

WIPO Coordination Committee

Seventy-First (46th Ordinary) Session
Geneva, October 5 to 14, 2015

DESIGNATION OF THE CHAIR AND DEPUTY CHAIR OF THE WIPO APPEAL BOARD (WAB)

Document prepared by the Secretariat

1. The WIPO Coordination Committee approved the amendments to the WIPO Staff Regulations and Rules (“SRR”) on internal justice reform at its Sixty-Seventh (44th Ordinary) Session, held from September 23 to October 2, 2013. Among others, the amendments provided for an expanded composition of the WIPO Appeal Board (“WAB”), which now includes a Chair and a Deputy Chair, each of whom shall head a panel of the WAB. These SRR amendments entered into force on January 1, 2014.

2. Staff Rule 11.5.1(b)(1) provides:

“(b) The Appeal Board shall be composed as follows:

(1) A Chair and a Deputy Chair designated by the WIPO Coordination Committee on a proposal made by the Director General after consultation with the Staff Council, from among persons having experience in the law of the international civil service or equivalent experience in applicable administrative law, who are not staff members or former staff members for the past 10 years of the International Bureau. Subject to the eligibility criteria provided above, the Director General shall make an interim appointment of the Chair and the Deputy Chair, after consultation with the Staff Council, pending designation by the WIPO Coordination Committee on the proposal made by the Director General. The interim appointments shall expire on the date that the WIPO Coordination Committee decides on the designations for these functions.”

3. Moreover, Staff Rule 11.5.1(e) provides:

“The Chair and Deputy Chair shall be designated for a term of five years, renewable once. [...]”

4. Immediately after the entry into force of the amendments, the process to select the Chair and Deputy Chair of the WAB was launched with particular regard to the statutory requirements that they should:

- not be staff members or former staff members of WIPO for the past 10 years; and
- have “experience in the law of the international civil service or equivalent experience in applicable administrative law”.

5. In February 2014, the Administration issued invitations for expressions of interest to potential external candidates who met the requirements under Staff Rule 11.5.1(b)(1). Nine candidates responded and submitted their applications.

6. A selection board, composed of three members of the Senior Management Team (SMT), was established to evaluate the applications received. Two rounds of interview of short-listed candidates were conducted by the board. After receiving the recommendations of the board, the Director General consulted with the Staff Council concerning his choice of candidates. The Staff Council provided comments on the candidatures.

7. The entire selection process and consultations took eight months from February to October 2014.¹

8. Following completion of the selection process and pursuant to Staff Rule 11.5.1(b)(1), the Director General appointed as interim Chair, Mr. Norbert Wühler, and as interim Deputy Chair, Mr. Michael Bartolo, effective November 1, 2014.

9. The Director General presently proposes to the WIPO Coordination Committee Messrs. Wühler and Bartolo for designation as Chair and Deputy Chair, respectively, of the WAB.

10. Mr. Wühler, a German national and lawyer, has served as chair and member in several international arbitral tribunals. He was Chief of the Legal Service of the United Nations Compensation Commission (UNCC) between 1992 and 2000 and Director of the Claims and Reparations Division of the International Organization for Migration (IOM) between 2000 and 2010. Since 2007, he has been a member of the Kosovo Property Claims Commission (KPCC). Mr. Wühler is also on the list of arbitrators of the Jerusalem Arbitration Center (JAC) which deals with commercial disputes between Palestinian and Israeli parties.

11. At the UNCC and the IOM, Mr. Wühler managed multi-billion US dollar/Euro programs involving hundreds of thousands of commercial and financial claims. Setting up, implementing and winding down of the programs included application of the administrative law of the United Nations (UN) and IOM. He was responsible for the recruitment and personnel administration of over 150 staff in each program, and he performed internal resolution of staff grievances under UN and IOM Staff Rules and Regulations.

12. Between 1983 and 1991, Mr. Wühler was the Legal Advisor to the President of the Iran-US Claims Tribunal. As Deputy Secretary General of the Tribunal, he was also responsible for personnel administration of 80 staff. Between 1977 and 1983, Mr. Wühler was a university assistant and a research fellow at the Max-Planck-Institute for Comparative Public and International Law in Heidelberg.

¹ Pending the selection process, the WAB, under its old composition, continued to handle the appeals process.

13. As one of two international members of the KPCC, Mr. Wühler performs judicial functions in an international decision-making body under the European Union Rule of Law Mission in Kosovo.

14. Mr. Wühler received his Doctor of Laws from the University of Heidelberg, Germany in 1984. He passed his First State Examination in Law in 1973 from the same university and his Second State Examination in Law in 1976 at Stuttgart, Germany.

15. *The WIPO Coordination Committee is invited to designate Mr. Norbert Wühler as Chair of the WIPO Appeal Board, for a term of five years from the date of such designation.*

16. Mr. Bartolo, a national of Malta and a former Ambassador, enjoyed a career in the UN spanning the period between 1968 and 1994. He held various positions at the United Nations Department of Technical Cooperation and Development (UNDTCD) including Deputy Director of the Policy, Programming and Development Planning Division, Chief of Policy Development and Coordination and Chief of Country Programming and Evaluation. Mr. Bartolo was also Principal Adviser to the President of the UN General Assembly.

17. During his UN career, Mr. Bartolo was President of the Central Examination Board of the UN, member of the Joint Appeals Board, and member of the UN Headquarters Committee on Contracts. He was also an alternate member of the UN Appointment and Promotion Board and Chairman of the G to P Examination of the UN and the External Examination in Administration and Economics.

18. Mr. Bartolo was Permanent Representative of Malta to the United Nations and International Organizations in Geneva and in Vienna between 1994 and 2003. During this time, he also served as Chair of the (former) Joint Appeals Board of WIPO.

19. While in service with the UN, Mr. Bartolo devoted much of his attention to the improvement of the Organization's administrative procedures. At WIPO, he prepared a comprehensive report on the law of the international civil service including a comparative analysis of the human resources machinery at the UN and the major Specialized Agencies.

20. Currently Mr. Bartolo is consulting with the Government of Malta on pension matters of international retirees.

21. Mr. Bartolo obtained his Ph.D. in Economics in 1976 at the New School for Social Research in New York, USA. He holds a Master of Arts in International Economics and Economic Development from the University of New Hampshire, USA (1968) and a Bachelor of Arts in Economics, English and History, Royal University of Malta (1964).

22. *The WIPO Coordination Committee is invited to designate Mr. Michael Bartolo as Deputy Chair of the WIPO Appeal Board, for a term of five years from the date of such designation.*

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