

Assemblies of the Member States of WIPO

Fifty-First Series of Meetings Geneva, September 23 to October 2, 2013

APPOINTMENT OF THE DIRECTOR GENERAL IN 2014

Memorandum prepared by the Secretariat

1. The term of office of the Director General will expire on September 30, 2014. The present memorandum recalls the constitutional provisions concerning the nomination and appointment of Directors General of WIPO and the procedures adopted by the WIPO General Assembly in 1998 for the nomination and appointment of Directors General of WIPO. The memorandum also records the steps taken to initiate those procedures and discusses the timetable for the implementation of the outstanding steps of the procedures.

Constitutional Provisions

2. The Convention Establishing the World Intellectual Property Organization (the WIPO Convention) contains the following provisions on the nomination and appointment of the Director General.

Nomination

Article 8(3)

“The Coordination Committee shall:

“...(v) when the term of office of the Director General is about to expire, or when there is a vacancy in the post of the Director General, nominate a candidate for appointment to such position by the General Assembly; if the General Assembly does not appoint its nominee, the Coordination Committee shall nominate another candidate; this procedure shall be repeated until the latest nominee is appointed by the General Assembly”;

Appointment

Article 6(2)

“The General Assembly shall:

“(i) appoint the Director General upon nomination by the Coordination Committee”;

Article 6(3)

“...(g) For the appointment of the Director General...the required majority must be attained not only in the General Assembly but also in the Assembly of the Paris Union and the Assembly of the Berne Union.”

Procedural Steps

3. At its meeting in September 1998, the WIPO General Assembly adopted procedures for the nomination and appointment of Directors General of WIPO (see documents WO/GA/23/6, paragraph 5, and WO/GA/23/7, paragraph 22) (“the Procedures”). The Procedures are set out in Annex I to this memorandum.

4. The first step in the Procedures consists of the sending of a circular by the Chair of the WIPO Coordination Committee to all Member States of WIPO, inviting them to propose a national as candidate for the post of Director General of WIPO. This circular is expected to be sent on September 6, 2013. A copy of it is set out in Annex II to this memorandum. The circular itself has two annexes, which consist of a copy of the provisions of the WIPO Convention that are quoted in paragraph 2 of this memorandum, and a copy of the procedures for the nomination and appointment of Directors General of WIPO that are reproduced in Annex I to this memorandum.

5. The Procedures adopted in 1998 foresee that the WIPO General Assembly which is to appoint the Director General upon nomination by the Coordination Committee should be convened to meet “not earlier than three months and not later than one month before the expiration of the term of the outgoing Director General” (see the last paragraph of Annex I).

6. In order to ensure that the newly appointed Director General has time to propose the appointment of Deputy Directors General (DDGs) and Assistant Directors General (ADGs) in a timely manner so as to facilitate the transition from one senior management team to the next, it is proposed to modify the timing of the holding of the WIPO General Assembly by advancing it to May 8 and 9, 2014 (a little over four months (rather than three months) before the expiration of the term of the outgoing Director General). This would allow the newly appointed Director General to advertise for the posts of DDG and ADG that will become vacant, undertake a selection procedure, undertake consultations with Member States and make proposals for appointments in time for consideration by the WIPO Coordination Committee at its meeting during the Assemblies of WIPO Member States at the end of September 2014. A smooth transition of senior management teams could then be assured. This same modification was applied by the WIPO General Assembly in approving the procedures for the appointment of the Director General in 2002 (see document A/37/14, paragraph 134(iii)).

7. If the Member States approve the timing of the holding of the General Assembly as proposed in the preceding paragraph, it will be the second time that the same derogation is made by the General Assembly in approving the Procedures. It is, therefore, proposed that the Secretariat present a proposal to the General Assembly, in September 2015, for its

consideration, which would regularize the holding of the session of the General Assembly at a date which provides sufficient time for the newly appointed Director General to undertake the process of consultation and nomination of a Senior Management Team (“SMT”) so that the SMT is in place for the commencement of the mandate of the newly appointed Director General. The said proposal will avoid the need for any derogations in the future.

Timetable

8. The application in practice of the procedures approved by the General Assembly in 1998, as modified in accordance with the preceding paragraph, would result in the following timetable:

(September 6, 2013:	Mailing of circular to WIPO Member States inviting proposals of candidates.)
December 6, 2013:	Deadline for submission of candidatures.
March 6 and 7, 2014:	Session of the Coordination Committee to nominate candidate for appointment to post of Director General.
May 8 and 9, 2014:	Sessions of the General Assembly and the Assemblies of the Paris and Berne Unions to appoint the Director General.

9. The General Assembly, the Coordination Committee and the Paris and Berne Union Assemblies are invited

(i) to note the dispatch of the circular set out in Annex II;

(ii) to approve the convening of the WIPO General Assembly on May 8 and 9, 2014, in advance of the time foreseen in the Procedures; and

(iii) to approve the timetable of procedural steps set out in paragraph 8.

[Annexes follow]

PROCEDURES FOR THE NOMINATION AND APPOINTMENT OF DIRECTORS GENERAL OF WIPO

Procedures for the Announcement of an Impending Vacancy and for the Submission of Candidatures

1. At least six months before the meeting of the Coordination Committee which is to be convened for nominating a candidate for appointment to the post of Director General, the Chair of the Coordination Committee shall send a circular to all Member States of WIPO, inviting them to propose a national as candidate for the post of Director General of WIPO.
2. The candidature submitted by a Member State shall be accompanied by the curriculum vitae of the candidate.
3. The exact time (Geneva) and date of the deadline for submission of candidatures shall be specified in the circular sent by the Chair of the Coordination Committee inviting candidatures. That date shall be three months after the date of the circular.
4. The Chair of the Coordination Committee, with the collaboration of the International Bureau, shall communicate the various nominations to all the Member States immediately on receiving them. Immediately following the deadline for the submission of candidatures, the Chair shall communicate to the Member States, in one consolidated communication, all nominations received.
5. The Coordination Committee shall be convened in order to nominate a candidate for the post of Director General, no earlier than six months and no later than five months before the meeting of the WIPO General Assembly which is to appoint the Director General upon nomination by the Coordination Committee.
6. The decision of the Coordination Committee shall be notified to all the Member States by the Chairman of the Committee immediately after the decision had been made.

Procedures for Nomination by the Coordination Committee of a Candidate to the Post of Director General

I. General principles

1. The selection of a candidate for Director General shall be guided by respect for the dignity of the candidates, as well as the countries nominating them, and transparency of the nomination process.
2. The nomination of a candidate for Director General should, if possible, be made by consensus. This will facilitate the appointment of the Director General by the General Assembly. However, it is recognized that voting will probably be a necessary means of building consensus for the nomination of a candidate.
3. Efforts to nominate a candidate *via* consultations leading to consensus are welcome at any stage of the selection process, but such efforts should not unduly delay the decision-making process.

II. Right to vote

It is established that, for the purposes of the nomination of a candidate for Director General by the Coordination Committee, all the members of the Coordination Committee, with the exception of associate members, may exercise their vote.

III. Decision-making process

1. Where there are more than three candidates, before any formal vote is taken, an indication of the relative support enjoyed by candidates may be assessed by means of a "straw poll." The "straw-poll" will be conducted in such a way that each member of the Coordination Committee which has a right to vote will mark its first and second choice on the list of candidates on his voting paper. Voting will be by Secret Ballot. Where there are three or less candidates, the procedures in this paragraph and the next paragraph shall be omitted.
2. Formal voting by Secret Ballot will proceed in several steps, each time with adequate advance notice, with a view to the gradual reduction of the number of candidates to a short-list of three candidates. Following each vote, the candidate receiving the least number of votes will be ineligible to participate in the next vote. If, however, the number of candidates is large, in order to limit the frequency of votes, the two or three candidates receiving the least number of votes may be declared to be ineligible to participate in the next vote. The exact dimension of each step will be decided, after consultation, by the Chair in the light of the number of candidates remaining at any given time. These steps will be carried out in keeping with the spirit of the following illustrative example based on a notional field of ten candidates: after the first formal vote amongst all the ten candidates, participation in additional votes shall be restricted to the seven candidates having obtained the greatest number of votes. After the second formal vote, participation in additional votes shall be restricted to the five candidates having obtained the greatest number of votes. After the third formal vote, a short-list will be established of the three candidates having obtained the greatest number of votes.
3. If consultations on the basis of the short-list of three candidates are not progressing, the voting process will be continued. Following the vote on the candidates of the short-list, a final vote will be restricted to the two candidates having obtained the greatest number of votes. The Coordination Committee will then, no later than the final day of its meeting, take its final decision amongst two candidates in a vote.
4. The Chairman of the Coordination Committee will communicate the name of the candidate for appointment to the post of Director General to the Chairman of the General Assembly.

Appointment of Director General

The WIPO General Assembly which is to appoint the Director General upon nomination by the Coordination Committee shall be convened to meet not earlier than three months and not later than one month before the expiration of the term of the outgoing Director General.

[Annex II follows]

Circular to be Sent to WIPO Member States Inviting Proposals of Candidates for the Post of Director General

C.N ...
-04

The Chair of the Coordination Committee of the World Intellectual Property Organization (WIPO) presents his compliments to the Minister for Foreign Affairs and has the honor to communicate to the Government of each State member of WIPO the following.

The term of office of the Director General of WIPO, Mr. Francis Gurry, expires on September 30, 2014.

In accordance with the provisions of the Convention Establishing the World Intellectual Property Organization (see Annex I) and pursuant to the Procedures for the Nomination and Appointment of Directors General of WIPO adopted by the WIPO General Assembly in September 1998 (see Annex II), it will be the task of the WIPO Coordination Committee at its extraordinary session on March 6 and 7, 2014, to nominate a person for appointment by the WIPO General Assembly as Director General. The decision on that nomination will be made by the WIPO General Assembly in its next session in 2014 after the nomination of the WIPO Coordination Committee has been made.

The Government of every State member of WIPO may, if it so desires, propose the name of one of its nationals as candidate for nomination by the WIPO Coordination Committee. Any proposal should be accompanied by the curriculum vitae of the person proposed and should be addressed to the Chair of the WIPO Coordination Committee, at the address of WIPO in Geneva, by the Minister for Foreign Affairs of the Member State making the proposal. Proposals must reach WIPO before 5 p.m. on Friday, December 6, 2013.

September 6, 2013

[End of Annex II and of document]