



UPOV/WG-DST/3/4

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
Geneva

**WORKING GROUP FOR THE DEVELOPMENT OF A UPOV DENOMINATION
SIMILARITY SEARCH TOOL**

Third Session
Geneva, October 2, 2015

CONTENT OF THE PLUTO DATABASE

prepared by the Office of the Union

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EXECUTIVE SUMMARY

1. The purpose of this document is to invite the Working Group for Variety Denomination Search Tool (WG-DST) to consider possible proposals for expanding the content of the PLUTO database to include all recognized varieties, including these that have not been, or are no longer, registered/protected.
2. The WG-DST is invited to:
 - (a) consider
 - (i) inviting members of the Union to check whether they have relevant variety that is no longer included in the PLUTO database; and, if so,
 - (ii) to advise whether it would be possible to provide that data;
 - (b) consider whether to propose the introduction of a unique identifier for variety records in the PLUTO database in order that new data submission would add to the existing data rather than replacing it;
 - (c) consider inviting members of the Union to check whether they have relevant varieties that are no longer included in the PLUTO database; and, if so, consider to advise whether it would be possible to provide that data of relevant varieties; and
 - (d) consider inviting members of the Union to propose types or categories of varieties, and the sources of such data, that might be included in the PLUTO database in the future, as set out in paragraph 14 and 15 of this document.

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
 CAJ-AG: Administrative and Legal Committee Advisory Group
 TC: Technical Committee
 WG-DST: Working Group for Variety Denomination Search Tool

BACKGROUND

5. At its second meeting, held in Geneva, on June 9, 2015, the WG-DST considered document UPOV/WG-DST/2/2 "Revision of UPOV/INF/12 "Explanatory notes on variety denominations under the UPOV Convention", Section 2.3.3 (d), the WG-DST agreed to recommend that consideration be given to avoiding re-use of denominations in all cases. However, it clarified that it would be important to consider only denominations of varieties (i.e. plant groupings that meet the definition of variety in Article 1 (vi) of the 1991 Act) and, in addition, to expand the content of PLUTO database to include all recognized varieties, including those that had not been, or were no longer, registered/protected (see document UPOV/WG-DST/2/6 "Report", paragraph 30).

PLUTO DATABASE CONTENTS

Type distribution of records included in the PLUTO database

6. The records included in the PLUTO database by type were, as of August 29, 2015, the following:

Type	Number of Records
Plant Breeders Right (PBR)	264,067
National List (NLI)	354,982
Plant Patent (PLP)	29,655
Other (ZZZ)	64,303
Total	713,007

7. The record type "Other (ZZZ)" contains the following data.

State/Organization	Number of Records	Content of the Records
Austria	115	"Conservation Varieties Austria" Conservation Varieties Austria published in the Gazette issued every 3 months (Sorten und Saatgutblatt)
Estonia	364	"Registration of new varieties in Estonia" Agricultural Board Gazette for Plant Breeders' Rights and Variety Listing is issued quarterly and informs about changes in the Variety Register. Contributions to the Variety Finder are usually received at the time of publication. Registration of new varieties in Estonia appear in Chapter B of the Estonian publication. "Fruit and berry varieties with officially recognized description" Agricultural Board Gazette for Plant Breeders' Rights and Variety Listing is issued quarterly and informs about changes in the Variety Register. Contributions to the Variety Finder are usually received at the time of publication. Registration of known varieties of Fruits and Berries in Estonia appear in Chapter C of the Estonian publication.
Finland	19	"Finnish Plant Variety Journal: conservation varieties" The publication usually takes place 3 times per year.
United Kingdom	181	"Plant varieties & Seeds gazette : Amateur Varieties" "Plant variety & Seeds gazette : Conservation varieties"
Italy	19	"Conservation varieties Italy"
New Zealand	217	Unprotected varieties of common knowledge which were in the market place when the database was originally set up in the middle 1990s.

Poland	1,557	"Poland - Diariusz - Selection names" Data related to the old vegetable and fruit plant varieties having more maintainers. □Variety selections were listed before Poland's accession to the EU under selection names which were recognized at that time as denominations. □Now, they are treated as maintainers' designations published in the Polish National List (in case of vegetables) or maintenances (for fruit plants) being subject to their initial varieties.
Slovenia	56	"Conservation varieties Slovenia" Publication issued every 3 months (National List of Varieties/Sortna lista Republike Slovenije). "Amateur Varieties Slovenia" Vegetable varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions published in the Gazette issued every 3 months (National List of Varieties/Sortna lista Republike Slovenije)
OECD ¹	61,775	The OECD List of Varieties Eligible for Certification is an official list of varieties which have been accepted by National Designated Authorities as eligible for certification in accordance with the Rules of the OECD Seed Schemes.
Total	64,303	

8. The CAJ, at its forty-ninth session, held in Geneva, on April 1, 2004, noted that there was certain information which might be useful for the examination of proposed variety denominations, but was not considered appropriate for inclusion in the database itself. Examples of such data included information on trademarks and the information held by the International Cultivar Registration Authorities (ICRAs) (see document TC/40/6-CAJ/49/4 "UPOV Information Databases", paragraph 35, and CAJ/49/5 "Report", paragraph 78).

POSSIBLE SOURCES OF ADDITIONAL, RELEVANT VARIETY DENOMINATIONS

9. The WG-DST may wish to consider the following with regard to varieties that might be added to the PLUTO database.

Variety data no longer included in the PLUTO database

10. Previous communications with contributors have indicated that not all the varieties that were previously submitted to the UPOV-ROM and/or PLUTO database are still included in the PLUTO database. Members are required to submit a new, complete data set each time the PLUTO database is updated, i.e. all existing data is replaced. Therefore, in the case of some contributors, varieties that are no longer protected or registered are not included in later submissions of data.

11. Due to the lack of a unique identifier for each variety record in the UPOV-ROM and the PLUTO database, it is not feasible for UPOV to retrieve all "omitted" data from previous versions of submitted data.

12. Therefore, the only practical means to retrieve such data would be to obtain the information from the contributors. On that basis, it is proposed to consider:

(a) inviting members of the Union to check whether they have relevant variety that is no longer included in the PLUTO database; and, if so,

(b) to advise whether it would be possible to provide that data.

13. The WG-DST may also wish to consider whether to propose the introduction of a unique identifier for variety records in the PLUTO database in order that new data submission would add to the existing data rather than replacing it.

¹ Organization for Economic Co-operation and Development (OECD)

Other varieties

14. Varieties to be included in the PLUTO database should fulfil the definition of the variety as provided in Article 1 (vi) of the 1991 Act of the UPOV Convention. On that basis, the WG-DST may wish to consider proposing to the CAJ to invite UPOV members to propose types or categories of varieties, and the sources of such data, that might be included in the PLUTO database in the future.

15. Subject to approval of the CAJ, at its seventy-second session, to be held in Geneva, on October 26 and 27, 2015, the Office of the Union could issue a circular addressed to the CAJ and invite the WG-DST to consider the proposals received.

16. *The WG-DST is invited to:*

(a) *consider*

(i) *inviting members of the Union to check whether they have relevant variety that is no longer included in the PLUTO database; and, if so,*

(ii) *to advise whether it would be possible to provide that data;*

(b) *consider whether to propose the introduction of a unique identifier for variety records in the PLUTO database in order that new data submission would add to the existing data rather than replacing it;*

(c) *consider inviting members of the Union to check whether they have relevant varieties that are no longer included in the PLUTO database; and, if so, consider to advise whether it would be possible to provide that data of relevant varieties; and*

(d) *consider inviting members of the Union to propose types or categories of varieties, and the sources of such data, that might be included in the PLUTO database in the future, as set out in paragraph 14 and 15 of this document.*

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