

Technical CommitteeTC/57/4 **Rev.****Fifty-Seventh Session
Geneva, October 25 and 26, 2021****Original:** English
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to be considered by correspondence

DEVELOPMENT OF GUIDANCE AND INFORMATION MATERIALS – MATTERS FOR ADOPTION BY THE COUNCIL IN 2021*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 the adoption of guidance and information materials and to invite the TC to consider relevant documents to be put forward for adoption by the Council, in 2021, subject to approval by the CAJ¹.
2. The TC is invited to^a:
 - (a) note that the Council, at its fifty-fourth ordinary session, adopted in the procedure by correspondence, on October 25, 2020, document UPOV/INF/16/9 “Exchangeable Software”;
 - (b) note that the Office of the Union received a reply from Slovakia in response to Circular E-20/031 inviting members of the Union to provide or update information regarding the use of the software included in document UPOV/INF/16;
 - (c) **consider approve** document UPOV/INF/16/10 Draft **42^b**;
 - (d) note that, subject to agreement by the TC and the CAJ, an agreed draft of document UPOV/INF/16/10 will be presented for adoption by the Council in 2021;
 - (e) note that the TC, at its fifty-sixth session, held in Geneva, on October 26 to October 27, 2020, agreed to request the TWPs to consider a draft revision of document UPOV/INF/17/1 (document UPOV/INF/17/2 Draft 5) at their sessions in 2021;
 - (f) note that the TWPs will be invited to make a recommendation for consideration by the TC, on draft revision of document UPOV/INF/17, on the basis of document UPOV/INF/17/2 Draft 5;
 - (g) **consider approve** document UPOV/INF/17/2 Draft 6;
 - (h) note that, subject to agreement by the TC and the CAJ, an agreed draft of document UPOV/INF/17/2 will be presented for adoption by the Council in 2021;
 - (i) note that the Council, at its fifty-fourth ordinary session, adopted in the procedure by correspondence, on October 25, 2020, document UPOV/INF/22/7 “Software and equipment used by members of the Union”;
 - (j) note that the Office of the Union received replies from Germany, Slovakia and Uruguay in response to Circular E-20/031 inviting them to provide or update information regarding the use of the software included in document UPOV/INF/22;

¹ The procedure for consideration of documents by correspondence is provided in Circular E-21/063 of May 14, 2021 (available at the [TC/57](#), [CAJ/78](#) and [C/55](#) webpages).

(k) consider approve document UPOV/INF/22/8 Draft 42^c, and/or request further guidance from other relevant bodies (e.g. CAJ and TWPs);

(l) note that, subject to agreement by the TC and the CAJ, an agreed draft of document UPOV/INF/22/8 will be presented for adoption by the Council in 2021;

(m) note that the CAJ, at its seventy-seventh session, approved in the procedure by correspondence, on October 25, 2020, the “UPOV Code System” (document UPOV/INF/23/1 Draft 1), and proposed that the TC consider a new draft of document UPOV/INF/23/1 “UPOV Code System” in 2021;

(n) note that the TWPs will be invited to make a recommendation for consideration by the TC, on draft revision of document UPOV/INF/23, on the basis of document UPOV/INF/23/1 Draft 2;

(o) consider approve document UPOV/INF/23/1 Draft 3; and

(p) note that, subject to agreement by the TC and the CAJ, an agreed draft of document UPOV/INF/23/1 will be presented for adoption by the Council in 2021.

3. The structure of this document is as follows:

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4. The following abbreviations are used in this document:

CAJ:	Administrative and Legal Committee
TC:	Technical Committee
TWC:	Technical Working Party on Automation and Computer Programs
TWV:	Technical Working Party for Vegetables
TWPs:	Technical Working Parties

BACKGROUND

5. The TC, at its fifty-sixth session, held via electronic means on October 26 and 27, 2020, and the CAJ, at its seventy-seventh session, held via electronic means on October 28, 2020, approved the program for the development of TGP documents, as set out in the Annex to documents TC/56/14 and CAJ/77/2, respectively, subject to the conclusions at their sessions (see document TC/56/23 “Report”, paragraph 43, and document CAJ/77/10 “Report”, paragraph 17).

6. The TC agreed to extend the coverage of document “TGP Documents” to cover all relevant information materials, to be presented in future sessions of the TC (see document TC/55/25 Corr. “Report”, paragraph 177).

7. The approved guidance and information materials are published on the UPOV website at http://www.upov.int/upov_collection/en/.

8. An overview of the development of guidance and relevant information materials is provided in document TC/57/5 “Possible future revisions of guidance and information materials”.

INFORMATION MATERIALS

Document UPOV/INF/16: Exchangeable Software (Revision) (document UPOV/INF/16/10 Draft **42**)

Adoption of document UPOV/INF/16/9

9. The Council, at its fifty-fourth ordinary session, adopted in the procedure by correspondence, on October 25, 2020, a revision of document UPOV/INF/16 “Exchangeable Software” (document UPOV/INF/16/9), on the basis of document UPOV/INF/16/9 Draft 2 (see document [C/54/17](#) “Outcome of consideration of documents by correspondence”, paragraph 17).

10. The TC is invited to note that the Council, at its fifty-fourth ordinary session, adopted in the procedure by correspondence, on October 25, 2020, document UPOV/INF/16/9 “Exchangeable Software”.

Invitation to provide information on the use of the software included in document UPOV/INF/16

11. 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.”

12. On April 8, 2021, the Office of the Union issued Circular E-21/030 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.

13. The information received from Slovakia in response to circular E-20/031 is included in document UPOV/INF/16/10 Draft **42**.

14. Subject to agreement of a draft of document UPOV/INF/16/10 by the TC and the CAJ, on the basis of document UPOV/INF/16/10 Draft **42**, an agreed draft of document UPOV/INF/16/10 will be presented for adoption by the Council in 2021.

15. *The TC is invited to:*

(a) note that the Office of the Union received a reply from Slovakia in response to Circular E-20/031 inviting members of the Union to provide or update information regarding the use of the software included in document UPOV/INF/16;

*(b) **consider** **approve** document UPOV/INF/16/10 Draft **42**; and*

(c) note that, subject to agreement by the TC and the CAJ, an agreed draft of document UPOV/INF/16/10 will be presented for adoption by the Council in 2021.

Document UPOV/INF/17: Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction (“BMT Guidelines”) (Revision) (document UPOV/INF/17/2 Draft 6)

16. The TC, at its fifty-sixth session, held in Geneva, on October 26 to October 27, 2020, agreed to request the TWPs to consider a draft revision of document UPOV/INF/17/1 “Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction (“BMT Guidelines”)” (document UPOV/INF/17/2 Draft 5) at their sessions in 2021 (see document [TC/56/23](#) “Report”, paragraph 36).

17. Subject to agreement of a draft of document UPOV/INF/17/2 by the TC and the CAJ, on the basis of document UPOV/INF/17/2 Draft 6, an agreed draft of document UPOV/INF/17/2 will be presented for adoption by the Council in 2021.

Consideration by the Technical Working Parties

18. Any substantive comments by the TWPs at their sessions in 2021 would be considered at the fifty-seventh session of the TC, to be held via electronic means.

19. *The TC is invited to:*

(a) *note that the TC, at its fifty-sixth session, held in Geneva, on October 26 to October 27, 2020, agreed to request the TWPs to consider a draft revision of document UPOV/INF/17/1 (document UPOV/INF/17/2 Draft 5) at their sessions in 2021;*

(b) *note that the TWPs will be invited to make a recommendation for consideration by the TC, on draft revision of document UPOV/INF/17/1, on the basis of document UPOV/INF/17/2 Draft 5;*

(c) **consider** **approve** document UPOV/INF/17/2 Draft 6; and

(d) *note that, subject to agreement by the TC and the CAJ, an agreed draft of document UPOV/INF/17/2 will be presented for adoption by the Council in 2021.*

Document UPOV/INF/22: Software and Equipment Used by Members of the Union (Revision) (document UPOV/INF/22/8 Draft 42)

Adoption of document UPOV/INF/22/7

20. The Council, at its fifty-fourth ordinary session, adopted in the procedure by correspondence, on October 25, 2020, a revision of document UPOV/INF/22 “Software and equipment used by members of the Union” (document UPOV/INF/22/7), on the basis of document UPOV/INF/22/7 Draft 1 (see document [C/54/17](#) “Outcome of consideration of documents by correspondence”, paragraph 18).

Revision of document UPOV/INF/22/7

Software for inclusion

21. The procedure for considering software and equipment proposed for inclusion in document UPOV/INF/22 is set out in document UPOV/INF/22/7, 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 Technical Committee (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. the Administrative and Legal Committee (CAJ) and the Technical Working Parties (TWP)); 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.”

22. On April 8, 2021, the Office of the Union issued Circular E-21/030 to the designated persons of the members of the Union in the TC, inviting them to provide or update information for document UPOV/INF/22.

23. The information received from Germany, Slovakia and Uruguay in response to circular E-20/031 is included in document UPOV/INF/22/8 Draft 42.

24. The TC will be invited to consider document UPOV/INF/22/8 Draft 42, and/or whether to request further guidance from other relevant bodies (e.g. CAJ and TWPs).

25. Subject to agreement of a draft of document UPOV/INF/22/8 by the TC and the CAJ, on the basis of document UPOV/INF/22/8 Draft 42, an agreed draft of document UPOV/INF/22/8 “Software and Equipment Used by Members of the Union” will be presented for adoption by the Council in 2021.

26. *The TC is invited to:*

(a) *note that the Council, at its fifty-fourth ordinary session, adopted in the procedure by correspondence, on October 25, 2020, document UPOV/INF/22/7 “Software and equipment used by members of the Union”;*

(b) *note that the information received from Germany, Slovakia and Uruguay in response to Circular E-20/031 is included in document UPOV/INF/22/8 Draft 42;*

(c) *consider approve document UPOV/INF/22/8 Draft 42, and/or request further guidance from other relevant bodies (e.g. CAJ and TWPs); and*

(d) *note that, subject to agreement by the TC and the CAJ, an agreed draft of document UPOV/INF/22/8 will be presented for adoption by the Council in 2021.*

Document UPOV/INF/23: UPOV Code System (document UPOV/INF/23/1 Draft 3)

27. The CAJ, at its seventy-seventh session, approved in the procedure by correspondence, on October 25, 2020, the “UPOV Code System”, on the basis of document UPOV/INF/23/1 Draft 1, and proposed that the TC consider a new draft of document UPOV/INF/23/1 “UPOV Code System” in 2021 (see document CAJ/77/9 “Outcome of consideration of documents by correspondence”, paragraphs 26 and 27).

28. Subject to agreement of a draft of document UPOV/INF/23/1 by the TC and the CAJ, on the basis of document UPOV/INF/23/1 Draft 3, an agreed draft of document UPOV/INF/23/1 “UPOV Code System” will be presented for adoption by the Council in 2021.

Consideration by the Technical Working Parties

29. Any substantive comments from the TWPs at their sessions in 2021 would be considered at the fifty-seventh session of the TC, to be held via electronic means.

30. *The TC is invited to:*

(a) *note that the CAJ, at its seventy-seventh session, approved in the procedure by correspondence, on October 25, 2020, the “UPOV Code System” (document UPOV/INF/23/1 Draft 1), and proposed that the TC consider a new draft of document UPOV/INF/23/1 “UPOV Code System” in 2021;*

(b) *note that the TWPs will be invited to make a recommendation for consideration by the TC, for revision of document UPOV/INF/23, on the basis of document UPOV/INF/23/1 Draft 2;*

(c) **consider** **approve** document UPOV/INF/23/1 Draft 3; and

(d) *note that, subject to agreement by the TC and the CAJ, an agreed draft of document UPOV/INF/23/1 will be presented for adoption by the Council in 2021.*

[End of document]

^a The changes in the formulation of decision paragraphs reflect adjustments resulting from the procedure of consideration of documents by correspondence (see Circular E-21/063 of May 14, 2021).

^b On July 13, 2021, the United Kingdom requested to include “Carrot and other vegetable species”. Document UPOV/INF/16/10 Draft 2 reflects the requested change.

^c On July 13, 2021, the United Kingdom requested to change “Tom.Christie@sasa.gsi.gov.uk” by “lesley.mccarthy@sasa.gov.scot” and to include “carrot”. Document UPOV/INF/22/8 Draft 2 reflects the requested changes.