITTED BY:	France
---------------------------	--------

(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)
	AIM	Windows	Image processing software	France: E-mail: christophe.chevalier@geves.fr		FR	rapeseed, sunflower, hydrangea, flax, peas, carrot, maize, winter wheat, orchids