

**Technical Working Party for Vegetables**

Fifty-Sixth Session

Virtual meeting, April 18 to 22, 2022

**TWP/6/5.****Original:** English**Date:** April 6, 2022**Technical Working Party for Agricultural Crops**

Fifty-First Session

Cambridge, United Kingdom, May 23 to 27, 2022

**Technical Working Party for Ornamental Plants and Forest Trees**

Fifty-Fourth Session

Hanover, Germany, June 13 to 17, 2022

**Technical Working Party for Fruit Crops**

Fifty-Third Session

Virtual meeting, July 11 to 15, 2022

**Technical Working Party on Testing Methods and Techniques**

First Session

Virtual meeting, September 19 to 23, 2022

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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 concerning the revision of documents UPOV/INF/16 “Exchangeable Software” and UPOV/INF/22 “Software and equipment used by members of the Union”; and to invite the TWM to review software proposed for inclusion in document UPOV/INF/16.

2. The TWM is invited to review the software proposed by China, France and Uzbekistan and make a recommendation for consideration by the TC, at its fifty-eighth session, on whether to include the proposed software in document UPOV/INF/16.

3. The TWPs are invited to note that:

(a) the Council adopted by correspondence, on September 21, 2021, document UPOV/INF/16/10 “Exchangeable software”;

(b) the Office of the Union issued on January 18, 2022, Circular E-22/002 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 Draft 1 “Exchangeable software” to the Office of the Union by February 28, 2022;

(c) information from China, the Czech Republic, France, Poland and Uzbekistan was received to update document UPOV/INF/16;

(d) the TC, at its fifty-eighth session, will be invited to consider whether to include the proposed exchangeable software in document UPOV/INF/16/11 Draft 1, or whether to request further guidance from other relevant bodies;

(e) the Council adopted by correspondence, on September 21, 2021, document UPOV/INF/22/8 “Software and equipment used by members of the Union”;

(f) the Office of the Union issued on January 18, 2022, Circular E-22/002 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/22/9 Draft 1 “Use of software and equipment” to the Office of the Union by February 28, 2022;

(g) information from the Czech Republic, the Netherlands, Poland and Uzbekistan was received to update document UPOV/INF/22;

(h) the TC, at its fifty-eighth session, will be invited to consider whether to include the proposed software or equipment in document UPOV/INF/22/9 Draft 1, or whether to request further guidance from other relevant bodies; and

(i) the information in documents UPOV/INF/16 and UPOV/INF/22 is available in a searchable format on the UPOV website.

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  
TWM: Technical Working Party on Testing Methods and Techniques  
TWPs: Technical Working Parties

5. The structure of this document is as follows:

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## DOCUMENT UPOV/INF/16 “EXCHANGEABLE SOFTWARE”

### Adoption of document UPOV/INF/16/10

6. The Council adopted by correspondence, on September 21, 2021, a revision of document UPOV/INF/16 “Exchangeable software” (document UPOV/INF/16/10), on the basis of document UPOV/INF/16/10 Draft 2 (see document C/55/12 “Outcome of consideration of documents by correspondence”, paragraph 32). The adopted revision included information received from France, Germany, the Russian Federation, Slovakia and the United Kingdom.

### Revision of document UPOV/INF/16/10

#### *Information on use by members*

##### Background

7. 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.”

Invitation to provide information

8. The Office of the Union issued on January 18, 2022, Circular E-22/002 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/16/11 Draft 1 “Exchangeable software” to the Office of the Union by February 18, 2022.

9. In response to Circular E-22/002, China, Czech Republic, France, Poland and Uzbekistan provided information on use of software included in document UPOV/INF/16. A draft revision of document UPOV/INF/16 will be proposed to the Technical Committee, at its fifty-eighth session, to be held on October 24 and 25, 2022.

*Inclusion of software in document UPOV/INF/16*

Invitation to propose inclusion of software

10. The Office of the Union issued on January 18, 2022, Circular E-22/002 to the designated persons of the members of the Union in the TC, inviting them to provide the inclusion of software included in document UPOV/INF/16/11 Draft 1 “Exchangeable software” to the Office of the Union by February 18, 2022.

11. The TC, at its fifty-seventh session, agreed to invite members of the Union to propose the inclusion of software incorporating their methods for converting observations into notes in document UPOV/INF/16 or document UPOV/INF/22, as appropriate, with a reference to the availability of such methods in document TGP/8 Part I, new Section 2.5 (see document TC/57/25 “Report”, paragraph 28). This invitation was included in Circular E-22/002, of January 18, 2022.

Procedure for inclusion of software in document UPOV/INF/16

12. 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 [...]”

Proposals for inclusion of software in document UPOV/INF/16

13. In response to Circular E-22/002, the Office of the Union received proposals for the inclusion of software in document UPOV/INF/16 from China (DUSCEL), France (PATHOSTAT) and Uzbekistan (SATOZ).

14. Software proposed for inclusion in document UPOV/INF/16 will be presented for review by the TWM, at its first session, to be held from September 19 to 23, 2022. The TWM will be invited to make a recommendation for consideration by the TC, at its fifty-eighth session, on whether to include the proposed software in document UPOV/INF/16.

*Software DUS Excel*

15. The TC, at its fifty-seventh session<sup>1</sup>, noted that the Office of the Union had received a proposal from China to include software “DUS Excel - Data Analysis System for DUS Testing of Plant Varieties” in document UPOV/INF/16. A copy of the user manual was provided as Annex I to documents TWP/5/5 and TC/57/5 (in English only) (see document TC/57/25 “Report”, paragraphs 19 to 21).

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<sup>1</sup> Held via electronic means on October 25 and 26, 2021

16. The TC noted the report from the TWC, at its thirty-ninth session, that the software “DUS Excel - Data Analysis System for DUS Testing of Plant Varieties” was still under development. The TC noted that the TWC had agreed to invite experts to contact China for cooperation in the further development of the software and had agreed to invite China to report developments at the first session of the TWM.

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

(a) *the Council adopted by correspondence, on September 21, 2021, document UPOV/INF/16/10 “Exchangeable software”;*

(b) *the Office of the Union issued on January 18, 2022, Circular E-22/002 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 Draft 1 “Exchangeable software” to the Office of the Union by February 28, 2022;*

(c) *information from China, the Czech Republic, France, Poland and Uzbekistan was received to update document UPOV/INF/16; and*

(d) *the TC, at its fifty-eighth session, will be invited to consider whether to include the proposed exchangeable software in document UPOV/INF/16/11 Draft 1, or whether to request further guidance from other relevant bodies.*

18. *The TWM is invited to review the software proposed by China, France and Uzbekistan and make a recommendation for consideration by the TC, at its fifty-eighth session, on whether to include the proposed software in document UPOV/INF/16.*

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

### Adoption of document UPOV/INF/22/7

19. The Council adopted in the procedure by correspondence, on September 21, 2022, a revision of document UPOV/INF/22 “Software and Equipment Used by Members of the Union (Revision)” (document UPOV/INF/22/8), on the basis of document UPOV/INF/22/8 Draft 2 (see document C/55/12 “Outcome of consideration of documents by correspondence”, paragraph 32). The adopted revision included information received from Germany, Slovakia, United Kingdom and Uruguay.

### Revision of document UPOV/INF/22/7

#### *Procedure for inclusion of software and equipment*

20. 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.”

*Invitation to report use of software and equipment in document UPOV/INF/22*

21. The TC, at its fifty-seventh session, agreed to invite members of the Union to propose the inclusion of software incorporating their methods for converting observations into notes in document UPOV/INF/16 or document UPOV/INF/22, as appropriate, with a reference to the availability of such methods in document TGP/8 Part I, new Section 2.5 (see document TC/57/25 “Report”, paragraph 28).

22. The Office of the Union issued on January 18, 2022, Circular E-22/002 to the designated persons of the members of the Union in the TC, inviting them to provide information for document UPOV/INF/22/9 Draft 1 “Use of software and equipment” to the Office of the Union by February 28, 2022. Circular E-22/002 included an invitation for members of the Union to propose the inclusion of software incorporating their methods for converting observations into notes in document UPOV/INF/16 or document UPOV/INF/22, as appropriate.

*Proposals for inclusion of software or equipment in document UPOV/INF/22*

23. In response to Circular E-22/002, the Office of the Union received proposals for the inclusion of software and equipment in document UPOV/INF/22 from Czech Republic, Poland and Uzbekistan.

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

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

(a) *the Council adopted by correspondence, on September 21, 2021, document UPOV/INF/22/8 “Software and equipment used by members of the Union”;*

(b) *the Office of the Union issued on January 18, 2022, Circular E-22/002 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/22/9 Draft 1 “Use of software and equipment” to the Office of the Union by February 28, 2022;*

(c) *information from the Czech Republic, the Netherlands, Poland and Uzbekistan was received to update document UPOV/INF/22; and*

(d) *the TC, at its fifty-eighth session, will be invited to consider whether to include the proposed software or equipment in document UPOV/INF/22/9 Draft 1, 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

26. The information in documents UPOV/INF/16 and UPOV/INF/22 is available in a searchable format on the following UPOV website: [https://www.upov.int/it\\_resources/en/index.html](https://www.upov.int/it_resources/en/index.html).

27. *The TWPs are invited to note that the information in documents UPOV/INF/16 and UPOV/INF/22 is available in a searchable format on the UPOV website.*