

Technical Committee**TC/55/6****Fifty-Fifth Session
Geneva, October 28 and 29, 2019****Original:** English
Date: July 22, 2019**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 concerning exchange and use of software and equipment and to propose a revision of document UPOV/INF/22/5 “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-second ordinary session, held in Geneva, on November 2, 2018, adopted document UPOV/INF/16/8 “Exchangeable Software”;

(b) note that no new information was received from members of the Union in response to Circular E-19/045 inviting them to provide or update information regarding the use of the software included in document UPOV/INF/16;

(c) note that the Council, at its fifty-second ordinary session, held in Geneva, on November 2, 2018, adopted document UPOV/INF/22/5 “Software and equipment used by members of the Union”;

(d) consider whether to propose to include and amend the information on the use of software by members of the Union, as presented in document UPOV/INF/22/6 Draft 1, and/or request further guidance from other relevant bodies (e.g. the Administrative and Legal Committee (CAJ) and Technical Working Parties (TWPs));

(e) note that the proposals of the TC, at its fifty-fifth session, concerning the revision of document UPOV/INF/22 will be reported to the CAJ at its seventy-sixth session, to be held in Geneva on October 30, 2019, and if agreed by the CAJ, a draft of document UPOV/INF/22/6 will be presented for adoption by the Council at its fifty-third ordinary session, to be held on November 1, 2019, on that basis; and

(f) note that the information in documents UPOV/INF/16 and UPOV/INF/22 has been made available in a searchable format on the UPOV website;

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/16/8

5. The Council, at its fifty-second ordinary session, held in Geneva, on November 2, 2018, adopted a revision of document UPOV/INF/16 “Exchangeable Software” (document UPOV/INF/16/8), on the basis of document UPOV/INF/16/8 Draft 1 (see document C/52/20 “Report”, paragraph 20).

Revision of document UPOV/INF/16/8

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 May 13, 2019, the Office of the Union issued Circular E-19/045 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/16/8. No new information was received from members of the Union in response to the Circular.

8. *The TC is invited to note that:*

(a) the Council, at its fifty-second ordinary session, held in Geneva, on November 2, 2018, adopted document UPOV/INF/16/8 “Exchangeable Software”; and

(b) no new information was received from members of the Union in response to Circular E-19/045 inviting them to provide or update information regarding the use of the software included in document UPOV/INF/16/8.

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

Adoption of document UPOV/INF/22/5

9. The Council, at its fifty-second ordinary session, held in Geneva, on November 2, 2018, adopted a revision of document UPOV/INF/22 “Software and Equipment Used by Members of the Union”

(document UPOV/INF/22/5), on the basis of document UPOV/INF/22/5 Draft 1 (see document C/52/20 "Report", paragraph 21).

Revision of document UPOV/INF/22/5

Software for inclusion

10. The procedure for considering software and equipment proposed for inclusion in document UPOV/INF/22 is set out in document UPOV/INF/22/5, 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."

11. In accordance with the procedure for considering software and equipment proposed for inclusion in document UPOV/INF/22, on May 13, 2019, the Office of the Union issued Circular E-19/045 to the designated persons of the members of the Union in the TC, inviting them to provide information for document UPOV/INF/22. Proposals to include information in document UPOV/INF/22 were received from Brazil, Czech Republic, and Lithuania in response to the Circular. The proposals in response to the Circular are presented in document UPOV/INF/22/6 Draft 1.

12. The TC, at its fifty-fifth session, will be invited to consider document UPOV/INF/22/6 Draft 1, and/or request further guidance from other relevant bodies (e.g. CAJ and TWPs).

13. Subject to agreement by the TC at its fifty-fifth session, and the CAJ at its seventy-sixth session, to be held in Geneva on October 30, 2019, a draft of document UPOV/INF/22/6 "Software and Equipment Used by Members of the Union" will be presented for adoption by the Council, at its fifty-third ordinary session, to be held in Geneva on November 1, 2019.

14. *The TC is invited to:*

(a) note that the Council, at its fifty-second ordinary session, held in Geneva, on November 2, 2018, adopted document UPOV/INF/22/5 "Software and equipment used by members of the Union";

(b) consider document UPOV/INF/22/6 Draft 1, 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-fifth session, concerning the revision of document UPOV/INF/22 will be reported to the CAJ at its seventy-sixth session, to be held in Geneva on October 30, 2019, and if agreed by the CAJ, a draft of document UPOV/INF/22/6 will be presented for adoption by the Council at its fifty-third ordinary session, to be held on November 1, 2019.

AVAILABILITY OF DOCUMENTS UPOV/INF/16 "EXCHANGEABLE SOFTWARE" AND UPOV/INF/22 "SOFTWARE AND EQUIPMENT USED BY MEMBERS OF THE UNION" IN A SEARCHABLE FORM

15. The background to this matter is provided in document TC/54/8 "Exchange and use of software and equipment", paragraph 13.

16. The TC, at its fifty-fourth session, held in Geneva on October 29 and 30, 2018, agreed that the information in documents UPOV/INF/16 "Exchangeable Software" and UPOV/INF/22 "Software and equipment used by members of the Union" should be made available in a searchable format on the UPOV website (see document TC/54/31 Corr. "Report", paragraphs 315 and 316).

17. On May 21, 2019, the Office of the Union issued Circular E-19/056 to inform the designated persons of the members of the Union in the TC that the information in documents UPOV/INF/16 and UPOV/INF/22 has been made available in a searchable format on the following UPOV website: https://www.upov.int/it_resources/en/index.html.

18. The TC is invited to note that the information in documents UPOV/INF/16 and UPOV/INF/22 has been made available in a searchable format on the UPOV website.

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