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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

ADMINISTRATIVE AND LEGAL COMMITTEE

Sixty-Eighth Session
Geneva, October 21, 2013

EXCHANGEABLE SOFTWARE

Document prepared by the Office of the Union

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1.   The Administrative and Legal committee (CAJ), at its sixty-seventh session, held in Geneva, on March 21, 2013, noted that it would be invited, at its sixty-eighth session, to be held in Geneva in October 2013, to consider a proposed revision of document UPOV/INF/16 "Exchangeable Software" (see document CAJ/67/14 "Report on the Conclusions", paragraph 56).

2.   The structure of this document is as follows:

I.   REVIEW OF REQUIREMENTS FOR EXCHANGEABLE SOFTWARE

3.   The CAJ, at its sixty-seventh session, held in Geneva on March 21 2013, noted that the Technical Committee (TC), at its forty-ninth session, held in Geneva from March 18 to 20, 2013, had reviewed the title of document UPOV/INF/16 "Exchangeable Software" and Section 1 "Requirements for exchangeable software" and had agreed that those texts should remain unchanged on the basis that the document concerned software that had been developed or customized by a member of the Union for UPOV purposes. However, the TC also agreed that it would be useful to develop a separate information document that would allow members of the Union to provide information on the use of non-customized software and equipment (e.g. data loggers) that was used by members of the Union (see Annex to document CAJ/67/13 "Report on developments in the Technical Committee", paragraph 24, and document CAJ/67/14 "Report on the Conclusions", paragraph 55).

4.   The CAJ is invited to consider whether:

(a)   the title of document UPOV/INF/16 "Exchangeable Software" and the text of Section 1 "Requirements for exchangeable software" should remain unchanged on the basis that the document concerns software that has been developed or customized by a member of the Union for UPOV purposes; and

> *(b)   it would be useful for the TC to seek to develop a separate information document that would allow members of the Union to provide information on the use of non-customized software and equipment (e.g. data loggers) that was used by members of the Union.*

II.   SOFTWARE PROPOSED FOR INCLUSION IN DOCUMENT 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, agreed with the recommendation of the Technical Working Party on Automation and Computer Programs (TWC), at its thirtieth session, held in Chisinau, Republic of Moldova, from June 26 to 29, 2012, concerning the inclusion of "Information System (IS) used for Test and Protection of Plant Varieties in the Russian Federation" in document UPOV/INF/16, as set out in paragraph 18 of document TC/49/12. The TC also requested the Office of the Union to investigate the possibility of the translation into English of the user interfaces and user manual, on the basis that the Russian Federation would verify the translation provided by the Office of the Union.

7.   The TC, at its forty-ninth session, agreed with the recommendation of the TWC, at its thirtieth session, concerning the inclusion of the AIM software from France in document UPOV/INF/16, as set out in paragraph 19 of document TC/49/12. The TC requested the Office of the Union to translate into English the user interfaces and user manual, on the basis that France would verify the translation provided by the Office of the Union.

8.   The TC, at its forty-ninth session, noted that Mexico would be invited to present its proposed exchangeable software, as set out in Annex II to document TC/49/12 Add., at the thirty-first session of the TWC, for possible inclusion in a future revision of document UPOV/INF/16.

9.   The CAJ, at its sixty-seventh session, noted the conclusions of the TC, at its forty-ninth session, on a proposed revision of document UPOV/INF/16 for inclusion of new software, as set out in the Annex to document CAJ/67/13 "Report on developments in the Technical Committee", paragraphs 25 and 26 (see document CAJ/67/14 "Report on the Conclusions", paragraph 54).

> *10.   The CAJ is invited to consider the proposed revision of document UPOV/INF/16 for inclusion of new software, as set out in paragraphs 6 and 7 of this document, on the basis of document UPOV/INF/16/3 Draft 1.*

III.   INFORMATION ON USE BY MEMBERS

11.   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."

12.   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. The information received in response to the Circular was presented in document TC/49/12 Add.

13.   The TC, at its forty-ninth session, agreed with the inclusion of the information contained in Annex I to document TC/49/12 Add. for a revision of document UPOV/INF/16 by the Council at its forty-seventh ordinary session, to be held in Geneva on October 24, 2013 (see document UPOV/INF/16/3 Draft 1).

14.   The CAJ, at its sixty-seventh session, noted the conclusions of the TC, at its forty-ninth session, on a proposed revision of document UPOV/INF/16 for the inclusion of information on software used by members of the Union, as set out in the Annex to document CAJ/67/13 "Report on developments in the Technical Committee", paragraphs 27 and 28 (see document CAJ/67/14 "Report on the Conclusions", paragraph 54).

15.   The CAJ is invited to consider the proposed revision of document UPOV/INF/16 concerning the inclusion of information on software used by members of the Union, as set out in paragraphs 13 and 14 of this document, on the basis of document UPOV/INF/16/3 Draft 1.

16.   The TC, at forty-ninth session, noted that, subject to the agreement by the CAJ at its sixty-eighth session, the revision of document UPOV/INF/16 would be put forward for adoption by the Council at its forty-seventh ordinary session, to be held on October 24, 2013. A report on the conclusions of the CAJ, at its sixty-eighth session, concerning the proposal to amend document UPOV/INF/16, will be made to the Council at its forty-seventh ordinary session.

17.   The CAJ is invited to note that, subject to the agreement by the CAJ at its sixty-eighth session, the revision of document UPOV/INF/16 will be considered for adoption by the Council at its forty-seventh ordinary session, to be held on October 24, 2013.

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