

Assemblies of the Member States of WIPO

Sixty-Fourth Series of Meetings Geneva, July 6 to 14, 2023

REVISION OF THE GENERAL RULES OF PROCEDURE OF WIPO AND THE SPECIAL RULES OF PROCEDURE OF THE GOVERNING BODIES OF WIPO AND THE UNIONS ADMINISTERED BY WIPO

Document prepared by the Secretariat

INTRODUCTION

1. At their 63rd Series of Meetings, from July 14 to 22, 2022, the Assemblies of the Member States of WIPO (WIPO Assemblies), each as far as it is concerned, decided to align the electoral cycle for the officers of the Assemblies of the Member States of WIPO and for the other bodies of the Member States of WIPO, with that of the WIPO General Assembly, by amending Rule 9(2) of the WIPO General Rules of Procedure. They also decided to modernize the WIPO General Rules of Procedure, as well as the Special Rules of Procedure of the Governing Bodies of WIPO and the Unions Administered by WIPO (Special Rules of Procedure) by introducing gender-neutral language, and at the same time updated terminology and references in the respective texts without any change to the substance (see documents A/63/5 Rev. and A/63/10 paragraphs 117 to 127).
2. In the same decision, the WIPO Assemblies requested the Secretariat to continue the revision of the General Rules of Procedure and Special Rules of Procedure with a view to updating language references and other necessary revisions and to present the proposed changes to the WIPO Assemblies at their 2023 sessions (see document A/63/10 paragraph 127(iv)).

UPDATING LANGUAGE REFERENCES

3. Accordingly, in the present document, the Secretariat proposes amendments to provisions with language references in the General Rules of Procedure and the Special Rules of Procedure in line with the Revised Policy on Languages at WIPO, adopted by the WIPO Assemblies during their 62nd Series of Meetings from October 4 to 8, 2021 (see documents A/62/7, WO/PBC/32/6, and A/62/13 paragraph 89), and prior decisions taken by the WIPO Assemblies in 2010 and 2011 in this regard (see documents A/48/11, A/48/11 ADD., and A/48/26 paragraph 250 and documents A/49/15, A/49/16, and A/49/18 paragraph 184).

4. In accordance with these decisions, the language in which documentation is provided for meetings of the bodies covered by the General Rules of Procedure, or the respective Special Rules of Procedure, is extended to the six official languages of the United Nations (UN) (Arabic, Chinese, English, French, Russian, and Spanish). Similarly, the language regimes for oral interventions and interpretation are extended to the six official languages of the UN.

5. With regard to Portuguese interpretation in WIPO meetings, the WIPO General Assembly decided to provide such interpretation, as necessary, for diplomatic conferences and for the General Assembly, with the specific arrangements to be at the discretion of the Director General (see document WO/GA/26/10 paragraph 175). Since the adoption of this decision, it has become established WIPO practice to provide interpretation only *from* Portuguese into the six official UN languages (“passive interpretation”). This means that oral interventions may be made in Portuguese but that no interpretation *into* Portuguese is provided (“active interpretation”). Concerning the type of meetings that benefit from Portuguese interpretation, it has been established practice at WIPO that all of the WIPO Assemblies, not only the WIPO General Assembly, are covered.

6. It is noted in this context, however, that the coverage of “passive interpretation” regarding Portuguese for diplomatic conferences, as mentioned in the decision in document WO/GA/26/10 paragraph 175, is beyond the scope of this working document as the decision cannot be achieved in the context of amending the WIPO General Rules of Procedure, which are not applicable to diplomatic conferences.¹

7. The provisions in the General Rules of Procedure that contain relevant language references, and for which amendments are consequently proposed, are Rules 40 (Languages of Documents), and 41 (Languages of Oral Interventions, Interpretation). It is noted that Rule 51 of the General Rules of Procedure contains language references as well. However, the rule only pertains to *ad hoc* committees of experts and for that purpose gives the Director General of WIPO discretion for the choice of languages regarding documents, oral interventions and interpretation. As the rule currently does not identify or enumerate any language and solely refers to the decision of the Director General, this approach is maintained and therefore no changes are proposed.

8. With regard to the Special Rules of Procedure of the Governing Bodies of WIPO and of the Unions administered by WIPO, only the WIPO General Assembly and the WIPO Conference adopted rules regarding language in Rule 4, and Rule 3, respectively, of their Special Rules of Procedure. With the proposed amendment to the General Rules of Procedure, these provisions are no longer needed and it is therefore proposed to delete them.

¹ See Rule 1(2) of the General Rules of Procedure.

OTHER NECESSARY REVISIONS

9. Further to the decision of the WIPO Assemblies to request the Secretariat to continue the revision of the General and Special Rules of Procedure with respect to other “necessary revisions,” additional amendments to selected provisions in those Rules of Procedures are proposed. The Secretariat notes that these Rules of Procedure are intended to be a living document, the interpretation of which is conducted, at all times, to facilitate their application to the current context in which meetings take place, including, notably, in hybrid format. However, the Secretariat stands ready to continue its revision of the General Rules of Procedure and the Special Rules of Procedure as the need arises and as Member States so *request*.

10. Rules 5 and 6 of the General Rules of Procedure are amended to reflect the established practice of uploading the agenda and working documents for WIPO meetings to the WIPO website.

11. Rule 10(1) of the General Rules of Procedure is amended to avoid a reference to the age of the two Vice-Chairs. This change is proposed to avoid a literal interpretation that would require furnishing proof of the age of a given Vice-Chair, which may be an inherently discriminatory factor and unrelated to the actual availability and/or capacity of the Vice-Chair to preside. Instead of using age as a criterion for determining which of the Vice-Chairs will preside over a meeting in the absence of the Chair, it is suggested that, in the absence of agreement between them, the presiding Vice-Chair be selected by drawing a lot.

12. Rule 35 is amended to include a reference to the quorum required for WIPO Governing Bodies and the Unions administered by WIPO.

13. Rule 44 of the General Rules of Procedure is amended to reflect the current practice of summary reports and draft reports for meetings of the WIPO Assemblies. It is to be noted that, in accordance with the decision at the 2021 Assemblies, automated S2T transcripts and translations have replaced reports of meetings of the subsidiaries bodies (see document A/62/13 paragraph 102).

14. Rule 16 of the Annex to the General Rules of Procedure (Rules for Voting by Secret Ballot) is amended to substitute the requirement to “burn the ballot paper immediately after the announcement of the results of the ballot” by the requirement to simply destroy the ballot papers, which, in practice, has been accomplished by use of a document shredder.

15. An amendment to Rule 3 of the Special Rules of Procedure of the Madrid Union Assembly is proposed, to extend to all Contracting Parties the financing by the Madrid Union of one delegate, in accordance with Article 10(1)(c) of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, and to include a reference to WIPO travel policy for third party travelers.

16. The proposed amendments are reproduced in the Annexes to the present document. Proposed additions and deletions are indicated in Annex I. A clean version of the proposed amended provisions appears in Annex II.

17. *The Assemblies of WIPO, each as far as it is concerned, are invited:*

(i) to take a decision on the adoption of the amendments of the respective General Rules of Procedure and Special Rules of Procedure, as set forth in the Annexes to document A/64/5.

(ii) to request the Secretariat to continue its revision of the General Rules of Procedure and the Special Rules of Procedure as the need may arise, with a view to presenting any proposed change to a future session of the Assemblies of WIPO.

[Annexes follow]

PROPOSED AMENDMENTS

Current Rule(s) in General Rules of Procedure	New Rule(s) in General Rules of Procedure
<p>Rule 5: Agenda</p> <p>(1) The Director General shall prepare the draft agenda for ordinary sessions.</p> <p>(2) The draft agenda for extraordinary sessions shall be established by the person or persons requesting convocation of such sessions.</p> <p>(3) The Director General shall send out the draft agenda at the same time as the letter of convocation.</p> <p>(4) Any State member of a body may request the inclusion of supplementary items on the draft agenda. Such requests shall reach the Director General not later than one month before the date fixed for the opening of the session. The Director General shall immediately notify the other States members of that body accordingly.</p> <p>(5) The assembly shall adopt its agenda at the first meeting of the session.</p> <p>(6) During the session, the assembly may change the order of the items on its agenda, amend some of those items, or delete them from the agenda.</p> <p>(7) During the session, the assembly may, by a majority of two-thirds of the votes cast, decide to add new items to the agenda, provided they are of an urgent character. The discussion of any such items shall be deferred for forty-eight hours if any delegation so requests.</p>	<p>Rule 5: Agenda</p> <p>(1) The Director General shall prepare the draft agenda for ordinary sessions.</p> <p>(2) The draft agenda for extraordinary sessions shall be established by the person or persons requesting convocation of such sessions.</p> <p>(3) The Director General shall send out, transmit or otherwise make available, the draft agenda at the same time as the letter of convocations.</p> <p>(4) Any State member of a body may request the inclusion of supplementary items on the draft agenda. Such requests shall reach the Director General not later than one month before the date fixed for the opening of the session. The Director General shall immediately notify the other States members of that body accordingly.</p> <p>(5) The assembly shall adopt its agenda at the first meeting of the session.</p> <p>(6) During the session, the assembly may change the order of the items on its agenda, amend some of those items, or delete them from the agenda.</p> <p>(7) During the session, the assembly may, by a majority of two-thirds of the votes cast, decide to add new items to the agenda, provided they are of an urgent character. The discussion of any such items shall be deferred for forty-eight hours if any delegation so requests.</p>

Current Rule(s) in General Rules of Procedure	New Rule(s) in General Rules of Procedure
<p>Rule 6: Working Documents</p> <p>(1) Each item on the agenda of an ordinary session shall, as a rule, be the subject of a report by the Director General.</p> <p>(2) Reports and other working documents must be sent out at the same time as the letter of convocation, or as soon thereafter as possible.</p>	<p>Rule 6: Working Documents</p> <p>(1) Each item on the agenda of an ordinary session shall, as a rule, be the subject of a report by the Director General.</p> <p>(2) Reports and other working documents must be sent out, transmitted or otherwise made available, at the same time as the letter of convocations, or as soon thereafter as possible.</p>
<p>Rule 10: Acting Chairs</p> <p>(1) If the Chair dies, or finds it necessary to be absent, or if the State he or she represents ceases to be a member of the body concerned, the older of the two Vice-Chairs shall act in his or her place.</p> <p>(2) If, for any of the reasons mentioned in the preceding paragraph, none of the Vice-Chairs is able to act as Chair, the body concerned shall elect an Acting Chair.</p>	<p>Rule 10: Acting Chairs</p> <p>(1) If the Chair dies, or finds it necessary to be absent, or if the State he or she represents ceases to be a member of the body concerned, which of the elder of the two Vice-Chairs who shall act in his or her place shall be determined in the first instance, on the basis of agreement between them; in the absence of such agreement, the presiding Vice-Chair shall be drawn by lot.</p> <p>(2) If, for any of the reasons mentioned in the preceding paragraph, none of the Vice-Chairs is able to act as Chair, the body concerned shall elect an Acting Chair.</p>
<p>Rule 15: Right to Speak</p> <p>(5) The Chair may call a speaker to order if his or her remarks are not relevant to the subject under discussion.</p>	<p>Rule 15: Right to Speak</p> <p>[...]</p> <p>(5) The Chair may call aspeakers to order if their his or her remarks are not relevant to the subject under discussion.</p>
<p>Rule 16: Limitation of the Number and Length of Speeches</p> <p>(2) The Chair may limit the time to be allowed to any person speaking on the adjournment or closure of a debate, proposing the suspension or adjournment of the meeting, speaking on the reconsideration of proposals already adopted or rejected, or explaining the vote of his or her delegation.</p>	<p>Rule 16: Limitation of the Number and Length of Speeches</p> <p>[...]</p> <p>(2) The Chair may limit the time to be allowed to any persons speaking on the adjournment or closure of a debate, proposing the suspension or adjournment of the meeting, speaking on the reconsideration of proposals already adopted or rejected, or explaining the vote of their his or her delegation.</p>

Current Rule(s) in General Rules of Procedure	New Rule(s) in General Rules of Procedure
<p>Rule 35: Required Majority</p> <p>Unless expressly provided otherwise in the applicable treaties or in the present General Rules of Procedure, all decisions shall be made by a simple majority.</p>	<p>Rule 35: Quorum and Required Majority</p> <p>(1) Unless expressly provided otherwise in the applicable treaties or Special Rules of Procedure, one half of the States members shall constitute a quorum.</p> <p>(2) Unless expressly provided otherwise in the applicable treaties or in the present General Rules of Procedure, all decisions shall be made by a simple majority.</p>
<p>Rule 40: Languages of Documents</p> <p>(1) Documents intended for the various bodies shall be drawn up in English and French. The Director General may, in so far as he or she considers it advisable and practicable, decide that certain documents shall be drawn up also in Spanish or Russian, or in both of those languages.</p> <p>(2) The Director General shall decide on the language or languages in which documents intended for subsidiary bodies shall be drawn up.</p>	<p>Rule 40: Languages of Documents</p> <p>(1) Documents intended for the various bodies shall be drawn up in English, and French, Russian and Spanish. The Director General may, in so far as he or she considers it advisable and practicable, decide that certain documents shall be drawn up also in Spanish or Russian, or in both of those languages.</p> <p>(2) The Director General shall decide on the language or languages in which documents intended for subsidiary bodies shall be drawn up.</p> <p>(1) Documents intended for the various bodies shall be drawn up in Arabic, Chinese, English, and French, Russian and Spanish. The Director General may, in so far as he or she considers it advisable and practicable, decide that certain documents shall be drawn up also in Spanish or Russian, or in both of those languages.</p> <p>(2) The Director General shall decide on the language or languages in which documents intended for subsidiary bodies shall be drawn up.</p>
<p>Rule 41: Languages of Oral Interventions. Interpretation</p> <p>(1) Oral interventions during meetings of the various bodies shall be in English or French, and interpretation shall be provided for in the other language. The Director General may, however, decide that oral interventions may also be made in Spanish or Russian, or in both of those languages; in such cases, interpretation shall be provided for in all the accepted languages.</p> <p>(2) With regard to the subsidiary bodies, the Director General shall decide on the language or languages in which oral interventions shall be made and for which interpretation shall be provided.</p>	<p>Rule 41: Languages of Oral Interventions. Interpretation</p> <p>(1) Oral interventions during meetings of the various bodies shall be in Arabic, Chinese, English, French, Russian, or Spanish, English, or French, and interpretation shall be provided by the Secretariat for in the other five languages. The Director General may, however, decide that oral interventions may also be made in Spanish or Russian, or in both of those languages; in such cases, interpretation shall be provided for in all the accepted languages. With the exception of meetings of the subsidiary bodies, interventions may also be made in Portuguese and interpretation shall be provided by the Secretariat in Arabic, Chinese, English, French, Russian, and Spanish.</p> <p>(2) With regard to the subsidiary bodies, the Director General shall decide on the additional language or languages in which</p>

Current Rule(s) in General Rules of Procedure	New Rule(s) in General Rules of Procedure
<p>(3) In any meeting in which simultaneous interpretation is provided by the Secretariat in at least two languages, participants may make oral interventions in another language in so far as they provide for simultaneous interpretation in one of the languages for which interpretation is provided by the Secretariat.</p>	<p>oral interventions shall be made and for which interpretation shall be provided.</p> <p>(3) In any meeting in which simultaneous interpretation is provided by the Secretariat in at least two languages, participants may make oral interventions in another language in so far as they provide for simultaneous interpretation in one of the languages for which interpretation is provided by the Secretariat.</p>
<p>Rule 44: Report</p> <p>(1) At the end of every session the Secretariat shall submit to the assembly a draft report on the work accomplished.</p> <p>(2) After the session, the report adopted by the assembly shall be transmitted by the Director General to the States and organizations invited to the session</p>	<p>Rule 44: Report</p> <p>(1) At the end of every session the Secretariat shall submit to the assembly a summary report or records of the work accomplished.</p> <p>(2) After the session, the a draft report prepared by the Secretariat adopted by the assembly shall be transmitted by the Director General to the States and organizations invited to the session for comments and adoption, or records of the discussions shall be made available.</p>
<p>Annex to the General Rules of Procedure of WIPO – Rules for Voting by Secret Ballot</p> <p>Rule 16. - Immediately after the announcement of the results of the ballot, the ballot papers shall be burnt in the presence of the tellers.</p>	<p>Annex to the General Rules of Procedure of WIPO – Rules for Voting by Secret Ballot</p> <p>Rule 16. - Immediately after the announcement of the results of the ballot, the ballot papers shall be burnt destroyed in the presence of the tellers.</p>

WIPO Bodies	Current Rule(s) in Special Rules of Procedure	New Rule(s) in Special Rules of Procedure
WIPO General Assembly	<p>Rule 4: Languages¹</p> <p>Oral interventions in meetings of the General Assembly may be made in English, French, Spanish or Russian, and interpretation shall be provided in the other three languages.</p>	<p>Rule 4: Languages⁴</p> <p>Oral interventions in meetings of the General Assembly may be made in English, French, Spanish or Russian, and interpretation shall be provided in the other three languages.</p>
WIPO Conference	<p>Rule 3: Languages³</p> <p>Oral interventions in meetings of the Conference may be made in English, French, Spanish or Russian, and interpretation shall be provided in the other three languages.</p>	<p>Rule 3: Languages²</p> <p>Oral interventions in meetings of the Conference may be made in English, French, Spanish or Russian, and interpretation shall be provided in the other three languages.</p>
Madrid Union Assembly	<p>Rule 3: Expenses</p> <p>(1) The travel and subsistence expenses of one delegate of each member State shall be borne by the Madrid Union under the following conditions:</p> <p>(a) On presentation of the used ticket, the net cost of the rail or air fare (first class) shall be refunded;¹⁵</p> <p>(b) Daily subsistence allowances shall be those specified in the United Nations schedule; the number of daily subsistence allowances paid shall correspond to the number of days required for the session, plus one day;</p> <p>(c) The fixed sum paid for terminal expenses shall be that specified by the WIPO Staff Regulations and Staff Rules.</p> <p>(2) Delegates receiving such allowances must state in writing that their travel or subsistence expenses are not refunded from other sources.</p>	<p>Rule 3: Expenses</p> <p>(1) The travel and subsistence expenses of one delegate of each Contracting Party member State shall be borne by the Madrid Union in accordance with WIPO travel policy for third party travelers. under the following conditions:</p> <p>(a) On presentation of the used ticket, the net cost of the rail or air fare (first class) shall be refunded;¹⁵</p> <p>(b) Daily subsistence allowances shall be those specified in the United Nations schedule; the number of daily subsistence allowances paid shall correspond to the number of days required for the session, plus one day;</p> <p>(c) The fixed sum paid for terminal expenses shall be that specified by the WIPO Staff Regulations and Staff Rules.</p> <p>(2) Delegates receiving such allowances must state in writing that their travel or subsistence expenses are not refunded from other sources.</p>

[Annex II follows]

Clean versions of the amended provisions in the General Rules of Procedure

Rule 5: Agenda

- (1) The Director General shall prepare the draft agenda for ordinary sessions.
- (2) The draft agenda for extraordinary sessions shall be established by the person or persons requesting convocation of such sessions.
- (3) The Director General shall transmit or otherwise make available, the draft agenda at the same time as the letter of convocations.
- (4) Any State member of a body may request the inclusion of supplementary items on the draft agenda. Such requests shall reach the Director General not later than one month before the date fixed for the opening of the session. The Director General shall immediately notify the other States members of that body accordingly.
- (5) The assembly shall adopt its agenda at the first meeting of the session.
- (6) During the session, the assembly may change the order of the items on its agenda, amend some of those items, or delete them from the agenda.
- (7) During the session, the assembly may, by a majority of two-thirds of the votes cast, decide to add new items to the agenda, provided they are of an urgent character. The discussion of any such items shall be deferred for forty-eight hours if any delegation so requests.

Rule 6: Working Documents

- (1) Each item on the agenda of an ordinary session shall, as a rule, be the subject of a report by the Director General.
- (2) Reports and other working documents must be transmitted or otherwise made available, at the same time as the letter of convocations, or as soon thereafter as possible.

Rule 10: Acting Chairs

- (1) If the Chair dies, or finds it necessary to be absent, or if the State he or she represents ceases to be a member of the body concerned, which of the two Vice-Chairs who shall act in his or her place shall be determined in the first instance, on the basis of agreement between them; in the absence of such agreement, the presiding Vice-Chair shall be drawn by lot.
- (2) If, for any of the reasons mentioned in the preceding paragraph, none of the Vice-Chairs is able to act as Chair, the body concerned shall elect an Acting Chair.

Rule 15: Right to Speak

[...]

- (5) The Chair may call speakers to order if their remarks are not relevant to the subject under discussion.

Rule 16: Limitation of the Number and Length of Speeches

[...]

(2) The Chair may limit the time to be allowed to persons speaking on the adjournment or closure of a debate, proposing the suspension or adjournment of the meeting, speaking on the reconsideration of proposals already adopted or rejected, or explaining the vote of their delegation.

Rule 35: Quorum and Required Majority

(1) Unless expressly provided otherwise in the applicable treaties or Special Rules of Procedure, one half of the States members shall constitute a quorum.

(2) Unless expressly provided otherwise in the applicable treaties or in the present General Rules of Procedure, all decisions shall be made by a simple majority.

Rule 40: Languages of Documents

Documents intended for the various bodies shall be drawn up in Arabic, Chinese, English, French, Russian and Spanish.

Rule 41: Languages of Oral Interventions. Interpretation

(1) Oral interventions during meetings of the various bodies shall be in Arabic, Chinese, English, French, Russian, or Spanish, and interpretation shall be provided by the Secretariat in the other five languages. With the exception of meetings of the subsidiary bodies, interventions may also be made in Portuguese and interpretation shall be provided by the Secretariat in Arabic, Chinese, English, French, Russian, and Spanish.

(2) With regard to the subsidiary bodies, the Director General shall decide on the additional language or languages in which oral interventions shall be made and for which interpretation shall be provided.

(3) In any meeting in which simultaneous interpretation is provided by the Secretariat, participants may make oral interventions in another language in so far as they provide for simultaneous interpretation in one of the languages for which interpretation is provided by the Secretariat.

Rule 44: Report

(1) At the end of every session the Secretariat shall submit to the assembly a summary report or records of the work accomplished.

(2) After the session, a draft report prepared by the Secretariat shall be transmitted for comments and adoption, or records of the discussions shall be made available.

Annex to the General Rules of Procedure of WIPO – Rules for Voting by Secret Ballot

Rule 16. - Immediately after the announcement of the results of the ballot, the ballot papers shall be destroyed in the presence of the tellers.

Clean versions of the amended provisions in the Special Rules of Procedure of the Governing Bodies of WIPO and of the Unions Administered by WIPO

WIPO General Assembly

[...]

Rule 4: Publication of the Report

The report on the work of each session, or a summary drawn up by the International Bureau, shall be published on the WIPO website.

WIPO Conference

[...]

Rule 3: Publication of the Report

The report on the work of each session, or a summary drawn up by the International Bureau, shall be published on the WIPO website.

Madrid Union Assembly

Rule 3: Expenses

(1) The travel and subsistence expenses of one delegate of each Contracting Party shall be borne by the Madrid Union in accordance with WIPO travel policy for third party travelers.

(2) Delegates receiving such allowances must state in writing that their travel or subsistence expenses are not refunded from other sources.

[End of Annex II and of document]