

Codes of Conduct, including procurement related, for WIPO Staff

I. General code of conduct and ethical and professional standards for WIPO staff

Provisions under the WIPO Staff Regulations and Rules:

Regulation 1.5

Conduct

Staff members shall conduct themselves at all times in a manner befitting their status as international civil servants. They shall not engage in any activity which is incompatible with the proper discharge of their duties with the International Bureau. They shall avoid any action, and in particular any public pronouncement, which may adversely reflect on the international civil service or which is incompatible with the integrity, independence and impartiality required by their status. While they are not expected to disregard their national sentiments or their political or religious convictions, they shall at all times act with the reserve and tact incumbent on them by reason of their international status.

Regulation 1.6

Activities and Interests Outside the International Bureau

(a)¹ Staff members:

(1) shall not engage, without the prior authorization of the Director General, in a continuous or intermittent manner, in any occupation or employment, remunerated or not, outside the International Bureau;

(2) may be authorized by the Director General to engage in an outside occupation or employment, whether remunerated or not, if such occupation or employment:

(i) is not incompatible with the proper discharge of their duties with the International Bureau and does not conflict with the staff member's official functions or their status as an international civil servant;

(ii) is not in conflict with the interests of the International Bureau; and

(iii) is permitted by domestic law at the duty station or where the occupation or employment occurs.

¹ In force as from November 1, 2006.

(b)¹ Apart from their duties with the International Bureau, staff members shall not engage in any activity, or have any financial interest whatever, in any enterprise dealing with intellectual property. They shall not accept any benefits, gratuities or favors from firms or private individuals dealing with intellectual property *or having commercial relations with the International Bureau.*

(c)¹ A staff member shall not be associated with the management of, or hold a financial interest directly or indirectly in, any business or other concern, if it is possible for the staff member, business or other concern to benefit from such association or financial interest by reason of the staff member's position with the International Bureau

(d)¹ Any staff member who, in the course of his duties, has occasion to deal with a matter involving a business or other concern in which he or his spouse or a dependent family member holds a financial interest, shall inform the Director General of the extent of that interest. In the case he has knowledge that a non-dependent child, parent or sibling holds a financial interest in such a business or other concern, he shall also inform the Director General of the existence of that interest.

(e)¹ The ownership of shares in a company shall not be held to constitute a financial interest within the meaning of paragraph (d), above, unless such ownership gives the staff member, or the staff member's spouse or dependent family member, or non-dependent child, parent or sibling, any form of control over the company's activities.

(f)¹ Staff members shall not, except in the normal course of official duties or with the prior authorization of the Director General, engage in any one of the following activities if they relate to the objectives, activities or interests of the International Bureau:

(1) make statements to the press, radio or other information media;

(2) accept public speaking engagements;

(3) take part in film, theater, radio or television productions;

(4) submit articles, books or other material for publication;

(5) be a member of an association or non-governmental organization dealing with intellectual property;

(6) provide professional services to third parties.

(g)¹ All staff members at the level of D-1 and above, as well as other designated categories, shall be required to file a declaration in a designated form and disclosing designated types of interests in respect of themselves, their spouses and dependent

¹ In force as from November 1, 2006.

family members. Such declarations shall be filed upon appointment and at designated intervals. Such declarations shall remain confidential.

(h)¹ Authorizations which the Director General may grant under the provisions of this

Regulation may be made subject to such conditions as he deems appropriate, including, where necessary, the requirement to file a declaration as prescribed in paragraph (g), above.

(i)¹ The Director General shall establish procedures for requests for authorization and for the filing of financial disclosure declarations under this regulation.

Regulation 1.7

Communication of Information

Staff members shall exercise the utmost discretion in all matters relating to official business. Except in the course of their official duties or with the permission of the Director General, they shall not communicate to any person any information known to them by reason of their official position which has not been made public. They shall not at any time use such information to their own advantage. These obligations do not cease upon separation from the International Bureau.

Rule 1.7.1² – Confidential Documents, Information or Material

Where, by virtue of the provisions of any international agreement administered by the Organization, the International Bureau is entrusted with the task of maintaining the confidential nature of any document, information or material, the Director General may issue special instructions specifying the duties of staff members in respect of the custody of or access by any third parties to such document, information or material and the means of identification of the staff member or staff members concerned. Any material concerning such identification shall be under the control of staff members designated for that purpose by the Director General, shall be used only within the International Bureau and shall not be made accessible to any person or authority outside the International Bureau.

Regulation 1.8

¹ In force as from November 1, 2006.

² In force as from November 1, 1979.

Honors and Gifts

No staff member shall accept any honor, decoration, favor, gift or remuneration from any source external to the International Bureau, without first obtaining the approval of the Director General. Approval shall be granted only where such is not incompatible with the staff member's status as an international civil servant. Where the Director General himself is involved, the approval shall be granted by the Coordination Committee.¹

Regulation 1.9

Political Activities

Staff members may not engage in any political activity which is incompatible with or might reflect upon the independence and impartiality required by their status as international civil servants.

Office Instruction NO. 18/2004 – Honors and Gifts

“1. The present Office Instruction provides guidelines for the interpretation of Staff Regulation 1.8², “Honors and Gifts”, and the acceptance of these by staff members under the circumstances described below, pursuant to the authority given to the Director General in the said Staff Regulation.

2. For the purpose of these guidelines:

(a) “honor” shall mean any honor bestowed on a staff member by a government or an academic or professional organization, except where the honor has been earned as a result of a prescribed course of study undertaken by the staff member at the request, or with the approval, of WIPO³;

(b) a “gift” shall mean:

(i) any gift, favor, remuneration, benefit or other compensation of a financial value in excess of a nominal value of 80 Swiss francs;

¹ In force as from October 1, 1971.

² Staff Regulation 1.8 states: “No staff member shall accept any honor, decoration, favor, gift or remuneration from any source external to the International Bureau, without first obtaining the approval of the Director General. Approval shall be granted only where such is not incompatible with the staff member's status as an international civil servant. Where the Director General himself is involved, the approval shall be granted by the Coordination Committee.”

³ “A reference in this Office Instruction to WIPO includes a reference to the International Bureau.”

(ii) any honorarium for a speaking engagement, regardless of its financial value, except where the honorarium is paid to WIPO with the prior approval of the Director General.

(iii) any hospitality offered by a source external to WIPO known to the staff member to be seeking to initiate or renew any relationship with WIPO *including in the context of procurement, tendering or other commercial processes, recruitment or consultancy engagement processes, or otherwise, regardless of financial value.*

Acceptance of Honors

3. Staff members may accept an honor with the prior approval of the Director General.

Acceptance of Gifts

4. No staff member shall accept a gift from any source external to WIPO, which arises, or may reasonably be perceived to arise, directly or indirectly from a staff member's association with or work for WIPO. Such gift may be accepted only with the prior approval of the Director General who may delegate such responsibility to the Office of the Legal Counsel.

5. If immediate refusal of a gift would be considered inappropriate or cause embarrassment to the donor or to WIPO, the staff member may accept it. In such a case, the staff member shall promptly disclose it to the supervisor, who will, in consultation with the Office of the Legal Counsel, submit the matter for decision by the Director General as to whether the gift may be retained by the staff member, retained by WIPO, disposed of for charitable purposes or returned.

6. Approval for the acceptance of gifts offered to a staff member shall be granted in cases where such acceptance is not incompatible with the interests of the Organization and may not affect or be perceived to affect WIPO's and the staff member's impartiality, independence and integrity.

7. Subject to paragraph 8, below, attendance at hospitality events such as lunches, dinners and receptions in a context other than those described in paragraph 2(b)(iii) is not considered to constitute receipt of a gift.

8. Notwithstanding any other provision of this Office Instruction, staff members shall in any case decline any gift which may create, or be reasonably perceived to create, embarrassment to WIPO (counterfeit, endangered species, etc.) or a conflict of interest for the staff member or may be otherwise perceived to be incompatible with his or her status as an international civil servant.

9. In addition to staff members, these guidelines shall apply *mutatis mutandis* to temporary personnel.”

II. Code of Conduct for WIPO staff involved in procurement¹

¹ Modeled after the relevant sections of the Procurement Manual of the UN Procurement Division, New York (November 2007).

1. WIPO Financial Rule 101.2 reads as follows: "All employees of the Organization are obliged to comply with the Financial Regulations and Rules and with Office Instructions issued in connection with those Regulations and Rules. Any employee who contravenes the Financial Regulations and Rules and corresponding Office Instructions may be held personally accountable and financially liable for his or her actions".
2. The funds used by WIPO are entrusted to the Organization by its Member States. The transactions committing WIPO shall be conducted at impeccable standards in order to ensure the highest degree of public trust. Hence, it is absolutely essential that all procurement activities be carried out in a manner above reproach, with complete impartiality and with no preferential treatment.
3. The WIPO procurement process, which includes the generation of specifications and scope of work, certification of funds, identification of potential vendors, evaluation of offers received, receipt, acceptance of goods and/or services delivered and payment of invoices, is intended to allow vendors to compete for WIPO business on a fair basis. Staff members associated with the procurement function, therefore, are responsible for protecting the integrity of the procurement process and maintaining fairness in the WIPO's treatment of all vendors.
4. The standard of conduct for all staff members involved in the procurement process includes, but is not limited to:
 - (a) WIPO staff members shall not allow any vendor(s) access to information on a particular acquisition before such information is available to the business community at large. Further, staff members shall not intentionally use unnecessarily restrictive or "tailored" specifications or statements of work that can discourage competition.
 - (b) Staff members shall not solicit or accept, directly or indirectly any promise of future employment from anyone who has or is seeking to obtain WIPO business.
 - (c) Staff members shall not have a financial interest in any vendor(s) responding to a WIPO solicitation, and are prohibited from any involvement in the procurement action if they do.
 - (d) Staff members shall not disclose proprietary and source selection information, directly or indirectly, to any person other than a person authorized to receive such information.
5. The actions of WIPO staff members in the procurement process shall be transparent so that it can be verified that these standards have been upheld.

Gifts and Hospitality

6. It is of overriding importance that the staff member acting in an official procurement capacity should not be placed in a position where their actions may constitute or could be reasonably perceived as reflecting favorable treatment to an individual or entity by accepting offers of gifts and hospitality or other similar considerations. The staff member should at all time behave in a way that upholds the values and the integrity and good reputation of WIPO.

7. It is inconsistent that a staff member involved in any aspect of procurement accepts any gift from any outside source regardless of the value and regardless of whether the outside source is or is not soliciting business with the WIPO. All staff members involved in procurement shall decline offers of gifts, including drinks, meals, tickets, hospitality, transportation, or any other form of benefits, even if it is in association with an “official working visit.”

8. In the event that there is any doubt, the matter shall be brought to the attention of the Director of PTD who shall seek the guidance from the Deputy Director General in charge of procurement, or to the WIPO Ethics Office after it has been established¹. The latter serves as a focal point in communicating and updating existing standards of conduct, providing ethics advice and confidential advice on conflicts of interest and plays a key advisory role in promoting ethics in WIPO.

Corrupt Practices

9. WIPO shall communicate to the vendors during the registration phase, in the solicitation documents and in the contract documents that all WIPO vendors shall adhere to the highest ethical standards, both during the bidding process and throughout the execution of a contract. The list of definitions set forth below indicates the most common types of corrupt practices, but is not exhaustive. For this reason, WIPO will also consider claims of similar nature involving alleged acts of corruption, in accordance with established procedure.

10. Some examples are set forth below, as follows:

(a) “Bribery” means the act of unduly offering, giving, receiving or soliciting anything of value to influence the process of procuring goods or services, or executing contracts.

(b) “Extortion” or “coercion” means the act of attempting to influence the process of procuring goods or services, or executing contracts by means of threats of injury to person, property or reputation.

(c) “Fraud” means the misrepresentation of information or facts for the purpose of influencing the process of procuring goods or services, or executing contracts, to the detriment of WIPO or other participants.

(d) “Collusion” is an agreement between bidders designed to result in bids at artificial prices that are not competitive.

¹ Proposal to establish the WIPO Ethics Office is under consideration.

11. In the event of corrupt practices, WIPO will:

- (a) Reject a proposal to award a contract if it determines that a vendor recommended for award has engaged in corrupt practices in competing for the contract in question; and/or
- (b) Declare a firm ineligible, either indefinitely or for a stated period of time, to become a WIPO registered vendor if it at any time it is determined that the firm has engaged in corrupt practices in competing for or in executing a WIPO contract; and/or
- (c) Cancel or terminate a contract if it determines that a vendor has engaged in corrupt practices in competing for or in executing a WIPO contract.
- (d) Require a vendor to allow WIPO, or any person that WIPO may designate, to inspect or carry out audits of the vendor's accounting records and financial statements in connection with the contract.

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