

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
UNITED INTERNATIONAL BUREAUX FOR THE PROTECTION OF INTELLECTUAL PROPERTY

GENEVA

BIRPI

ADMINISTRATIVE BODIES
OF WIPO AND OF THE UNIONS ADMINISTERED BY WIPO AND BIRPI

First Series of Meetings
Geneva, September 21 to 29, 1970

APPOINTMENT OF THE DIRECTOR GENERAL OF WIPO

Report by the Director of BIRPI

SUMMARY

This document recalls the procedure provided for in the WIPO Convention for the appointment of the Director General of WIPO and contains suggestions concerning the application of this procedure for the appointment of the person who will be the first Director General of WIPO.

Procedure of Appointment

1. Article 6(2)(i) of the WIPO Convention provides that "the General Assembly [of WIPO] shall ... appoint the Director General [of WIPO] upon nomination by the Coordination Committee [of WIPO]."
2. Article 8(3)(v) of the WIPO Convention provides that, when there is a vacancy in the post of the Director General, the Coordination Committee of WIPO "shall nominate a candidate for appointment to such position by the General

MEMORANDUM FOR THE RECORD

TO: [Name]
FROM: [Name]

SUBJECT: [Subject]

Reference is made to [Reference]

It is noted that [Text]

It is recommended that [Text]

[Large block of text, possibly a table or detailed report content]

Very truly yours,
[Signature]

[Text]

[Text]

Assembly [of WIPO]; if the General Assembly does not appoint its nominee, the Coordination Committee shall nominate another candidate; this procedure shall be repeated until the latest nominee is appointed by the General Assembly."

3. Article 6(3)(g) of the WIPO Convention provides that "for the appointment of the Director General [of WIPO] ... the required majority must be attained not only in the General Assembly but also in the Assembly of the Paris Union and the Assembly of the Berne Union." The required majority is two-thirds of the votes cast; abstentions are not considered as votes (WIPO Convention, Article 6(3)(d), (g) and (h); Paris Convention (Stockholm), Article 13(4)(d) and (e); Berne Convention (Stockholm), Article 22(3)(d) and (e)).

4. The Coordination Committee of WIPO is invited to propose the name of a candidate for appointment to the position of Director General of WIPO according to the provisions of Article 8(3)(v) of the WIPO Convention. (Only the ordinary members shall have the right to vote on this question.)

5. It is to be noted that the identity of the members of the Coordination Committee shall be known only after the election of the members of the Executive Committee of the Paris Union (according to the Stockholm Act) and of the Executive Committee of the Berne Union, since it is the members of these two Committees which constitute the Coordination Committee of WIPO (see Article 8(1)(a) of the WIPO Convention and document AB/I/1).

6. The General Assembly of WIPO is invited to appoint the Director General of WIPO.

7. In order to simplify the procedure, it is proposed that the vote in the two Assemblies of the two Unions and in the General Assembly of WIPO should take place at the same time.

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8. It is to be noted that the definitive lists of States which will have the right to vote in these three Assemblies will be known only on the day when the voting takes place since some of the States which have not yet accepted the administrative provisions of the Stockholm Acts of the Paris and Berne Conventions, or which have not yet accepted the WIPO Convention, may, in the meantime, accept them, and even those which do not accept them in time to be fully effective before the date when the voting takes place may be eligible to vote by virtue of certain transitional provisions in the WIPO Convention and the Stockholm Acts of the Paris (Article 30(2)) and Berne (Article 38(2)) Conventions.

Candidates

9. On February 27, 1970, the Director of BIRPI notified the countries members of the Paris Union, of the Berne Union, or of both Unions, of the vacancy in the post of the Director General of WIPO and invited them to communicate to the Swiss Federal Political Department the names of possible candidates for the said post before June 1, 1970.

10. A supplement to the present report will be published in the course of the month of July 1970 in order to indicate the names and other data concerning the candidate or candidates.

Terms of Appointment

11. Article 9(3) of the WIPO Convention provides that "the Director General shall be appointed for a fixed term, which shall not be less than six years ... The periods of the initial appointment and possible subsequent appointments, as well as all other conditions of appointment, shall be fixed by the General Assembly." It seems, however, that, in any given case and with the consent of the interested person, an appointment may be made for a fixed period whose duration is less than six years.

12. It is to be noted that the WIPO Convention contains no limitation as to the nationality or age of the Director General.

13. The General Assembly will fix, in addition to the duration of the appointment, the other usual conditions of employment (salary, allowances, leave, pensions, etc.).

The first part of the report deals with the general situation of the country and the progress of the work done during the year. It also mentions the various committees and sub-committees set up for the purpose of carrying out the work assigned to them.

Conclusion

In conclusion, it is felt that the work done during the year has been satisfactory and that the various committees have done their best to carry out the work assigned to them.

A suggestion is made that the work should be continued in the same manner and that the various committees should be kept informed of the progress of the work.

Annexure

The following are the names of the various committees and sub-committees set up for the purpose of carrying out the work assigned to them:

1. The Committee on the Constitution of the Council of Ministers.

2. The Committee on the Constitution of the Council of Ministers.

14. It would perhaps be useful if the Chairman of the General Assembly appointed a working group, consisting of a few members of the General Assembly, to discuss with the Director General, once he has been appointed, the conditions of his appointment. Such a working group will have to terminate its work and report to the General Assembly within one or two days.

15. The General Assembly of WIPO is invited to fix the period for which the Director General of WIPO shall be appointed as well as the other conditions of his appointment.

Director of BIRPI

16. It is recalled that Article 21(3)(a) of the WIPO Convention provides that "as long as there are States members of the Paris or Berne Unions which have not become party to this Convention ... the Director General [of WIPO] shall also function as ... the Director [of BIRPI]."

17. It is also recalled that the Interunion Coordination Committee of BIRPI, in its 1969 session, unanimously decided to "recommend to the Supervisory Authority that it retain Director Bodenhausen in active service until December 31, 1972, it being understood that this recommendation implied no opinion on what should be done beyond that date" (CCIU/VII/16, paragraph 49), and that the Swiss Federal Council extended the appointment of Professor G.H.C. Bodenhausen as Director of BIRPI until December 31, 1972.

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The first part of the report deals with the general situation of the country and the progress of the work done during the year. It is followed by a detailed account of the various projects undertaken and the results achieved. The report concludes with a summary of the work done and a list of the names of the staff members who have been engaged in the work.

The second part of the report deals with the financial statement of the organization for the year. It shows the income and expenditure for the year and the balance sheet at the end of the year. It also shows the details of the various items of income and expenditure and the names of the persons who have been engaged in the work.

The third part of the report deals with the accounts of the various projects undertaken during the year. It shows the progress of the work done and the results achieved. It also shows the details of the various items of income and expenditure and the names of the persons who have been engaged in the work.

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