

WIPO Coordination Committee

Seventy-Seventh (27th Extraordinary) Session
Geneva, March 4, 2020

DRAFT REPORT

Document prepared by the Secretariat

1. The meeting was opened and presided over by the Chair of the WIPO Coordination Committee, Mr. François Rivasseau (France).
2. The following Member States of the WIPO Coordination Committee were represented at the meeting:

Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Belarus, Belgium, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia (*ad hoc*), Finland, France, Gabon, Georgia, Germany, Ghana, Guatemala, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Luxembourg, Malaysia, Mexico, Mongolia, Morocco, Namibia, Netherlands, New Zealand, Nigeria, Norway, Oman, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Senegal, Singapore, South Africa, Spain, Sweden, Switzerland (*ex officio*), Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United States of America, Viet Nam, Zimbabwe (83).

3. The following States were represented in an observer capacity:

Albania, Azerbaijan, Bahamas, Bahrain, Barbados, Bhutan, Brunei Darussalam, Bulgaria, Chad, Congo, Croatia, Czech Republic, Democratic Republic of the Congo, Estonia, Gambia, Greece, Holy See, Honduras, Israel, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Lithuania, Maldives, Malta, Mauritius, Mauritania, Monaco, Montenegro, Myanmar, Nepal, Nicaragua, Niger, North Macedonia, Pakistan, Panama, Qatar, Saudi Arabia, Serbia, Sierra Leone, Slovakia, Slovenia, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Togo, Ukraine, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Yemen, Zambia (54).

4. The Chair made the following statement:

"Honorable Ministers, Your Excellencies Permanent Representatives and Ambassadors, Distinguished Delegates, I declare the seventy-seventh session of the WIPO Coordination Committee as open.

"I have the great pleasure to welcome you all to this important meeting which, as you know, has the objective to nominate a candidate for the post of the Director General of WIPO with a view to an appointment to this position by the WIPO General Assembly. I count on your cooperation so that we may accomplish this task in accordance with the general principles and provisions governing the procedures for the nomination of a candidate for the post of Director General of WIPO. These conditions are outlined in document WO/CC/77/3. Please allow me to reiterate the three general principles.

"First, 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 the transparency of the nomination process. I take this opportunity to welcome the candidates and the countries that have proposed a candidate in the best interests of WIPO and of the multilateral system. Second, the nomination of a candidate for Director General should, if possible, be made by consensus which will facilitate the appointment of the Director General by the WIPO General Assembly. However, it is recognized that voting will probably be a necessary means of building consensus for the nomination of a candidate. Third, efforts to nominate a candidate through consultations leading to consensus are, of course, welcome at any stage of the selection process, but such efforts should not unduly delay the decision-making process.

"I would also like to recall that the sessions of the WIPO Coordination Committee are closed, that is, non-public, and that the voting will be secret. As such, the Office of the Legal Counsel, Conference Services and Security have facilitated several special arrangements. The cameras have been positioned away from the front of the room, and in particular the voting booth, to ensure the secrecy of the voting process. Other cameras around the room will only be used to show the current speaker on the screens inside this room. No recording of any kind will take place and the meeting will not be webcast internally or externally. Accordingly, the use of mobile devices to make contemporaneous video or audio recordings or to take pictures is prohibited. Pursuant to the same principle, delegates are advised to refrain from making public any information concerning the conduct or outcome of the meeting in any form for its entire duration. I rely on your full and complete cooperation to ensure respect for all these principles.

"Before we move to the adoption of the agenda I would like to invite the Legal Counsel to make some additional administrative announcements."

5. The Legal Counsel provided delegations with information regarding the measures taken by WIPO in response to the Covid-19 outbreak, which closely follow guidelines of the World Health Organization and Host State medical authorities. The Legal Counsel urged all delegations to strictly follow the provided guidance to safeguard the wellbeing of all involved in the meeting.

AGENDA

6. The WIPO Coordination Committee adopted its Agenda as proposed in document WO/CC/77/1 Rev.2.

ADOPTION OF AD HOC RULES

7. The Chair drew the attention of the delegations to document WO/CC/77/3 “(Nomination Process), which contained information on the nomination process of a candidate for the post of Director General and the *ad hoc* rules proposed for the meeting. He recalled that these *ad hoc* rules had been drawn up in close consultation with the members and observers of the WIPO Coordination Committee.

8. The WIPO Coordination Committee approved the proposals appearing in paragraphs 7 and 14 of document WO/CC/77/3 and took note of the information contained in the document.

9. In accordance with Rule 2 of the Annex to the General Rules of Procedure of WIPO, and the relevant provision in the *ad hoc* rules adopted for this meeting, the Chair appointed two tellers and two alternate tellers, who were drawn at random immediately before the opening of the meeting, in the presence of WIPO Group Coordinators.

10. The two tellers were from the Delegations of Chile and Namibia and the two alternate tellers were from the Delegations of Latvia and the Russian Federation. The Chair then invited the tellers, that is, one delegate from Namibia and one from Chile, to take their designated seats on the podium.

NOMINATION TO THE POST OF DIRECTOR GENERAL

11. The Chair drew the attention of delegates to document WO/CC/77/2 Rev. (“Proposed Candidates for nomination to the Post of Director General of WIPO”), which set out the proposed nominations, received by the Chair by the deadline of December 30, 2019, of the following ten persons:

Prof. Adebambo Adewopo (Nigeria)

Mr. Marco Matías Alemán (Colombia)

Mr. Ivo Gagliuffi Piercechi (Peru)

Dr. Edward Kwakwa (Ghana)

Mr. Kenichiro Natsume (Japan)

Dr. Dámaso Pardo (Argentina)

Mr. Jüri Seilenthal (Estonia)

Mr. Daren Tang (Singapore)

Ms. Saule Tlevlessova (Kazakhstan)

Ms. Binying Wang (China).

12. He announced that, as of February 14, 2020, the following persons, listed in alphabetical order, withdrew their candidatures for the post of Director General of WIPO through communications received from their respective governments:

Prof. Adebambo Adewopo (Nigeria)

Mr. Kenichiro Natsume (Japan)

Dr. Dámaso Pardo (Argentina)

Mr. Jüri Seilenthal (Estonia).

13. The Chair informed delegations that he had just received a communication from the Permanent Mission of the Republic of Kazakhstan withdrawing the candidature of Ms. Saule Tlevlessova for the post of Director General of WIPO.

14. The content of the communication was then read out by the Legal Counsel.

15. Accordingly, the remaining candidates were:

Mr. Marco Matías Alemán (Colombia)

Mr. Ivo Gagliuffi Piercechi (Peru)

Dr. Edward Kwakwa (Ghana)

Mr. Daren Tang (Singapore)

Ms. Binying Wang (China).

16. The Delegation of Kazakhstan, making an explanatory statement, said that it wished to take the opportunity to reiterate its country's commitment to an effective and credible WIPO. The Delegation acknowledged WIPO's significant responsibility among the global community for its further prosperity. In order to facilitate the nomination process and build consensus, Kazakhstan agreed to its candidate's decision to withdraw from the election process of the Director General of WIPO. The Delegation expressed its gratitude to the delegations of the Group of Central Asian, Caucuses and Eastern European Countries (CACEEC), as well as to the other WIPO Member States that had extended great support to Kazakhstan's candidate, Ms. Saule Tlevlessova, and confirmed its full support to all States committed to a transparent and fair election. It looked forward to working with the new Director General of the Organization.

17. The Chair drew the attention of delegations to document WO/CC77/INF/1 Rev., which provided information on the membership of the WIPO Coordination Committee and the right to vote in the context of the nomination by the WIPO Coordination Committee of a candidate for the post of the Director General. He recalled that, additionally, according to Rule 28 of the General Rules of Procedure of WIPO, the voting by secret ballot was governed by special regulations which are set forth in the Annex to the General Rules of Procedure of WIPO.

18. The Chair continued by recalling the provisions regarding ballot papers and the conduct of voting as set forth in the *ad hoc* rules for the meeting of the WIPO Coordination Committee. He announced that ballot papers and envelopes would be of white paper without distinguishing marks. The ballot papers would be pre-printed with the full name and country of each candidate participating in each round of voting. Voting would take place behind a privacy screen positioned on a designated table to keep hidden the act of voting itself while the delegate who would be voting would remain visible. He pointed out that only one ballot paper, for each delegation, would be made available at the moment of voting at the voting table, adding that ballot papers would not be distributed in the room but would be given to each delegation, when they came to vote, by the Secretariat. He said that new ballot papers would be prepared before each round of voting with the full name and country of the each candidate participating in that voting round. He asked delegations to mark the ballot paper by a tick mark or a cross in the box to the right of the candidate's name. Furthermore, the Chair requested delegations not to seal the envelopes in which the ballots would be placed. He pointed out that blank ballot papers would be considered abstentions. Abstentions would not be considered as votes.

19. The Chair recalled the rules for invalidity of ballot papers pursuant to Rule 12 of the Annex to the General Rules of Procedure of WIPO.

20. He stated that a ballot paper that had additional marks on it would result in a spoiled ballot. He recalled that, in accordance with the adopted *ad hoc* rules, any contemporaneous digital recording of a vote would result in a spoiled ballot. In light of that principle, delegations were also kindly requested to refrain from disclosing their vote, in any form or manner, throughout the voting process.

21. Pursuant to Rule 29 of the General Rules of Procedure, the Chair announced the beginning of the first round of voting by secret ballot for the nomination of a candidate for appointment to the post of Director General of WIPO. Regarding the required quorum, which is comprised of one-half of the members of the WIPO Coordination Committee pursuant to Article 8(5)(b) of the WIPO Convention, the Chair stated that he had been informed by the Secretariat that the necessary number of Member States were present.

22. He then announced that he would draw randomly the name of a Member State of the WIPO Coordination Committee to determine the order in which delegations would be called to vote. The delegations would be called, in turn, by the Legal Counsel according to the alphabetical order of the names of the Member States in French, beginning with the name of the country whose name had been drawn by lot. The Chair explained that, when a delegation was called by the Legal Counsel, the delegate would walk up to the podium and vote behind the privacy screen. He noted that the ballot paper was displayed on the screen for the Member States to make themselves familiar with it. He further clarified that the delegate, after voting, would hand the unsealed envelope to one of the tellers who would then place the ballot into the ballot box. The Chair then went on to draw, at random, the name of the country that would cast the first ballot. The country was the Islamic Republic of Iran, after which the other delegations were called by the Legal Counsel, in alphabetical order in French.

23. Once the Chair declared the first round of voting closed, the tellers counted and confirmed the correct number of ballot papers cast, read aloud the candidate selected on each ballot paper and counted the votes for each candidate. The Chair then announced the results of the first round of voting by secret ballot in descending order of the number of votes received by each candidate.

24. In accordance with the established procedure, the Chair announced that participation in the next round of voting would be restricted to the following four candidates:

Mr. Marco Matías Alemán
Mr. Edward Kwakwa
Mr. Daren Tang
Ms. Binying Wang

25. The ballot papers were then shredded on the podium in the presence of the tellers. The Chair subsequently asked the Secretariat to prepare ballot papers with the four remaining candidates for the next round of voting.

26. The meeting was adjourned until 1.10 p.m.

27. At the start of the afternoon session at 1.10 p.m., several delegations requested further time for consultations, in response to which, the Chair suspended the meeting until 2 p.m. Upon resuming the meeting, the Chair gave the floor to the Delegation of Ghana, which had requested to make a statement.

28. The Delegation of Ghana said that after the first round of voting, and in consultation with the African Group, Ghana had decided to withdraw its candidate, Dr. Edward Kwakwa, from the election process. Its Delegation wished to take the opportunity to reiterate Ghana's commitment to an effective and credible WIPO built on consensus, and looked forward to working with the new Director General of the Organization. The Delegation further wished to express its gratitude to delegations that had given very encouraging support to Dr. Edward Kwakwa and, finally, wished the remaining candidates the very best.

29. Following a suspension of the meeting until 3 p.m., the Delegation of Colombia requested the floor to announce that its Government had taken the decision to withdraw the candidature of Mr. Marco Matías Alemán to move forward in the election process. It wished to take the opportunity to thank all those countries for their support throughout the process, and especially today, for their commitment to the Organization and to intellectual property, and their desire to support the interests of the government of Colombia. The Delegation emphasized that Colombia had put forward a candidature that was up to the task of Director General of this Organization. Colombia took its decision to propose Mr. Marco Matías Alemán as a candidate with the conviction that he has the human, academic and professional qualities necessary to fill such an important post. It noted that his great experience and knowledge in all issues of intellectual property, and his more than twenty years of professional work as an expert and manager in this Organization made him well-suited for the position.

30. The Chair thanked the Delegation of Colombia and, noting no further request for the floor, recalled the rules on ballot papers, abstentions, invalid ballot papers, the secrecy of the vote and the voting process, as set forth in the Annex to the General Rules of Procedure of WIPO and in the *ad hoc* rules adopted for this meeting.

31. The Chair then suspended the meeting, at the request of a delegation, for further consultations until 3.45 p.m. and emphasized that the voting process would start immediately thereafter.

32. Resuming the meeting, the Chair declared open the beginning of the last round of voting by secret ballot.

33. He announced that the remaining candidates were Mr. Daren Tang (Singapore) and Ms. Binying Wang (China). He also confirmed that pursuant to Article 8(5)(b) of the WIPO Convention, the necessary quorum, which is comprised of one-half of the members of the WIPO Coordination Committee, had been established.

34. The Chair then randomly selected the name of the country that would cast the first ballot, which was Norway. Other delegations were then called by the Legal Counsel, in alphabetical order of their names in French, to cast their votes.

35. Thereafter, the Chair declared the voting closed. The tellers counted and confirmed the correct number of ballot papers cast, read aloud the candidate selected on each ballot paper and counted the votes for each candidate. The Chair then announced the results for the final round of voting in descending order of the number of votes received by each candidate, which were as follows:

| | |
|---|----|
| Number of Member States entitled to Vote: | 83 |
| Number of Member States absent: | 0 |
| Number of votes recorded: | 83 |
| Number of abstentions: | 0 |
| Number of invalid votes: | 0 |
| Number obtained by each candidate: | |
| Mr. Daren Tang | 55 |
| Ms. Binying Wang | 28 |

36. The Chair announced that, based on the results, the WIPO Coordination Committee had nominated Mr. Daren Tang as the candidate for appointment to the post of the Director General of WIPO. The ballot papers were shredded on the podium in the presence of the tellers.

SUMMARY BY THE CHAIR

37. Addressing the delegations after the announcement of the results in the final round of voting, the Chair made the following statement:

“Honorable Ministers, Your Excellencies Permanent Representatives and Ambassadors, Distinguished Delegates.

“The WIPO Coordination Committee has fulfilled its mandate and nominated Mr. Daren Tang as the candidate for appointment to the post of Director General of WIPO. I congratulate Mr. Daren Tang on his nomination. Furthermore, I would like to congratulate the four other candidates who took part in the vote. I also thank the Group Coordinators, my two Vice-Chairs, the Office of the Legal Counsel, the Secretariat, and the tellers, for their impeccable work. I would also like to thank delegations for their patience and the time spent together.”

38. The Chair proposed the following decision paragraph, which was so agreed:

The WIPO Coordination Committee nominated Mr. Daren Tang as the candidate for appointment to the post of Director General of WIPO.

CLOSING

39. Before closing the meeting, the Chair invited the Legal Counsel to make any administrative announcements.
40. The Legal Counsel informed the delegations that the report of the meeting, as was the practice, would be made available as soon as possible, for the Member States to provide their comments, before its finalization.
41. The Chair informed delegations that, in accordance with applicable procedure, the nomination would now be transmitted to the competent bodies of WIPO for their consideration and completion of the process.
42. The Delegation of Singapore took the floor and asked whether its candidate could be given the opportunity to address the meeting.
43. In response to the request by the Delegation of Singapore, the Chair noted that the candidate could address the delegations outside the room and, once more, extended his personal congratulations to the nominated candidate.
44. In response to the statement by the Chair, the Delegation of Singapore said that it wished to take the opportunity, on behalf of its candidate and Delegation, to express its sincere appreciation, to the Chair, the Vice-Chairs, the tellers and the Secretariat for all their hard work. The Delegation also extended its appreciation to the members of the WIPO Coordination Committee for their presence and participation in this very important event, and for their support. Finally, it wished to thank each one of the candidates for putting their candidacy forward for consideration. The fact that there were many capable and eminent candidates, underlined the importance that all WIPO Member States attached to the Organization.
45. The Delegation of China thanked the Chair and all the delegations that had provided support to China's candidate. It wished to take the opportunity to congratulate Mr. Daren Tang on his nomination for appointment as the new Director General of the Organization. The Delegation confirmed that China would continue to actively participate in and support the important work of WIPO.
46. In closing, the Chair stated that he wished to reflect the general sentiment of delegations by congratulating, once again, the nominee, Mr. Daren Tang. Noting that there were no other requests for the floor, the Chair adjourned the meeting.
47. The Report was unanimously adopted by the WIPO Coordination Committee on [...].

[End of document]