

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**

ADDENDUM TO DOCUMENT AB/I/2

DRAFT GENERAL RULES OF PROCEDURE AND
SPECIAL RULES OF PROCEDURE

prepared by the Director of BIRPI

Summary

In this document the Director of BIRPI suggests four amendments to the Draft General Rules of Procedure and Special Rules of Procedure contained in document AB/I/2. The modifications are concerned with Observers, the election of the Officers of the Executive Committees and of the Coordination Committee of WIPO and the number of associate members of the Executive Committees.

Introduction

1. After the distribution of Draft General Rules of Procedure and Special Rules of Procedure, certain new factors have arisen which have led the Director of BIRPI to propose amendments on four points contained in document AB/I/2.

Observers

2. Rule 24(1) of the Draft Rules of Procedure contained in document AB/I/2 (page 18) would give to observers the right to take part in debates in the same conditions as delegations: the conditions provided for in Rule 15(2) (page 16), concerning the right to speak in the order in which requests to do so have been made, may be of particular importance in this connection.

3. In order to conform with the rules of procedure of the organizations of the United Nations system, it would be preferable to provide that observers may take part in debates at the invitation of the Chairman.

4. The Director of BIRPI therefore proposes that the following text be substituted for Rule 24(1) of the General Rules of Procedure contained in document AB/I/2 (page 18):

"Observers may take part in debates at the invitation of the Chairman."

Election of the Officers of the Coordination Committee

5. According to Rule 3(3) of the Draft Rules of Procedure of the WIPO Coordination Committee, contained in document AB/I/2 (page 36), the first Chairman of the Coordination Committee must be chosen from among the delegates of States which are members of both the Executive Committee of the Paris Union and the Executive Committee of the Berne Union. This provision would apply every three years.

6. Since, in electing the members of their respective Executive Committees, the Assemblies of the Paris and Berne Unions proceed quite independently from each other, it appears likely that only a very small number of States will be members of both Executive Committees. If this is the case, the rule proposed in document AB/I/2 would provide an unnecessarily severe limitation upon the choice available to the Coordination Committee, for its Chairman would necessarily have to be chosen from among the delegates of this small number of States every three years. It would therefore

be preferable to substitute for this provision a rule to the effect that the Chairman of the Coordination Committee must be chosen alternately from among the delegates of the States members of the Executive Committee of the Paris Union and from among the delegates of the States members of the Executive Committee of the Berne Union.

7. According to Rule 3(2) of the Draft Rules of Procedure of the WIPO Coordination Committee, contained in document AB/I/2 (page 35), one of the Vice-Chairmen of the Committee must be chosen from among the delegates of associate members. Such a rule is justified as long as the number of associate members - a number which will diminish as the States members of the Conferences of Representatives ratify or accede to the Stockholm Acts - remains sufficiently high, for example, not less than four.

8. The Director of BIRPI therefore proposes that the following text be substituted for Rules 3(2) and 3(3) of the Draft Rules of Procedure of the WIPO Coordination Committee contained in document AB/I/2 (pages 35 and 36):

"3(2) (a) At each ordinary session of odd number /1st, 3rd, 5th, etc./, the Chairman and the second Vice-Chairman shall be elected from among the delegates of the ordinary members of the Executive Committee of the Paris Union and the first Vice-Chairman shall be elected from among the delegates of the ordinary members of the Executive Committee of the Berne Union, provided that as long as the number of associate members of the Executive Committee of the Paris Union is four or more, the second Vice-Chairman shall be elected from among the delegates of the said associate members.

(b) At each ordinary session of even number /2nd, 4th, 6th, etc./, the Chairman and the second Vice-Chairman shall be elected from among the delegates of the ordinary members of the Executive Committee of the Berne Union and the first Vice-Chairman shall be elected from among the delegates of the ordinary members of the Executive Committee of the Paris Union, provided that as long as the number of associate members of the Executive Committee of the Berne Union is four or more, the second Vice-Chairman shall be elected from among the delegates of the said associate members."

Election of the Officers of the Executive Committees

9. Rule 3 of the Draft Rules of Procedure of the Executive Committees of the Paris and Berne Unions contained in document AB/I/2 (pages 38 and 50) provides that one of the Vice-Chairmen of each Executive Committee shall be elected from among the delegates of the associate members. As was pointed out above in paragraph 7 in relation to the officers of the WIPO Coordination Committee, this rule is justified as long as the number of associate members remains sufficiently high, for example, not less than four.

10. The Director of BIRPI therefore proposes that the following text be substituted for Rule 3 of the Draft Rules of Procedure of the Executive Committees of the Paris and Berne Unions contained in document AB/I/2 (pages 38 and 50):

"The Chairman and the two Vice-Chairmen of the Executive Committee of the Paris Berne Union shall be elected from among the delegates of the ordinary members. However, as long as the number of associate members is four or more, the second Vice-Chairman shall be elected from among the delegates of associate members."

Number of Associate Members in the Executive Committees

11. According to Rule 5 of the Draft Rules of Procedure of the Conferences of Representatives of the Paris and Berne Unions, contained in document AB/I/2 (pages 40 and 47), the Conference of Representatives shall elect, at each ordinary session, one-fourth of its members to the Executive Committee of the Union concerned in the capacity of associate members.

12. It appears likely--on the basis of communications received by the Director of BIRPI relating to participation in the meetings--that the number of States represented at the Conferences of Representatives will not be very high and could even be lower than the number of States which would need to be elected to the Executive Committees in the capacity of associate members if the rule of one-fourth, referred to in the preceding paragraph, were applied. In these circumstances, it seems preferable that the one-fourth to be elected in the capacity of associate members of each Executive Committee be calculated upon the basis of the number of States which are members of the Conference of Representatives and which are represented at the session.

13. It is necessary, however, to guarantee to the members of the Conference of Representatives of a given Union adequate representation in the Executive Committee of that Union, even if the number of States represented at the session of the Conference of Representatives is low. For this purpose it would be possible to provide that, if the number of States represented is lower than sixteen, the number of States to be elected to the Executive Committee in the capacity of associate members would be one-fourth of all the States members of the Conference of Representatives provided that this number should not exceed four.

14. The Director of BIRPI therefore proposes that the following text be substituted for Rule 5(1) of the Draft Rules of Procedure of the Conferences of Representatives of the Paris and Berne Unions contained in document AB/I/2 (pages 40 and 47):

"5(1) (a) At each ordinary session, the Conference of Representatives of the Paris Berne Union shall elect, from among its members, to the Executive Committee of the Paris Berne Union in the capacity of associate members the number of States equal to one-fourth of the number of its members represented at the session.

(b) However, if the number of States represented at the session is less than sixteen, the Conference of Representatives of the Paris Berne Union shall elect one-fourth, up to a maximum of four, of its members to the Executive Committee of the Paris Berne Union in the capacity of associate members.

(c) In establishing the number of seats to be filled, remainders after division by four shall be disregarded."

End of document

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