

WIPO



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

GENEVA

BIRPI

WORLD INTELLECTUAL PROPERTY ORGANIZATION
COORDINATION COMMITTEE

First Ordinary Session
Geneva, September 21 to 29, 1970

STAFF MATTERS

Report by the Director of BIRPI

SUMMARY

This document deals with BIRPI staff matters and contains proposals concerning the Staff Regulations of the International Bureau of WIPO.

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Retention of Director Bodenhausen in Active Service

1. The Interunion Coordination Committee, in its seventh ordinary session held in September 1969, unanimously decided to recommend to the Supervisory Authority of BIRPI--that is, the Swiss Government--"to 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" (document CCIU/VII/16, paragraph 49).

2. On the basis of the above recommendation, the Supervisory Authority informed Professor Bodenhausen as follows: "The Federal Council...has decided, as an exceptional measure, to suspend in your favor the application of Regulation 9.8 of the Staff Regulations of BIRPI, as from July 11, 1970, on which date you will have reached the age of 65, and to retain you in active service until December 31, 1972, subject to the other provisions of the said Staff Regulations" (letter dated November 11, 1969, of the Swiss Federal Political Department to Professor Bodenhausen).

Composition of the Secretariat

3. On July 1, 1970, there were 110 staff members (without counting those who had been engaged for periods of less than one year), distributed according to category and nationality as shown in the table appearing in Annex I of the present report.

Amendments to the Staff Regulations and Rules of BIRPI effected since September 1969

4. Following the favorable opinion unanimously expressed by the Interunion Coordination Committee at its seventh ordinary session in September 1969 (document CCIU/VII/16, paragraph 43), the Supervisory Authority approved the Director's proposal concerning the adjustment of the salary and related payments of the First Deputy Director. The corresponding amendments, adopted with retroactive effect from February 15, 1969, relate to Regulations 3.1 (salary), 3.5 (post adjustment) and 3.18 (representation allowance) of the Staff Regulations, and to Rule 7.1.14(a)(3) (subsistence allowance) of the Staff Rules.

5. The salary scales of staff of the General Service category (Regulation 3.1) rose by 4.4% (on average), with effect from November 1, 1969.

6. The language allowance (Regulation 3.7) was increased, with effect from January 1, 1970, to 1,602 Swiss francs per year for three languages (English, French, Spanish) and to 1,068 Swiss francs per year for two of these languages. The previous amounts were 1,170 and 780 Swiss francs, respectively.

7. The night differential (Regulation 3.10) was raised, with effect from January 1, 1970, from 10% to 25% of the basic salary. A corresponding increase in the compensation for night refreshments raised the amount paid from 3 to 4,50 francs. Some purely formal improvements were made at the same time.

Promotion of the Head of the Administrative Division to the Grade of D.1

8. In view of the increased responsibilities attaching to the post of Head of the Administrative Division, the Director decided in May 1970 to upgrade this post to the level of D.1, after receiving a favorable advice from the Classification Committee. The post in question was formerly graded as a P.5 post.

9. Consequently, the Director intends to promote the present incumbent, Mr. B.A. Armstrong, to the grade of D.1. The budget includes provision for the necessary funds.

10. The Administrative Division at present comprises five sections: Finance Section (including budgetary questions), Personnel Section, Mail and Documents Section ("Chancellerie"), Common Services Section and New Buildings Section. The Head of the Division also discharges independently the duties of "Controller" provided for in the Financial Regulations. His responsibilities, therefore, cover a particularly wide field.

11. Regulation 4.8 of the Staff Regulations of BIRPI relating to the "selection and recruitment of staff members" stipulates that "appointments to grades D.1 and above shall be made after hearing the advice of the Interunion Coordination Committee." However, this particular case is not an appointment but rather the promotion of the incumbent of the post in question following the reclassification of the post which he occupies. Although Regulation 4.8 does not provide explicitly for such an eventuality, the Director, wishing to respect the spirit of the Staff Regulations, desires to ask for the advice of the Coordination Committee.

Pensions

12. On account of the rise in the cost of living, the Director decided, with the authorization of the Government of the Swiss Confederation, to grant the following increases in pensions:

(a) a payment of 19.5% calculated on the 1964 pension for the year 1969 (four retired staff members benefited from this increase);

(b) a payment of 17% calculated on the 1965 pension for the year 1969 (two retired staff members benefited from this increase);

(c) a payment of 8.5% calculated on the 1966 and 1967 pensions for the year 1969 (three retired staff members benefited from this increase);

(d) a payment of 3.5% calculated on the 1968 pension (one retired staff member benefited from this increase).

13. The same increases are granted, provisionally, for the year 1970.

14. The widows of two former BIRPI staff members have also benefited, on the same basis, from payments compensating for the rise in the cost of living.

Office of the International Union for the Protection of New Plant Varieties (UPOV)

15. Reference is made to paragraphs 13 to 21 of document WO/GA/I/2 defining the responsibilities of BIRPI and--in future, of WIPO--as far as the Office of the International Union for the Protection of New Plant Varieties (UPOV) is concerned.

16. With regard to the staff administration aspects of such responsibilities, it is recalled that the arrêté of the Swiss Government of October 21, 1969 (the text of which is annexed to the aforementioned document), provides that "the person who is at the present time Director of BIRPI, or any person who is, in the future, Director of BIRPI, shall be the Secretary General of the Office of UPOV" (Article 2). The Director of BIRPI, Professor Bodenhausen, was appointed Secretary General of UPOV with effect from October 21, 1969.

The arrêté further provides that "the Secretary General [of UPOV] shall receive a salary whose annual amount shall be fixed by the Council [of UPOV] in agreement with the Swiss Government, as a proportion of the salary he receives as Director of BIRPI" (Article 6(1)). This proportion has been fixed at ten percent.

17. With regard to the application of the above-mentioned decision to the pension of the Director/Secretary General, it was decided, with the consent of the Swiss Government (as Supervisory Authority of BIRPI and of the Office of UPOV), that the employer's contribution to the Pension Fund would be calculated on the total of both salaries and that ten-elevenths would be borne by BIRPI and one-eleventh by UPOV. It was agreed that this decision would be communicated to the Coordination Committee of WIPO (which is now being done in this document) and to the Council of UPOV (which will be done at its forthcoming session in October 1970). The Coordination Committee is invited to note and approve this decision since it will concern in future the Director General of WIPO and the International Bureau as successor to BIRPI.

18. Finally, it should be noted that the Office of UPOV will apply, mutatis mutandis, the Staff Regulations and Rules of BIRPI, and that the staff of UPOV will be admitted to the BIRPI Pension Fund on the same conditions as the staff of BIRPI at present and as the staff of the International Bureau of WIPO in the future.

19. The Coordination Committee is invited to take note of the contents of paragraphs 1 to 18.

Staff Regulations and Rules of WIPO; Conditions of Employment of Staff

20. The WIPO Convention provides that "the conditions of employment [of the staff of the International Bureau] shall be fixed by the staff regulations to be approved by the Coordination Committee on the proposal of the Director General" (Article 9(7)) and that, until the first Director General assumes office, references in the WIPO Convention to the Director General shall be deemed to be references to the Director of BIRPI (see Article 21(1)).

21. Annex II to this document contains the Director's proposals for the Staff Regulations of WIPO.

22. It is proposed that the Staff Regulations of WIPO should be the same as those of BIRPI--which closely follow the Common System of the United Nations and the UN Specialized Agencies--subject to the provisions of the WIPO Convention and the changes made necessary by the fact of the entry into force of that Convention and of the administrative provisions of the Paris and Berne Conventions.

23. These changes are specified in Sections B and C of the Draft Regulations. The only one which seems to call for any explanation is the change incorporated in Section C(6) whereby the Director General would have the right, without prior consultation with the Coordination Committee, to put into force those amendments which would become necessary as a result of changes arising in the United Nations Common System. These changes would mainly be increases in salaries and allowances, which will generally occur between the sessions of the Coordination Committee and without their effective dates being known at the time of the preceding session. Prompt adoption of such increases did not present any difficulties as far as the BIRPI system was concerned, because it was the Swiss Government which could authorize application of such increases to BIRPI and that Government has always, and promptly, accepted any change arising within the Common System. As the Coordination Committee will normally meet only once a year, it would be necessary, failing the introduction of the proposed provision, for the staff to wait until the next session of that Committee before being able to benefit from increases in salaries and other new benefits. Such a system would be inequitable. In any case, the principle of the Common System having been accepted (Regulation 2.1 of the Regulations), its application would merely be a formal matter. For these reasons, it is proposed to authorize the Director General to follow the Common System on his own initiative. The rights of the Coordination Committee would not, however, be diminished in this respect, as it would be able to refuse, retroactively, to approve the measures taken by the Director General (see the last sentence of the proposed Regulation 12.1(a)).

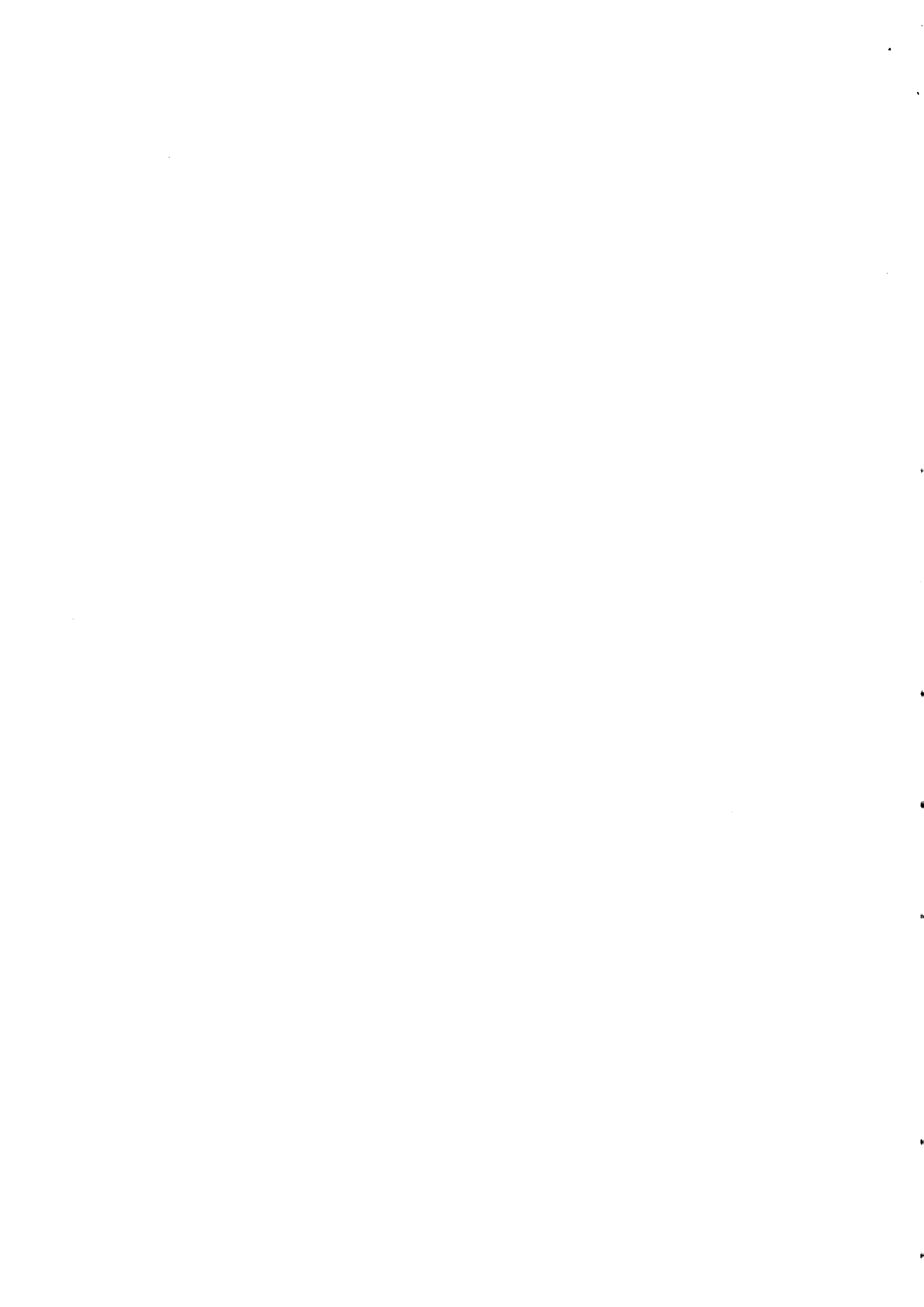
24. In so far as the Staff Rules are concerned--that is to say, the provisions of secondary importance governing questions of detail left open by the Regulations--it is the intention of the Director simply to take over the provisions already existing in the Staff Rules of BIRPI.

25. The Director also intends, as soon as possible after the Staff Regulations and Rules of WIPO have been approved,

to confirm in writing, in the name of WIPO, the employment of each staff member (without any change and in full acceptance of rights already acquired within BIRPI), and to ask the Swiss Government to cancel the Staff Regulations and Staff Rules of BIRPI, since all staff members employed by BIRPI on the date when WIPO enters into force shall, in accordance with Article 21(3)(b) of the WIPO Convention, also be and thereafter remain staff members of WIPO. Any staff member employed after the entry into force of the Staff Regulations of WIPO will be employed only in the name of WIPO.

26. The Coordination Committee is invited to approve the Staff Regulations (Annex II) and to take note of the Director's intentions stated in paragraphs 24 and 25.

Two Annexes follow



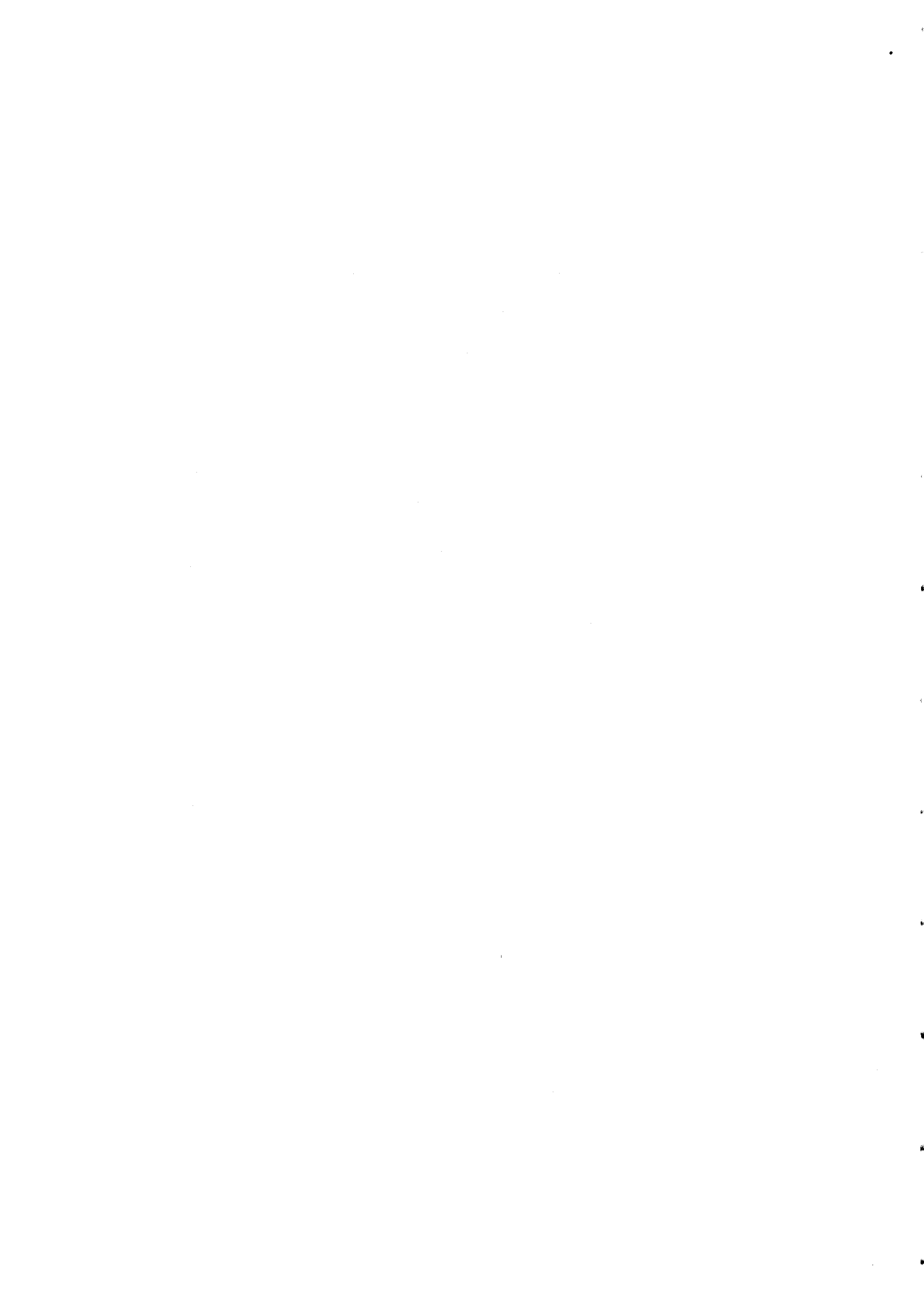
Composition of the Secretariat

(July 1, 1970)

	Director	Deputy Directors	Special Category (D.1)	Profes- sional Category	General Services Category	Total
Algeria	-	-	-	1*	-	1
Austria	-	-	-	-	1	1
Belgium	-	-	-	1	-	1
Brazil	-	-	-	1	-	1
Chile	-	-	-	1	-	1
Czechoslovakia	-	-	-	-	1	1
France	-	-	1	5	12	18
Germany (Fed.Rep.)	-	-	1	1	5	7
Greece	-	-	-	-	2	2
Iran	-	-	-	-	1	1
Ireland	-	-	-	1	-	1
Italy	-	-	-	-	3	3
Netherlands	1	-	-	1	-	2
Pakistan	-	-	-	1	-	1
Portugal	-	-	-	1	1	2
Senegal	-	-	-	1	-	1
Spain	-	-	-	1	1	2
Switzerland	-	1	-	7	36	44
United Arab Republic	-	-	-	1**	1	2
United Kingdom	-	-	-	5	9	14
U.S.A.	-	1	-	-	-	1
U.S.S.R.	-	-	-	1	-	1
Vietnam	-	-	-	-	1	1
Yugoslavia	-	-	-	1	-	1
Total	1	2	2	31	74	110

* Date proposed for taking up duties: August 18, 1970.

** Date proposed for taking up duties: July 15, 1970.



DRAFT STAFF REGULATIONS

presented by the Director of BIRPI

Section A

Subject to the provisions of the Convention Establishing the World Intellectual Property Organization (WIPO) and of the present Regulations, the provisions of the Staff Regulations of the United International Bureaux for the Protection of Intellectual Property (BIRPI) as at September 29, 1970, shall form an integral part of the present Regulations.

Section B

Subject to the provisions of Section C, any reference:

- (i) to BIRPI shall be deemed to be a reference to the International Bureau referred to in Article 9 of the WIPO Convention,
- (ii) to the Director of BIRPI shall be deemed to be a reference to the Director General of WIPO,
- (iii) to the Deputy Directors (First or Second) of BIRPI shall be deemed to be a reference to the Deputy Directors General (First or Second) of WIPO,
- (iv) to the Interunion Coordination Committee of BIRPI shall be deemed to be a reference to the Coordination Committee referred to in Article 8 of the WIPO Convention.

Section C

- (1) Regulation 1.10(a) shall be worded as follows:

"Staff members shall enjoy the privileges and immunities referred to in the headquarters agreement as well as those provided for in any agreement concluded for that purpose between the Republic and Canton of Geneva and the Director General."

- (2) Regulation 1.11(b), last sentence, shall be worded as follows:

"The Director General shall take the oath or make the declaration of loyalty before the General Assembly."

(3) Regulation 4.8(a) is cancelled.

(4) Regulation 4.12(e) shall be worded as follows:

"The letter of appointment of the Director General shall be signed by the Chairman of the General Assembly."

(5) In Regulation 9.1(a)(5), the reference to the Government of the Swiss Confederation shall be replaced by a reference to the General Assembly.

(6) Regulation 12.1 shall be worded as follows:

"(a) The Director General may propose amendments to these Regulations. Such amendments shall enter into force after they have been approved by the Coordination Committee. However, any amendment designed to align certain provisions of these Regulations with changes in the provisions relating to the staff of the United Nations or of the Specialized Agencies of the United Nations (Common System), and, in particular, any adjustment of salaries and allowances in the Common System as applied in Geneva, may be provisionally ordered and applied by the Director General. Any difference thus applied to the amounts of salaries and allowances shall be reimbursed to or by staff members if, in its next session, the Coordination Committee refuses to approve the adjustment ordered by the Director General.

"(b) No amendment shall affect any of the conditions of service mentioned in the letter of appointment or contract of the staff member; nor shall it interfere with the application to that staff member of the provisions of the Regulations in force prior to the date of entry into force of the said amendment, which amendment shall have retroactive effect only in so far as it improves the conditions of employment of the staff member concerned."

(7) Regulation 12.2 shall be worded as follows:

"(a) The Director General shall decide what measures are necessary for the implementation of these Regulations ("Staff Rules"). He may amend the Staff Rules.

"(b) The Director General shall report every year to the Coordination Committee on the amendments made to the Staff Rules."

(8) Regulation 12.5 is cancelled.

Section D

These Regulations shall enter into force on September 29, 1970.