

Technical Committee**TC/54/8****Fifty-Fourth Session
Geneva, October 29 and 30, 2018****Original:** English
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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 and to propose a revision of documents UPOV/INF/16/7 “Exchangeable Software” and UPOV/INF/22/4 “Software and equipment used by members of the Union”.

2. The Technical Committee (TC) is invited to:

(a) note that the Council, at its fifty-first ordinary session, held in Geneva, on October 26, 2017, adopted document UPOV/INF/16/7 “Exchangeable Software”;

(b) consider the proposed revision of document UPOV/INF/16/7 to incorporate the information on the use of GAIA software currently contained in document UPOV/INF/22/4, as presented in document UPOV/INF/16/8 Draft 1;

(c) note that the comments of the TC, at its fifty-fourth session, concerning the use of software by members of the Union, will be reported to the CAJ at its seventy-fifth session, to be held in Geneva on October 31, 2018, and if agreed by the CAJ, a draft of document UPOV/INF/16/8 will be presented for adoption by the Council at its fifty-second ordinary session, to be held on November 2, 2018, on that basis;

(d) consider whether the approach to be demonstrated at its fifty-fourth session is a suitable basis to make documents UPOV/INF/16 and UPOV/INF/22 available in a searchable form on the UPOV website;

(e) note that the Council, at its fifty-first ordinary session, held in Geneva, on October 26, 2017, adopted document UPOV/INF/22/4 “Software and equipment used by members of the Union”;

(f) consider whether to propose to include the information on the use of software by members of the Union, as presented in document UPOV/INF/22/5 Draft 1, in document UPOV/INF/22 and/or request further guidance from other relevant bodies (e.g. CAJ and TWPs); and

(g) note that the proposals of the TC, at its fifty-fourth session, concerning the revision of document UPOV/INF/22 will be reported to the CAJ at its seventy-fifth session, and if agreed by the CAJ, a draft of document UPOV/INF/22/5 will be presented for adoption by the Council at its fifty-second ordinary session, to be held on November 2, 2018.

3. The following abbreviations are used in this document:

CAJ: Administrative and Legal Committee
TC: Technical Committee
TWPs: Technical Working Parties

4. The structure of this document is as follows:

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DOCUMENT UPOV/INF/16 “EXCHANGEABLE SOFTWARE”

Adoption of document UPOV/INF/16/7

5. The Council, at its fifty-first ordinary session, held in Geneva, on October 26, 2017, adopted a revision of document UPOV/INF/16 “Exchangeable Software” (document UPOV/INF/16/7), on the basis of document UPOV/INF/16/7 Draft 1 (see document C/51/22 “Report”, paragraph 23).

Revision of document UPOV/INF/16/7

Information on use by members

6. 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.”

7. On April 23, 2018, the Office of the Union issued Circular E-18/042 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. No new information in use was received from members of the Union in response to the Circular.

8. It has been found that both documents UPOV/INF/16/7 and UPOV/INF/22/4 include information on the use of the GAIA software.

9. The TC, at its fifty-fourth session, may wish to consider a proposal to delete the information on GAIA software from document UPOV/INF/22 and incorporate the information regarding the use of the GAIA software included in document UPOV/INF/22 into the information regarding the GAIA software in document UPOV/INF/16, as presented in document UPOV/INF/16/8 Draft 1.

10. The comments of the TC, at its fifty-fourth session, concerning the revision of document UPOV/INF/16/7, will be reported to the CAJ at its seventy-fifth session, to be held in Geneva on October 31, 2018.

11. Subject to agreement by the TC at its fifty-fourth session, and the CAJ at its seventy-fifth session, a draft of document UPOV/INF/16/8 “Exchangeable Software” will be presented for adoption by the Council, at its fifty-second ordinary session, to be held in Geneva on November 2, 2018, on the basis of proposals as set out in paragraph 9 to this document.

12. *The TC is invited to:*

(a) *note that the Council, at its fifty-first ordinary session, held in Geneva, on October 26, 2017, adopted document UPOV/INF/16/7 “Exchangeable Software”;*

(b) *consider the proposed revision of document UPOV/INF/16/7 to incorporate the information on the use of GAIA software currently contained in document UPOV/INF/22/4, as presented in document UPOV/INF/16/8 Draft 1; and*

(c) *note that the comments of the TC, at its fifty-fourth session, concerning the use of software by members of the Union, will be reported to the CAJ at its seventy-fifth session, to be held in Geneva on October 31, 2018, and if agreed by the CAJ, a draft of document UPOV/INF/16/8 will be presented for adoption by the Council at its fifty-second ordinary session, to be held on November 2, 2018, on that basis.*

Availability in a searchable form

13. The TC, at its fifty-third session, agreed that the information in document UPOV/INF/16 should be made available in a searchable form on the UPOV website and noted that the Office of the Union would investigate a tool for that purpose (see document TC/53/31 “Report”, paragraph 169).

14. At the fifty-fourth session of the TC, the Office of the Union will demonstrate how the information in documents UPOV/INF/16 and UPOV/INF/22 could be made available in a searchable form on the UPOV website.

15. The TC is invited to consider whether the approach to be demonstrated at its fifty-fourth session is a suitable basis to make documents UPOV/INF/16 and UPOV/INF/22 available in a searchable form on the UPOV website.

DOCUMENT UPOV/INF/22 “SOFTWARE AND EQUIPMENT USED BY MEMBERS OF THE UNION”

Adoption of document UPOV/INF/22/4

16. The Council, at its fifty-first ordinary session, held in Geneva, on October 26, 2017, adopted a revision of document UPOV/INF/22 “Software and Equipment Used by Members of the Union” (document UPOV/INF/22/4), on the basis of document UPOV/INF/22/4 Draft 1 (see document C/51/22 “Report”, paragraph 24).

Revision of document UPOV/INF/22/4

Software for inclusion

17. The procedure for considering software and equipment proposed for inclusion in document UPOV/INF/22 is set out in document UPOV/INF/22/4, 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.

[...]

“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/equipment included in this document.”

18. In accordance with the procedure for considering software and equipment proposed for inclusion in document UPOV/INF/22, on April 23, 2018, the Office of the Union issued Circular E-18/042 to the designated persons of the members of the Union in the TC, inviting them to provide information for document UPOV/INF/22. The proposals to include information in document UPOV/INF/22 received from Croatia, Ecuador and Sweden in response to the Circular are presented in document UPOV/INF/22/5 Draft 1.

19. The TC, at its fifty-fourth session, will be invited to consider whether to propose to include the information on the use of software by members of the Union, as presented in document UPOV/INF/22/5 Draft 1, in document UPOV/INF/22 and/or request further guidance from other relevant bodies (e.g. CAJ and TWPs).

20. Subject to agreement by the TC at its fifty-fourth session, and the CAJ at its seventy-fifth session, a draft of document UPOV/INF/22/5 “Software and Equipment Used by Members of the Union” will be presented for adoption by the Council, at its fifty-second ordinary session, to be held in Geneva on November 2, 2018, on the basis of proposals as set out in paragraph 19 of this document.

21. *The TC is invited to:*

(a) note that the Council, at its fifty-first ordinary session, held in Geneva, on October 26, 2017, adopted document UPOV/INF/22/4 “Software and equipment used by members of the Union”;

(b) consider whether to propose to include the information on the use of software by members of the Union, as presented in document UPOV/INF/22/5 Draft 1, in document UPOV/INF/22 and/or request further guidance from other relevant bodies (e.g. CAJ and TWPs); and

(c) note that the proposals of the TC, at its fifty-fourth session, concerning the revision of document UPOV/INF/22 will be reported to the CAJ at its seventy-fifth session, and if agreed by the CAJ, a draft of document UPOV/INF/22/5 will be presented for adoption by the Council at its fifty-second ordinary session, to be held on November 2, 2018.

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