

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

BIRPI

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COMITE DE COORDINATION INTERUNIONS, QUATRIEME SESSION INTERUNION COORDINATION COMMITTEE, FOURTH SESSION

(Genève, 26-29 septembre 1966)
(Geneva, September 26 to 29, 1966)

REPORT ON STAFF MATTERS

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REPORT ON STAFF MATTERS

COMPOSITION OF THE SECRETARIAT

Number and Geographic Distribution of Staff

1. On July 1, 1966, the staff of BIRPI comprised 71 officials, as listed below:

the Director (national of the Netherlands);

two Deputy Directors (one a national of the United States of America, and the other a national of France);

20 officials of "P" (Professional) Category, including 4 British, 1 Czechoslovak, 3 French, 1 Indian, 1 Irish, 1 Italian (on special leave until retirement on November 1, 1966), 1 Russian, 7 Swiss, and 1 Yugoslav, of whom 2 French, 1 British, 1 Czechoslovak, 1 Irish, 1 Italian, and 1 Swiss, had the title of "Counsellor";

48 officials of "G" (General Service) Category, including 1 Austrian, 1 Belgian, 3 British, 5 French, 1 German, 1 Portuguese, 1 Rhodesian, and 35 Swiss.

2. Grouped according to nationality, the 71 officials come from the following member countries of BIRPI:

	Higher than "P"	Category "P"	Category "G"	Total
1. Austria	-	-	1	1
2. Belgium	-	-	1	1
3. Czechoslovakia	-	1	-	1
4. France	1	3	5	9
5. Germany (Federal Republic)	-	-	1	1
6. India	-	1 ^{*)}	-	1
7. Ireland	-	1	-	1
8. Italy	-	1	-	1
9. Netherlands	1	-	-	1
10. Portugal	-	-	1	1
11. Rhodesia	-	-	1	1
12. Switzerland	-	7	35	42
13. United Kingdom	-	4	3	7
14. United States of America	1	-	-	1
15. U.S.S.R	-	1 ^{*)}	-	1
16. Yugoslavia	-	1	-	1
Total	3	20	48	71 ^{**)}

*) Date of entry: September 1, 1966.

***) In actual fact, only 70 as one official has been on special leave without pay since August 1, 1965.

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

3. The Interunion Coordination Committee was informed last year that an appeal was pending before the Administrative Tribunal of the International Labour Organisation. The appeal concerns the classification, in the Common System of the United Nations and the Specialized Agencies, of the post of a BIRPI official who was in the service of BIRPI prior to the date of application of the said system by BIRPI. At the time of writing this Report, the appeal is still pending.

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

4. On the basis of an opinion expressed in 1964 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.

5. Since March 1, 1965, the basis for the contributions to the pensions funds of other organizations applying the Common System has risen from "half-gross" to "gross"--that is, the entire gross salary.

6. For budgetary reasons, the Director of BIRPI has not requested the immediate adoption of this measure. It is apparent, however, that its adoption cannot be delayed any longer without departing too much from the Common System. Besides, the system could be applied without asking for an increase in the contributions of member States.

7. The cost of the change to the "gross" system will be approximately 75,000 francs for the first year and it will vary in proportion to the changes in salaries. If, for example, salaries were to be increased by 5% in 1968, the annual cost of this system would rise from 75,000 to 79,000 francs. It is proposed to cover the expense by increasing the BIRPI contribution from 14% to 16% of the insured salary. Members of the Pension Fund would continue to contribute 7% but, of course, on the basis of the "gross" salary, that is, on a higher basis than the present "half-gross" basis.

8. It is proposed that this system should be applied from January 1, 1967, or, alternatively, immediately after the necessary formalities have been completed with the Pension Fund.

Classification Committee

9. The Classification Committee provided for in the new paragraph (a) of Article 2.1 of the Staff Regulations--promulgated after the Interunion Coordination Committee had expressed itself in favor on October 1, 1965--was constituted as follows by the Director of BIRPI, on April 13, 1966: Mr. H.R. Wilmot, Senior Advisor, Office of the Director-General of the Office of the United Nations in Geneva: Chairman; Mr. Ch.-L. Magnin, Mr. G.R. Wipf (at the proposal of the Staff Association), Mr. B.A. Armstrong (as Head of Personnel): members.

AMENDMENTS TO THE STAFF REGULATIONS

Preliminary Remarks

10. 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 advice 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.

11. Paragraphs 12 to 19, below, deal with amendments already effected, and paragraphs 20 to 28 concern proposed amendments.

Amendments already Effected

12. Amendments proposed last year.- The amendments proposed last year, which were all approved by the Interunion Coordination Committee at its third session, have--with one exception--been promulgated by the Swiss Government as Supervisory Authority of BIRPI.

13. The exception concerns the salaries of the Director and Deputy Directors. In this connection, the Interunion Coordination Committee had expressed the opinion that the Director's salary should be the equivalent of the salary of the Under-Secretary grade in the Common System of the United Nations and the Specialized Agencies, plus 20%; and that the salary of the Deputy Directors should be the equivalent of the salary of the same grade.

14. The Swiss Government fixed the salary of the Director at the level of the salary of United Nations Under-Secretary, plus 12%, and that of the Deputy Directors at the level of the same salary, minus 5%. It therefore granted approximately half of the increases proposed by the Interunion Coordination Committee.

15. This is the first--and, so far, the only--time the Swiss Government has not adopted the view of the Interunion Coordination Committee.

16. While regretting this decision--especially as it affects his two closest collaborators--the Director of BIRPI has decided not to take the initiative of asking for the matter to be studied again at this session of the Interunion Coordination Committee. He has arrived at this decision for three reasons. First, because it has been agreed between the Director and the competent Swiss authorities that this is a transitional régime and that the question of the full increase, as proposed by the Interunion Coordination Committee at its last session, will be examined again after the Stockholm Conference (June/July 1967). Secondly, because the Swiss authorities--provided this Committee is duly informed--have raised no objections to the authorization by the Director of BIRPI of two paid journeys per year, tourist class, between Geneva and the United States of America, for the two children of one of the Deputy Directors, as long as they continue their studies in their own country. Thirdly, because it is obviously painful for the Director to refer too frequently to a matter which also affects his own interests.

17. Amendments arising from the amendments proposed last year.- The following amendments, approved by the Swiss Government, are a consequence of other amendments proposed last year:

(i) The second paragraph of Article 3.4 of the Staff Regulations has been replaced by the following provision: "However, in the case of staff members of grade D.1, the interval shall be two years as from step 4." As a result of this amendment, advancement of salary steps within the same grade will continue to be annual for grade P.5, and up to the fourth step of grade D.1.

(ii) On December 31, 1965, the index of the post adjustment at Geneva was four. In view of the fact that the amounts corresponding to three units of this index were incorporated on January 1, 1966, in the basic salary, the amount paid since that date, as post adjustment, corresponds to one unit of the index (see Article 3.5 of the Staff Regulations).

(iii) The pension basis ("half gross") has been reduced by the 5% mentioned before in Article 3.15(1) of the Staff Regulations.

18. Other Amendments.- The following two amendments have also been made since the last session of the Interunion Coordination Committee:

(i) The salaries of staff members of "C" category were again increased by 4.6%, with effect from March 1, 1966. This increase corresponded to a similar increase in all the other international organizations having their headquarters in Geneva and applying the Common System.

(ii) In conformity with a change in the Common System, the maximum amount of the education grant per scholastic year has been raised by 432 Swiss francs (see Article 3.11 of the Staff Regulations).

19. Supplement to the Administrative Handbook.- The texts of all the Articles of the Staff Regulations which have been amended are included in the Supplement to the BIRPI Administrative Handbook which will be distributed to member States in August 1966.

Proposed Amendments

20. Proposed Amendment of Article 3.7 of the Staff Regulations concerning the Language Allowance.- A language allowance is at present paid to staff members in the General Service category who pass an appropriate test in French and English. The allowance is not provided for proficiency in Spanish.

21. As the use of Spanish is increasing in the work of BIRPI, it is desirable that the allowance should be granted for that language also. In common with the provisions in force in the other organizations applying the Common System, the amount of the allowance would no longer be expressed in terms of salary steps but would be fixed at 780 Swiss francs per annum, when the staff member has successfully passed the tests in two languages (English and French, or English and Spanish, or French and Spanish), and at 1,170 Swiss francs when the staff member has passed successfully the tests in all three languages.

22. It is therefore proposed to substitute the following text for Article 3.7 of the Staff Regulations:

23. "A pensionable language allowance may be paid to staff members in the General Service Category who pass successfully an appropriate test organized by the Director and demonstrate continued proficiency in English, French, and Spanish, or in two of these languages. The allowance will be 1,170 Swiss francs per annum for proficiency in the use of the three languages and 780 Swiss francs per annum for proficiency in the use of two of the three languages."

24. It is further proposed to substitute, in provision 3.7.1 of the Staff Regulations, for the last four words of paragraph (b): "of the two official languages," the following words: "of the languages for which they are paid an allowance."

25. Raising of the age-limit to 25 years for certain children's allowances.- According to the terms of Articles 3.11(a) and 3.11.1(B)(b), concerning the education grant, and Articles 3.12(A)(a)(2) and (3) and (B)(a) and (b)(3), concerning the dependency allowance for children, these grants and allowances are payable up to the age of 21.

26. It is proposed that this age-limit should be raised to 25 if the child is continuing his studies. Obviously, the payment of these grants and allowances would be discontinued if the child ceases his studies before the age of 25. All the other conditions prescribed by the Articles referred to would also remain applicable: the child would have to be a dependant of the staff member; he should be unmarried; he should be in full-time attendance at a school or university, or other similar educational institution of a type which will, in the opinion of the Director, facilitate his re-assimilation in the staff member's home country, etc.

27. The proposal was submitted to the Swiss Federal Council. In a letter dated March 18, 1966, the Federal Political Department informed the Director of BIRPI that the Federal Council had not found it possible to satisfy this request. The letter also contained the following passages:

"It is true that modern social legislation fixes the age-limit, in general, at more than 21 years. From this point of view, BIRPI's proposal may be justified. It is, however, at variance with the United Nations Common System adopted and applied by BIRPI. It is therefore debatable whether it would be advisable to modify the present system by instituting rules for BIRPI different from those in force for the United Nations and the Specialized Agencies. It would seem logical, in fact, that after adopting the Common System BIRPI should apply it in full, with all the advantages and disadvantages which it entails. Furthermore, it has been customary practice in recent years for the Interunion Coordination Committee to reserve the right to express opinions to the Supervisory Authority on all the important issues affecting the staff regulations. Any decision by the Federal Council to extend the duration of the payment of the education grant and dependency allowance, on which the Interunion Coordination Committee had not previously been consulted, would therefore be most likely to give rise to criticism of the Supervisory Authority.

"The Federal Council reserves the right, however, to consider the possibility of examining the matter further, in the light of the opinion which the Interunion Coordination Committee might express on the subject."

28. Consequently, the Committee is invited to express an opinion on the question whether the words "twenty-one years" or "21 years" should be replaced by the words "25 years" in Articles 3.11(a), 3.11.1(B)(b), 3.12(A)(a)(2) and (3), and 3.12(B)(a) and (b)(3), of the Staff Regulations.

PENSIONS

Cost-of-living Increase

29. The amounts of the pensions, which were last fixed on July 1, 1964, no longer corresponded to the rise in the cost of living in Switzerland, where all the retired officials of BIRPI have their residence.

30. Consequently, the Director of BIRPI, having submitted a proposal on the subject to the Swiss Government, was authorized by the latter to increase the pensions to the following extent:

- (i) 2.5% for 1964 on the 1964 pension;
- (ii) 5.5% for 1965 on the 1964 pension;
- (iii) 5.5% for 1966 on the 1964 pension, subject to an adjustment at the end of the year.

31. The increases indicated above correspond to the rates applied by the Swiss Government to pensions of retired officials of the Swiss Federal Government.

32. This measure is applied to seven retired BIRPI officials, and also to the ex gratia allowance paid to Mrs. Jacques Secretan, widow of the former Director of BIRPI.

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

July 22, 1966

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SUPPLEMENTARY REPORT ON A STAFF MATTER

1. Mr. Charles-Louis Magnin, Deputy Director of BIRPI, who reached the official age for retirement in 1965, has been retained in active service until December 31, 1966, on the basis of a proposal of the Director of BIRPI and an opinion expressed by the Interunion Coordination Committee at its 1964 session, and with the agreement of the Supervisory Authority.
2. It had been anticipated that Mr. Magnin would leave the service of BIRPI on December 31, 1966, and applications had been invited to fill the vacancy.
3. Unforeseen circumstances, however, have led the Director of BIRPI to decide that he would like to retain Mr. Magnin in active service beyond the date indicated above.
4. In the first place, the entry into force of the Nice Act of the Madrid Agreement on December 15, 1966, poses, and will continue to pose, many more difficult legal and administrative problems than had been foreseen. The administration of the Madrid Agreement is carried out under the supervision of Mr. Magnin, who has a vast experience and knowledge of the subject. This administration comes under the immediate control of Mr. Georges Béguin, Counsellor, Head of General Administrative Services and Registration Services. Now--and this is the second unforeseen event--Mr. Béguin has announced his wish to retire on October 15, 1966, that is, five years before the age at which he should normally retire. Mr. Béguin is entitled to do this, and

applications have been invited to fill his post. It is obvious, however, that his successor will not have the same experience as Mr. Magnin and Mr. Béguin.

5. In these circumstances, the efficiency of the Trademark Registration Services could be seriously compromised if Mr. Magnin were also to leave BIRPI at the end of 1966. Mr. Magnin, who would be willing to remain in office, could continue to render considerable, and indeed indispensable, services to BIRPI.

6. The Director therefore intends to ask the Supervisory Authority to permit him to retain Mr. Magnin in active service for a maximum period of two years, that is, until December 31, 1968, at the latest. The extent to which the Director will avail himself of this authorization will depend on circumstances, namely, on the volume and trend of the work. Mr. Magnin may, of course, at any time ask to be allowed to retire, as he is already entitled to do so. As far as it is possible to judge at this stage, Mr. Magnin's retirement, in the Director's view, will probably become effective on a date--still to be fixed--during, and not necessarily at the end of, 1968.

7. The Interunion Coordination Committee is invited to express its opinion on this matter.