

Technical Committee**TC/53/12****Fifty-Third Session
Geneva, April 3 to 5, 2017****Original: English
Date: March 8, 2017**

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 report on work concerning the possible development of a UPOV similarity search tool for variety denomination purposes and the possible revision of document UPOV/INF/12 “Explanatory Notes on Variety Denominations under the UPOV Convention”.

2. The TC is invited to note:

(a) developments concerning a possible revision of document UPOV/INF/12 “Explanatory Notes on Variety Denominations under the UPOV Convention”, as set out in paragraphs 6 to 11 of this document;

(b) developments concerning a UPOV similarity search tool for variety denomination purposes, as set out in paragraphs 13 to 18 of this document;

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

(d) developments concerning non-acceptable terms, as set out in paragraphs 24 to 28 of this document;

(e) that the third meeting of the WG-DEN will be held in Geneva, on April 7, 2017; and

(f) the draft agenda of the third meeting of the WG-DEN, as set out in paragraph 30 of this document.

3. The following abbreviations are used in this document:

CAJ: Administrative and Legal Committee

CAJ-AG: Administrative and Legal Committee Advisory Group

TC: Technical Committee

WG-DST: Working Group for the Development of a UPOV Denomination Similarity Search Tool

WG-DEN: Working Group on Variety Denominations

4. The structure of this document is as follows:

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

Background

5. The background to this matter is provided in document TC/52/12 “Variety Denominations”, paragraphs 5 and 16 to 26.

Developments in 2016

6. The WG-DEN, at its first meeting, held in Geneva, on March 18, 2016, considered documents UPOV/WG-DEN/1/2 “Revision of Document UPOV/INF/12/5 ‘Explanatory Notes on Variety Denominations under the UPOV Convention’” and UPOV/INF/12/6 Draft 1 “Explanatory Notes on Variety Denominations under the UPOV Convention” (see document WG-DEN/1/6 “Report”, paragraph 4).

7. The WG-DEN agreed to request the Office of the Union to prepare a new draft of document UPOV/INF/12 (document UPOV/INF/12/6 Draft 2), for consideration at its second meeting, reflecting the conclusions of the WG-DEN, at its first meeting, and the comments received in relation to the matters identified for further comments by the WG-DEN at its first meeting (see document WG-DEN/1/6, paragraph 49).

8. On April 13, 2016, the Office of the Union issued Circular E-16/088 to invite experts to provide information concerning the following matters, as provided in document UPOV/WG-DEN/1/6 (see document CAJ/73/3 “Variety Denominations”, paragraph 13):

- to provide examples for acceptable cases of variety denominations that consisted solely of descriptive terms;
- to submit examples of acceptable and unacceptable use of superlatives and comparatives;
- to provide examples and information on the use of prefixes to identify the breeder and issues that could arise;
- to make proposals concerning a possible revision of the variety denomination classes;
- to submit comments/proposals on Section 4(a), in relation to their practices concerning searches and measures concerning prior rights; and
- to provide information of cases in which the denomination accepted in the first application was not the denomination used by other authorities when a different denomination was accepted by a second authority.

9. The CAJ, at its seventy-third session, held in Geneva, on October 25, 2016, noted the work by the Working Group on Variety Denominations (WG-DEN) concerning the Revision of Document UPOV/INF/12 “Explanatory Notes on Variety Denominations under the UPOV Convention” (see document CAJ/73/10 “Report on the Conclusions”, paragraph 25).

10. The WG-DEN, at its second meeting, held in Geneva, on October 25, 2016, considered documents UPOV/WG-DEN/2/2 “Revision of Document UPOV/INF/12/5 ‘Explanatory Notes On Variety Denominations under the UPOV Convention’” and UPOV/INF/12/6 Draft 2 “Explanatory Notes on Variety Denominations under the UPOV Convention”, reflecting the conclusions of the WG-DEN, at its first meeting, and the comments received in response to Circular E-16/088 concerning matters identified for further comments by the WG-DEN at its first meeting (see paragraphs 7 and 8 of this document).

11. The WG-DEN considered document UPOV/INF/12/6 Draft 2 until Section 2.3.3 (a), and agreed to consider the remainder of document UPOV/INF/12/6 Draft 2 from Section 2.3.3 (b) at its third meeting, to be held in Geneva in the morning of April 7, 2017, and to use document UPOV/INF/12/6 Draft 2 as the basis for its consideration, in order to avoid any confusion.

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

Background

12. The background to this matter is provided in document TC/52/12 “Variety Denominations”, paragraphs 5 to 15.

Developments in 2016

13. The WG-DEN, at its first meeting, held in Geneva, on March 18, 2016, considered document UPOV/WG-DEN/1/3 “UPOV Denomination Similarity Search Tool” (see document WG-DEN/1/6 “Report”, paragraphs 50 to 53).

14. The WG-DEN, at its first meeting, noted the developments in the Working Group for the Development of a UPOV Denomination Similarity Search Tool (WG-DST).

15. The WG-DEN, at its first meeting, noted that a web page to compare the search results of the refined algorithm and the existing search tools in the PLUTO database was planned to be created by the end of March 2016. A circular would be issued to the WG-DEN, inviting experts to evaluate the refined algorithm and to provide feedback by the end of June 2016.

16. The WG-DEN, at its first meeting, agreed that the WG-DEN, at its second meeting, should consider the results of the evaluation and feedback received and should consider whether it would be appropriate to seek expert customization of the refined algorithm to improve the performance.

17. The CAJ, at its seventy-third session, noted the work by the WG-DEN concerning the possible development of a UPOV similarity search tool for variety denomination purposes (see document CAJ/73/10 “Report on the Conclusions”, paragraph 27).

18. The WG-DEN, at its second meeting, held in Geneva, on October 25, 2016, did not consider document WG-DEN/2/3 “UPOV Denomination Similarity Search Tool” and the document will be considered by the WG-DEN, at its third meeting, or a subsequent meeting.

EXPANSION OF THE CONTENT OF THE PLUTO DATABASE

19. The WG-DST, at its second meeting, held in Geneva, on June 9, 2015, agreed to recommend that consideration be given to avoiding re-use of denominations in all cases. In this regard, the WG-DST agreed to invite the CAJ to consider whether to expand the content of the PLUTO database to include all recognized varieties, including those that had not been, or were no longer, registered/protected (see document UPOV/WG-DST/2/6 “Report”, paragraph 30).

20. At its first meeting, the WG-DEN considered document UPOV/WG-DEN/1/4 "Expansion of the Content of the PLUTO Database" (see document WG-DEN/1/6, paragraph 54 and 55).
21. The WG-DEN agreed to defer the consideration of the matters in document UPOV/WG-DEN/1/4 until its second, or a subsequent, meeting.
22. The CAJ, at its seventy-third session, noted the work by the WG-DEN concerning the expansion of the content of the PLUTO database (see document CAJ/73/10 "Report on the Conclusions", paragraph 28).
23. The WG-DEN, at its second meeting, did not consider document UPOV/WG-DEN/1/4. The document will be considered by the WG-DEN, at its third meeting.

NON-ACCEPTABLE TERMS

24. The WG-DST, at its second meeting, agreed to invite the CAJ to consider whether to develop a list of non-acceptable terms for variety denominations as an additional feature for the UPOV denomination search tool (see document UPOV/WG-DST/2/6 "Report", paragraph 12).
25. At its first meeting, the WG-DEN considered document UPOV/WG-DEN/1/5 "Non-Acceptable Terms" and noted the developments reported in that document (see document WG-DEN/1/6, paragraphs 56 to 58).
26. The WG-DEN agreed to defer consideration of a possible survey of members of the Union with regard to botanical and common names of genera that had a wider meaning until its second, or a subsequent, meeting.
27. The WG-DEN agreed to defer investigating a list of common comparatives/superlatives until its second, or a subsequent, meeting.
28. The WG-DEN, at its second meeting, did not consider document UPOV/WG-DEN/1/5. The document will be considered by the WG-DEN, at its third meeting.

DATE AND PROGRAM OF THE NEXT MEETING

29. The WG-DEN, at its second meeting, agreed that the third meeting of the WG-DEN should be held in Geneva, in the morning of April 7, 2017.
30. The following program was agreed for the third 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. Non-acceptable terms
 7. Date, place and program of the next meeting

31. *The TC is invited to note:*

(a) developments concerning a possible revision of document UPOV/INF/12 "Explanatory Notes on Variety Denominations under the UPOV Convention", as set out in paragraphs 6 to 11 of this document;

(b) developments concerning a UPOV similarity search tool for variety denomination purposes, as set out in paragraphs 13 to 18 of this document;

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

(d) developments concerning non-acceptable terms, as set out in paragraphs 24 to 28 of this document;

(e) that the third meeting of the WG-DEN will be held in Geneva, on April 7, 2017; and

(f) the draft agenda of the third meeting of the WG-DEN, as set out in paragraph 30 of this document.

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