

Technical Working Party for Vegetables

Fifty-Fourth Session

Brasilia, Brazil, May 11 to 15, 2020

TWP/4/5

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Technical Working Party for Ornamental Plants and Forest Trees

Fifty-Second Session

Roelofarendsveen, Netherlands, June 8 to 12, 2020

Technical Working Party for Agricultural Crops

Forty-Ninth Session

Saskatoon, Canada, June 22 to 26, 2020

Technical Working Party for Fruit Crops

Fifty-First Session

Nîmes, France, July 6 to 10, 2020

Technical Working Party on Automation and Computer Programs

Thirty-Eighth Session

Alexandria, United States of America, September 21 to 23, 2020

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 consider proposals for the revision of documents UPOV/INF/16 “Exchangeable Software” and UPOV/INF/22 “Software and equipment used by members of the Union”.
2. The TWPs are invited to note that:
 - (a) the Office of the Union issued on April 14, 2020, Circular E-20/031 inviting the designated persons of the members of the Union in the TC to provide or update information regarding the use of the software included in document UPOV/INF/16;
 - (b) the Council, at its fifty-third ordinary session, held in Geneva, on November 1, 2019, adopted document UPOV/INF/22/6 “Software and equipment used by members of the Union (Revision)”;
 - (c) the Office of the Union issued on April 14, 2020, Circular E-20/031 inviting the designated persons of the members of the Union in the TC to provide or update information in document UPOV/INF/22;
 - (d) the TC, at its fifty-sixth session, will be invited to consider whether to include any proposed software or equipment in document UPOV/INF/22 or whether to request further guidance from other relevant bodies; and
 - (d) 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 TWC is invited to make a recommendation to the TC, at its fifty-sixth session, on whether to include software that is proposed for inclusion in document UPOV/INF/16.

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
TWPs: Technical Working Parties

5. The structure of this document is as follows:

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DOCUMENT UPOV/INF/16 "EXCHANGEABLE SOFTWARE"

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. The Office of the Union issued on April 14, 2020, Circular E-20/031 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.

Procedure for inclusion of software

8. Section 2 of document UPOV/INF/16 "Exchangeable Software" provides the following:

"Software proposed for inclusion in document UPOV/INF/16 by members of the Union is, in the first instance, presented for review by the Technical Working Party on Automation and Computer Programs (TWC). On the basis of such presentations and the experience of members of the Union, the TWC makes a recommendation to the Technical Committee (TC) on whether to include that software in document UPOV/INF/16 [...]"

9. If a software is proposed for inclusion in document UPOV/INF/16 by a member of the Union in response to the circular by the Office of the Union, the TWC, at its thirty-eighth session, will be invited to make a recommendation to the TC, at its fifty-sixth session, on whether to include the proposed software in document UPOV/INF/16.

10. *The TWPs are invited to note that the Office of the Union issued on April 14, 2020, Circular E-20/031 inviting the designated persons of the members of the Union in the TC to provide or update information regarding the use of the software included in document UPOV/INF/16.*

11. *The TWC is invited to make a recommendation to the TC, at its fifty-sixth session, on whether to include software that is proposed for inclusion in document UPOV/INF/16.*

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

Adoption of document UPOV/INF/22/6

12. The Council, at its fifty-third ordinary session, held in Geneva, on November 1, 2019, adopted a revision of document UPOV/INF/22 "Software and Equipment Used by Members of the Union (Revision)" (document UPOV/INF/22/6), on the basis of document UPOV/INF/22/6 Draft 1, which included information received from Brazil, Czech Republic, and Lithuania.

Revision of document UPOV/INF/22/6

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

14. The Office of the Union issued on April 14, 2020, Circular E-20/031 to the designated persons of the members of the Union in the TC, inviting them to provide information for document UPOV/INF/22.

15. If a software or equipment is proposed for inclusion in document UPOV/INF/22 by members of the Union in response to the circular by the Office of the Union, the TC, at its fifty-sixth session, will be invited to consider whether to include the proposed software or equipment in document UPOV/INF/22 or whether to request further guidance from other relevant bodies.

16. *The TWPs are invited to note that:*

(a) the Council, at its fifty-third ordinary session, held in Geneva, on November 1, 2019, adopted document UPOV/INF/22/6 "Software and equipment used by members of the Union"; and

(b) the Office of the Union issued on April 14, 2020, Circular E-20/031 inviting the designated persons of members of the Union in the TC to provide or update information in document UPOV/INF/22; and

(c) the TC, at its fifty-sixth session, will be invited to consider whether to include any proposed software or equipment in document UPOV/INF/22 or whether to request further guidance from other relevant bodies.

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

17. The background to this matter is provided in document TWP/3/5 “Exchange and use of software and equipment”, paragraphs 8 to 10.

18. 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 had been made available in a searchable format on the following UPOV website: https://www.upov.int/it_resources/en/index.html.

19. The TWPs are 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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