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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
Geneva

ADMINISTRATIVE AND LEGAL COMMITTEE

Sixty-Seventh Session
Geneva, March 21, 2013

EXCHANGEABLE SOFTWARE

Document prepared by the Office of the Union

1.   The Administrative and Legal committee (CAJ), at its sixty-fifth session, held in Geneva on March 29, 2012, agreed that a review of document UPOV/INF/16 should be included in the agenda for its October session in 2013 (see paragraph 59 of document CAJ/65/12 "Report on the Conclusions"). The purpose of this document is to report on developments since the sixty-fifth session of the CAJ.

2.   The structure of the document is as follows:

I.   REVIEW OF REQUIREMENTS FOR EXCHANGEABLE SOFTWARE

3.   The CAJ, at its sixty-fifth session, held in Geneva on March 29, 2012, considered the recommendation of the Technical Working Party on Automation and Computer Programs (TWC), at its twenty-ninth session, held in Geneva, from June 7 to 10, 2011, concerning the inclusion of "Bionumerics Software for Databasing and Data Analysis" in document UPOV/INF/16, in conjunction with the comments of the Technical Committee (TC), at its forty-eighth session, held in Geneva form March 26 to 28, 2012. The CAJ noted that different views on whether commercial software should be considered in document UPOV/INF/16 had been expressed at the TC session and that the TC had suggested that it would be appropriate to review the title of document UPOV/INF/16 "Exchangeable Software" and Section "1. Requirements for exchangeable software", before taking a view on the inclusion of the "Bionumerics Software for Databasing and Data Analysis" software (see paragraph 61 of the Annex to document CAJ/65/11). The CAJ agreed that a review of document UPOV/INF/16 should be included in the agenda for its October session in 2013 (see paragraph 59 of document CAJ/65/12 "Report on the Conclusions").

4.   The TC, at its forty-ninth session, to be held in Geneva from March 18 to 20, will be invited to review the title of document UPOV/INF/16 "Exchangeable Software" and Section "1. Requirements for exchangeable software". The comments of the TC, at its forty-ninth session, concerning review of document UPOV/INF/16, will be reported to the CAJ, at its sixty-seventh session (see document CAJ/67/13 "Report on developments in the Technical Committee").

II.   SOFTWARE PROPOSED FOR INCLUSION IN UPOV/INF/16

5.   The procedure for considering proposed inclusions of software is set out in document UPOV/INF/16 "Exchangeable Software", as follows:

"2.   Procedure for inclusion of software

"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 on whether to include that software in document UPOV/INF/16. In the case of a positive recommendation by the TC and by the Administrative and Legal Committee (CAJ), the software will be listed in a draft of document UPOV/INF/16, to be considered for adoption by the Council. Document UPOV/INF/16 is adopted by the Council."

6.   The TC, at its forty-ninth session, will consider the recommendation of the TWC concerning the inclusion in document UPOV/INF/16 of "Information System (IS) used for Test and Protection of Plant Varieties in the Russian Federation" and the AIM software from France, as presented in the Annex to document TC/49/12 "Exchangeable software". The comments of the TC, at its forty-ninth session, concerning the revision of document UPOV/INF/16 for inclusion of new Software, will be reported to the CAJ, at its sixty-seventh session (see document CAJ/67/13 "Report on developments in the Technical Committee").

III.   INFORMATION ON USE BY MEMBERS

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."

8.   On February 5, 2013, the Office of the Union issued Circular E 13/023 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 by March 4, 2013. The information received in response to the Circular will be presented in an Addendum to document TC/49/12.

9.   The TC, at its forty-ninth session, will consider the information contained in the addendum to document TC/49/12 as a basis for the adoption of a revision of document UPOV/INF/16 by the Council, at its forty-seventh session, to be held in Geneva on October 24, 2013. The comments of the TC, at its forty-ninth session, concerning the revision of document UPOV/INF/16 for the inclusion of information on software use by members of the Union, will be reported to the CAJ, at its sixty-seventh session (see document CAJ/67/13 "Report on developments in the Technical Committee").

10.   *The CAJ is invited to note that:*

(a)   the comments of the TC, at its forty-ninth session, to be held in Geneva from March 18 to 20, on:

(i)   a possible review the title of document UPOV/INF/16 "Exchangeable Software" and Section "1. Requirements for exchangeable software",

(ii)   a proposed revision of document UPOV/INF/16 for inclusion of new Software, and

(iii) a proposed revision of document UPOV/INF/16 for the inclusion of information on software use by members of the Union,

will be reported to the CAJ, at its sixty-seventh session (see document CAJ/67/13 "Report on developments in the Technical Committee"); and that

(b) the CAJ, at its sixty-eighth session to be held in Geneva in October 2013 will be invited, to consider a possible review and revision of document UPOV/INF/16 "Exchangeable Software".

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