

WIPO



WO/GA/I/3
ORIGINAL: French
DATE July 10, 1970

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

GENEVA

BIRPI

**WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENERAL ASSEMBLY**

**First Ordinary Session
Geneva, September 21 to 29, 1970**

**WORKING LANGUAGES OF
THE INTERNATIONAL BUREAU**

Report by the Director of BIRPI

SUMMARY

This document deals with the determination, by the General Assembly of WIPO, of the working languages of the Secretariat, and contains proposals on this subject.

Provisions adopted at Stockholm

1. Article 6(2)(vii) of the Convention Establishing the World Intellectual Property Organization (WIPO) provides that the General Assembly of WIPO shall "determine the working languages of the Secretariat, taking into consideration the practice of the United Nations".

2. It may be useful to recall in this context the report adopted unanimously by Main Committee V of the Stockholm Conference. Paragraph 37 of that report reads as follows:

"Finally, Article 6(2)(vii) confers on the General Assembly the authority to determine the working languages of the Secretariat. This point gave rise to discussion. Under the terms of the BIRPI Draft, the General Assembly should decide what "in addition to English and French, the working languages of the Secretariat" should be. The Delegations of Argentina, Brazil, Spain, and Uruguay proposed the alternative wording: "determine the working languages of the Secretariat, taking into consideration the practice of the United Nations". This was the text adopted by the Committee. It is obvious, however, that the omission of any specific mention of French and English does not mean that it is intended to abandon either of those languages as working languages. On the other hand, the reference to the practice of the United Nations must not be understood as involving the automatic adoption of the working languages of that Organization. The General Assembly will determine the needs of WIPO and its financial possibilities. Only in cases where the use of a third or fourth working language is necessary, and the expenses thereby incurred are covered, will the General Assembly make them working languages of the Secretariat. These new languages may be introduced gradually as required. Meanwhile, as has been the case hitherto, the Secretariat may, in certain cases, prepare documents in, and arrange for interpretation into, languages other than French and English".

The Practice of the United Nations

3. The provisions of Article 6(2)(vii) of the WIPO Convention stipulate expressly that the General Assembly must, in reaching its decision, take into consideration the practice of the United Nations. According to the information communicated by the United Nations Office at Geneva, a distinction is made between the practice applicable to the organs of the United Nations and that which is applicable to the Secretariat itself.

- (i) The working languages (documentation and simultaneous interpretation) of the General Assembly of the United Nations and of the Security Council, as well as of the organs which are responsible to them, are four in number (English, French, Russian, Spanish) and, in some cases, five (Chinese in addition). However, for certain subsidiary organs there are only two languages (English, French).
- (ii) The working languages of the Secretariat itself are three in number (English, French, Spanish): for example, in relations between the Secretariat and Governments of the Member States, the language used is that indicated by the Government concerned from among these three languages. However, in the internal work of the Secretariat (drafting of notes, memoranda etc.), the languages used are English and French. The European Office of the United Nations has made it clear that this practice amounts to a well-established custom rather than to a strict rule.

Proposals

4. On the basis of the experience of recent years, and taking into consideration the current needs of the Organization and its financial possibilities, it is proposed that four categories be distinguished in order to determine the use of working languages.

5.(a) The first category comprises documents (preparatory documentation, proposals or amendments, final reports, etc.) intended for the organs established by the Conventions and the Agreements. It is proposed that these documents be established and distributed in two languages (English, French) so far as the organs of WIPO and of the Paris, Berne and Nice Unions are concerned, and in one language (French) so far as the organs

of the Madrid (Marks), The Hague and Lisbon Unions are concerned. If it is felt to be necessary, they may in exceptional cases be established and distributed in other languages also, on the decision of the Director General of WIPO.

(b) So far as documents are concerned which are intended for subsidiary bodies or for ad hoc committees of experts, the languages to be used would be determined, in each case, by the Director General of WIPO.

6.(a) The second category relates to the simultaneous interpretation of debates. It is proposed that appropriate steps be taken by the Director General of WIPO to provide interpretation:

- (i) for the organs of WIPO and of the Paris Union in four languages (English, French, Russian, Spanish),
- (ii) for the organs of the Berne and Nice Unions in three languages (English, French, Spanish)

(b) So far as simultaneous interpretation is concerned for the debates of subsidiary bodies or ad hoc committees of experts, the languages to be used would be determined, in each case, by the Director General of WIPO.

7. The third category relates to external correspondence prepared and dispatched by the Secretariat. It is proposed that such correspondence should be conducted:

- (i) in relations with States concerning the organs of WIPO and of the Paris, Berne and Nice Unions, or the Rome Convention (on neighboring rights), in English, in French or in Spanish,
- (ii) in relations with States concerning the activities of the Madrid, The Hague and Lisbon Unions, in French only,
- (iii) in all other cases, in English or in French.

8. The fourth category relates to the internal work of the Secretariat (notes, memoranda, etc.). It is proposed that the languages to be used be English and French.

9. Finally, it is proposed that it be understood that the General Assembly of WIPO will undertake a fresh examination of its decisions at its next ordinary session in 1973.

10. The General Assembly of WIPO is invited to reach a conclusion on the proposals set out in paragraphs 5 to 9.

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