

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

WORLD INTELLECTUAL PROPERTY ORGANIZATION

COORDINATION COMMITTEE

Thirty-First Session (24th Ordinary)
Geneva, September 20 to 29, 1993

REPORT

adopted by the Coordination Committee

INTRODUCTION

1. The Coordination Committee was concerned with the following items of the Consolidated Agenda (document AB/XXIV/1 Rev.): 1, 2, 3, 4, 15, 16, 17, 19, 20, 24 and 25.
2. The report on the said items, with the exception of item 20, is contained in the General Report (document AB/XXIV/18).
3. The report on item 20 is contained in the present document.
4. Mr. Fernando Zapata López (Colombia) was elected Chairman of the Coordination Committee.

ITEM 20 OF THE CONSOLIDATED AGENDA:
STAFF MATTERS

Amendments to the Staff Regulations and Rules

5. Discussions were based on document WO/CC/XXXI/1.

6. The WIPO Coordination Committee approved the amendments to the Staff Regulations provisionally decreed and applied by the Director General as referred to in paragraphs 1 to 10 of document WO/CC/XXXI/1, and noted the amendments to the Staff Rules reported in paragraphs 11 to 18 of the same document.

Appointment of a Deputy Director General

7. Discussions were based on documents WO/CC/XXXI/2, paragraphs 1 to 15, WO/CC/XXXI/4 and WO/CC/XXXI/5.

8. The Delegation of Kenya, after some introductory words, made the following statement:

"I shall talk on behalf of the African Group; and since this is the first time that I am addressing this session of the Coordination Committee, I wish at the outset to express my genuine thanks for the manner you have been leading the deliberations of this Committee. You, Mr. Chairman, and your colleagues in the Bureau as well as your other collaborators deserve our deep gratitude for facilitating our work at this session of the Committee.

"I would, however, be failing in my duties as Chairman of the African Group if I did not inform you and the Committee as a whole, about the great admiration the African Group has for the Director General of WIPO, Dr. Arpad Bogsch, and the appreciation my Group wishes to express to the Director General for the very competent leadership he has provided to WIPO over the years. Anybody who has read his publications and the documents the Secretariat of WIPO has availed to us for study will agree with me that WIPO is fortunate to have a Director General in the person of Dr. Arpad Bogsch. I have a recent issue of the "Geneva News" which contains an interview that Dr. Arpad Bogsch gave and I would encourage you all to read this article.

"Mr. Chairman, the main reason I am addressing this Committee this morning, however, is because it is Africa's turn to provide a candidate for the post of Deputy Director General of WIPO. As you know, Sir, this post actually belongs to the developing countries of Africa, Asia and Latin America and the Caribbean; and according to the established procedure, as you also know, the concerned region presents a candidate for the consideration of, and appointment by the Director General. We are also familiar with the criteria followed in the past, and we in the African Group have, in a transparent and democratic way, discussed these questions but we have not yet reached a consensus on one candidate - although, as you all know, four candidates have been presented by Algeria, Cameroon, Egypt, and Nigeria. So, therefore, Mr. Chairman we have been dealing with two questions basically - with the question of the person to be appointed as Deputy Director General, and the duration of the term of office in which that person will occupy that post in WIPO.

"The African Group strongly believes and wishes that the next occupant of the post of Deputy Director General must be an African national who shall serve for a term of six years as provided for in the rules of the Organization and Committee, i.e., up to the end of 1999. We desire this to be the case, Mr. Chairman, irrespective of who shall be the next Director General of WIPO. My Group would therefore be grateful if this Committee could decide that the next post of Deputy Director General shall indeed be occupied by an African national for the next 6 years.

"As for the African to be appointed as the next Deputy Director General, the African Group definitely needs more time within which to consult and reach a consensus on a candidate for the post. Mr. Chairman, this is the view of the entire African Group. We believe that we can reach a consensus on the best qualified candidate whom we can present to the Director General within 3 months. I am hopeful and confident that we can reach a consensus very soon. Mr. Chairman, we have conveyed these sentiments of ours to the Director General who, I am very pleased to note, is a very understanding person.

"In view of the foregoing, we strongly recommend and propose that the Committee postpones discussion of this item to enable the African Group to further consult with a view to reaching a consensus on one candidate. I wish to assure you, Mr. Chairman, and this august assembly that we attach the greatest importance to the place and role which the Deputy Director General has to play in WIPO. This is why we strongly believe that the person to occupy that post, should command the widest possible support, and most preferably the unanimous support of our Group for the individual will represent Africa and the "Group of 77" not only politically but also professionally, as our concerns and interests in this Committee and in WIPO must be articulated by both government representatives and our Deputy Director General enjoying our fullest support and representative of the commitment we expect from the entire leadership of the Organization.

"I believe, Mr. Chairman, that you and this august body appreciate the difficulties we currently face and we hope that you will find it possible to grant our requests, enabling us to further consult amongst ourselves, and will also assure us that an African shall indeed occupy the post for the required period of 6 years."

9. The Delegation of Egypt stated that it supported the statement and proposals made by the Delegation of Kenya on behalf of the African Group and looked forward to further constructive consultations within the Group that would result in due course in the presentation to the WIPO Coordination Committee of a consensus based on transparent and objective criteria.

10. The Director General said that he regretted that the postponement of a decision would result in the post reserved for a national of a developing country remaining vacant for a certain period of time. This was not very favorable, not only to the African Group, but also for the other groups of developing countries and for the whole Organization. The Director General reiterated that he was strongly of the opinion that the next Deputy Director General to occupy the post reserved for a national of a developing country had to be an African; this is why he had proposed an African. He had proposed a term of two years, in conformity with the practice prevailing that the appointments of the Deputy Directors General expire when the Director General's appointment expires, in order to allow the new Director General to choose his own collaborators, but he was ready, as already indicated by him in

document WO/CC/XXXI/5--and if the WIPO Coordination Committee agreed--to make an appointment for six years. The Director General also recalled that the proposal for the appointment of Deputy Directors General must come from him and he can proceed with the appointment only with the approval of the WIPO Coordination Committee. Naturally, the intention was to satisfy all, or if that were not possible, most of the African countries, but the procedure was not that any country or group of countries presents a candidate; it was for the Director General to present a candidate. The mere fact that the African Group would agree on one person did not mean that that person would be appointed; it was only if the Director General was in agreement with the African Group that the matter would, in the Director General's view, be ripe for decision.

11. The Delegation of Chile, speaking on behalf of the Latin American Group, said that its Group considered that the proposal of the African Group to postpone a decision in order to allow consultations to continue was reasonable. It was also in the interest of the Latin American Group that the next Deputy Director General represent genuinely the African Group. The Delegation said that its Group felt that a maximum postponement period of three months was acceptable so that the post did not remain vacant too long. Regarding the duration of the term of appointment of the new Deputy Director General, this was a matter to which the Latin American Group had not given full consideration and that Group preferred that this aspect be part of the consultations that would take place between the African Group, the Director General and other groups that would have to take a position in this respect.

12. The Delegation of India expressed support for the statement of the African Group. Furthermore, that Delegation suggested that, in view of the importance of the office of Deputy Director General, of the functions he had to perform, and of the support which development cooperation activities had received during the session of the Governing Bodies, the post of Deputy Director General not be kept vacant and that the present incumbent be continued in the post until the time when a new appointment would be made.

13. The Delegations of the Democratic People's Republic of Korea, the Islamic Republic of Iran and Pakistan supported the suggestion of the Delegation of India.

14. The Director General, recalling his respect for, and excellent cooperation with, the present incumbent of the post in question, said that he was not proposing him for prolongation because this might unbalance the six-year periods during each of which a national of a different region had occupied the post of Deputy Director General reserved for developing countries, and also because this might be misinterpreted as meaning that the appointment of the new Deputy Director General was not urgent. The proposal made by certain delegations to prolong the term of office of the present incumbent could not be entertained by the WIPO Coordination Committee as it was only the Director General who could make such a proposal and he had not made that proposal.

15. Referring to a statement by the Delegation of Chile that it was the understanding of the Latin American Group that an extraordinary session of the WIPO Coordination Committee would be convened to take a decision on the filling of the post of Deputy Director General in question within three months from the current session of the WIPO Coordination Committee, and following an invitation by the Director General to clarify whether the African Group wished

a date to be set at the current session of the WIPO Coordination Committee or preferred that the date be fixed when the African Group would let the Director General know that they were ready for a meeting of the WIPO Coordination Committee, the Delegation of Kenya said that it would not be appropriate to set a date at this stage. The Delegation of Kenya also stated that the African Group had asked for an extension of its consultations by up to three months, that that Group would inform the Director General of its position by then, that the Group would resume its consultations without delay, and that it might well be that such consultations would take less than three months.

16. In view of the statement made by the Delegation of Kenya on behalf of the African Group, as recorded in the preceding paragraph, the WIPO Coordination Committee decided that when the Coordinator of the African Group would let the Director General know that they wished that the WIPO Coordination Committee meet, the Director General would convene the WIPO Coordination Committee with a notice of approximately one month.

Upgrading of Two D Posts to the ADG Level

17. Discussions were based on document WO/CC/XXXI/2.

18. The Delegation of the United Kingdom stated that its country opposed the proliferation of senior posts in international organizations and considered it wrong to regard the creation of senior posts as a means of rewarding individuals. New senior posts, in that Delegation's view, should be justified by such factors as the size of the budget and number of staff managed, in addition to their professional responsibilities and the wider objectives of the Organization. In the particular case, the United Kingdom considered that the importance of activities in the field of copyright, at present and for the future, deserved recognition. If other ways could not be found within the existing structure of the International Bureau of WIPO, the Delegation of the United Kingdom, therefore, could accept the proposal to promote the existing Director of the Copyright Department to the ADG level; it was less convinced that the activities of the Developing Countries (Copyright) Division justified promotion to that same level. Observing that it was important that the Organization avoid an ad hoc expansion of staff, and while accepting that there were uncertainties in this area, the Delegation of the United Kingdom said that it would welcome a forecast from the International Bureau of WIPO of its future structure, in particular as to the number, grades and responsibilities of staff in senior managerial positions. That delegation therefore proposed that the WIPO Coordination Committee invite the Director General to initiate a study of the existing and future framework within which the International Bureau of WIPO was expected to grow.

19. The Delegation of Mexico supported the creation of only one post at the ADG level.

20. The Delegation of Canada, while agreeing that a certain balance should be established at the senior levels between the industrial property and the copyright fields, considered that such balance could possibly be achieved by transferring senior management positions between departments. The Delegation questioned the need for as large a management structure as was proposed in relation to the size of WIPO, particularly in the light of the downsizing of senior management in other administrations, both at the national level and in

the United Nations system. In the light of those considerations and of observations made by the Delegation of the United Kingdom, the Delegation of Canada expressed the view that the Director General's proposal was lacking justification, and it supported the proposal by the Delegation of the United Kingdom for a review of the foreseeable evolution of the structure of the International Bureau of WIPO.

21. The Delegation of the Russian Federation said that it had difficulty with the proposal to upgrade two posts to the ADG level. Such difficulty was not connected to the personal capacities of the individuals concerned; both were to be commended. The Delegation, however, found some inconsistency in the proposal to establish two new posts at the ADG level when the Coordination Committee had decided in 1991 not to fill a post of Deputy Director General. The Delegation of the Russian Federation therefore stated that it was not in a position to support that proposal and asked for more detailed justification thereof.

22. The Delegation of France stated that, in general, it shared the hesitations which had been expressed by other delegations regarding the creation of too large a number of senior managerial posts in organizations of the United Nations system. The Delegation, however, recognized the specific circumstances of WIPO and found advantages in the Director General's proposal insofar as such proposal allowed a better reflection of the respective importance of WIPO activities in the field of industrial property on the one hand and copyright on the other, and also a better geographical distribution in the directorate of WIPO. The Delegation of France also noted that the financial implications of the proposal were largely compensated by the suppression of a post of Deputy Director General. It therefore supported the Director General's proposal, while also joining in the proposal of the Delegation of the United Kingdom for a prospective study of the foreseeable evolution of the staffing and structure of the International Bureau of WIPO.

23. The Delegation of the United States of America stated that it was keenly aware of the growing importance of copyright issues and gratified by the way in which WIPO was discharging its responsibilities and raising its profile in that area. However, its Government was not convinced that the case had been made that the scope and complexity of the positions in question justified their upgrading. For this reason, the Delegation of the United States of America associated itself with the suggestion that a study be made of the management structure of the International Bureau of WIPO.

24. The Delegation of Germany said that the proposal of the Director General raised both structural and political issues. On the structural side, the Delegation associated itself with the request for a study of the likely development of WIPO in terms of staff and structure. On the political side, it could accept a consensus on the proposal of the Director General, with the wish that the existing internal balance within WIPO would be kept in mind in designing the future distribution of tasks in the Organization.

25. The Delegations of Algeria, Argentina, Belgium, Brazil, Bulgaria, Burkina Faso, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Egypt, Estonia, Finland, Ghana, Hungary, Indonesia, Japan, Kenya, Norway, Paraguay, Peru, Poland, Portugal, the Republic of Korea, Romania, Slovakia, Sweden, Syria, The Former Yugoslav Republic of Macedonia, Uruguay, Venezuela and Viet Nam, expressed full support for the proposal of the Director General to upgrade the posts of Director of the Copyright Department and Director of the

Developing Countries (Copyright) Division to the Assistant Director General (ADG) level, and for his intent to promote Messrs. Mihály Ficsor and Carlos Fernández Ballesteros to that level. Several of those delegations stressed that the upgrading of those two posts would better reflect the place of copyright activities in the overall program of work of WIPO and was amply justified. They underlined the growing importance of such activities, notably in the context of international trade, their growing complexity linked to the development of new technologies, as well as the considerable expansion of development cooperation activities in the copyright field and their contribution to the promotion of copyright protection throughout the world, for the benefit of all countries. Several of those delegations also stressed the eminent qualifications and personal qualities of the two officials that the Director General intended to promote and commended their action in their respective sphere of activities. The Delegation of Syria supported the statements of the Delegation of France regarding the favorable effect of the Director General's proposal on geographical distribution in the directorate of WIPO.

26. The Delegations of Belgium, Bulgaria, Chile, Croatia, Japan and Sweden also associated themselves with the proposal made by the Delegation of the United Kingdom regarding a study of the structure of the International Bureau of WIPO, or otherwise considered that it would be appropriate to undertake such a study, and asked the Director General to carry out that study.

27. The Coordination Committee approved the upgrading to the Assistant Director General level of the posts of Director, Copyright Department and Director, Developing Countries (Copyright) Division, and the intention of the Director General to promote Messrs. Mihály Ficsor and Carlos Fernández Ballesteros to that level.

Salaries for the General Service Category

28. Discussions were based on document WO/CC/XXXI/3, paragraphs 1 to 17.

29. In introducing this question, the Director General recalled that salary scales for the General Service category were drawn up by the International Civil Service Commission (ICSC) following local salary surveys conducted by the ICSC on the basis of a methodology determined by the ICSC. In July 1993, following complaints lodged by General Service staff of WIPO with the Administrative Tribunal of the International Labour Organization (hereinafter referred to as "the Tribunal"), the Tribunal found that the ICSC had not correctly applied its own methodology in the determination of the salary scales which it had recommended in 1991 for implementation by the organizations of the United Nations common system with effect from January 1, 1991, and which the WIPO Coordination Committee had approved with effect from the same date at its September 1991 session. As a result, WIPO had been ordered by the Tribunal to revise the salary scales applied to its General Service staff back to January 1, 1991. The Director General also recalled that WIPO and other interested agencies in Geneva asked the ICSC to produce a salary scale corresponding to the Tribunal's decision and that the ICSC did so: the first proposed new scale was found erroneous by such agencies, whereupon the ICSC prepared a second scale, on which further observations had to be made. It was only after receiving three revisions of the salary scale that the Director General could propose a revised scale (hopefully correct) for approval by the WIPO Coordination Committee. The Director General stressed that the judgement of the Tribunal, as well as

subsequent dealings with the ICSC in seeking to obtain from the latter revised salary scales conforming to the applicable methodology, had shown that recommendations or decisions of the ICSC required scrutiny before being implemented by WIPO, as such recommendations or decisions, as well as decisions by the WIPO Coordination Committee itself, could be overturned by the Tribunal. He also drew attention to the fact that the revision of General Service salary scales back to January 1991 would cost WIPO some 850,000 Swiss francs for the years 1991 to 1993 and a much larger sum to the organizations of the United Nations common system as a whole.

30. The WIPO Coordination Committee noted the information contained in paragraphs 1 to 16 of document WO/CC/XXXI/3 and approved the amendments to the Staff Regulations referred to in paragraphs 14 and 15 thereof.

Difference of Working Hours of Professional Staff between Geneva and the Base City of the Common System (New York)

31. Discussions were based on document WO/CC/XXXI/3, paragraphs 18 to 29.

32. In introducing this question, the Director General took strong exception to the findings of the ICSC on the question of the difference of working hours of Professional staff between Geneva and New York. He found them to be unjust and unfounded. Those findings would go to the General Assembly of the United Nations at the end of 1993 as part of the annual report of the ICSC, and the Director General was merely proposing at this stage to wait for the consideration of the issue by the General Assembly of the United Nations, before reverting to the issue at the next session of the WIPO Coordination Committee. He also drew the attention of the WIPO Coordination Committee to the fact that a decision on this matter by the WIPO Coordination Committee or the General Assembly of the United Nations might well be the subject of an appeal before the Administrative Tribunal of the ILO.

33. The WIPO Coordination Committee noted that the Director General would revert to the question of the relationship between hours of work and remuneration at the 1994 ordinary session of the WIPO Coordination Committee.

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

34. Discussions were based on document WO/CC/XXXI/3, paragraphs 30 to 32.

35. The Delegations of Algeria, Chile, Cuba, the Democratic People's Republic of Korea, India, the Islamic Republic of Iran, Sudan and Syria welcomed the intention of the Director General to promote Mr. Andary to grade D.1. Several of those delegations stressed the importance of development cooperation activities in the field of industrial property information and underlined Mr. Andary's merits.

36. In reply to a question by the Delegation of the United States of America, the Director General stated that the tasks heretofore entrusted to the position in question now entailed much greater responsibility.

37. The WIPO Coordination Committee gave a favorable advice on the intent of the Director General to promote Mr. Andary to grade D.1.

WIPO Staff Pension Committee

38. Discussions took place on the basis of document WO/CC/XXXI/3, paragraphs 33 to 35.

39. The Director General informed the WIPO Coordination Committee that, since document WO/CC/XXXI/3 had been issued, he had received a letter from the Permanent Representative of the Federal Republic of Germany to the Office of the United Nations and other International Organizations in Geneva stating the willingness of the said Permanent Mission to continue to make Mr. Clemens Wetz, Counsellor (Financial Affairs) at the said Permanent Mission, available to serve as a member of the WIPO Staff Pension Committee. The Director General proposed that the WIPO Coordination Committee reelect Mr. Wetz as a member of that Committee.

40. The WIPO Coordination Committee elected Mr. Clemens Wetz as member of the WIPO Staff Pension Committee for a term expiring with the 1997 ordinary session of the WIPO Coordination Committee.

Other Matters

41. The WIPO Coordination Committee noted the information regarding the International Civil Service Commission and the United Nations Joint Staff Pension Board contained in paragraphs 20, 21 and 23 of document WO/CC/XXXI/1.

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