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**TECHNICAL WORKING PARTY FOR ORNAMENTAL PLANTS  
AND FOREST TREES**

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UPOV INFORMATION DATABASES

*Document prepared by the Office of the Union*

1. The purpose of this document is to provide an update on developments concerning the GENIE database, the UPOV Code System and the Plant Variety Database (UPOV-ROM) and to provide information on UPOV code additions and amendments for checking by the relevant authorities.

2. 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

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## GENIE DATABASE

3. It is recalled that the GENIE database has been developed to provide, for example, online information on the status of protection (see document C/43/6), cooperation in examination (see document C/43/5), experience in DUS testing (see document TC/46/4), and existence of UPOV Test Guidelines (see document TC/46/2) for different GENera and specIEs (hence GENIE), and is used to generate the relevant Council and Technical Committee (TC) documents concerning that information. In addition, the GENIE database is the repository of the UPOV codes and also provides information concerning alternative botanical and common names.

4. The GENIE database was launched on the freely available area of the UPOV website on March 15, 2010.

## UPOV CODE SYSTEM

### General

5. In 2009, 148 new UPOV codes were created and amendments were made to 17 UPOV codes. The total number of UPOV codes in the GENIE database at the end of 2009 was 6,582.

	Year				
	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>
New UPOV codes	n/a	n/a	n/a	300 (approx)	148
Amendments	n/a	n/a	n/a	30 (approx)	17
Total UPOV Codes (at end of year)	5,759	5,977	6,169	6,346	6,582

### Megathyrsus, Panicum, Setaria and Steinchisma

6. At its forty-fifth session, held in Geneva from March 30 to April 1, 2009, the TC was informed of a reclassification of the genera *Panicum* and *Setaria* in GRIN<sup>1</sup> (see document TC/45/8 Add.). With regard to the consequences of that reclassification for variety denomination purposes, the TC agreed to propose that Class 202 in document UPOV/INF/12/1, Annex I, Part II “Classes encompassing more than one genus”, be extended to cover *Megathyrsus*, *Panicum*, *Setaria* and *Steinchisma*. The TC also requested the Technical Working Party for Agricultural Crops (TWA) to consider that proposal at the thirty-eighth session of the TWA, to be held in Seoul, Republic of Korea, from August 31 to September 4, 2009. The TC agreed that, subject to endorsement of the TC proposal by the TWA, the Administrative and Legal Committee (CAJ) would be invited to consider that proposal at its sixtieth session, to be held in Geneva on October 19 and 20, 2009, in conjunction with the proposed revision of document UPOV/INF/12/1 “Explanatory notes on

<sup>1</sup> USDA, ARS, National Genetic Resources Program. Germplasm Resources Information Network - (GRIN) [Online Database]. National Germplasm Resources Laboratory, Beltsville, Maryland.  
URL: [http://www.ars-grin.gov/cgi-bin/npgs/html/tax\\_search.pl](http://www.ars-grin.gov/cgi-bin/npgs/html/tax_search.pl)

variety denominations under the UPOV Convention” (see document TC/45/16 “Report”, paragraphs 165 and 166).

7. At its thirty-eighth session, the TWA endorsed the proposal of the TC that Class 202 in document UPOV/INF/12/1, Annex I, Part II “Classes encompassing more than one genus”, be extended to cover *Megathyrsus*, *Panicum*, *Setaria* and *Steinchisma* (see document TWA/38/17 “Report”, paragraph 40). At its sixtieth session, the CAJ agreed to the TC proposal that Class 202 in document UPOV/INF/12/1, Annex I, Part II “Classes encompassing more than one genus”, be extended to cover *Megathyrsus*, *Panicum*, *Setaria* and *Steinchisma* (document CAJ/60/10 “Report on the Conclusions”, paragraph 24). The Council, at its forty-third ordinary session, held in Geneva on October 22, 2009, adopted document UPOV/INF/12/2 “Explanatory Notes on Variety Denominations under the UPOV Convention” on the basis of document UPOV/INF/12/2 Draft 1, which contained the TC proposal concerning Class 202. The consequential changes to variety denomination classes were informed to members of the Union and observers by means of Circular E-1163, of January 19, 2010.

8. Document TC/45/8 Add. explained that the reclassification of *Panicum* and *Setaria* would also need to be reflected in the corresponding UPOV codes.

9. On the basis that there were no specific data in the UPOV-ROM, nor in the GENIE database, for *Setaria flavida* (Retz.) Veldkamp / *Paspalidium flavidum* (Retz.) A. Camus, nor for *Setaria viridis* (L.) P. Beauv. / *Setaria italica* subsp. *viridis* (L.) Thell., those entries in the GENIE database and corresponding UPOV codes, SETAR\_FL A and SETAR\_VIR, respectively, have been deleted.

10. In accordance with the reclassification of *Panicum* in GRIN, and the revision of Class 202 in document UPOV/INF/12/1, Annex I, Part II “Classes encompassing more than one genus”, to cover *Megathyrsus*, *Panicum*, *Setaria* and *Steinchisma*, the TC agreed that the UPOV codes for the following species be amended as indicated:

Current classification in GENIE database		Proposed new classification in accordance with GRIN	
<u>Botanical name</u>	<u>UPOV code</u>	<u>Botanical name</u>	<u>UPOV code</u>
<i>Panicum laxum</i> Sw.	PANIC_LAX	<i>Steinchisma laxa</i> (Sw.) Zuloaga (synonym: <i>Panicum laxum</i> Sw.)	STEIN_LAX
<i>Panicum maximum</i> Jacq.	PANIC_MAX	<i>Megathyrsus maximum</i> (Jacq.) B. K. Simon & S. W. L. Jacobs (synonym: <i>Panicum maximum</i> Jacq.)	MEGAT_MAX

11. The Guide to the UPOV Code System (see [http://www.upov.int/genie/en/upov\\_code.html](http://www.upov.int/genie/en/upov_code.html)), Section 3.3(d), explains that “amendments to UPOV codes will be handled by the same procedure as the introduction of new UPOV codes [...]. However, in addition, all members of the Union and contributors of data to the Plant Variety Database will be informed of any amendments”. Members of the Union and contributors of data to the Plant Variety Database will be informed of the changes by means of a circular, which will also explain the way in which associated information on the status of protection, cooperation in examination, experience in DUS testing and existence of UPOV Test Guidelines will be updated to take account of those changes.

UPOV code for *Lentinula edodes* (Shiitake)

12. At the sixtieth session of the Administrative and Legal Committee (CAJ), held in Geneva on October 19 and 20, 2009, the Delegation of the Russian Federation proposed that the UPOV code for “*Lentinula edodes*”, in Class 211 in document UPOV/INF/12/1 “Explanatory notes on variety denominations under the UPOV Convention”, Annex I, Part II “Classes encompassing more than one genus”, should be checked. The Office of the Union agreed to check the validity of the UPOV code. However it was noted that it would not affect the wording of the proposal in document UPOV/INF/12/2 Draft 1, which would be presented to the Council for adoption at its forty-third ordinary session, which would be held in Geneva on October 22, 2009 (see document CAJ/60/10 “Report on the Conclusions”, paragraph 26).

13. The current entry in the GENIE database relevant for “*Lentinula edodes*” is as follows:

<u>UPOV Code</u>	<u>Botanical Names</u>	<u>English</u>	<u>French</u>	<u>German</u>	<u>Spanish</u>
LENTI_ELO	<i>Lentinus edodes</i> (Berk.) Sing.	Shiitake	Shiitake	Pasaniapilz	-

14. In document UPOV/INF/12/1, Annex I, Part II “Classes encompassing more than one genus”, Class 211 (Mushrooms) includes *Lentinula*, with the UPOV code “LENTI”.

15. In the UPOV-ROM Plant Variety Database (UPOV-ROM), the following entries are included:

<u>Botanical name</u>	<u>Common name</u>	<u>UPOV code</u>	<u>Number of entries</u>
<i>Lentinula edodes</i> (berk.) Sing.	Shiitake	-	184
<i>Lentinus edodes</i> (Berk.) Sing.	Shiitake	LENTI_ELO	2
<i>Lentinus edodes</i> (Berk.) Sing.	Shiitake	-	1

16. In the case of fungi, the Guide to the UPOV Code System (see [http://www.upov.int/genie/en/upov\\_code.html](http://www.upov.int/genie/en/upov_code.html)) does not indicate a single source to be used for selecting the principal botanical name and synonyms. However, the Index Fungorum ([www.indexfungorum.org](http://www.indexfungorum.org))<sup>2</sup> provides the following information:

Record Details: *Lentinus edodes* (Berk.) Singer, Mycologia 33(4): 451 (1941)

Basionym: *Agaricus edodes* Berk. 1878

Current name: *Lentinula edodes* (Berk.) Pegler 1976

(No source was found for *Lentinus edodes* (Berk.) Sing.)

17. The TC, at its forty-sixth session, held in Geneva from March 22 to 24, 2010, requested the TWV to consider whether the principal botanical name for the UPOV code “LENTI\_ELO” should be amended to *Lentinula edodes* (Berk.) Sing., with the botanical names *Lentinus edodes* (Berk.) Sing. and *Lentinus edodes* (Berk.) Sing. being added as other botanical names, and the UPOV code amended to “LENTI\_EDO”.

<sup>2</sup> Index Fungorum is a community resource co-ordinated and supported by the following partnership: CABI Bioscience, CBS and Landcare Research.

18. With regard to the UPOV code, the Guide to the UPOV Code System (see [http://www.upov.int/genie/en/upov\\_code.html](http://www.upov.int/genie/en/upov_code.html)), Section 3.3 “Introduction of New UPOV Codes / Amendments to UPOV Codes”, paragraph (d), explains that “In general, amendments to UPOV codes will not be made as a result of taxonomic developments unless these result in a change to the genus classification of a species. [...] The UPOV codes will also be amended if there are consequences for the content of a variety denomination class where the list of classes applies. [...]”. On that basis, it would not be necessary to amend the UPOV code “LENTI\_ELO”. However, to avoid confusion, it may be appropriate to amend the UPOV code to “LENTI\_EDO”.

19. At its forty-fourth session, held in Veliko Tarnovo, Bulgaria, from July 5 to 9, 2010, the TWV received a report on the discussions of the Test Guidelines for Shiitake, on the basis of document TG/SHIITK(proj.2), presented by Mr. Hideki Maeda (Japan). The subgroup proposed that the principal botanical name for Shiitake should be amended to *Lentinula edodes* (Berk.) Pegler, with the botanical name *Lentinus edodes* (Berk.) Singer being added as an alternative botanical name, and the UPOV code amended to “LENTI\_EDO” (see document TWV/44/34 “Report”, paragraph 73). The TWV agreed that the principal botanical name for Shiitake should be indicated in the GENIE database as “*Lentinula edodes* (Berk.) Pegler”, with the UPOV code being amended to “LENTI\_EDO” (see document TWV/44/34 “Report”, paragraph 83).

#### Practical experience

20. Document TC/45/4 “List of genera and species for which authorities have practical experience in the examination of distinctness, uniformity and stability” indicates that the number of genera and species for which members of the Union had practical experience increased to 2,209 in 2009 (2,179 in 2008). Document C/43/2 “Annual report of the Secretary-General for 2008”, Annex II, indicates that the number of plant genera and species with PBR entries in the UPOV-ROM Plant Variety Database was 2,790 in August 2009 (2,654 in August 2008).

21. The Technical Working Party for Ornamental Plants and Forest Trees (TWO), at its forty-second session, held in Angers, France, from September 14 to 18, 2009, considered an agenda item “Experiences with new types and species”. The TWO agreed that members of the Union should be encouraged to indicate practical experience for a new type or species at an early stage, and not necessarily waiting for a DUS examination to be completed before notifying the Office of the Union, because it would be helpful for other members of the Union to have an indication that another member of the Union had already started work. In that respect, it was agreed that the Office of the Union should invite members of the Union to indicate practical experience when requesting a new UPOV code (see also document TC/46/3, paragraphs 18 to 25).

22. With regard to the proposal of the TWO that the Office of the Union should invite members of the Union to indicate practical experience when requesting a new UPOV code, the TC, at its forty-sixth session, agreed that such an invitation would not be appropriate and agreed that information on genera and species for which new applications had been received could be obtained from the UPOV-ROM Plant Variety Database.

### Checking of UPOV codes

23. In accordance with the procedure set out in Section 3.3 of the Guide to the UPOV Code System (see [http://www.upov.int/genie/en/upov\\_code.html](http://www.upov.int/genie/en/upov_code.html)), the TC, at its forty-sixth session, agreed that the Office of the Union should prepare tables of UPOV code additions and amendments, for checking by the relevant authorities, for each of the TWP sessions in 2010.

24. The Excel file provided as Annex II to this document provides information on new UPOV codes added to the GENIE database and UPOV code amendments that have not yet been checked by the relevant authorities according to the procedure set out in Section 3.3 of the Guide to the UPOV Code System (see [http://www.upov.int/genie/en/upov\\_code.html](http://www.upov.int/genie/en/upov_code.html)).

25. The Excel file contains two spreadsheets. The file will open on the spreadsheet with UPOV code amendments (“Amendments”): for each change, the old entry is highlighted in the row in red and the changes to the entry are found in the line immediately below that highlighted row (they have the same number in the first column). All Technical Working Parties and Authority(ies) are requested to check the amendments.

26. The second spreadsheet “New\_UPOV\_codes or information”, contains the new UPOV codes or new information added for existing UPOV codes. Highlighting in grey indicates that the UPOV code or name has not been changed. In this spreadsheet, the column headers highlighted in yellow indicate the relevant Technical Working Party (TWP) and Authority(ies) which are requested to check the information.

27. Comments on the additions and amendments are requested to be provided to the Office by November 1, 2010.

### PLANT VARIETY DATABASE

28. At its fifty-ninth session, held in Geneva on April 2, 2009, the CAJ considered developments concerning the Plant Variety Database on the basis of documents CAJ/59/6, CAJ/59/6 Add. and the oral report of the comments made by the TC at its forty-fifth session, held in Geneva from March 30 to April 1, 2009.

29. The CAJ agreed the proposals concerning the program for improvements to the Plant Variety Database, as set out in paragraph 21 of document CAJ/59/6, subject to the amendments specified in document CAJ/59/7 “Report on the Conclusions”, paragraph 43. The program for improvements to the Plant Variety Database, agreed on that basis, is provided in Annex I to this document.

30. The following sections provide an update on developments concerning the program.

### UPOV-WIPO arrangement

31. It is recalled that, at its seventy-sixth session, held in Geneva on October 29, 2008, the Consultative Committee, approved an arrangement between UPOV and the World Intellectual Property Organization (WIPO) (UPOV-WIPO arrangement), concerning the UPOV Plant Variety Database, as follows:

“(a) WIPO to undertake the collation of data for the UPOV-ROM and to provide the necessary assistance to deliver the program of improvements concerning, in particular, options for receiving data for the UPOV-ROM in various formats and assistance in allocating UPOV codes to all entries (see documents CAJ/57/6, paragraphs 3 and 8 and TC/44/6, paragraphs 12 and 17). In addition, WIPO to undertake the development of a web-based version of the UPOV Plant Variety Database, and the facility to create CD-ROM versions of that database, and to provide the necessary technical support concerning the development of a common search platform (see documents CAJ/57/6, paragraphs 18 to 21 and TC/44/6, paragraphs 27 to 30)).

“(b) UPOV to agree that data in the UPOV-ROM Plant Variety Database may be included in the WIPO Patentscope® search service. In the case of data provided by parties other than members of the Union (e.g. the Organisation for Economic Co-operation and Development (OECD)), permission for the data to be used in the WIPO Patentscope® search service would be a matter for the parties concerned.”

32. On that basis, the program for improvements to the Plant Variety Database, as set out in Annex I to this document, states as follows:

“2.2 In response to the needs identified by members of the Union and contributors to the Plant Variety Database in 2.1, the designated World Intellectual Property Organization (WIPO) staff, in conjunction with the Office, will seek to develop solutions for each of the Plant Variety Database contributors.”

33. In accordance with the UPOV-WIPO arrangement, Mr. José Appave, Senior Data Administration Clerk, WIPO, has taken up responsibility for collating all data for the UPOV-ROM Plant Variety Database (UPOV-ROM) (see circular E-1190). In that regard, the arrangements for providing data for the UPOV-ROM according to the Memorandum of Understanding between UPOV and the Community Plant Variety Office of the European Union (CPVO) (see documents CAJ/57/6, paragraph 6), will not be affected by that development.

34. Also in accordance with the UPOV-WIPO arrangement, Mrs. Lili Chen, a software developer has been recruited by WIPO to work 100% of her time on the program of improvements concerning the UPOV-ROM and took up her duties on May 1, 2010.

#### Future review on the use of fields

35. In deciding to proceed with the program set out in Annex I to this document, the CAJ agreed that there should be a future review of whether to delete fields that are not used to a significant extent (see document CAJ/59/7 “Report on the Conclusions”, paragraph 44). It was agreed that this review should be based on an analysis of the use of the fields in the UPOV-ROM Plant Variety Database.

36. At its twenty-seventh session, held in Alexandria, Virginia, United States of America, from June 16 to 19, 2009, the Technical Working Party on Automation and Computer Programs (TWC) noted that the CAJ, in deciding to proceed with the program for improvements to the UPOV-ROM Plant Variety Database, had agreed that there should be a future review of whether to delete fields that are not used to a significant extent. It was noted that the CAJ had agreed that the review should be based on an analysis of the use of the fields in the UPOV-ROM Plant Variety Database. In that regard, the TWC agreed to propose to the



TC and the CAJ that it invite the TWC to conduct that analysis of the fields in the UPOV-ROM Plant Variety Database (see document TWC/27/21 “Report”, paragraph 30).

37. The TC, at its forty-sixth session, held in Geneva from March 22 to 24, 2010, noted the proposal for the TWC to conduct the analysis of the inclusion of data in fields in the UPOV-ROM Plant Variety Database, as set out above, and agreed that the Office of the Union should consider that offer in conjunction with the work under the UPOV-WIPO arrangement (see document TC/46/15 “Report on the conclusions”, paragraph 69).

#### Common search platform (Portal)

38. Item 7 of the program for improvements to the UPOV-ROM Plant Variety Database (see Annex I to this document) concerns the development of a common search platform, or “portal”, for certain databases relevant for variety denomination searching purposes. The purpose of a common search platform, which would, in particular, be developed for use by authorities and breeders, is to allow information in separate databases to be searched from the UPOV website.

39. As explained in document TC/40/6–CAJ/49/4, paragraph 35, in addition to the information included in the UPOV-ROM Plant Variety Database, certain other information may be relevant for the examination of proposed variety denominations. Examples include information on varieties that is not held by authorities responsible for plant breeders’ rights<sup>3</sup> (e.g. information held by the International Cultivar Registration Authorities (ICRAs)) and information on prior rights (e.g. trademarks) that could prevent the use of a variety denomination<sup>4</sup>.

#### *WIPO brand-related database*

40. With regard to potential partners in the development of a common search platform to cover prior rights, it was explained in document CAJ/57/6, paragraph 20, that in 2008 the Office of the Union had held discussions with the Assistant Director General of WIPO responsible for the Sector of Trademarks, Industrial Designs and Geographical Indications. More recently, WIPO informed the Office of the Union that it was considering the scope for development of a database containing trademarks and other international brand-related data (“brand-related database”) and invited the Office of the Union to discuss the scope for including data from the UPOV Plant Variety Database in such a database.

41. The Office of the Union clarified that it would be a matter for the members of the Union and other contributors of data to the UPOV-ROM Plant Variety Database to decide on the inclusion of data from the UPOV-ROM Plant Variety Database in a database containing

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<sup>3</sup> Article 20(2) of the 1991 Act of the UPOV Convention states that: “[Characteristics of the denomination] It must not be liable to mislead or to cause confusion concerning the characteristics, value or identity of the variety or the identity of the breeder. In particular, it must be different from every denomination which designates, in the territory of any member of the Union, an existing variety of the same plant species or of a closely related species.”

<sup>4</sup> Article 20(4) of the 1991 Act of the UPOV Convention (Paragraph 10 of Article 13 of the 1961 Convention) states that: “[Prior rights of third persons] Prior rights of third persons shall not be affected. If, by reason of a prior right, the use of the denomination of a variety is forbidden to a person who, in accordance with the provisions of paragraph (7), is obliged to use it, the authority shall require the breeder to submit another denomination for the variety.”

international brand-related data. However, in the context of exploratory discussions, the Office of the Union indicated that such an approach could provide substantial progress in meeting the aims of the common search platform. With regard to the basis for inclusion of data from the Plant Variety Database in a brand-related database, the Office of the Union suggested that it was likely that a requirement for UPOV would be that members of the Union and other contributors of data to the Plant Variety Database would have free access to the data in the brand-related database. Furthermore, it was suggested that the development of search tools for variety denomination purposes could be of particular interest for authorities and breeders and would be an aspect where UPOV would wish to be involved.

42. The CAJ, at its sixtieth session, approved the continued involvement of the Office of the Union in exploratory discussions with WIPO concerning a brand-related database, in accordance with the approach set out in paragraph 41, above and requested the Office of the Union, as appropriate, to develop a proposal for consideration by the TC, CAJ and the Consultative Committee (document CAJ/60/11 "Report", paragraph 48). There have been no substantial developments concerning a brand-related database since the sixtieth session of the CAJ.

#### *Databases containing variety denomination data*

43. Cooperation between operators of databases containing information relevant for variety denomination purposes, such as the ICRAs, PlantScope (Netherlands), etc., was discussed at the 5<sup>th</sup> International Symposium on the Taxonomy of Cultivated Plants, held in Wageningen, Netherlands, from October 15 to 19, 2007 (<http://www.istcp2007.wur.nl>). At that symposium, Mr. Kees van Ettehoven (Netherlands), President of the International Association for Cultivated Plant Taxonomy (IACPT), agreed to organize a meeting with relevant partners to discuss the development of a common search platform (see document CAJ/57/6, paragraph 20 and [www.iacpt.net](http://www.iacpt.net)). Mr. van Ettehoven has since agreed that it would be useful for UPOV to initiate such a meeting once UPOV is in a position to provide technical support for the development of a common search platform, as set out in the program for improvements to the UPOV-ROM Plant Variety Database. The timing of such a meeting will be discussed with the relevant WIPO staff, once in post, as a part of the program for improvements to the UPOV-ROM Plant Variety Database.

[Annex I follows]

ANNEX I

PROGRAM FOR IMPROVEMENTS TO THE PLANT VARIETY DATABASE

*as approved by the Administrative and Legal Committee (CAJ),  
at its fifty-ninth session, held in Geneva on April 2, 2009*

1. *Title of the Plant Variety Database*

In recognition of the intention to develop a web-based version of the Plant Variety Database, no reference will be made to the “UPOV-ROM”. The full name of the Plant Variety Database will be the “VARDAT Plant Variety Database”, abbreviated to VARDAT as appropriate.

2. *Provision of assistance to contributors*

2.1 The Office will continue to contact all members of the Union and contributors to the Plant Variety Database that do not provide data for the Plant Variety Database, do not provide data on a regular basis, or do not provide data with UPOV codes. In each case, they will be invited to explain the type of assistance that would enable them to provide regular and complete data for the Plant Variety Database.

2.2 In response to the needs identified by members of the Union and contributors to the Plant Variety Database in 2.1, the designated World Intellectual Property Organization (WIPO) staff, in conjunction with the Office, will seek to develop solutions for each of the Plant Variety Database contributors.

2.3 An annual report on the situation will be made to the Administrative and Legal Committee (CAJ) and Technical Committee (TC).

2.4 With regard to the assistance to be provided to contributors, the UPOV-ROM “General Notice and Disclaimer” states that “[...] All contributors to the UPOV-ROM are responsible for the correctness and completeness of the data they supply. [...]”. Thus, in cases where assistance is provided to contributors, the contributor will continue to be responsible for the correctness and completeness of the data.

3. *Data to be included in the Plant Variety Database*

3.1 *Data format*

3.1.1 In particular, the following data format options to be developed for contributing data to the Plant Variety Database:

- (a) data in XML format;
- (b) data in Excel spreadsheets or Word tables;
- (c) data contribution by on-line web form;
- (d) an option for contributors to provide only new or amended data

3.1.2 To consider, as appropriate, restructuring TAG items; for example, where parts of the field are mandatory and other parts not.

3.2 Data quality and completeness

The following data requirements to be introduced in the Plant Variety Database

<u>TAG</u>	<u>Description of Item</u>	<u>Current Status</u>	<u>Proposed status</u>	<u>Database developments required</u>
<000>	<b>Start of record and record status</b>	mandatory	<b>start of record to be mandatory</b>	mandatory, subject to development of facility to calculate record status (by comparison with previous data submission), if required
<190>	<b>Country or organization providing information</b>	mandatory	<b>mandatory</b>	data quality check: to verify against list of codes
<010>	<b>Type of record and (variety) identifier</b>	mandatory	<b>both mandatory</b>	(i) meaning of “(variety) identifier” to be clarified in relation to item <210>; (ii) to review whether to continue type of record “BIL”; (iii) data quality check: to check against list of types of record
<500>	<b>Species--Latin name</b>	mandatory until UPOV code provided	<b>mandatory (even if UPOV code provided)</b>	
<509>	Species--common name in English	mandatory if no common name in national language (<510>) is given.	not mandatory	
<510>	Species--common name in national language other than English	mandatory if no English common name (<509>) is given	not mandatory	
<511>	<b>Species--UPOV Taxon Code</b>	mandatory	<b>mandatory</b>	(i) if requested, the Office to provide assistance to the contributor for allocating UPOV codes; (ii) data quality check: to check UPOV codes against the list of UPOV codes; (iii) data quality check: to check for seemingly erroneous allocation of UPOV codes (e.g. wrong code for species)
	<b>DENOMINATIONS</b>			
<540>	<b>Date + denomination, proposed, first appearance or first entry in data base</b>	mandatory if no breeder’s reference (<600>) is given	<b>(i) mandatory to have &lt;540&gt;, &lt;541&gt;, &lt;542&gt;, or &lt;543 if &lt;600&gt; is not provided</b> (ii) date not mandatory	(i) to clarify meaning and rename; (ii) data quality check: mandatory condition in relation to other items
<541>	<b>Date + proposed denomination, published</b>		<b>see &lt;540&gt;</b>	(i) to clarify meaning and rename (ii) data quality check: mandatory condition in relation to other items

<542>	<b>Date + denomination, approved</b>	mandatory if protected or listed	see <540>	(i) to clarify meaning and rename; (ii) to allow for more than one approved denomination for a variety (i.e. where a denomination is approved but then replaced) (iii) data quality check: mandatory condition in relation to other items
<543>	<b>Date + denomination, rejected or withdrawn</b>		see <540>	(i) to clarify meaning and rename (ii) data quality check: mandatory condition in relation to other items
<600>	Breeder's reference	mandatory if existing	not mandatory	
<601>	Synonym of variety denomination		not mandatory	
<602>	Trade name		not mandatory	(i) to clarify meaning (ii) to allow multiple entries
<210>	<b>Application number</b>	mandatory if application exists	<b>mandatory if application exists</b>	to be considered in conjunction with <010>
<220>	Application/filing date	mandatory if application exists	<b>mandatory</b>	explanation to be provided if TAG<220> not completed
<400>	Publication date of data regarding the application (protection)/filing (listing)		not mandatory	
<111>	<b>Grant number (protection)/registration number (listing)</b>	mandatory if existing	(i) <b>mandatory to have &lt;111&gt; / &lt;151&gt; / &lt;610&gt; or &lt;620&gt; if granted or registered</b> (ii) date not mandatory	(i) data quality check: mandatory condition in relation to other items; (ii) to resolve any inconsistencies concerning the status of TAG<220>
<151>	<b>Publication date of data regarding the grant (protection) / registration (listing)</b>		see <111>	data quality check: mandatory condition in relation to other items
<610>	<b>Start date--grant (protection)/registration (listing)</b>	mandatory if existing	see <111>	(i) data quality check: mandatory condition in relation to other items; (ii) data quality check: date cannot be earlier than <220>
<620>	<b>Start date--renewal of registration (listing)</b>		see <111>	(i) data quality check: mandatory condition in relation to other items; (ii) data quality check: date cannot be earlier than <610> (iii) to clarify meaning
<665>	Calculated future expiration date	mandatory if grant/listing	not mandatory	
<666>	Type of date followed by "End date"	mandatory if existing	not mandatory	
	PARTIES CONCERNED			

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<730>	<b>Applicant's name</b>	mandatory if application exists	<b>mandatory if application exists</b>	
<731>	<b>Breeder's name</b>	mandatory	<b>mandatory</b>	to clarify meaning of "breeder" according to document TGP/5 (see <733>)
<732>	Maintainer's name	mandatory if listed	not mandatory	to be accompanied by start and end date (maintainer can change)
<733>	<b>Title holder's name</b>	mandatory if protected	<b>mandatory if protected</b>	(i) to clarify meaning of "title holder" according to document TGP/5 (see <731>) (ii) to be accompanied by start and end date (title holder can change)
<740>	Type of other party followed by party's name		not mandatory	
	INFORMATION REGARDING EQUIVALENT APPLICATIONS IN OTHER TERRITORIES			
<300>	Priority application: country, type of record, date of application, application number		not mandatory	
<310>	Other applications: country, type of record, date of application, application number		not mandatory	
<320>	Other countries: Country, denomination if different from denomination in application		not mandatory	
<330>	Other countries: Country, breeder's reference if different from breeder's reference in application		not mandatory	
<900>	Other relevant information (phrase indexed)		not mandatory	
<910>	Remarks (word indexed)		not mandatory	
<920>	Tags of items of information which have changed since last transmission (optional)		not mandatory	to develop option to generate automatically (see 2.1.1.(a))
<998>	FIG		not mandatory	
<999>	Image identifier (for future use)		not mandatory	to create possibility to provide hyperlink to image (e.g. an authority's webpage)

### 3.3 Mandatory "items"

3.3.1 With respect to items that are indicated as "mandatory" in Section 3.2, data will not be excluded from the Plant Variety Database if that item is absent. However, a report of the non-compliances will be provided to the contributor.

3.4.2 A summary of non-compliances will be reported to the TC and CAJ on an annual basis.

### 3.4 Dates of commercialization

3.4.1 An item will be created in the Plant Variety Database to allow for information to be provided on dates on which a variety was commercialized for the first time in the territory of application and other territories, on the following basis:

*Item <XXX>: dates on which a variety was commercialized for the first time in the territory of application and other territories (not mandatory)*

	<u>Comment</u>
(i) Authority providing the [following] information	ISO two letter code
(ii) Territory of commercialization	ISO two letter code
(iii) Date on which the variety was commercialized* for the first time in the territory (* The term “commercialization” is used to cover “sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety” (Article 6(1) of the 1991 Act of the UPOV Convention) or “offered for sale or marketed, with the agreement of the breeder” (Article 6(1)(b) of the 1978 Act of the UPOV Convention), as appropriate.	according to the format YYYY[MMDD] (Year[MonthDay]): month and day will not be mandatory if not available
(iv) Source of information	mandatory for each entry in item <XXX>
(v) Status of information	mandatory for each entry in item <XXX> (to provide an explanation or a reference to where an explanation is provided (e.g. the website of the authority providing the data for this item))
<i>Note: for the same application, the authority in (i) could provide more than one entry for items (ii) to (v). In particular, it could provide information on commercialization in the “territory of application”, but also “other territories”</i>	

3.4.2 The following disclaimer will appear alongside the title of the item in the database:

*“The absence of information in [item XXX] does not indicate that a variety has not been commercialized. With regard to any information provided, attention is drawn to the source and status of the information as set out in the fields ‘Source of information’ and ‘Status of information’. However, it should also be noted that the information provided might not be complete and accurate.”*

4. *Frequency of data submission*

The Plant Variety Database will be developed in such a way as to allow updating at any frequency determined by the members of the Union. Prior to completion and publication of the web-based version of the Plant Variety Database, no change is proposed to the frequency of updating, i.e. contributors will be requested to update their data on a bimonthly basis. Once that stage is complete, the TC and CAJ will be invited to consider whether to create possibilities for data to be updated on a more frequent basis.

5. *Discontinuation of inclusion of general information documents in UPOV-ROM*

On the basis that such information is readily available on the UPOV website, the following general information documents will no longer be included in the UPOV-ROM:

- Addresses of Plant Variety Protection Offices
- List of members of the Union
- Cover with some useful information
- UPOV: What it is, what it does (“UPOV flyer”)
- List of UPOV publications

6. *Web-based version of the Plant Variety Database*

6.1 A web-based version of the Plant Variety Database will be developed. The possibility to create CD-ROM versions of the Plant Variety Database, without the need for the services of Jouve, will be developed in parallel to the web-based version of the database.

6.2 An update on the planned timetable for development of a web-based version of the Plant Variety Database will be provided to the TC and CAJ.

7. *Common search platform*

A report on developments concerning the development of a common search platform will be made to the TC and CAJ. Any proposals concerning a common search platform will be put forward for consideration by the TC and CAJ.

[End of Annex I and of document]

[Annex II (Excel spreadsheet) posted on website only]