

BUREAUX INTERNATIONAUX
RÉUNIS POUR LA PROTECTION
DE LA PROPRIÉTÉ INTELLECTUELLE
GENÈVE, SUISSE

BIRPI

UNITED INTERNATIONAL
BUREAUX FOR THE PROTECTION
OF INTELLECTUAL PROPERTY
GENEVA, SWITZERLAND

COMITÉ DE COORDINATION INTERUNIONS, TROISIÈME SESSION INTERUNION COORDINATION COMMITTEE, THIRD SESSION

(Genève, 28 septembre au 1er octobre 1965)

(Geneva September 28 to October 1, 1965)

REPORT ON STAFF QUESTIONS

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COMPOSITION OF THE SECRETARIAT

Number and Geographical Distribution of Staff

1. On July 1, 1965, the staff of BIRPI comprised 65 members, as listed below:

- the Director (national of the Netherlands);
- two Deputy Directors (nationals of the United States of America and of France, respectively);
- 18 officials of Category "P" (Professional), including 4 British, 1 Czechoslovak, 3 French, 1 Irish, 1 Italian (on special leave until retirement in November 1966), 1 Swedish and 7 Swiss, of whom 1 British, 1 Czechoslovak, 2 French, 1 Irish, 1 Italian and 1 Swiss have the title of "Counsellor";
- 44 officials of Category "G" (General Services), including 1 American, 1 Belgian, 2 British, 4 French, 1 Portuguese and 35 Swiss.

2. Grouped according to nationality, the 65 staff members come from the following Member States of BIRPI:

	Higher than "P"	Category "P"	Category "G"	Total
1. Belgium	-	-	1	1
2. Czechoslovakia	-	1	-	1
3. France	1	3	4	8
4. Ireland	-	1	-	1
5. Italy	-	1	-	1
6. Netherlands	1	-	-	1
7. Portugal	-	-	1	1
8. Sweden	-	1	-	1
9. Switzerland	-	7	35	42
10. United Kingdom	-	4	2	6
11. United States of America	1	-	1	2
Total	3	18	44	65

Appointment of a new Counsellor

3. After the vacancy had been advertised, the Director appointed Mr. Richard Wipf, of French nationality, as Legal Counsellor for Industrial Property (especially trademarks).

QUESTIONS CONCERNING THE "COMMON SYSTEM"Integration into the "Common System"

4. Last year's Report gave an account of the integration into the Common System of employees of BIRPI. It was noted that five staff members had presented requests to the Director, asking him to reconsider his decision (Document CCIU/II/7, paragraphs 8 to 10). The Director's decision having been maintained, three of these five staff members had recourse to the Appeal Board whose Chairman, chosen by the Government of the Swiss Confederation, is a retired senior official of the European Office of the United Nations (see Staff Regulations, Article 11.1.1).

5. The Appeal Board dismissed two of these appeals and the third was withdrawn by the appellant in the course of the procedure. At the end of June 1965, one appeal was pending before the Administrative Tribunal of the International Labour Organization, by virtue of Article 11.2 of the Staff Regulations.

Adjustment to the "Common System" of the Contributions to the Pension Fund

6. On the basis of an opinion expressed last year by the Interunion Coordination Committee and a decision of the Swiss Government in agreement with that opinion, the "half-gross" basis for contributions to the Pension Fund was brought into force, with effect from January 1, 1965. At that time, this measure accorded with the measures in force in the Common System. However, since March 1, 1965, the basis for the contributions to the Pension Fund of other organizations applying the Common System has risen from "half-gross" to "gross" - that is, the entire gross salary. In these circumstances, the possibilities of adopting a similar basis for the staff of BIRPI are at present being explored and might be the subject of a report to the Fourth Ordinary Session of the Interunion Coordination Committee in 1966.

AMENDMENTS TO THE STAFF REGULATIONS

Preliminary Remarks

7. Article 12.1 of the Staff Regulations provides that the Government of the Swiss Confederation may add to or amend the Articles of these Regulations and that, where possible, without delaying unduly the amendment of the Regulations, the opinion of the Interunion Coordination Committee should be sought beforehand. Otherwise, the Committee must be informed of any amendments at its first meeting following the promulgation of such amendments.

8. Paragraphs 10 to 13 of this document constitute a report on amendments already effected, on which the Committee was not consulted, and paragraphs 14 to 25 concern proposed amendments.

9. All the references to Articles in the following paragraphs should be understood as references to Articles in the Staff Regulations.

Amendments already Effected

10. Amendment of Article 3.1 concerning Annual Salaries of the General Services Category.- With effect from September 1, 1963, May 1, 1964, March 1, 1965, and July 1, 1965, the salaries of the General Services Category were adjusted following rises in the official Swiss index, which serves as the basis for adjustments to the salaries of the General Services Category in the Common System at Geneva (see Article 3.1, page 40.15 of the Administrative Handbook of BIRPI, footnote). Each time the increase was 4.6%; thus the total increase was 18.4%.

11. Amendment of Article 3.5 concerning the amount of the post adjustment.- With effect from January 1, 1964, and May 1, 1965, the United Nations index applicable for the calculation of the post adjustments to be paid to Geneva staff of the Professional and Higher Categories was increased from 2 to 3 and from 3 to 4, respectively. The new indices were applied by BIRPI, in accordance with Article 3.5(c). The resulting increase represents

approximately $2 \times 4.6 = 9.2\%$ of the net salary of staff of the Professional Category who have dependants. The increase is less in the case of the Director ($2 \times 3.5\% = 7\%$) and the Deputy Directors ($2 \times 4 = 8\%$).

12. Amendment of Article 3.7 concerning the Amount of the Language Allowance.- With effect from March 1, 1965, the amount of the annual language allowance payable to staff of the General Services Category demonstrating proficiency in the two official languages of BIRPI has been changed. The allowance is no longer the equivalent of one additional increment in the salary scale but is now a fixed sum of 780 Swiss francs. This change follows a similar change adopted in the Common System of the United Nations, in order to give a uniform award to staff members for language proficiency, instead of an award based on the annual increment, which varies with the grade of the staff member.

13. Amendment of Article 3.12 (B)(a) concerning the payment of children's allowances to staff of the General Services Category.- Prior to June 1, 1964, the annual allowance payable to staff of the General Services Category, in respect of each child, was 720 Swiss francs (for locally recruited staff) or 840 Swiss francs (for staff not recruited locally). With effect from the above-mentioned date, this allowance was increased to 960 Swiss francs, irrespective of the place of recruitment of the staff member. This increase followed a similar increase adopted in the Common System of the United Nations. The amount of children's allowances payable to staff of the Professional and Higher Categories was not changed.

Proposed Amendments

14. Proposed Amendment of Article 2.1 concerning the Classification of BIRPI Staff Grades.- It will be recalled (Document CCIU/II/7) that the Director put into effect the recommendations of the Integration Committee appointed by the Government of the Swiss Confederation, in accordance with Article 2.1(T), to advise the Director on the integration into the United Nations Common System of staff serving at the time of the application of this system to BIRPI. This was a one-time operation to deal with the "integration" problem specifically. There still remains the question of solving the classification problems that arise from time

to time. Article 2.1 provides that the Director shall act in this connection in agreement with a Committee composed of three persons who have had experience of staff matters in intergovernmental international organizations and are not members of the Interunion Coordination Committee or of the staff of BIRPI.

15. This system, which obliges the Director to act, with regard to the classification of staff, in agreement with a Committee of persons entirely outside BIRPI, creates difficulties, especially as these persons, notwithstanding their experience of staff matters in international organizations, are not sufficiently in touch with the internal problems of BIRPI. This is no doubt the reason why no other intergovernmental organization has this system of compulsory agreement with an outside body. In all other organizations, the Head of the Secretariat decides on these problems in agreement with, or after having taken the advice of, persons connected with the Organization.

16. The Director of BIRPI considers the latter system to be more appropriate than the one in use at present. However, in view of the limited experience of BIRPI in matters of classification and the relatively small number of staff members, it seems preferable to adopt a procedure whereby the Director would be advised by a Committee, under the chairmanship of a person who is not a member of the staff of BIRPI but has experience of staff matters in other organizations applying the Common System.

17. It is therefore proposed that Article 2.1(a) should be amended to read as follows (the amendments are underlined):

"(a) The importance of the duties and responsibilities attaching to each grade shall be determined by the Director on the basis of the standards applied by the other intergovernmental organizations having their headquarters in Geneva and after having obtained the advice of a Classification Committee set up by him. This Committee shall consist of four persons: a Chairman, who shall have had experience of staff matters in intergovernmental organizations and shall not be a member of the staff of BIRPI, and three other persons, who shall be staff members of BIRPI and of whom one shall be appointed from a panel of three names proposed by the Staff Association and one shall be the Head of Personnel of BIRPI. Grading standards fixing the level of duties and responsibilities as well as qualifications required shall be notified to the staff."

18. Proposed Amendment of Article 3.1 concerning Salaries of Staff Members of the Professional and Higher Categories.- Article 3.1 sets out the annual salaries of the "General Services" Category and the "Professional" and Higher Categories. Except in the case of the Director and Deputy Directors, these salaries are identical (in the matter of grades and annual increments) to the salaries applicable in the United Nations Common System - that is, the system followed by the United Nations and its Specialized Agencies. This is the necessary outcome of the decision of principle to apply forthwith to BIRPI the Common System as followed in Geneva. Increases in the salaries of the Professional and Higher Categories are currently being adopted by the competent bodies of the various organizations following the Common System; they will be formally promulgated with effect from January 1, 1966. These increases will be between 4% and 8% (approximately 4.5% for Assistant Directors-General), averaging 6% for the payroll. Provision for increases of this order has been made in the draft BIRPI budget for 1966.

19. In the circumstances, and subject to the amendment proposed in paragraph 24 below, it is proposed that the following footnote - paralleling the existing footnote concerning the General Services Category - should be added to Article 3.1 as far as the Professional and Higher Categories are concerned:

"The above salaries correspond to salaries in force on April 1, 1963, in the United Nations Common System. They will be adjusted to accord with any subsequent changes in the latter salaries. Any adjustment presupposes the agreement of the Swiss Federal Government."

20. It is proposed that the foregoing footnote should apply not only to the Professional Category but also to the Higher Categories. However, as there are no salaries in the United Nations Common System corresponding to those now appearing in Article 3.1 as the salaries of the Director and the Deputy Directors of BIRPI, it seems desirable to establish such correspondence now.

21. While considering this matter, it may be recalled that the following increases have been effected since April 1, 1963, that is, since the date of the introduction of the United Nations Common System in the Staff Regulations of BIRPI, for the General Services, Professional and Higher Categories (the percentages are approximate):

(A) General Services Category

(a) annual increments	2 x 4.1% =	8.2%
(b) cost-of-living increases	4 x 4.6% =	18.4%
	Total	<u>26.6%</u>

(B) Professional Category

(a) annual increments	2 x 2.2% to 4.2% =	4.4% to 8.4%
(b) post adjustment increases	2 x 4.6% =	9.2%
	Total	<u>13.6% to 17.6%</u>

(C) Deputy Directors Category

(a) annual increments		Nil
(b) post adjustment increases	2 x 4% =	8%
	Total	<u>8%</u>

(D) Director

(a) annual increments		Nil
(b) post adjustment increases	2 x 3½% =	7%
	Total	<u>7%</u>

22. In deciding upon a salary in the United Nations Common System corresponding to the salary of the Director and those of the Deputy Directors Category, it is proposed to take the salary of the Assistant Directors-General (called "Under-Secretary" grade in the salary schedules of the United Nations). This is the highest grade subject to review and recommendations by an independent expert commission established by the United Nations (International Civil Service Advisory Board (ICSAB)). The salary for this grade is revised at the same time as those of the Professional Category. (The grades of Director-General or Secretary-General and that of Deputy Director-General are not subject to such revision.) The present salaries of the Director and Deputy Directors of BIRPI are respectively 6% higher and 10% lower than the salary of the Assistant Directors-General.

23. Having regard to the increased activities and consequently wider responsibilities of the directorate of BIRPI during the last two and a half years, and to the above-mentioned salary increases received since April 1, 1963, by Professional and General Services staff, it is considered that the salary of the Deputy Directors should be on a par with that of the Assistant Directors-General, and that the Director's salary should be 20% higher (at present, the Director's salary is 19% higher than that of the Deputy Directors). The current salary of Assistant Directors-General is 77,328 Swiss francs. The current salaries of the Director and Deputy Directors of BIRPI are respectively 82,080 Swiss francs and 69,120 Swiss francs. According to the proposals now made, they would become 92,793 Swiss francs and 77,328 Swiss francs, respectively. Expressed in percentages, this would mean an increase of 13% in the case of the Director and 12% in the case of the Deputy Directors, as compared with the salaries which were originally fixed two and a half years ago and have remained unchanged since then.

24. Consequently, it is proposed to make the following amendment, with effect from October 1, 1965, in the Staff Regulations:

"In Article 3.1, the words "Director: 82,080" and "Deputy Director: 69,120" shall be replaced by the following words: "Director: equivalent of the salary of the grade of Under-Secretary, plus 20%, in the Common System of the United Nations and its Specialized Agencies; Deputy Director: equivalent of the salary of the same grade."

25. Proposed Amendment of Article 9.7 concerning Repatriation Grant.- Article 9.7 provides for the payment of a repatriation grant on termination of at least two years' service. No grant is provided for a shorter period of service. This provision followed that of the United Nations Common System, but the United Nations Staff Regulations have now been amended to provide for a repatriation grant after one year's service only. The amount of the grant, in such cases, is two weeks' salary for a staff member with no dependent spouse or children, and four weeks' salary for a staff member with dependants. It is proposed that Article 9.7 should be amended accordingly.

26. The Interunion Coordination Committee is invited to express its views on the questions dealt with in this document.