

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION GENEVA

WORLD INTELLECTUAL PROPERTY ORGANIZATION

COORDINATION COMMITTEE

Thirtieth Session (23rd Ordinary)
Geneva, September 21 to 29, 1992

REPORT

adopted by the Coordination Committee

INTRODUCTION

1. The Coordination Committee was concerned with the following items of the Consolidated Agenda (documents AB/XXIII/1 Rev.2 and AB/XXIII/6, paragraphs 16 and 17): 1, 2, 3, 4, 9bis, 10, 11, 12, 12bis, 13 and 14.
2. The report on the said items, with the exception of items 11, 12 and 12bis, is contained in the General Report (document AB/XXIII/6).
3. The report on items 11, 12 and 12bis is contained in this document.
4. Mr. Mounir Zahran (Egypt) was elected Chairman of the Coordination Committee.

ITEM 11 OF THE CONSOLIDATED AGENDA:

PREMISES

5. Discussions were based on document WO/CC/XXX/3.

6. After a thorough discussion in which most delegations expressed the view that 20% above the sales price of 27.5 million Swiss francs suggested by the Swiss authorities for the WMO building was much too high, that fixing a maximum amount for its purchase would only make negotiations more difficult and that the Director General should have a reasonable degree of flexibility in his negotiations with the World Meteorological Organization,

the Committee decided to accept the proposals contained in paragraph 9 of document WO/CC/XXX/3, with the understanding that the Director General agree on the lowest price possible and, in any case, reasonable, and that he may seek the advice of the Chairman and the two Vice-Chairmen of the WIPO Coordination Committee.

7. During the discussions, several delegations expressed their regret that the Swiss authorities refused, at least for the time being, to permit the construction of a new building on the Steiner lot since that solution would for WIPO be preferable to the purchase of the WMO building.

8. In response to questions asked during the discussions, the Director General said the following: (i) the acquisition of the WMO building would not solve the needs of WIPO as far as conference rooms and parking spaces are concerned; (ii) in view of the fact that WMO could probably vacate its building only around 1997, WIPO could make use of it only around 1999 since the WMO building would require extensive transformations; (iii) the funds necessary for the payment of the purchase price would come from the special reserve fund; (iv) the cost of transforming and equipping the WMO building would probably amount to more than twice the expected purchase price; (v) should the Director General be unable to agree with WMO, he would ask for new instructions from the Committee.

ITEM 12 OF THE CONSOLIDATED AGENDA:

STAFF MATTERS

Report of the Working Group on Professional Remuneration

9. Discussions were based on documents WO/CC/XXX/1 and 4.

10. The International Civil Service Commission (ICSC), the WIPO Staff Association and the International Union for the Protection of New Varieties of Plants (UPOV) were invited to participate in the discussions of this sub-item of the Consolidated Agenda in an ad hoc observer capacity.

11. In introducing the documents before the WIPO Coordination Committee, the Director General expressed disappointment at the outcome of the Working Group, which had indicated no movement in favor of improving the remuneration of

staff in the Professional and higher categories. He outlined the proposal contained in document WO/CC/XXX/4 which would introduce in WIPO a language incentive scheme similar to that existing in the United Nations, with the variation, however, that no category of the P and D staff would be excluded from the scheme. The Director General also introduced his proposal, also contained in document WO/CC/XXX/4, to request the ICSC to examine the consequences of the large difference in working time between New York and Geneva. The Director General hoped that the WIPO Coordination Committee would give a positive signal to the staff of WIPO by approving his proposals.

12. The President of the WIPO Staff Association said that the Professional staff of WIPO had welcomed the decision by the WIPO Coordination Committee to create the Working Group. It had earnestly hoped that an objective and impartial examination of the facts concerning WIPO Professional remuneration would contribute to a better understanding of the grievances of the staff and lead to improvements in their conditions of service. The staff had been painfully disillusioned by the report of the Working Group. The report hid behind the United Nations common system which was governed by considerations and constraints extraneous to the specific circumstances of WIPO. The report ignored realities such as the level of Professional remuneration in intergovernmental organizations outside the United Nations common system. The representatives of the staff at the meetings of the Working Group had rejected its report; the staff asked the WIPO Coordination Committee to do the same. Since last year, the purchasing power of WIPO Professional remuneration had continued to deteriorate. Most of the recommendations of the ICSC were dominated by political considerations and were detrimental to the conditions of service of the staff. In its resolution 46/191 (December 1991), the General Assembly of the United Nations had recognized the need for the ICSC to enhance its responsiveness, within the common system, to the specific concerns and needs of individual organizations. The common system should not be an obstacle to finding and adopting solutions responding to the specific needs of WIPO and it was incumbent upon the WIPO Coordination Committee to take decisions to stop the deterioration of Professional remuneration and restore its competitiveness, in the interest of the proper functioning and efficiency of WIPO. The Professional staff appreciated and welcomed the proposals made by the Director General in document WO/CC/XXX/4 as a step in the right direction. Those proposals, however, did not meet their basic demands, namely, the restoration of their purchasing power. The staff of WIPO had always shown a responsible attitude, but its patience was running out with time and it expected positive decisions from the member States of WIPO.

13. In his statement, the President of the WIPO Staff Association referred to letters addressed to the Chairman of the WIPO Coordination Committee, and handed over to him during the meeting, by 326 staff members, including 112 in the Professional and higher categories. The text of those letters, which expressed disappointment at the report of the Working Group and support for the proposals of the Director General, and appealed to the WIPO Coordination Committee to take action to halt the erosion of conditions of employment and restore the purchasing power of WIPO Professional remuneration, was read out to the WIPO Coordination Committee by the Chairman of that Committee.

14. The Delegations of Australia, Belgium, Canada, Germany, Japan, the Netherlands, Pakistan, the Russian Federation, the United Kingdom and the United States of America expressed support for the report of the Working Group and/or their endorsement of its conclusions. Those delegations stressed the

importance that they attached to strict observance of the common system. It was observed that the common system brought with it both benefits and constraints and that it was incumbent upon the management of WIPO to explain those constraints to the staff. It was also observed that the review undertaken by the Working Group had been an objective one and had been useful not only for WIPO but also for the other organizations of the common system. The participation of the ICSC in the work of the Working Group was appreciated.

15. The Delegation of France said that, while the report of the Working Group had brought certain answers, a number of questions remained unanswered.

16. The Delegation of Argentina said that, while its country was firmly in favor of the common system as a matter of principle, it resulted from the report of the Working Group that there were certain differences in conditions of employment, as well as other questions which remained to be clarified.

17. The Delegation of Chile said that it had joined in the consensus to adopt the report of the Working Group, although it had expressed certain reservations on certain parts of the report, as reflected by paragraph 24 of that report.

18. The Delegation of the United Republic of Tanzania said that it recognized that a genuine problem of remuneration existed. While that problem should be addressed within the framework of the common system, one should also recognize that WIPO was a specialized organization with specificities which required special attention.

19. Several of the above-mentioned delegations, as well as other delegations, expressed sympathy for the concerns of the staff.

20. All the delegations that spoke concurred with the Director General's proposal to request the ICSC to study the question of the difference of working hours between New York and Geneva (see document WO/CC/XXX/4, paragraph 15). The Chairman of the ICSC said that, if so requested, the ICSC would undertake that study and that it would be completed within one year.

21. Regarding the proposal to introduce a language incentive scheme in WIPO, the Director General stated, in reply to statements made by several delegations, that he accepted, with great reluctance, that there should be no compensation for past services. He said that the certification of the language knowledge could be entrusted to an internal committee with participation from outside specialists. He also stressed that there was no common system regarding language incentives for Professional staff. The Chairman of the ICSC confirmed the latter fact.

22. The Delegation of the United Kingdom stated that, if such a scheme was to be introduced, it should be exactly in line with the rules established by the General Assembly of the United Nations. This included the need for objective criteria in assessing language ability. The actual implementation of those criteria were for the International Bureau to arrange, provided that the standards applied were the same as applied in the other organizations having such a scheme. The scheme could not be extended to categories of personnel not covered by the decisions of the General Assembly of the United Nations. It would also follow from the introduction of a scheme in line with the decisions of the General Assembly of the United Nations that any subsequent decision by the General Assembly of the United Nations on its language incentive scheme should automatically apply to WIPO.

23. The Delegations of Australia, Belgium, Canada, the Netherlands, Pakistan, the Russian Federation and the United States of America concurred with the views expressed by the Delegation of the United Kingdom.

24. The Delegation of France shared the view that language knowledge should be verified in the same manner as in the United Nations and that language personnel should be excluded from the scheme.

25. The Delegations of Germany and Japan remarked that staff whose mother tongue was not an official language of the United Nations would be put at a disadvantage.

26. The Delegations of Algeria, Argentina, Chile, Egypt, Ghana, Jordan, Malaysia, the Republic of Korea, Sudan, Syria and the United Republic of Tanzania supported the scheme as proposed by the Director General.

27. The Director General said that, if and when there will be rules concerning the question under discussion that are "common system" rules, that is, rules binding the United Nations and those of the Specialized Agencies that are in the common system, the rules adopted today would be changed accordingly. He said that this would be an undertaking accompanying the change in Staff Regulation 3.4.

28. Regarding the question of introducing new payroll procedures in WIPO, the Delegation of the United Kingdom noted the intention to study the experience gained by the International Atomic Energy Agency (IAEA) with the introduction of similar procedures before making any definite proposals to the WIPO Coordination Committee.

29. In conclusion, the WIPO Coordination Committee,

(a) noted the report of the Working Group on Professional Remuneration contained in Annex I to document WO/CC/XXX/1 and the comments of the Director General as well as the extract of the report of the 36th session of the International Civil Service Commission contained in document WO/CC/XXX/4;

(b) noted with approval the intention of the Director General referred to in paragraph 15 of document WO/CC/XXX/4 to request the ICSC to review the working hours question;

(c) approved, noting the undertaking recorded in paragraph 27 above, the amendment to Staff Regulation 3.4 set out in Annex II to document WO/CC/XXX/4, with effect from October 1, 1992, on the understanding that:

(i) that amendment should have no retroactive effect; and

(ii) language knowledge for the purposes of Staff Regulation 3.4 should be certified by a three-member examination board set up by the Director General and presided over by an outside specialist in the language concerned.

30. Upon the adoption by the WIPO Coordination Committee of the above conclusions, the President of the WIPO Staff Association expressed profound disappointment with the conclusions reached by the WIPO Coordination Committee on this sub-item of the Consolidated Agenda and the hope that more attention would be paid to the concerns and pleas of the staff in future.

Amendments to the Staff Regulations and Staff Rules

31. Discussions were based on documents WO/CC/XXX/2 and 5.

(a) Proposed Amendments to the Staff Regulations: Introduction of the Assistant Director General Level

32. The Delegations of Australia, Belgium, Canada, Germany, Japan, the Netherlands, Pakistan, the United Kingdom and the United States of America expressed the view that the proposal of the Director General to introduce the level of Assistant Director General in the grade structure of WIPO required further study and proposed that the matter be postponed. Those delegations noted that the proposal had been received only recently, that its implications on the organizational structure of the International Bureau of WIPO required clarification, and that more justification for higher graded posts was required, including a comparison with the structures of other organizations of the United Nations system. It was also observed that the ongoing review by the Secretary-General of the United Nations of senior posts in that organization had to be borne in mind. It was suggested by a number of those delegations that the proposal could be referred to the next session of the WIPO Budget Committee, for the WIPO Coordination Committee then to address it at its next regular session.

33. The Delegations of Algeria, Bulgaria, China, Côte d'Ivoire (speaking on behalf of the African Group), the Democratic People's Republic of Korea, Egypt, Ghana, Guinea, India, Indonesia, Jordan, Kenya, Senegal, Sudan, Syria and Viet Nam supported the proposal of the Director General, which was in response to the rapidly growing size of the Organization. Those delegations underlined that the proposal did not involve any restructuring of the International Bureau of WIPO and merely aimed at filling a gap that existed in the grade structure of WIPO. Strengthening of the higher level would enhance the image of WIPO. The cost implications were comparatively minor and could be absorbed by the budget.

34. The Delegation of Côte d'Ivoire, speaking on behalf of the African Group, further suggested, in order to ensure an equitable geographical distribution at the proposed new level, to appoint this year already a third Assistant Director General and it expressed the hope that the post could be entrusted to a national of a developing country.

35. The Delegation of the Russian Federation said that it had no great difficulty with the Director General's proposal but that it was prepared to go along with those delegations that had asked for more time to study the implications of the proposal.

36. The Delegation of France said that it could support the proposal for the new grade level as it existed already in the United Nations system. It would widen the organizational pyramid and enhance career development opportunities

for the staff. It would also permit a more equitable geographical distribution. This proposal had to be viewed also in the context of the specific mandate of WIPO and of its sound financial situation. The Delegation recognized, however, the concerns expressed by some delegations and suggested that one post of Assistant Director General could be created at this time and that the possibility of creating further posts at the same level be reviewed at a later date, in the light, in particular, of what will be decided for the third post of Deputy Director General.

37. The Director General said the matter was a question of staff rules and regulations, rather than financial, and that, therefore, the Budget Committee did not seem to be the best place to examine it. No change in the structure was envisaged at the present time or next year. There were at present only two Deputy Directors General, although three posts of Deputy Director General were provided for in the budget. If the suggested Assistant Director General category were approved, he would ask for only two Deputy Director General posts in the next budget.

38. After consultations among delegations, the Delegation of Côte d'Ivoire, speaking on behalf of the African Group, said that its group continued to support the proposal of the Director General as presented in document WO/CC/XXX/5. Its group was nevertheless prepared, in order to allow a consensus to be reached, to propose, as a compromise, that:

(i) the Coordination Committee agree that the Director General converts one of the two D.2 posts currently existing in the International Bureau to a post of Assistant Director General; and

(ii) the matter of creating additional posts at the Assistant Director General level be deferred to 1993 and the Director General be requested to consult member States and formulate his proposals before May 31, 1993, for consideration at the 1993 session of the Governing Bodies.

39. The Delegation of Romania said that it supported the Director General's proposal as contained in document WO/CC/XXX/5.

40. The Delegation of Australia, speaking on behalf of Group B, said that the position of that group had been made clear earlier in the discussions on this issue. The Delegations from Group B emphasized that the basic principle for the creation of any new senior positions was that they had to be fully justified on grounds of needs. Group B had agreed with the greatest reluctance not to press for a postponement until next year of consideration of the entire proposal of the Director General. The compromise proposed by the African Group underlined, in the view of Group B, the arbitrary nature in which the original proposal had been made and had been considered by the WIPO Coordination Committee. Group B would not block a consensus on the compromise proposal, but asked that its reservation be recorded in the report of the session.

41. The Delegations of China, India and the Russian Federation said that they could accept the compromise proposal made by the African Group.

42. The WIPO Coordination Committee approved the amendments to the Staff Regulations set out in Annex I of document WO/CC/XXX/5 and the proposal made by the Delegation of Côte d'Ivoire and recorded in paragraph 38, above.

43. The Director General thanked all delegations for their spirit of cooperation in arriving at the above decision, said that he would proceed according to the proposal of the Delegation of Côte d'Ivoire and informed the WIPO Coordination Committee that he would promote Mr. Gust Ledakis to the new grade of Assistant Director General.

(b) Amendments to the Staff Regulations Provisionally Decreed and Applied under Staff Regulation 12.1

44. The WIPO Coordination Committee approved the amendments to the Staff Regulations referred to in document WO/CC/XXX/2, paragraphs 1 to 12.

(c) Amendments to the Staff Rules under Staff Regulation 12.2

45. The WIPO Coordination Committee noted the amendments to the Staff Rules referred to in documents WO/CC/XXX/2, paragraphs 13 and 14, and WO/CC/XXX/5, paragraphs 7 to 9.

Advice on an Appointment to a Post of Grade D.1

46. The Delegation of China stated that it warmly welcomed the intention of the Director General to appoint Mr. Wang Zhengfa to a post of grade D.1. The Delegation underlined Mr. Wang Zhengfa's expertise and wide experience in intellectual property matters, as well as his personal qualities.

47. The WIPO Coordination Committee gave a favorable advice on the intent of the Director General to appoint Mr. Wang Zhengfa to a post of grade D.1.

WIPO Staff Pension Committee

48. Discussions were based on document WO/CC/XXX/5.

49. Further to a proposal by the Director General for Mr. Clemens Wetz to be elected as member of the WIPO Staff Pension Committee, the Delegation of Germany expressed its appreciation to the Director General for having made that proposal.

50. The WIPO Coordination Committee elected Mr. Clemens Wetz as member of the WIPO Staff Pension Committee for a term expiring with the 1993 ordinary session of the WIPO Coordination Committee.

ITEM 12bis OF THE CONSOLIDATED AGENDA:

STUDY OF THE PROPOSAL CONTAINED IN DOCUMENT AB/XXII/19

51. Discussions were based on document AB/XXII/19 dated September 30, 1991.

52. On the proposal of the Delegation of Argentina, speaking on behalf of the Group of Latin American countries, the Coordination Committee decided that the Permanent Committee for Development Cooperation Related to Industrial Property and the Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights will each have a Working Group and the following modalities will apply to each of them:

(i) the tasks of each Working Group will be to review and evaluate the progress of the Permanent Program for Development Cooperation Related to Industrial Property and that Related to Copyright and Neighboring Rights, respectively,

(ii) the discussions of each Working Group will be based on the relevant parts of the Activities Report,

(iii) at the conclusion of each session of the Working Group, the Working Group will adopt a report, which will be submitted to the WIPO Conference,

(iv) each Working Group will meet in the year in which the corresponding Permanent Committee does not meet, at dates shortly preceding that year's ordinary session of the WIPO Conference,

(v) the languages used in the Working Groups will be English and French,

(vi) the travel costs, if any, of the participants in each Working Group will not be borne by the International Bureau,

(vii) the members of each Working Group will be of the same number, and the same geographical distribution, as those of the WIPO Budget Committee,

(viii) the members of each Working Group, for 1993, will be designated by the Permanent Committee concerned in its November 1992 session,

(ix) the members of each Working Group for 1995 and thereafter will be designated by the WIPO Conference in its ordinary sessions.

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