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# ELECTION OF MEMBERS OF THE EXECUTIVE COMMITTEES OF THE PARIS AND BERNE UNIONS; DESIGNATION OF AD HOC MEMBERS OF THE WIPO COORDINATION COMMITTEE 

Note by the Director General

## Introduction

1. The present document recalls the applicable provisions concerning the composition of the Executive Committees of the Paris and Berne Unions and of the WIPO Coordination Committee and the election or designation of their members, proposes the setting up of an ad hoc nominations committee, invites the Assemblies and Conferences of Representatives of the Paris and Berne Unions to elect the ordinary members and associate members, respectively, of their Executive Committees, and invites the WIPO Conference to designate the ad hoc members of the WIPO Coordination Committee.
I. Applicable Provisions Concerning the Executive Committees
2. Article 13(2)(a)(iv) of the Paris Convention (Stockholm Act) and Article 22(2)(a)(iv) of the Berne Convention (Stockholm and Paris Acts) each provide that the Assembly of the Union established by the corresponding Convention shall "elect the members of the Executive Committee" of that Assembly.
3. Article $14(1)$ to (5) of the Paris Convention (Stockholm Act) and Article 23(1) to (5) of the Berne Convention (Stockholm and Paris Acts), respectively, govern the composition of the Executive Committees of the Paris and Berne Unions, as well as the terms of office of their members.
4. According to the above provisions, the Executive Committee consists of States elected by the Assembly from among States members of the Assembly. Furthermore, the State on whose territory the Organization has its headquarters has an ex officio seat on the Committee as long as that State remains under the obligation to grant advances (see Article 16(7)(a) of the Paris Convention (Stockholm Act) and Article 25(7)(a) of the Berne Convention (Stockholm and Paris Acts)). That State is Switzerland.
5. The number of States members of the Executive Committee corresponds to one-fourth of the number of States members of the Assembly. In establishing the number of seats to be filled, remainders after division by four are disregarded. The ex officio member is not to be included in the one-fourth of the number of States members of the Assembly (see document AB/I/33, paragraph 24).
6. The members of the Executive Committee elected by the Assembly are called ordinary members of that Committee, in accordance with Rule 3(1) of the Rules of Procedure of the Assemblies of the Paris and Berne Unions (see document AB/XXIV/INF/2).
7. In addition to the ordinary members, the Executive Committee of the Paris Union and the Executive Committee of the Berne Union each has associate members elected by the Conference of Representatives of the Paris Union and by the Conference of Representatives of the Berne Union, respectively, which comprise States members of the corresponding Union that are not members of the Assembly of that Union, in accordance with Rule 5(1) of the Rules of Procedure of the Conferences of Representatives of the Paris and Berne Unions (see document $A B / X X I V / I N F / 2)$.
8. Each Conference of Representatives elects, from among its members, to the Executive Committee of the corresponding Union in the capacity of associate members a number of States equal to one-fourth of the number of its members. In establishing the number of seats to be filled, remainders after division by four are disregarded, in accordance with Rule 5(1)(c) of the Rules of Procedure of the Conferences of Representatives of the Paris and Berne Unions (see document $\mathrm{AB} / \mathrm{XXIV} / I N F / 2$ ).
9. In electing ordinary members or associate members, the Assembly or the Conference of Representatives, as the case may be, must seek to achieve an equitable geographical distribution, and must have due regard to the need for States party to the Special Agreements established in relation with the corresponding Union to be among the States constituting the Executive Committee (Article 14(4) of the Paris Convention (Stockholm Act) and Article 23(4) of the Berne Convention (Stockholm and Paris Acts); Rule 5(2) of the Rules of Procedure of the Conferences of Representatives of the Paris and Berne Unions).
10. Ordinary members of each of the Executive Committees serve from the close of the session of the Assembly which elected them to the close of the next ordinary session of that Assembly (Article 14(5)(a) of the Paris Convention (Stockholm Act) and Article $23(5)(a)$ of the Berne Convention (Stockholm and Paris Acts)). This means that, failing re-election under the conditions prescribed, the terms of office of ordinary members of the Executive Committees of the Paris and Berne Unions elected in September 1991 will expire on September 29, 1993.
11. The same rule applies, mutatis mutandis, to the associate members elected by the Conference of Representatives of the Paris and Berne Unions (Rule 5(3) of their respective Rules of Procedure). It should be noted that any associate member of the Executive Committee becoming a member of the Assembly of the corresponding Union between two ordinary sessions of the Conference of Representatives automatically becomes an ordinary member of the same Executive Committee (Rule 5(3) of the Rules of Procedure of the Conferences of Representatives of the Paris and Berne Unions).
12. Ordinary members of each of the Executive Committees may be re-elected, but only up to a maximum of two-thirds of such members (Article 14(5)(b) of the Paris Convention (Stockholm Act) and Article 23(5)(b) of the Berne Convention (Stockholm and Paris Acts)). The same restriction on re-election applies to associate members (Rule 5(4) of the Rules of Procedure of the Conferences of Representatives of the Paris and Berne Unions).

## II. Applicable Provisions Concerning the WIPO Coordination Committee

13. Article $8(1)$ of the WIPO Convention provides that the WIPO Coordination Committee shall consist of "the States party to this [the WIPO] Convention which are members of the Executive Committee of the Paris Union, or the Executive Committee of the Berne Union, or both."
14. Furthermore, the State on whose territory the Organization has its headquarters has an ex officio seat on the WIPO Coordination Committee as long as that State remains under the obligation to grant advances (see Article $11(9)(a)$ of the WIPO Convention). That State is Switzerland.
15. The members of the WIPO Coordination Committee which are ordinary members of the Executive Committee of the Paris Union, or of the Executive Committee of the Berne Union, or of both of the said Committees, are called ordinary members of the WIPO Coordination Committee, in accordance with Rule 2(2) of the Rules of Procedure of the WIPO Coordination Committee (see document AB/XXIV/INF/2).
16. In addition to the ordinary members, the WIPO Coordination Committee has associate members which comprise the States which are the associate members of the Executive Committee of the Paris Union, or of the Executive Committee of the Berne Union, or of both of the said Committees, in accordance with Rule 2(3) of the Rules of Procedure of the WIPO Coordination Committee (see document AB/XXIV/INF/2).
17. Further, in accordance with Article 8(1)(c) of the WIPO Convention, the WIPO Conference, at each of its ordinary sessions, designates one-fourth of the States party to the WIPO Convention not members of any of the Unions to participate in the meetings of the WIPO Coordination Committee with the same rights as members of that Committee, whenever the said Committee considers either matters of direct interest to the program and budget of the WIPO Conference and its agenda or proposals for the amendment of the WIPO Convention which would affect the rights or obligations of the said States. Those States are called ad hoc members of the WIPO Coordination Committee, in accordance with Rule $2(4)$ of the Rules of Procedure of the WIPO Coordination Committee (see document $A B / X X I V / I N F / 2$ ). There is no provision in the WIPO Convention or in the Rules of Procedure of the WIPO Coordination Committee concerning the re-designation of ad hoc members.

## III. States Eligible and Seats Available

18. Present Composition of the Committees. The present members (ordinary and associate) of the Executive Committees of the Paris and Berne Unions as well as the ad hoc members of the WIPO Coordination Committee are listed in the Annex to the present document.
19. Executive Committee of the Paris Union: Ordinary Members. The States that are members of the Assembly of the Paris Union and therefore eligible for election to the Executive Committee of the Paris Union as ordinary members are listed in the Annex to the present document. The total number of the members of the Assembly of the Paris Union is 110. The number of ordinary members of the Executive Committee of the Paris Union to be elected (one-fourth) is thus 27; the ex officio seat of Switzerland is not included in this number (since Switzerland is not to be elected).
20. Executive Committee of the Paris Union: Associate Members. The States that are members of the Conference of Representatives of the Paris Union and therefore eligible for election to the Executive Committee of the Paris Union as associate members are listed in the Annex to the present document. The total number of the members of the Conference of Representatives of the Paris Union is 4. The number of associate members of the Executive Committee of the Paris Union to be elected (one-fourth) is thus 1.
21. Executive Committee of the Berne Union: Ordinary Members. The States that are members of the Assembly of the Berne Union and therefore eligible for election to the Executive Committee of the Berne Union as ordinary members are listed in the Annex to the present document. The total number of the members of the Assembly of the Berne Union is 96 . The number of ordinary members of the Executive Committee of the Berne Union to be elected (one-fourth) is thus 24; the ex officio seat of Switzerland is not included in this number (since Switzerland is not to be elected).
22. Executive Committee of the Berne Union: Associate Members. The States that are members of the Conference of Representatives of the Berne Union and therefore eligible for election to the Executive Committee of the Berne Union as associate members are listed in the Annex to the present document. The total number of the members of the Conference of Representatives of the Berne Union is 4. The number of associate members of the Executive Committee of the Berne Union to be elected (one-fourth) is thus 1.
23. WIPO Coordination Committee: Ad Hoc Members. The States party to the WIPO Convention not members of any of the Unions are listed in the Annex to the present document. The total number of the said States is 17 . The number of ad hoc members of the WIPO Coordination Committee to be designated (one-fourth) is thus 4.
24. Limits to Re-eligibility. As was the case at the ordinary sessions of the interested Governing Bodies since 1979, in calculating the maximum of two-thirds of the present ordinary members of each Executive Committee and the maximum of two-thirds of the present associate members of each Executive Committee which may be re-elected (see paragraph 12, above), Switzerland should be regarded as an ordinary member of each of the Executive Committees, and, if the product of the multiplication by $2 / 3$ is not a whole number, the resulting number should be rounded to the nearest whole number. Consequently,
(i) the number of the present ordinary members (one ex officio and 24 elected) and the number of the present associate members of the Executive Committee of the Paris Union being 25 and 1, respectively, the number of elected ordinary members and the number of elected associate members eligible for re-election would be $(25 \times 2 / 3=16.66=) 17$ and ( $1 \times 2 / 3=0.66=$ ) 1 , respectively;
(ii) the number of the present ordinary members (one ex officio and 20 elected) and the number of the present associate members of the Executive Committee of the Berne Union being 21 and 1, respectively, the number of elected ordinary members and the number of elected associate members eligible for re-election would be $(21 \times 2 / 3=) 14$ and ( $1 \times 2 / 3=0.66=$ ) 1 , respectively;
(iii) as stated in paragraph 17 above, for the ad hoc members of the WIPO Coordination Committee, the question of re-designation does not arise.
25. Summary. On the basis of the present facts, applicable rules and precedents, the Executive Committee of the Paris Union would have 29 members (28 ordinary and 1 associate), that is:
(i) one ex officio ordinary member (Switzerland);
(ii) 27 elected ordinary members which must be elected by the Assembly of the Paris Union; out of the present 24 elected ordinary members, 17 may and 7 may not be re-elected;
(iii) 1 associate member which must be elected by the Conference of Representatives of the Paris Union; the present associate member may be re-elected.
26. Furthermore, the Executive Committee of the Berne Union would have 26 members ( 25 ordinary and 1 associate), that is:
(i) one ex officio ordinary member (Switzerland);
(ii) 24 elected ordinary members which must be elected by the Assembly of the Berne Union; out of the present 20 elected ordinary members, 14 may and 6 may not be re-elected;
(iii) 1 associate member which must be elected by the Conference of Representatives of the Berne Union; any one of the four members of the Conference of Representatives of the Berne Union may be elected.
27. The WIPO Coordination Committee would have 4 ad hoc members. (The other members will be the members of the Executive Committee of the Paris Union and/or the Executive Committee of the Berne Union.)

## IV. Procedure

28. The manner in which elections of ordinary and associate members of the Executive Committees of the Paris and Berne Unions should be conducted is governed by the Rules of Procedure of the Assemblies and Conferences of Representatives of those Unions (see Rules 3(3) and 5(5) of their respective Rules of Procedure).
29. The manner in which the designation of ad hoc members of the WIPO Coordination Committee should be conducted is governed by Article 8(1)(c) of the WIPO Convention and the WIPO General Rules of Procedure (including, in particular, Rules 28 and 33).
30. It is proposed that an ad hoc nominations committee be set up, as at each of the previous ordinary sessions. It may be noted that at the last ordinary sessions (in 1991) the ad hoc nominations committee consisted of the Chairman of the WIPO Conference, as Chairman, and of representatives of ten States (see document AB/XXII/22, paragraph 220).
31. Accordingly, the WIPO Conference, the Assembly of the Paris Union, the Conference of Representatives of the Paris Union, the Assembly of the Berne Union and the Conference of Representatives of the Berne Union are invited to set up an ad hoc nominations committee.

## V. Election of the Executive Committees

32. In accordance with the provisions of the Paris Convention (Stockholm Act) and the Berne Convention (Stockholm and Paris Acts), the Assemblies of the Paris and Berne Unions have to elect, respectively, the ordinary members of their Executive Committees.

## 33. Accordingly,

(i) the Assembly of the Paris Union is invited to elect, from among its members, 27 States to the Executive Committee of the Paris Union in the capacity of ordinary members; these 27 States must not include more than 17 States which, at present, are elected ordinary members of that Committee, and
(ii) the Assembly of the Berne Union is invited to elect, from among its members, 24 States to the Executive Committee of the Berne Union in the capacity of ordinary members; these 24 States must not include more than 14 States which, at present, are elected ordinary members of that Committee.
34. In accordance with their Rules of Procedure, the Conference of Representatives of the Paris and Berne Unions have to elect, respectively, the associate members of the Executive Committees of the Paris and Berne Unions.
35. Accordingly,
(i) the Conference of Representatives of the Paris Union is invited to elect, from among its members, 1 State to the Executive Committee of the Paris Union in the capacity of associate member; that State may be the present associate member of that Committee, and
(ii) the Conference of Representatives of the Berne Union is invited to elect, from among its members, 1 State to the Executive Committee of the Berne Union in the capacity of associate memberi that State may be any one of the four members of the Conference of Representatives of the Berne Union.

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## VI. Designation of Ad Hoc Members of the WIPO Coordination Committee

36. In accordance with Article 8(1)(c) of the WIPO Convention, and what is said in paragraph 23, above, the WIPO Conference should designate 4 ad hoc members of the WIPO Coordination Committee.
37. Accordingly, the WIPO Conference is invited to designate, from among its members, 4 States not members of any of the Unions in the capacity of Ad Hoc members of the WIPO Coordination Committee.

States Eligible as Ordinary Members of the Executive Committee of the Paris Union (that is, States members of the Assembly of the Paris Union) (110)*


List 2
States Eligible as Associate Members of the Executive Committee of the Paris Union (that is, States members of the Conference of Representatives of the Paris Union) (4)*

| Dominican Republic | Nigeria | $-, 73,76,79,81$, | ,- 85, | ,- |
| :--- | :--- | :--- | :--- | :--- |
| Iran (Islamic | Syria | ,- | ,- 76, | ,- |

Iran (Islamic
Republic of) -, 73,

| Nigeria | $-, 73,76,79,81, ~-, ~ 85, ~-, ~-, ~$ | - |
| :--- | :--- | :--- |
| Syria | ,- | $76,-, ~-, ~$ |
| 1 |  |  |

## List 3

## States Eligible as Ordinary Members of the Executive Committee of the Berne Union (that is, States members of the Assembly of the Berne Union) (96)*



| Liberia |  |
| :---: | :---: |
| Liechtenstein |  |
|  |  |
| Malawi |  |
| Malaysia |  |
|  |  |
| Malta |  |
| Mauritania |  |
| Mauritius |  |
| Mexico 70, -, 76, 79, 81, 83, 85, -, 89, 91 |  |
| Monaco |  |
| Morocco -, 73, 76, -, -, 83, 85, 87, |  |
| Netherlands | -, -, -, -, -, -, 85, 87, 89, |
| Niger |  |
| Nigeria |  |
| Norway |  |
| Pakistan 70, -, -, -, -, -, -, 87, 89, 91 |  |
| Paraguay |  |
| Peru |  |
| Philippines 70, 73, -, -, -, -, -, -, -, - |  |
| Poland | 70, 73, 76, -, -, -, -, 87, 89, 91 |
| Portugal -, -, -, -, -, -, -, -, 89, 91 |  |
| Republic of Macedonia <br> (the former Yugoslav Republic) |  |
| Romania 70, -, -, -, |  |
| Rwanda |  |
| Saint LuciaSenegal |  |
|  |  |
| Slovakia |  |
| Slovenia |  |
| South Africa |  |
| Spain 70, 73, 76, 79, |  |
| Sri LankaSuriname |  |
|  |  |
| Sweden -, -, -, -, -, -, 85, 87, 89, |  |
| Switzerland ex officio |  |
| Thailand |  |
| Togo |  |
| Trinidad and Tobago |  |
| Tunisia $70,-, 76,79,81,83,85$, |  |
| United |  |
| United States |  |
|  |  |
| Uruguay -, -, -, -, -, -, -, 87, -, 91 |  |
| Venezuela - -, $-, \quad-, \quad-, \quad-, \quad-, 85,87,89,91$ |  |
| Yugoslavia --, 73, -, -, -, -, -, -, - |  |
| Zaire 70, -, -, 79, -, |  |
| Zambia |  |
| Zimbabwe | -, -, -, -, -, -, 85, -, -, |

List 4

States Eligible as Associate Members of the Executive Committee of the Berne Union (that is, States members of the Conference of Representatives of the Berne Union) (4)*

Lebanon -, -, -, -, -, -, -, -, -, 91
Madagascar

New Zealand
Turkey -, -, -, 79, 81, 83, 85, -, -, -

* The year date shows the year in which the State was first elected, as well as, where applicable, the year or years in which it was re-elected a member of the Executive Committee for a three-year period or, since 1979, for a two-year period. The names of the present ordinary (21) and associate (1) members are underlined. Czechoslovakia was elected in 1991 but, on December 31, 1992, it ceased to be a State and thus also a member of the Executive Committee.

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List 5

States Eligible as Ad Hoc Members of the WIPO Coordination Committee
(that is, States Members of WIPO which are not members of any of the Unions) (17)**

** The year date shows the year in which the State was first designated, as well as, where applicable, the year or years in which it was re-designated an ad hoc member of the WIPO Coordination Committee. The names of the present ad hoc members are underlined.

