

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

WIPO COORDINATION COMMITTEE

Thirty-Sixth Session (27th Ordinary)
Geneva, September 23 to October 2, 1996

REPORT

adopted by the Coordination Committee

1. The Coordination Committee was concerned with the following items of the Consolidated Agenda (document AB/XXIX/1): 1, 2, 3, 4, 10, 11, 12, 13 and 14.
2. Mr. Wilhelm Höynck (Germany), Chairman of the Coordination Committee, presided over the meetings of the Committee, except for parts of the meeting dealing with item 4. Those parts were presided over by Mr. Munir Akram (Pakistan) and Mr. Marc Séry (Côte d'Ivoire), Vice-Chairmen of the Committee, respectively.
3. The report on the said items, with the exception of items 11 and 12, is contained in the General Report (document AB/XXIX/10).
4. The report on items 11 and 12 is contained in the present document.

ITEM 11 OF THE CONSOLIDATED AGENDA:

PROCEDURAL STEPS FOR THE APPOINTMENT OF
A NEW DIRECTOR GENERAL IN 1997

5. Discussions were based on documents WO/CC/XXXVI/1, 4 and 5.
6. Following consultations outside the meeting, the WIPO Coordination Committee decided that the ensuing procedural steps should be followed for the appointment of the new Director General in 1997:
 - (i) On October 15, 1996, the Chairman of the Coordination Committee sends a circular to all Member States, inviting them to propose one or more nationals as a candidate or as candidates for the post of Director General of WIPO.
 - (ii) The deadline for the submission of candidatures will be January 31, 1997.
 - (iii) The Chairman of the Coordination Committee, with the collaboration of the International Bureau, communicates the various nominations to all the Member States immediately on receiving them. Immediately following the deadline for submission of candidatures, he shall communicate to the Member States, in one consolidated communication, all nominations received.
 - (iv) The Coordination Committee meets in extraordinary session on March 18 and 19, 1997, at the headquarters of WIPO, to nominate the candidate for the post of Director General who is to be appointed by the General Assembly.
 - (v) The decision of the Coordination Committee is notified to all the Member States by the Chairman of the Committee immediately after the decision has been made.
 - (vi) The General Assembly of WIPO and the Assemblies of the Paris and Berne Unions will have on their agenda for the 1997 ordinary sessions, to be held between September 22 and October 1, 1997, an item entitled "Appointment of the Director General."
7. The Chairman stated that it was understood that the text of the draft circular to Member States inviting them to propose candidates for the post of Director General, which text was contained in the Annex to document WO/CC/XXXVI/1, would be modified in accordance with the decision set out in the preceding paragraph.

ITEM 12 OF THE CONSOLIDATED AGENDA:

STAFF MATTERS

WIPO Staff Association

8. At the invitation of the Chairman of the Coordination Committee, the President of the WIPO Staff Association made a statement, which is reproduced in its entirety in the Annex.

Staff Regulations and Rules

9. The Coordination Committee approved, without discussion, the amendments to the Staff Regulations and Rules as reflected in documents WO/CC/XXXVI/2, Annexes I to VI and WO/CC/XXXVI/3, Annex.

International Civil Service Commission (ICSC)

10. The Coordination Committee noted, without discussion, the information contained in document WO/CC/XXXVI/2, paragraph 17.

Remuneration of the Professional Category

11. Discussions were based on document WO/CC/XXXVI/3, paragraphs 1 to 8.

12. The Delegation of the United States of America said that it would appreciate receiving some further clarification on exactly what information is being requested from the ICSC and what the objective was. The Delegation was somewhat concerned that the request for "all" information may be excessive as it did not want a prolonged exchange between the International Bureau and the ICSC over what constitutes "all" information to unduly delay the application of the changes suggested by the ICSC.

13. The Director General replied that the changes suggested by the ICSC were immediately implemented, so that there was no delay because of the lack of what he considered the necessary information by the ICSC. The information requested concerned the methodology and its application in the ICSC's survey on cost-of-living, which cost of living had an impact on the post adjustment part of the remuneration of the "P" (professional) category. Errors were made in the past by the ICSC to the detriment of the staff. These errors were found by the ILO Administrative Tribunal which obliged WIPO to correct the errors and pay the difference retroactively to the staff. The Tribunal held that the checking of whether the

calculations were correct was the responsibility of the Organization. Thus, neither the Governing Bodies nor the Director General may escape responsibility on the grounds that they acted as recommended by the ICSC. It is for this reason that the information must be complete. If the International Bureau did not receive the necessary information, the Tribunal might demand the ICSC to furnish it and it would be interesting to see whether the ICSC would comply with the Tribunal's demand.

14. The Delegation of the United Kingdom said that it shared some of the concerns of the Delegation of the United States. It would like to receive further clarification on the responsibility given to the Director General by the ILO Tribunal and the legal justification for such responsibility, as well as on what contacts the Director General had with other agencies which may be affected, and whether it would not be better to raise such problems through the consultative machinery of the ACC with CCAQ.

15. The Director General replied that the responsibility of the Organization was pronounced by the ILO Tribunal* and such a responsibility could not be eliminated by contacts with other organizations or organs.

16. The Delegation of the Russian Federation said that the Director General should implement the decision of the ICSC starting from June 1996.

17. The Director General replied that he had already implemented the post adjustment index of the ICSC. He brought the matter to the attention of the Coordination Committee now because if the required information was not received, the correctness of the index may not be checked, and that, if eventually the ILO Tribunal would find the index incorrect, it might, again, put the responsibility on the Governing Bodies and the Secretariat.

18. The Chairman proposed that the Coordination Committee, keeping in mind the questions asked and the replies given, proceed as proposed in document WO/CC/XXXVI/3, paragraph 8, that is, to note the contents of paragraphs 1 to 7 of the same document.

* Note of the Secretariat: See Judgement No. 1265 of 1993 of the ILO Administrative Tribunal, especially paragraphs 21 and 24:

“The Organization [WIPO] has thus fully complied with the obligations it derives from its membership of the common system. But it may not in that way decline or limit its own responsibility towards the members of its staff or lessen the degree of judicial protection it owes them. The Tribunal has already had occasion to speak of that responsibility and to stress the duty of any organisation that introduces elements of the common system or any other outside system into its own rules to make sure that the texts it thereby imports are lawful...

“The conclusion is that by incorporating the standards of the common system in its own rules the Organization has assumed responsibility towards its staff for any unlawful elements that those standards may contain or entail. Insofar as such standards are found to be flawed they may not be imposed on the staff and WIPO must if need be replace them with provisions that comply with the law of the international civil service. That is an essential feature of the principles governing the international legal system the Tribunal is called upon to safeguard...”

19. The WIPO Coordination Committee noted the information contained in paragraphs 1 to 7 of document WO/CC/XXXVI/3.

Working Hours of Professional Staff Members

20. Discussions were based on document WO/CC/XXXVI/3, paragraphs 9 to 18.

21. The Delegation of the United States of America said that from looking back over the history of this issue it would appear that the question of working hours for professional staff had already been given considerable consideration by the ICSC, by the United Nations system as a whole and by ILO and its Tribunal. Therefore, the Delegation was not quite sure what direction one was going in, in reopening this issue. The Delegation would be concerned about, and would expect to review very carefully, any future proposals to adjust WIPO's staff regulations or enhance staff compensation based on the difference in the number of hours worked by the staff in Geneva versus other locations.

22. The Delegation of the Russian Federation expressed the view that this matter had been discussed in great detail by the Governing Bodies, by the General Assembly of the United Nations and by the ILO Tribunal and these bodies had produced the corresponding decisions. There was no need to go back to the matter. There was no foundation for having a survey of working hours of Professional and higher categories of staff. Finally, the Delegation expressed the expectation that any documents dealing with staff remuneration questions would be submitted by the Director General to the ICSC.

23. The WIPO Coordination Committee noted the contents of document WO/CC/XXXVI/3, paragraphs 9 to 17.

Advice on the appointment of an Assistant Director General

24. Discussions were based on document WO/CC/XXXVI/2, paragraphs 19 and 20.

25. The Director General confirmed his intention to promote Mr. Thomas Keefer to the grade of Assistant Director General for the reasons given in paragraph 19 of the document under consideration. He also confirmed that if Mr. Keefer is appointed Assistant Director General in charge of General Administration, he would cease to be Controller.

26. The Delegation of the United States of America said that it did not question Mr. Keefer's ability to discharge the duties of Assistant Director General for administrative services formerly carried out by Mr. Ledakis. However, the proposal did not address the issue of the responsibility of Legal Counsel which was among Mr. Ledakis' duties. This did not appear to be envisaged as a part of Mr. Keefer's proposed duties. In the view of the Delegation, the best approach to addressing these personnel and organizational issues would be for WIPO to provide the Committee with a thorough and detailed proposal for allocating the duties of the Head of Administration and of the Legal Counsel in the Organization. Until that is done, the Delegation would have to stand aside from any consensus on moving ahead with Mr. Keefer's appointment to this position.

27. The Coordination Committee gave a favorable advice to the Director General in respect of the intended promotion of Mr. Thomas Keefer to the grade of Assistant Director General.

Advice on appointments to posts at grade D.1

28. Discussions were based on document WO/CC/XXXVI/2, paragraphs 21 to 26, in which the advice of the Coordination Committee was sought for the intended promotion to grade D.1 of Mr. Roberto Castelo, Mrs. Carlotta Graffigna, Mr. Richard Owens and Mr. Jaime Sevilla.

29. The Delegation of Italy supported the proposed promotions and observed that Mrs. Graffigna would be the first woman of directorial rank.

30. The Delegation of Côte d'Ivoire, on behalf of the African Group, supported the proposed promotions. It added that the number of staff dealing with copyright and folklore matters seemed to be insufficient and should be increased, particularly in view of the increased tasks that will await the International Bureau after the Diplomatic Conference of next December.

31. The Delegation of Chile, speaking in the name of the Latin American and Caribbean countries, said that those countries, on various occasions in the past, had already pointed out the need for a better balance among the various groups in respect of the geographical distribution of the staff, including staff on the directorial level. The present situation was that out of five D.2 directors, only one was from a developing country and none was from Latin America or the Caribbean. Furthermore, out of a total of 26 directors of D.1 level, there were only two from the Latin American and Caribbean region. Also, out of a total of 52 women occupying P posts, only one, at grade P.3, came from the said region. It should also be noted that most developing country nationals dealt with development cooperation matters and not with registration and normative matters. The countries of Latin America and the Caribbean agreed with and supported the principle according to which, in matters of recruitment and promotion, the professional abilities of individuals should take precedence over any other consideration; however, it was necessary at the same time to achieve an adequate balance between the various regional groups. The Delegation further noted a degree of inconsistency in the whole promotion process and was disturbed by the cancellation of the competition for the post of Legal Counsel, leaving that post vacant for an indefinite period, the more so as some very able candidates, also from the Latin American and Caribbean region, had applied for the post. It was also inappropriate to make an internal appointment to the post of Controller. Proposals for filling that post and the post of Legal Counsel should have been made to the present session of the Coordination Committee.

32. The Delegation of Nigeria said that it was personally experiencing that the copyright sector was understaffed and, therefore, especially supported the African Group's view that the staff in that sector should be increased.

33. The Delegation of Sri Lanka, on behalf of the Asian Group, said that the Asian region as a whole was under-represented on all levels in the Secretariat. It was imperative to achieve a better geographical distribution and proposed that the Director General examine the matter with the Asian Group and report to the Coordination Committee.

34. The Delegation of Pakistan underlined the importance of geographical balance in the recruitment and the promotion of staff members. The existing deficiencies should be urgently removed.

35. The Delegation of Portugal said that in the matter under consideration the members of Group B would speak individually.

36. The Delegation of Brazil said that the copyright sector should be strengthened.

37. The Delegation of Germany asked what the plans were regarding the performance of the functions of Legal Counsel and Controller.

38. The Delegation of Morocco said that there was a need to strengthen the copyright sector, particularly in respect of development cooperation activities.

39. The Delegation of Senegal said that it especially supported the position of the African Group as expressed by the Delegation of Côte d'Ivoire, both as to the proposed promotions and as to the strengthening of the copyright sector. The Delegation also supported the declarations asking that the geographical distribution of posts be improved.

40. The Delegation of Brunei Darussalam, speaking on behalf of the ASEAN members, namely Indonesia, Malaysia, Philippines, Singapore, Thailand, Viet Nam and Brunei Darussalam itself, said that the Delegations of those countries associated themselves with the views expressed by the Delegation of Sri Lanka. In particular, they were of the opinion that the Asian countries were under-represented in the staff. Those countries should have an equitable share of the promotions. This position did not mean that the matter should be politicized and that the Director General should not have a fairly free hand in exercising his judgement. As a clear demonstration in the ASEAN's confidence in the Director General, the ASEAN fully endorsed the promotions proposed by him.

41. The Delegation of Mexico said that an appropriate distribution of staff within the administrative structure of the Organization was not less important than the structure of the Organization itself or the quality of the staff. It was to be recognized that the invaluable contribution of the staff was giving WIPO, within the United Nations system, a specific weight which was so much welcomed today. But it had to be recognized that new actors appeared in the play of intellectual property. Those new actors, in their majority developing countries, were giving a new impetus to the dynamization of WIPO and expanded its realm towards new horizons. A proper balance implied participation by nationals of developing countries in the very body of the organization in its internal work, and not only in the development cooperation activities but also in the substantive areas. The universality of an international organization was not depending only on its membership, but also on the measure to which the varied perspectives of the world were brought together within it. While the Delegation was ready to support the proposed promotions, it was necessary to emphasize the urgent need for a policy of contracting and promoting staff that would move towards a more appropriate balance of geographical distribution in all levels and all areas of activity.

42. The Delegation of the United Kingdom expressed the wish that the posts of Legal Counsel and Controller be filled as soon as possible. It reiterated its concerns, expressed at the last year's meetings, over the justification for promotions. While the Delegation supported a merit-based promotion system, the upgrading of any post should be justified on

the basis of job-weight alone. In the future, proposals to upgrade any post should set out factual justifications, for example, on the basis of the number of the staff managed and the post's budget responsibility.

43. The Delegation of Sweden stressed the importance of the copyright sector. It was glad to support the proposed promotions. They were well deserved from a point of view of the persons concerned and in relation to the tasks to be performed. Mr. Keefer's promotion was also well deserved because of his excellent professional ability and personality.
44. The Delegation of China supported the proposed promotions.
45. The Delegation of the Philippines said that it endorsed the observations of the spokesman of the Asian Group. At the same time, it noted with pleasure that a step in the right direction was made when the Director General proposed the promotion of Mr. Jaime Sevilla, a national of the Philippines. The Delegation supported also all the other proposed promotions.
46. The Delegation of Iran (Islamic Republic of) supported the statement of the spokesman of the Asian Group and of the Delegations of Pakistan, Brunei Darussalam and the Philippines. The Middle East was insufficiently represented, and this should be corrected.
47. The Delegation of Ghana associated itself with the position expressed by the Delegations of Côte d'Ivoire and Nigeria. Every effort should be made to improve geographical distribution. The copyright sector should be reinforced, particularly in the light of the activities in the field of folklore and the expected new treaties.
48. The Delegation of Trinidad and Tobago expressed its support of the declaration of the Delegation of Chile, the more so as the Caribbean, comprising 14 nation States, was not represented on the staff, although the history, language, culture and the legal system of the Caribbean was different from those of Latin America. It urged that the Caribbean be represented in the Secretariat. The Delegation also supported the proposal of Nigeria to strengthen the copyright sector because more development cooperation assistance would be required in the future.
49. The Delegation of Malawi said that, while it supported the proposed promotions, it also supported the position expressed by the spokesman of the African Group and the Delegation of Nigeria. It was quite clear that some sub-regions of Africa were not adequately represented on the staff.
50. The Delegation of Kenya supported the views expressed by the spokesman of the African Group. The number of staff dealing with copyright matters should be increased and great attention should be paid to folklore, as expressed by the Delegation of Nigeria. The geographical distribution of posts should be equitable and more women should be in D.1 positions.
51. The Delegation of the Russian Federation supported the proposed promotions. Mr. Keefer was particularly well qualified to obtain the promotion. Equitable regional distribution was of critical importance.

52. The Delegation of Slovenia said that it supported the proposed promotions. It called attention to the implications of the appointments to the highest ranking positions after the new Director General was elected. The new Director General should have some room for organizational restructuring, in particular for a balanced geographical representation at the very top level of the International Bureau.

53. The Delegation of Jamaica recalled the outstanding role that nationals of several Caribbean countries played world-wide in the field of intellectual property, especially music and literature. The Delegation supported the statement made by the Delegation of Trinidad and Tobago and stressed that a number of countries in the Caribbean region, distinguished by their legal system were not adequately represented in the organization. The item before the Committee should be examined in two parts, one, the establishment of staff for the WIPO which indicates the posts, categories and levels of staff and two, the appointment and promotion of staff. The Delegation was uneasy about addressing the specific matter of promotions involving individuals. This matter was probably one for the Appointments and Promotions Board of WIPO and the Director General. This should ensure greater impartiality and independence to the Director General on staff matters. Nevertheless, it was important to ensure fair representation on an equitable geographical basis. The Delegation proposed that, for the future, the matter should be dealt with following the principles of openness, transparency and neutrality, according to WIPO rules and procedures.

54. The Delegation of Zimbabwe supported the proposals for strengthening the copyright sector as expressed by the spokesman of the African Group and the Delegation of Nigeria. There was only one staff member in the whole of the WIPO Secretariat who was a national of a country of the Southern African region, which consisted of 15 countries. In the case of recruitments and promotions, such facts should be borne in mind.

55. The Delegation of Japan supported the proposed promotions. It expressed its appreciation of Mr. Jaime Sevilla's important and active role in relation to the development cooperation activities in the Asia and Pacific region. Mr. Sevilla had always provided the Japanese Patent Office with a useful association with the countries of the region. The same appreciation was extended also to the other three persons, all of whom were well qualified for the proposed promotions.

56. The Delegation of the United States of America requested the report of the meeting to reflect that the Delegation was not able to join any consensus that might emerge in favor of the proposed promotions. The individuals were WIPO employees of recognized merit and accomplishments. Nevertheless, the Delegation could not join the possible consensus because it felt that it lacked adequate documentation regarding the responsibilities of the persons in question. The statement of the Delegation of the United Kingdom had very well summarized the Delegation's views in that respect.

57. The Delegation of Lesotho said that it associated itself with the concerns raised by several Delegations regarding the equitable distribution of staff. This was of utmost importance, especially for the African region, and, as the Delegation of Zimbabwe had stated, the Southern African region was barely represented on the staff. The Delegation supported the views of the Delegation of Nigeria concerning the strengthening of the copyright sector.

58. (a) The Director General said that, listening to most of the interventions, one could have gained the impression that the situation in respect of geographical distribution was

awfully bad. That was not the case. For example, there were five top posts: two Deputy Directors General and three Assistant Directors General. One Deputy Director General was from Western Europe and one from Africa. The three Assistant Directors General came from Latin America, North America, and Eastern or Central Europe, respectively. There was no Asian among them, but the head of the Director General's Cabinet was from Asia, and thus very close to the top. Naturally, having better geographical distribution and more women in higher positions was a constant goal and one had to work all the time on improving the situation. From many countries no applications were received, and many of the applications received were from persons who clearly did not satisfy the requirements of the publicized job description. Governments could help to improve the situation by encouraging the filing of applications by their nationals and by insisting that only qualified persons should apply. Also, geographical distribution was not only a regional issue; every individual country wanted adequate positions for its nationals.

(b) The Director General said that he welcomed the urgings to increase the staff in the copyright sector. He would make corresponding proposals, particularly in the draft budget for the 1998-99 biennium.

(c) The Director General said that the duties of the posts of Legal Counsel (vacant since September 19, 1996) and Controller (which will be vacant when Mr. Keefer is promoted) would be provisionally entrusted to Mr. Francis Gurry (with the title of "Acting Legal Counsel") and Mr. Joachim Bilger (with the title of "Acting Controller"), that the vacancies for those posts would be announced shortly and that the appointments would be made by him, unless the circumstances surrounding the nomination of the new Director General would make it desirable to reserve the decision to the new Director General. In the meantime, Mr. Gurry would continue to be assigned to the post of Director of the Arbitration and Mediation Center, and Mr. Bilger would continue to be assigned to the post of Head of the Budget Section.

59. The Coordination Committee gave a favorable advice on the intended promotion to grade D.1 of Mr. Roberto Castelo, Mrs. Carlotta Graffigna, Mr. Richard Owens and Mr. Jaime Sevilla.

Tributes to Mr. Gust Ledakis

60. During the discussions on items 4 and 12 of the Consolidated Agenda, many delegations paid warm tribute to Mr. Gust Ledakis, recently retired from the posts of Assistant Director General in charge of the General Administrative Services and of Legal Counsel, after over 25 years of outstanding and devoted service in the International Bureau. An account of the tributes is given below.

61. The Delegation of the United States of America expressed recognition of the tremendous contributions made by Mr. Ledakis to WIPO. He had retired the week before, after serving WIPO with distinction for over 25 years. The Delegation wished Mr. Ledakis a rewarding and happy retirement and requested the General Assembly to take note of his contributions.

62. The Delegation of Côte d'Ivoire, speaking on behalf of the African Group of countries, paid tribute to Mr. Ledakis. The history of the Organization would remember him as someone

of great integrity who was always available to everyone. The hope was expressed that he would enjoy his well-deserved retirement.

63. The Delegation of Chile, speaking on behalf of the Latin American and Caribbean Group of countries, said that it associated itself with the tribute paid to Mr. Ledakis who had made a great contribution to the Organization.

64. The Delegation of Nigeria expressed its tribute to Mr. Ledakis who had contributed immeasurably, by his advice and action, to the successful mounting, in 1995, of an exhibition of Nigerian artists and a performance by a Nigerian troop of dancers, at WIPO's headquarters. It conveyed its wishes that Mr. Ledakis would have a very successful retirement.

65. The Delegation of Sri Lanka, speaking on behalf of the Group of Asian countries, said that it should be put on record that the Delegation had deeply appreciated the services which Mr. Ledakis had rendered to the Organization.

66. The Delegation of Portugal, speaking on behalf of the Group B countries, informed the meeting that the Group wished, by acclamation, to pay sincere tribute to Mr. Ledakis. It extended to him its fullest gratitude for the work which he had done within WIPO and for the Group. On a number of occasions, Mr. Ledakis was extremely helpful in negotiations which were then taking place, particularly in helping to coordinate group positions by bringing the groups together. It expressed its regret that he was no longer in the International Bureau and wished him a very happy retirement.

67. The Delegation of Germany said that it joined the previous speakers in praising Mr. Ledakis' performance as Legal Counsel and Head of General Administrative Services. The statement of the Delegation of the United States of America adequately described Mr. Ledakis' personality and the services which he had rendered to the International Bureau, as well as to the Member States of WIPO and their delegations at various meetings. He was an excellent Legal Counsel, possessed a forceful and vigorous personality and was a true and faithful friend to all those who had close relations with him.

68. The Delegation of Brazil stated that it associated itself with the tribute paid to Mr. Ledakis and added that it had great pleasure in working with him when he was in office.

69. The Delegation of Morocco said that Mr. Ledakis very much deserved the praise and warm wishes because of his overwhelming devotion to the Organization.

70. The Delegation of Brunei Darussalam, speaking on behalf of the ASEAN member countries, joined the previous speakers in extending appreciation to Mr. Ledakis and conveyed good wishes on his retirement.

71. The Delegation of Sweden paid tribute to the outstanding services of Mr. Ledakis' over the years, for his efficiency, professional abilities and his nice and kind personality.

72. The Delegation of China expressed its high tribute to Mr. Ledakis. It fully agreed with the views expressed by the Delegation of the United States of America and those of the other delegations in respect of his contributions in the past 25 years. Mr. Ledakis and the Director General had, over the past 16 years, supported China's efforts in the patent, copyright and

other fields. The Delegation conveyed its wishes to Mr. Ledakis for an enjoyable retirement, happy life and good health.

73. The Delegation of Malawi paid a special tribute to the valuable contribution to WIPO made by Mr. Ledakis and wished him a happy and restful retirement.

74. The Delegation of Kenya paid tribute to Mr. Ledakis who had given exemplary service to WIPO and its Member States and wished him a happy retirement.

75. The Delegation of the Russian Federation endorsed the words which had been said about Mr. Ledakis.

76. The Delegation of Slovenia paid tribute to Mr. Ledakis whose work it had always highly appreciated and would remember, and sent him its best wishes.

77. The Delegation of Japan expressed its high appreciation and gratitude to Mr. Ledakis for his successful activities and excellent work as Legal Adviser, and wished him a happy retirement.

78. The Delegation of Mexico paid tribute to Mr. Ledakis under item 7 of the Consolidated Agenda. It considered that the personality of Mr. Ledakis was inseparable from the proposed Treaty for the Settlement of Disputes, and its only regret was that neither he nor Mr. Sateler would be accompanying WIPO to the Diplomatic Conference.

79. The Delegation of the former Yugoslav Republic of Macedonia endorsed the words which had been said about Mr. Ledakis and wished him a happy retirement.

80. The Director General thanked the Delegations which had extolled the merits of his recently retired colleague Gust Ledakis. He was an excellent lawyer, diplomat and administrator, an official highly respected by the delegates most of whom knew him personally, and he was a loyal colleague and always ready to assist staff members. The Director General wanted to organize an occasion for solemnly thanking Mr. Ledakis for 25 years of excellent services to the Organization but Mr. Ledakis, whose personal modesty was well known, declined such an event. The Director General would inform Mr. Ledakis about the high appreciation expressed by the delegations.

81. The meeting endorsed with applause the tributes paid to Mr. Gust Ledakis.

[Annex follows]

ANNEX

STATEMENT BY THE PRESIDENT OF THE STAFF ASSOCIATION OF WIPO
BEFORE THE WIPO COORDINATION COMMITTEE

Mr. Chairman, Ladies and Gentlemen,

On behalf of the staff of WIPO, I would like to thank you, Mr. Chairman, and, more generally, the members of the Coordination Committee of WIPO, for giving me the opportunity of presenting to you the views and concerns of the staff of this Organization.

I am proud to be able to address you as the President of the Staff Association of an Organization that is in full expansion. This expansion is demonstrated, above all, by the increase in the number of States party to the Conventions administered by WIPO. It is not necessary to go very far back in time in order to make comparisons. For example, in the case of the Convention establishing WIPO, the number of States party was 133 at the end of 1992 and 157 on June 30, 1996. However, the increase in the number of Member States is not the only feature in the story of WIPO over recent years.

WIPO also plays an ever more important role in the field of development cooperation. In all, 9,500 men and women from the developing countries benefited from those activities in 1995 compared with 5,000 in 1992. The figures have therefore practically doubled!

As for the registration Unions, the figures given in the Activities Report speak for themselves, particularly those of the PCT and of the Madrid Union.

In recent years, not content to pursue and broaden its traditional activities, WIPO has also innovated. We have seen the birth of the WIPO Academy and the WIPO Arbitration Center; the International Bureau has become a PCT receiving Office and the Madrid Protocol entered into force on December 1, 1995. Mention must also be made of the ongoing projects for drafting international legal norms that will lead to diplomatic conferences. Nor should we forget the cooperation instituted with the World Trade Organization and the activities that derive from the TRIPS Agreement. Mention might also be made of the fundamental part played by WIPO in the setting-up of the Eurasian Patent Office.

All of these activities have had repercussions on the volume of work for the services directly involved, but also for what are known as the support services, whether they be administrative, financial or technical. As an example, more than 91 million pages were printed in 1995, that is to say approximately one million more than in 1994. In the Languages Division, the total output expressed in translator/days has grown from 2717 in 1992 to 3883 in 1995.

These figures clearly define the past and the present. Moreover, the growing worldwide interest in intellectual property matters means that WIPO's activities are likely to continue to grow at an accelerated pace in the coming years.

Indeed, the economic stakes attached to intellectual property are considerable in today's world. However, WIPO's success is not only due to economic reasons. It is also due to its

efficiency, to its ability to respond to the needs of users and applicants and to meet the challenges of our time. It is due to a very large extent to its present Director General, Dr. Arpad Bogsch, who has headed the Organization for almost 23 years and who has spared no effort to make WIPO what it has become: an Organization that is universally acknowledged and respected.

It is also due to its staff. A staff that possesses the competence, the talents and the know-how which WIPO requires to assume its noble task. It carries out work of high quality, frequently under pressure, with numbers that are not always adequate: obviously, there is always a time lag between an increase in the volume of work and an increase in the staffing.

Such is the situation: WIPO is an Organization that is expanding.

Against this upswing in activities and workload, the employment conditions of the Organization's staff continue to deteriorate: that is also a reality. That is what the staff is unable to understand. It has lost all confidence in the International Civil Service Commission (ICSC), which for years has acted against the staff by taking measures that are unjustified and unjustifiable. The ICSC has lost all credibility. It is a past master in the manipulation of statistics, in the lack of transparency and in the "adaptation" of established methodology and principles. The ICSC is a retrograde organ applying autocratic methods. Objectivity has given up its place to political considerations which can but be detrimental to the proper running of an organization. When they take up their duties, the officials of WIPO and of the other organizations of the common system are required to swear and sign an oath under the terms of which they solemnly undertake to exercise their tasks in all loyalty. If officials fail in their undertaking, they are subject to sanctions. Is the ICSC above the legal norms, above the most elementary principles of law? Are its members officials of a special kind? Not only are they not sanctioned, but as we see they are regularly re-elected.

The staff, through the intermediary of the Federation of International Civil Service Associations (FICSA) demands the replacement of the ICSC by a new tripartite body formed of the representatives of the governing bodies, of the administrations and of the staff. The staff is determined to continue its boycott of the ICSC for as long as it fails to perform its prime task, which is to be a technical body that is independent and competent.

How can the organizations of the common system hope to recruit, or even retain, highly qualified staff in the Professional and Higher categories?

An official of the European Communities in post in Geneva receives a salary at P.4 level, that is 53% higher than the salary of his counterpart in WIPO. Since 1985, the purchasing power of staff in the Professional and Higher categories has dropped by some 28% in Geneva. The staff is unable to understand how the Member States of WIPO can agree to salary increases, that are indeed justified, for international officials in other intergovernmental organizations (such as the European Communities) and refuse to do so at WIPO, in the framework of the United Nations General Assembly. According to a recent study published in the Washington Post, a partner in a legal firm specialized in intellectual property earns an average of 237,000 dollars a year in the United States. The Washington Post also quotes the case of a specialized patent lawyer who earns 750,000 dollars a year, although he is not one of the principal associates of his firm, which is specialized in patents, and is located in the

suburbs of Washington. Washington, the very town in which is located the World Bank, an international organization that, just like WIPO, generates financial resources through its activities and whose officials regularly have their salaries re-assessed each year, with the result that they are now approximately 40% above the common system salaries, whereas they were lower by at least 10% at the end of the seventies.

Our colleagues in the European Patent Office, for their part, have had a salary increase this year. It is true that it was obtained after an industrial dispute. Do we also have to reach that point?

The salaries of staff in the General Services category are also falling (less 7.4% since January 1) as a result of the ICSC having decided to change the methodology for surveys of salaries in the host cities in order to put an end to the overlapping of the G and P category salary scales. What sleight of hand! The measures envisaged with respect to the pensions of General Services staff also aim to diminish them.

The staff welcomes the efforts undertaken by the Director General of WIPO to bring to an end such a policy. It is also happy to learn of the creation of posts in WIPO. But that is not enough to create a feeling of security: the staff continues to be at the mercy of a further negative decision taken by the ICSC and the United Nations General Assembly.

Both the substance and the form are unacceptable. It is indispensable that the specific nature of the Specialized Agencies within the common system be taken into account. The common system is made up of a number of organizations of which each has its own mandate, needs, budgetary rules and working environment. Excessive centralization of the decision-making progress in staff matters within the UN system is an anachronism and a handicap for the administrations of the most dynamic organizations, such as WIPO.

This anachronism must be removed if WIPO is to be able to pursue its task with ever increasing success and with the support of a competent and loyal staff.

I thank you for your attention.

[End of Annex and of document]

