

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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WIPO COORDINATION COMMITTEE

Fifty-Fifth (37th Ordinary) Session
Geneva, September 25 to October 3, 2006

REPORT

adopted by the Coordination Committee

1. The Coordination Committee was concerned with the following items on the Consolidated Agenda (document A/42/1): 1, 2, 3, 4, 6, 7, 20, 21, 22, 23, 24 and 25.
2. The report on the said items, with the exception of items 22 and 23, is contained in the General Report (document A/42/14).
3. The reports on items 22 and 23 are contained in the present document.
4. Mr. Muktar Djumaliev (Kyrgyzstan) was elected Chair of the Coordination Committee; Mr. Maximiliano Santa Cruz (Chile) and Mr. Zigrīds Aumeisters (Latvia) were elected Vice-Chairs.

ITEM 22 OF THE CONSOLIDATED AGENDA:

APPROVAL OF AGREEMENTS WITH
INTERGOVERNMENTAL ORGANIZATIONS

5. Discussions were based on document WO/CC/55/2.

6. The Delegation of Brazil stated that it had some concerns with the two proposals for Agreements between WIPO and the Food and Agriculture Organization of the United Nations (FAO) and the Inter-American Development Bank (IDB). While the Delegation in no way wished to curtail the latitude given to the Director General to establish Agreements, the Delegation was of the view that the text of the Agreements required further discussions. The Delegation was concerned, for example, with the fact that the Agreement with the FAO provided a range of fields of cooperation that may actually enter into areas where the membership of WIPO should be the ones to actually take action on those issues. There were, for example, issues of cooperation on matters on intellectual property rights including a list of issues very sensitive to the Government of Brazil, such as agricultural biotechnology, farmers' rights and traditional knowledge, food and agriculture, an extensive list of plant protection and production, and the Delegation was of the view that the Agreement should be looked at more closely by Member States.

7. The Delegation of Brazil said that it also noticed that the definition, for example, of WIPO's mission contained in both Agreements did not mention that it was also WIPO's mission to promote an intellectual creative activity and to facilitate the transfer of technology related with intellectual property to developing countries with a view to accelerating economic, social and cultural development. The Delegation added that this point was not mentioned in any of the two Agreements. The Delegation was also concerned with the fact that the mission of the IDB was meant to promote development in the Americas, that it was a bank of great importance whose purpose was to contribute to the acceleration of the processes of economic and social development of the region of the developing member countries individually and collectively. The Delegation of Brazil opined that, indirectly perhaps and unintentionally, the proposed Agreement WIPO-IDB in fact ended up changing the mission of the IDB in a sense. Thus, the Delegation suggested that a working group of the Member States of WIPO be created in order to have an opportunity to get a closer look at the text of the two Agreements and to further refine the language. By doing so, the concerns of the Delegation of Brazil and of other countries could actually be mainstreamed into the texts. The Delegation observed that it was the first time it had the opportunity to comment on the Agreements and that was the reason why it had not actually expressed its position on this before. The Delegation recalled that, unfortunately, the Coordination Committee only met once a year and in very short sessions dealing with many other issues which were then debated during the General Assemblies; consequently, the Coordination Committee did not provide Member States with an extensive opportunity to debate on such matters.

8. The Delegation of Bolivia also considered that Agreements with other intergovernmental organizations could be very positive for the work of the Organization, but it was necessary, as stated by the Delegation of Brazil, that the Agreements be looked at more closely. The Delegation recalled that in the case of the IDB, for example, it was a body created to foster regional development, and there were many aspects in which Bolivia was involved.

9. The Delegation of Nigeria wished to welcome and commend the Director General for his initiative of cooperation with other international organizations. The Delegation believed that what the Director General had done, was in keeping with the spirit and intent of the proposal submitted by the African Group that WIPO should broaden its reach to cooperate with United Nations agencies and international organizations to widen the development programs in order to increase benefits to the developing and least developed countries. The Delegation of Nigeria stated its belief that the initiative by the Director General was a step towards such outcomes, that is to establish exchanges with international organizations in order to bring the benefits of development to concerned countries.
10. The Delegation of the United States of America understood that the FAO Agreement had already been approved and ratified by the FAO, and the Delegation wondered whether the IDB Agreement had similarly been ratified by the IDB, which might indicate that they felt that it was within the purview of their mandate.
11. The Director General noted the observations made by the Delegations of Brazil, Bolivia, Nigeria and the United States of America. The Director General confirmed that both Agreements had been ratified by the competent bodies of FAO and IDB. He recalled that the Agreements were general in nature, and that if in the implementation of the Agreements, there were any further policy implications, the Delegation of Brazil and others concerned could rest assured that the Director General would put the policy implications before the Coordination Committee for further analysis and decision. The Director General recommended the formal approval of the Agreements, on the understanding that subsequent to that, there could be discussions and consultations with any Delegations interested in giving additional input with regard to the implementation of the Agreements.
12. The Delegation of Brazil appreciated the information provided, and understood that the Agreements had been approved by the respective bodies. However, this was the first chance it had to express its opinion on the Agreements, and the Delegation also understood that according to the legal requirements in WIPO, the Agreements needed to be approved by the Coordination Committee. The Delegation of Brazil was trying to see if it was possible for Members to actually have an opportunity to look at the Agreements and express their views and perhaps make some suggestions in respect of the texts. This was a very important issue for the Delegation of Brazil.
13. The Delegation of South Africa stated that it would prefer to have a few more discussions, particularly on the issues and in respect of some of the articles for which there might be some concerns. The Delegation was fully aware that the Director General had tried to reassure the Member States about the fact that there were policy implications, but it wished to explore this further and perhaps hold off the acceptance of the Agreements for now.
14. The Delegation of Brazil did not agree that giving the Agreements approval in the Coordination Committee was only a formal act. The Delegation added that it was the only act allowing members to actually give or refuse to give the Administration of WIPO a go-ahead for the Agreements.
15. The Delegation of Mexico asked for explanations from the Delegations opposed to the approval of the Agreements and recalled that those Delegations had representatives at the IDB as well as in the FAO, and they had therefore already approved the Agreements in the competent bodies of those organizations. The Delegation of Mexico therefore wondered why there had been a change of opinion by the concerned Delegations.

16. The Delegation of Nigeria stated that as a Member of the Coordination Committee, it had a special interest in the matter. It made the point that Nigeria was a member of the FAO, and that in that capacity it had participated in the thirty-third session of the Conference of the FAO in November 2005 and would therefore be contradicting its Delegation that participated in the 2005 meeting of the FAO Conference if it were to express reservations regarding the approval of the Agreements under consideration. It would also contradict the African position in favor of entering into such Agreements with other organizations if it were to question the competence of WIPO to enter into such Agreements with other intergovernmental organizations.

17. The Delegation of South Africa wished to clarify its position by stating that it was not opposed to the approval of the Agreements but rather wanted to have a discussion on them. Therefore, it expressed the wish to leave the agenda item open to further discuss it and come back to it later.

18. The Delegation of Brazil wished to clarify that it did not have a negative attitude towards the Agreements under consideration, but just wished to actually give some inputs so that they could be improved and the concerns expressed by some Delegations be taken into account. The Delegation stated that the Coordination Committee only met once a year at very short sessions, and there was no real opportunity for discussions on such arrangements that had far reaching consequence, as they included references that could be understood as giving substantive mandates for things to be done, which may be very positive but it just wished to have the opportunity to discuss the content of the Agreements. The Delegation of Brazil concluded by saying that this position did not mean any duplicity in positions because Brazil was also a Member of the IDB and the FAO, but as Members of WIPO and the Coordination Committee, it was not ready to give its approval to the Agreements.

19. The Delegation of Angola said it was not opposed to the Agreements as they had already had the opportunity of analyzing the documents from the angle of other organizations of which Angola was a Member, and it also agreed that it would contradict the position Angola had adopted at the FAO if they were to refuse the approval of the Agreements. The Delegation of Angola stated that as a very active Member within FAO, it was not opposed to WIPO having a closer relationship with the FAO and with other organizations.

20. The Delegation of Nicaragua expressed the importance for its country to obtain effective technical cooperation and therefore expressed a vote of confidence for the Agreements under consideration as a means to contribute to the economic, social and cultural development needed in Nicaragua. It concluded that the experience they had, particularly with the IDB, had been very fruitful.

21. The Delegation of Italy fully endorsed the statements made by the Delegation of Mexico. It stated that the Agreements could be seen as Agreements between themselves and themselves as they were all Members of the FAO and as many of the Delegations present were also Members of the IDB. It found it rather difficult to accept the position of a country that would adopt three different stances depending upon where it was represented.

22. The Delegation of Nigeria wished to know what the implication of a potential review exercise in WIPO would have on an Agreement that had already been adopted by another Organization in Rome.

23. In response to the question raised by the Delegation of Nigeria, the Secretariat explained that if the WIPO Coordination Committee were to make specific changes to the proposed Agreement, those changes reflected in a new Agreement would have to be sent back to the FAO Conference which had already approved it, and the FAO Conference in turn would have to decide whether to approve the revised Agreement. The same would apply in respect of the IDB.

24. The Delegation of Brazil did not want to leave the impression, from the words spoken by other Delegations, that it agreed with the view that any decisions that were taken outside of the Coordination Committee by other Agencies of the UN system had a superior hierarchy than decisions that were taken within WIPO. The Delegation of Brazil did not agree with this view, and took the position that WIPO was an institution at the same level as other UN Agencies. The Delegation of Brazil did not accept the idea that decisions taken elsewhere had to be accepted as a rubber-stamping exercise within WIPO which had its own mandate, constitution, independence and mission different from other UN Agencies.

25. The Coordination Committee took note of the proposed texts for an Agreement between WIPO and the FAO and between WIPO and the IDB set forth in Annexes I and II, of document WO/CC/55/2, and decided that a decision on the matter be postponed.

ITEM 23 OF THE CONSOLIDATED AGENDA:

STAFF MATTERS

26. Discussions were based on documents WO/CC/55/1 and WO/CC/55/1 Add.

WIPO Staff Association

27. At the invitation of the Chairman of the Coordination Committee, the President of the WIPO Staff Association made a statement, which is reproduced in its entirety in the Annex to this document.

AMENDMENTS TO THE STAFF REGULATIONS AND STAFF RULES

Amendments to the Staff Regulations provisionally decreed and applied under Staff Regulation 12.1

28. In presenting document WO/CC/55/1, the Secretariat informed the Coordination Committee of a typing error in the indication of the net salaries on page 3 of Annex I. The correct annual amounts are 154 664 US dollars per year for a staff member with dependent spouse and/or dependent children (D) and 137 543 US dollars for a staff member without dependent spouse and without dependent child (S).

29. With this correction, the WIPO Coordination Committee approved the amendments to Staff Regulations 3.1 (Salaries), 3.7 (Language Allowance) and 3.16*bis* (Staff Assessment) as reported in paragraphs 1 to 15 of document WO/CC/55/1.

Proposed amendments to Staff Regulations under Staff Regulation 12.1

30. The WIPO Coordination Committee approved the proposed amendments to Staff Regulations 1.6 (Activities and Interests outside the International Bureau), 2.1 (Classification Committee), 3.2 (Dependency Allowance), 3.5 (Post Adjustment), 4.5 (International Recruitment), 4.8 (Selection and Recruitment of Staff Members), 4.9 (Appointment and Promotion Board), 4.15 (Fixed-Term Appointments), 9.1 (Termination), and 9.7 (Repatriation Grant) and took note of the consequential amendments to Staff Rules 4.8.1 (Appointments under Funds-in-Trust Agreements) and 9.7.1 (Repatriation Grant) as indicated in paragraphs 17 to 48 and 53 to 57 of document WO/CC/55/1.

31. The Delegation of the United States of America thanked the International Bureau for the document presented and took the opportunity to commend the Secretariat for its work with a consolidated Human Resources strategy document. Furthermore, the Delegation proposed an additional amendment be made to presentation of the Secretariat to amend Regulation 9.6(b) as reported in paragraphs 49 to 52 of document WO/CC/55/1 by adding the following text as a new last sentence: “For periods of service with another organization applying the United Nations common system of salaries and allowances the staff member must provide written proof from the releasing organization that no termination indemnity has been paid.”

32. With this correction, the WIPO Coordination Committee approved the amendment to Staff Regulation 9.6 (Termination Indemnity) as reported in paragraphs 49 to 52 of document WO/CC/55/1.

Amendments to the Staff Rules under Staff Regulation 12.2

33. The WIPO Coordination Committee took note of the amendments made to Staff Rules 3.11.1 (Education Grant), 4.4.1 (Local Recruitment), 7.1.9 (Travel Conditions), 7.1.18 (Assignment Grant), 7.1.25 (Removal Expenses) and 11.1.1 (Appeal Board) as indicated in paragraphs 59 to 77 of document WO/CC/55/1.

INTER-AGENCY MOBILITY ACCORD

34. The WIPO Coordination Committee noted the information contained in paragraphs 79 and 80 of document WO/CC/55/1.

INTERNATIONAL CIVIL SERVICE COMMISSION

35. The WIPO Coordination Committee noted the information contained in paragraph 82 of document WO/CC/55/1.

UNITED NATIONS JOINT STAFF PENSION BOARD

36. The WIPO Coordination Committee noted the information contained in paragraph 84 of document WO/CC/55/1.

WIPO STAFF PENSION COMMITTEE

37. The WIPO Coordination Committee noted the information contained in paragraphs 86 and 87 of document WO/CC/55/1 concerning the Director General's initiative on the search for qualified and suitable candidates to be elected, one as a member of the Committee, and the other as an alternate member, for the four-year term running until the ordinary session of 2009 of the WIPO Coordination Committee.

RECRUITMENT OF THE DIRECTOR, INTERNAL AUDIT AND OVERSIGHT
DIVISION

38. The WIPO Coordination Committee noted the information contained in paragraphs one to nine of document WO/CC/55/1 Add. and gave a favorable advice on the appointment of Mr. Nicholas Treen as Director, Internal Audit and Oversight Division, for an initial period not exceeding four years from the date of entering into service, renewable upon the recommendation of the WIPO Audit Committee, for a second period of four years.

[Annex follows]