

# WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

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## WIPO COORDINATION COMMITTEE

**Sixty-second (40<sup>th</sup> Ordinary) Session**  
**Geneva, September 22 to October 1, 2009**

### REPORT

*adopted by the Coordination Committee*

1. The Coordination Committee was concerned with the following items on the Consolidated Agenda (document A/47/1): 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 39 and 40.
2. The report on the said items, with the exception of items 11 and 22, is contained in the General Report (document A/47/16).
3. The reports on items 11 and 22 are contained in the present document.
4. Mr. Mario Matus (Chile) was elected Chair of the Coordination Committee; Mr. Dennis Francis (Trinidad and Tobago) and Ms. Liew Li Lin (Singapore) were elected Vice-Chairs.

## ITEM 11 OF THE CONSOLIDATED AND ANNOTATED AGENDA

## APPROVAL OF AGREEMENTS

5. Discussions were based on document WO/CC/62/3.
6. Introducing the matter, the Legal Counsel explained that document WO/CC/62/3 concerned the approval of an agreement between WIPO and the Federative Republic of Brazil on the legal status of an office for WIPO in Brazil. He said that following informal consultations among Member States, it was proposed to make a slight revision of the agreement. The slight revision was simply to delete the third preambular paragraph reading as follows: “recognizing that a dedicated office serving the region of Latin America...promulgated by WIPO”. It was proposed that this agreement be adopted on the understanding that it would not include the said preambular paragraph. He therefore invited the Coordination Committee to approve the agreement between Brazil and WIPO on the understanding that the third preambular paragraph would be deleted before it is signed by the two parties.
7. The Delegation of Ecuador stated that for its Delegation and for its Group, it was an honor to see the Chair in his capacity as Chair of the Coordination Committee since he was an important member of the Group. As the Coordinator of GRULAC, the Delegation of Ecuador wished to inform that members of the Group had held a meeting concerning the working document and the issues of the agreement being negotiated between WIPO and the Federative Republic of Brazil. The Delegation suggested that a mechanism should be set up for consultation among Member States to agree on procedures for establishing WIPO regional offices in various parts of the world.
8. The Delegation of Chile welcomed the proposed amendment to the document and noted that the original version of the document gave rise to some confusion, as it gave the impression that WIPO was setting up an office for the Latin American and Caribbean region. In GRULAC, as the Coordinator had mentioned, Brazil had clarified that this was in fact a WIPO office in Brazil whose only remit was to coordinate WIPO programs in Brazil and not a regional office for the Latin American and Caribbean region. The Delegation noted therefore that it was more a kind of official approval of the office set up in Brazil last year. It once again welcomed the amendment and stated that the Member States could now approve the agreement concerning the legal status of the WIPO office in Brazil. The Delegation supported the statement made by Ecuador suggesting the establishment of a working group to clarify the objectives, financial implications, and indeed, institutional systemic implications of offices, both for the countries and regions and for the Organization in terms of setting up of these regional offices. The Delegation said that the idea of regional offices was a good one, and that was why it wished to indicate to the Secretariat that if it decided to set up regional offices, Chile wished to be considered as a candidate for establishing a regional office in Chile. Chile believed strongly in regional cooperation and also believed that GRULAC countries needed to step up coordination and cooperation in intellectual property, which was consistent with the Director General’s goal to use technical assistance as a key strategic tool. Finally, the Delegation reiterated that documents should be available early enough to give time to consider them in advance. This was even more important for the countries in its region where working documents in French and English required time for translation in order to be able to read them in various capitals.

9. The Delegation of Spain expressed its support for the statement by the Delegation of Ecuador on behalf of GRULAC as well as the statement by the Delegation of Chile on setting up a working group on the criteria for setting up regional offices. The Delegation said that it had always thought and continued to think that there was need to regulate this process to avoid conflicts and confusion in future.

10. The Delegation of South Africa stated that the principle articulated by the GRULAC region seemed to be sound, and that for example if WIPO wanted to establish a regional office in SADC countries, consultations among Member States should take place at a regional level.

11. The Delegation of Guatemala expressed its support for the statement made by the Delegation of Ecuador on behalf of GRULAC, and the Delegation of Chile, in particular concerning the establishment of a regional office for Latin American and the Caribbean. The Delegation noted that having a regional office would enable countries in the region to have a more direct link with WIPO, allowing a permanent contact with the needs and interests of the respective countries of the Group. He said that this would focus on the intellectual property needs of developing countries. The Delegation elaborated that because of the importance of a regional office for its region, it was vital for the Organization to adopt parameters and guidelines for managing the setting up of such offices, as this would ensure that it worked effectively.

12. The Director General, responding to some of the observations that had been made by delegations, apologized for the fact that the agreement had been so late in its production and distribution. He explained that the purpose of the agreement was not to establish an office, but to deal with the question of a headquarters agreement between the Organization and a country in which an office had been established. He said that, if Member States looked at the agreement itself, it dealt with such matters as the status of staff, questions of immunity, privileges, taxation and all related questions that arose with the existence of an organization with an international legal personality within the territory of one of its Member States. The act of the setting up of the WIPO Brazil office had taken place last year in the course of the approval of the WIPO revised program and budget for the year 2009. He explained that the lateness with which the document was distributed accounted for some of the confusion as to whether this was a document which established an office or a document which defined the legal questions that he had just outlined. The Director General observed that, admittedly, some of the wording in the preamble was perhaps a bit loose but that had been corrected. If one looked at the substance of the articles, it was very clear that the agreement was dealing with the normal questions that are dealt with in a headquarters agreement. The Director General explained that the lateness of the submission of the document had resulted from the process of negotiations between WIPO and the Ministry of Foreign Affairs in Brazil. If the opportunity had been missed to approve it at these Assemblies, the Organization would have had to wait another 12 months and the consequence would be that there would be an office operating on the territory of a Member State without a headquarters agreement approved.

13. On the observations made with respect to regional offices, the Director General outlined some of the considerations in this regard. The Director General stated that, at the moment, as Member States were aware, the Organization had an office in New York, in Singapore, in Brazil and in Tokyo. There had also been an office in Brussels which had been closed at the end of last year. He explained that the office in New York dealt mainly with questions of liaison with the United Nations in New York. The Director General explained that, since the decision to open an office in Brazil, a large number of official requests had been made by

Member States to open offices all over the whole world. It was the Organization's intention to prepare a paper for consideration of Member States to try to come to some form of policy for the Organization with respect to external offices. He observed that a number of questions arose for decision by the Member States in this regard. The most fundamental concerned the role of such offices. What were they meant to do? With the WIPO office in Singapore and also with Brazil, the Organization was seeking to follow the model of these offices being service centers, that is being able to provide on a local level all of the services, including capacity building services, that the Organization provided from headquarters and to do so in close proximity to the Member States and with a certain degree of cost-effectiveness. Another important element to analyze was the economics of an external office. What would be the savings in terms of travel, for example? The third element was where the Organization would have such offices. He reiterated that he had received a significant number of official requests for, together with a significant number of expressions of interest in, the establishment of external offices, and these were all matters that the Organization was intending to put before the Member States in terms of a draft policy paper that would raise questions for their consideration and also refer to the experiences of some of the other international organizations in this regard. The Director General also stated that, if the Organization went down the track of establishing more external offices, the very important question would arise as to who takes the decision about the location of those external offices. In this regard, there was already significant experience in some of the other international organizations. The Director General said that he would personally welcome the proposal that had been made by GRULAC for a vehicle for the consideration of this question. He was of the view that preliminary work needed to be done for that body in terms of mapping out some of the basic research and some of the experience so that the discussions of that body would be facilitated.

14. The Delegation of El Salvador wished to thank the Director General for the explanation, and expressed its satisfaction with what he had said. It wished to reaffirm what the Delegation of Ecuador had said on behalf of GRULAC and indeed, what many other members of its Group had stated. The Delegation concluded that it did not want to miss the opportunity to congratulate the Federative Republic of Brazil for this important office that had been opened.

15. The Coordination Committee approved the Cooperation Agreement between WIPO and the Federative Republic of Brazil, as set out in the Annex to document WO/CC/62/3, with the amendment read out by the Legal Counsel as reflected in paragraph 6 of this report.

ITEM 22 OF THE CONSOLIDATED AGENDA:

STAFF MATTERS

16. Discussions were based on document WO/CC/62/1 and 2.

I. AMENDMENTS TO THE STAFF REGULATIONS AND STAFF RULES

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

17. The WIPO Coordination Committee approved the amendments provisionally decreed and applied to Staff Regulations 3.1 (Salaries), 3.7 (Language Allowance), 3.12 (Dependency Allowance) and 3.15 (Pensionable Remuneration), as reported in paragraphs 1 to 15 of document WO/CC/62/1.

Amendments to the Staff Regulations under Staff Regulation 12.1

18. The WIPO Coordination Committee approved the amendments to Staff Regulations 3.18 (Representation Allowance) and 4.15(e) (Fixed-Term Appointments) as reported in paragraphs 17 to 23 of document WO/CC/62/1.

Amendments to the Staff Rules under Staff Regulation 12.2

19. The WIPO Coordination Committee took note of the amendments made to Staff Rules 3.11.1 (Education Grant), 7.1.9(b) (Travel Conditions), 7.1.18(d) (Assignment Grant), 8.2.1 (Joint Advisory Committee) and 11.1.1 (Appeal Board) as indicated in paragraphs 25 to 47 of document WO/CC/62/1.

II. TERMINATION OF EMPLOYMENT CONTRACTS

20. The WIPO Coordination Committee took note of the information provided, pursuant to Staff Regulation 9.1(e) and contained in paragraphs 49 to 52 of document WO/CC/62/1 concerning the agreed termination of the employment contracts for eight staff members and the termination of one employment contract for violation of WIPO Staff Regulation 1.5 on Conduct.

III. INTERNATIONAL CIVIL SERVICE COMMISSION

21. The WIPO Coordination Committee noted the information contained in paragraph 54 of document WO/CC/62/1.

IV. UNITED NATIONS JOINT STAFF PENSION BOARD

22. The WIPO Coordination Committee noted the information contained in paragraph 56 of document WO/CC/62/1.

V. WIPO STAFF PENSION COMMITTEE

23. The WIPO Coordination Committee noted the information provided by the Secretariat as contained in paragraphs 58 to 63 of document WO/CC/62/1 and elected Mr. Vladimir Yossifov as member of the WIPO Staff Pension Committee for the period until the ordinary session in 2013 of the Coordination Committee.

24. With reference to paragraph 63 concerning the alternative member as indicated in document WO/CC/62/1, the Norwegian Authorities had proposed that Mr. Jan Hjelle be elected by the Coordination Committee as alternate member of the WIPO Staff Pension Committee.

25. Mr. Hjelle, a national of Norway (born on May 2, 1970), has a Master degree in political science and economics from the University of Oslo (1995). From January 1996 till September 2000, he was Special Consultant to the Director General of Health in the Akershus County (Norway), engaged in management of hospitals; thereafter he was Special Advisor and Deputy Director General in the Ministry of Government Administration and Reform from September 2000 till end-2006, where he was engaged in financial management within the area of the Norwegian Public Service Pension Fund, including duties related to the national pension reform.

26. From January 2007 till mid-June 2009, Mr. Hjelle was Senior Advisor in the Ministry of Finance with responsibilities for the Government Agency for Financial Management and Financial Management Regulations, and in mid-June 2009 he returned to the Ministry of Government Administration and Reform as Director responsible for the management of the Norwegian Public Service Pension Fund, including occupational accident and collective life insurance; the Fund comprises 900 000 members and the estimated obligations amount to the equivalent of 66 billion Swiss francs.

27. The Coordination Committee took note of the information presented, and decided to elect Mr. Jan Hjelle as alternate member of the WIPO Staff Pension Committee for an initial period until the ordinary session in 2011 of the Coordination Committee.

VI. VOLUNTARY SEPARATION PROGRAM

28. The WIPO Coordination Committee took note of the information provided in document WO/CC/61/3 Add. as indicated in paragraph 65 of document WO/CC/62/1.

29. On a general intervention in relation to the subjects for decision and for information and also to the presentation made by the President of the Staff Council, the Delegation of Spain reiterated serious concern about the situation of the geographical distribution of staff. The intervention was supported by the Delegations of Chile, Guatemala,

El Salvador, Pakistan, Tunisia and Algeria. The Administration took note of the views expressed and underlined that the major element for selection of candidates will always be their skills and competencies. It was recommended that consultations between the Member States and the Administration be held as early as possible after the conclusion of this year's Assemblies.

30. A copy of the presentation made by the President of the Staff Council is attached as an annex.

**B. PROPOSED REVISION OF THE STAFF REGULATIONS AND STAFF RULES**

31. The WIPO Coordination Committee noted the information contained in paragraphs 1 to 26 of document WO/CC/62/2 regarding the proposed revision of the WIPO Staff Regulations and Staff Rules as set out in Annexes I and II to the document, and approved the approach as proposed in paragraph 27.

[Annex follows]

ANNEX

**STATEMENT OF MR. JAN VAN HECKE, PRESIDENT OF THE WIPO STAFF ASSOCIATION, TO THE ASSEMBLIES OF THE MEMBER STATES OF WIPO, FORTY-SEVENTH SERIES OF MEETINGS**

**Geneva, September 22 to October 1, 2009**

Your Excellency,  
Distinguished Delegates,  
Director General, Dear colleagues, Ladies and Gentlemen,

It is an honor for me to be able to address you today, on behalf of the staff of WIPO, in my capacity as President of the Staff Association.

It gives me great pleasure to begin my statement by congratulating you on your election as the Chair of the General Assembly.

Please allow me also to congratulate the newly appointed Deputy and Assistant Director Generals as well as members of the senior management team and to wish them much success. I would also like to take this opportunity to express our sincere gratitude to our outgoing colleagues who have served the organization well over a number of years. We wish them well.

The past year has seen the first signs of rebuilding of the Organization. From the outset, the new administration, under the leadership of the Director General, has set a rapid pace of change and reform on a number of fronts, some of which are of direct interest to staff members. The Staff Council has from the very beginning expressed its intention to cooperate fully with the administration in making WIPO one of the finest places to work within the UN system. Happy and motivated staff leads to better productivity, better quality of work and higher rate of delivery. I firmly believe we can achieve this, but we still have some way to go.

The different sectors of the Organization will have to work closely together in an atmosphere of mutual trust, harmony and respect in order to achieve these goals. For our part, we can assure you that, although there is still skepticism and concern within the staff community, we will give our full support in the rebuilding of the Organization.

In this regard, we welcome the atmosphere of open dialogue and the close involvement of the staff representatives in the design, development and implementation of certain initiatives, including the environmental friendly Carbon Neutrality Project, launched during the past year.

The Strategic Realignment Program and the Performance Management and Staff Development System (PMSDS) are two significant initiatives with major impact on the staff. The realignment program, launched in October 2008, aims at reviewing and realigning the Organization's strategic goals, objectives, structures, programs and resources, so as to enable WIPO to fulfill its mandate more effectively within a rapidly evolving external environment. However, for the realignment program and the PMSDS to be successful and widely



acceptable, it is important that they remain tools to improve functioning and performance, and not to settle old scores.

While the staff is grateful for the long awaited reclassifications and promotions which have benefitted a number of colleagues, the procedures for these processes are still opaque. Requests for reclassifications, appointments and promotions must be dealt with in a fair, transparent and timely manner. Proper communication to staff on these issues, it goes without saying, is vital to build confidence and reduce the trust deficit between the staff and the administration. We are also looking forward to a more streamlined and simpler contractual situation aligned with the rest of the UN system.

On another subject, staff members have generally welcomed the Voluntary Separation Program (VSP) with the appropriate safeguards approved by the Coordination Committee this summer. We regret the fact that our colleagues on short term contracts of long duration were not covered by the VSP. In our view offering a VSP or a similar package to colleagues who have been working on short term contracts, of say five years and more, would have been a humane and non-discriminatory way of reducing the headcount.

Statements and rumors of headcount reductions have naturally unsettled the staff and caused legitimate agitation and concern. While the Staff Council supports the VSP, it believes that, in view of the nascent economic recovery taking place around the world, there is no pressing need to accelerate a reduction in personnel. The VSP and natural attrition via retirements and resignations would be the correct approach to reduce headcount, if it is necessary to do so. In this regard it is important to ensure that reduction in the headcount on the one hand is not negated by the hiring of new personnel and offering extensions of service contracts beyond retirement, on the other hand.

The Staff Council has taken positive note of the recent regularization of the posts of 30 short-term staff members and would like to take this opportunity to express its sincere gratitude to the Member States and to the Director General. While we are pleased for the successful colleagues, we are, at the same time, very concerned about the fate of approximately 150 short-term staff members who continue to be employed on temporary contracts, some of whom have served this organization for more than 12 years. The remaining short-term personnel, who have been performing core tasks in the Organization for a considerable number of years, have legitimate concerns which must be addressed appropriately.

The administration should communicate any plans for future regularizations as soon as possible, and the fate of the Organization's short-term personnel in the context of the strategic realignment and contractual reform should be clarified. While any future short-term contracts will be of a limited duration and exclusively intended for short-term projects, the question of integrating a large number of short-term personnel is of a critical importance. We could begin by offering them the full set of benefits currently enjoyed by staff on fixed term contracts.

Notwithstanding several positive developments, certain old concerns continue to haunt this organization. Many of the concerns, common to the UN Common System, relate to transparency, fairness and due process in recruitment, appointment, promotion, strategic realignment and the internal justice system.

The internal justice system of WIPO demands urgent reform. Today, staff and managers find themselves in a labyrinthine system of self administered justice, of ombudsman, investigators,

grievance panels and appeals boards, a system which more often does not provide justice, but rather prolongs indecision by months or even years. There are many colleagues whose health, career and effectiveness have been diminished, as justice delayed slowly and silently becomes justice denied.

We cannot have situations where colleagues continue to be suspended for months and years while investigation goes on *ad nauseam*. We cannot tolerate situations where the grievance panel takes months to come to a conclusion instead of weeks. This is totally unacceptable. It is imperative that procedures concerning investigation, suspension and internal justice be urgently reviewed and enforced.

In recent years we have seen increasing attention being paid to ethics and code of conduct. In this regard it is important that our organization rapidly draft and implement a whistleblower protection policy. In this context it is equally important to ensure that the independence and the impartiality of the international civil service is preserved and respected.

We could do much more to become a truly learning organization of the 21<sup>st</sup> century. Opportunities for growth and career development by constantly improving our skills set are limited and inadequate. If indeed the most important asset of the organization is its human capital, then it is important to preserve and enhance that capital by allocating appropriate resources for staff training and career development. In short, we need an effective Human Resources Management Strategy.

We are conscious of the fact that the intellectual property system, more than ever before, has a major role to play in fostering innovation, creativity, development and ultimately in making the world a better place for all humanity.

Let me conclude by reaffirming, on behalf of the staff of WIPO, that we are fully committed to those ideals. The staff of this organization has, and will continue to work with zeal and dedication, in close cooperation with the Director General and the Member States, in attaining those objectives and in meeting the various other challenges facing this organization.

Thank you for giving me the opportunity to convey to you the views of the staff of WIPO.

[End of annex and of document]