

WIPO Coordination Committee

Sixty-Ninth (25th Extraordinary) Session Geneva, March 6 and 7, 2014

INFORMATION CONCERNING PROCEDURES, MEMBERSHIP AND VOTING

Memorandum prepared by the Secretariat

1. The present document provides information on procedures for nomination by the Coordination Committee of a candidate to the post of Director General, membership of the WIPO Coordination Committee, and voting and the required majority for decisions of the WIPO Coordination Committee.

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

2. At its extraordinary session in September 1998, the WIPO General Assembly adopted procedures for nomination by the Coordination Committee of a candidate to the post of Director General of WIPO (see documents WO/GA/23/6, paragraph 5 and WO/GA/23/7, paragraph 22). The said procedures are reproduced in their entirety below.

“1. 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 members¹, 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 Chair 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.”

Members

3. The members of the WIPO Coordination Committee are the members of the Executive Committee of the Paris Union and of the Executive Committee of the Berne Union (Article 8(1)(a) of the Convention Establishing the World Intellectual Property Organization (“the

¹ In light of the abolition of the Conference of Representatives of the Paris and Berne Unions, there are no longer associate members in the Coordination Committee.

WIPO Convention”)), the *ad hoc* members elected by virtue of Article 8(1)(c) of the WIPO Convention from among States party to the WIPO Convention that are not members of any of the Unions administered by WIPO² and Switzerland in its capacity of *ex officio* member (see Article 11(9)(a) of the WIPO Convention). The list of those States is as follows:

Afghanistan (*ad hoc*), Algeria, Angola, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Barbados, Belgium, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d’Ivoire, Czech Republic, Democratic People’s Republic of Korea, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia (*ad hoc*), Finland, France, Gabon, Georgia, Germany, Ghana, Guatemala, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Kenya, Luxembourg, Malaysia, Mexico, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Paraguay, Peru, Philippines, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Singapore, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland (*ex officio*), Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Viet Nam, Zambia, Zimbabwe (83) (see document A/51/20, paragraphs 173 and 174(i), (ii), (iii) and (iv)).

Observers

4. Article 8(7) of the WIPO Convention provides that any Member State of WIPO which is not a member of the Coordination Committee may be represented at the meetings of the Coordination Committee by observers having the right to take part in the debates but without the right to vote.

5. The Member States of WIPO which are not members of the Coordination Committee are:

Albania, Andorra, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brunei Darussalam, Burundi, Cambodia, Cabo Verde, Central African Republic, Chad, Comoros, Croatia, Cuba, Cyprus, Democratic Republic of the Congo, Djibouti, Dominica, Equatorial Guinea, Eritrea, Fiji, Gambia, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Holy See, Honduras, Iraq, Israel, Jordan, Kazakhstan, Kiribati, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Madagascar, Malawi, Maldives, Mali, Malta, Mauritania, Mauritius, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nicaragua, Niger, Oman, Panama, Papua New Guinea, Poland, Qatar, Republic of Moldova, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Serbia, Seychelles, Sierra Leone, Slovakia, Somalia, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, The former Yugoslav Republic of Macedonia, Togo, Tonga, Turkmenistan, Ukraine, United Arab Emirates, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Yemen (103).

² The *ad hoc* members are Afghanistan and Ethiopia.

Majority

6. The decisions of the Coordination Committee are taken by simple majority of the votes cast. However, even if a simple majority is obtained, any member of the Coordination Committee may request a special recount. The special recount requires, for the proposal to be considered as carried, that a simple majority be obtained both of the members of the Coordination Committee that are members also of the Executive Committee of the Paris Union and of the members of the Coordination Committee that are members also of the Executive Committee of the Berne Union. The pertinent provisions are set out in Article 8(6) of the WIPO Convention, which reads as follows:

“(6) (a) The Coordination Committee shall express its opinions and make its decisions by a simple majority of the votes cast. Abstentions shall not be considered as votes.

“(b) Even if a simple majority is obtained, any member of the Coordination Committee may, immediately after the vote, request that the votes be the subject of a special recount in the following manner: two separate lists shall be prepared, one containing the names of the States members of the Executive Committee of the Paris Union and the other the names of the States members of the Executive Committee of the Berne Union; the vote of each State shall be inscribed opposite its name in each list in which it appears. Should this special recount indicate that a simple majority has not been obtained in each of those lists, the proposal shall not be considered as carried.”

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