

## **WIPO Coordination Committee**

**Seventy-Eighth (51<sup>st</sup> Ordinary) Session  
Geneva, September 21 to 25, 2020**

### **REPORT**

*adopted by the WIPO Coordination Committee*

1. The WIPO Coordination Committee was concerned with the following items on the Consolidated Agenda (document A/61/1): 1, 2, 3, 4, 5, 6, 7, 8, 9, 10(ii), 11, 18, 19, 20, 21 and 22.
2. The reports on the said items, with the exception of items 7, 9, 18, 19 and 20 are contained in the General Report (document A/61/10).
3. The report on items 7, 9, 18, 19 and 20 are contained in the present document.
4. Ambassador Zsuzsanna Horváth (Ms.) (Hungary) was elected Chair of the WIPO Coordination Committee; Ambassador Alfredo Suescum (Mr.) (Panama) and Ms. Mercy Kainobwisho (Uganda) were elected Vice-Chairs.

5. The newly-elected Chair of the WIPO Coordination Committee, Ambassador Zsuzsanna Horváth (Hungary), thanked Member States for electing her.

## ITEM 7 OF THE CONSOLIDATED AGENDA

### APPROVAL OF AGREEMENTS

6. Discussions were based on document WO/CC/78/3.

7. Introducing the agenda item, the Legal Counsel recalled that, in accordance with Article 13(1) of the WIPO Convention, any general agreement entered into with a view to establishing working relations and cooperation with other intergovernmental organizations shall be concluded by the Director General after approval by the WIPO Coordination Committee. He pointed out that there were two such general agreements, as reflected in the working document, proposed for approval by the WIPO Coordination Committee. The first agreement was a Cooperation Agreement to establish relations between WIPO and the Caribbean Community (CARICOM) on matters of mutual interest with a view to harmonizing their efforts to develop and promote IP in the CARICOM Member States; and the second was also a Cooperation Agreement aimed at providing a framework of cooperation between WIPO and the Organisation of Eastern Caribbean States (OECS) on areas of IP to contribute to the economic, social and cultural development of the OECS region.

8. The Delegation of the United Kingdom, speaking on behalf of Group B, congratulated the Chair and the two Vice-Chairs on their election and stated that the Group looked forward to working with them under their able leadership during their tenure. Group B welcomed the opportunity to comment on the cooperation agreements ahead of their adoption by the WIPO Coordination Committee. It pointed out that cooperation agreements between WIPO and Member State organizations were an invaluable way to build capacity and to share best practices. The Group had no objections to the cooperation agreements between WIPO and CARICOM and between WIPO and OECS but noted that the composition of the two organizations overlapped. It observed that the OECS members who were beneficiaries of the cooperation agreement were also members of CARICOM. The Group requested that when delivering on these cooperation agreements the activities should be tailored to reflect the individual needs of Member States within the two Organizations to which they belonged while avoiding duplication. Group B asked WIPO to consider what objectives could be achieved as part of the current agreements and, *vice versa*, to ensure that any funds and time dedicated to the implementation of these cooperation agreements were used appropriately.

9. In response, the Director General said that he would need to verify with colleagues but, in general, the OECS represented the very small Island States, whereas CARICOM included some of the larger Caribbean countries. The Director General informed delegations that WIPO had been discussing with all of the Caribbean countries, for a number of years now, the possibility of regional arrangements. Those regional arrangements covered, for example, the possibility of a regional patent arrangement and of a regional trademark arrangement and, of course, cooperation in respect of collective management. It was considered, in his understanding, that the needs of the small island States of the OECS were not always the same as the needs of the larger countries represented in CARICOM. Even though there was an overlap between the two regional Organizations, in his view, their difference explained the need for two separate agreements. However, the Director General stated that WIPO took note of the point that there should be no overlap in the activities, and stated that the intention was to make the distinction that was made by the countries of the region themselves.

10. The WIPO Coordination Committee approved the Cooperation Agreement between WIPO and CARICOM; and the Cooperation Agreement between WIPO and OECS, as set forth in Annexes I and II, respectively, of document WO/CC/78/3.

## ITEM 9 OF THE CONSOLIDATED AGENDA

### DRAFT AGENDAS FOR 2021 ORDINARY SESSIONS

11. Discussions were based on document A/61/4.

12. The WIPO Coordination Committee adopted Annexes I and II; the Paris Union Executive Committee adopted Annex III; the Berne Union Executive Committee adopted Annex IV.

## ITEM 18 OF THE CONSOLIDATED AGENDA

### REPORTS ON STAFF MATTERS

#### (i) Report on Human Resources

13. Discussions were based on documents WO/CC/78/INF/1 and WO/CC/78/INF/2.

14. The Secretariat stated that it was pleased to present the Annual Report on Human Resources which covered the period from July 2019 to June 2020 and that the report covered two main items. First, it dealt with staff matters that were required to be reported to the WIPO Coordination Committee, such as termination of appointments, extensions of temporary appointments beyond time limits and the implementation of WIPO's Policy on Gender Equality. Second, it dealt with other matters of interest to Member States, such as geographic diversity, recruitment, talent management, staff development and learning. It added that, as in the previous year, the form of the Annual Report comprised a concise HR Report along with a supplementary Human Resources (HR) Brochure, entitled "Staff @ WIPO: Engaged, Innovative, Resilient", both of which had been made available, in printed format and online, and in all languages. The Secretariat highlighted that the workforce had remained stable in terms of numbers; it was 1,508 and had not significantly changed compared to previous years, despite the fact that filing rates had increased and new programs and services had been added. The core workforce, i.e. staff members holding a fixed-term, continuing or permanent appointment on regular budget funding, represented 72.3 per cent, whilst the flexible component represented 27.3 percent of the workforce. The Secretariat added that in terms of geographic diversity, 122 Member States were now represented in its workforce. The Secretariat also mentioned that its outreach efforts and engagement with unrepresented Member States had shown positive results and that it had received a significantly higher number of job applications from unrepresented Member States, from 7.4 per cent in 2016-17 to 13.3 per cent in 2018-19. With respect to diversity, the Secretariat stated that, its workforce was composed of 54 per cent women and 46 per cent men and that, as of end-August 2020, there was gender parity at the P4 level, meeting the target for 2021, whilst there was 35 per cent women represented at the D1 level, which was close to the target for 2021. Moreover, a number of measures have been put in place to assist women at levels in which they were underrepresented to successfully compete for vacancies. In 2019, the Organization attained another significant measure towards being an employer of choice in line with its HR Strategy by implementing a two-year crèche project, which was greatly welcomed by the staff noting that 12 children of staff had been enrolled at the crèche. The Secretariat also mentioned that 12,385 training participants had made use of the training programs offered, whilst the use of technology had permitted training to be more varied, cost effective and accessible. With regards to its Rewards and Recognition

Program, it stated that a total of 95 staff members received rewards for excellent performance for the 2019 performance management cycle, noting that the cost of this Program represented 0.2 per cent of remuneration costs. The Secretariat also mentioned that the Organization reacted swiftly to the COVID-19 crisis by enabling staff to work remotely from home with the appropriate equipment to ensure secure access to its systems, adding that most services were provided without interruption including those of the Human Resources Management Department (HRMD). It also indicated that a number of temporary HR policy adjustments had been needed to manage the workforce during the lockdown and remote working period, particularly relating to working hours, leave, sick leave and home leave. These had been subsequently reversed. The Secretariat also mentioned that remote working could be expected to continue as part of the Organization's Time Management Policy in a post-COVID era given the successful use of this tool and the agility and flexibility it provided. The Secretariat added that staff had overwhelmingly expressed the view that remote working should continue to be made available in the future.

15. The Delegation of the Russian Federation, speaking on behalf of the Group of the Central Asian, Caucasus and Eastern European Countries (CACEEC), congratulated the Chair on her election and commended the Secretariat and HRMD for the preparation of the Report. The Group was pleased that the Secretariat had made progress towards gender equality and with respect to the training of staff. The Group was of the view that it was important to come up with a new policy on gender equality and it thanked the Secretariat for providing information on the handling of the COVID-19 situation, noting the good level of work accomplished despite the remote working conditions. The Delegation further commended the Secretariat for its work on geographical representation and stated that it was necessary to provide more information to Member States in this regard, noting that the CACEEC Group was not sufficiently represented within the Secretariat. It also mentioned that the Secretariat should continue to develop its Internship Program and that it was convinced that career possibilities should be created for this category of employees. The Group added that the topic of the 'future of work' was of importance and it wished to have more information concerning how staff adapt to new digital technologies and the impact on administrative processes. The Group expressed its condolences on the passing of one of the Secretariat's staff.

16. The Delegation of Panama, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), congratulated the Chair and the Vice-chairs on their respective appointments and thanked the Secretariat for the Annual Report on Human Resources, noting that it contained very important information on WIPO staff. The Report was one of the most important resources of the Organization. The Group was pleased with the tangible progress made in the area of gender balance due to the efforts made by the HRMD in that regard. The Group was committed to furthering this issue. It supported current initiatives seeking to foster female talent and also it encouraged the creation of new avenues to improve women's participation in the Organization. The Group also appreciated the information provided on the impact of the COVID-19 pandemic on the Organization's staff. It believed that the measures taken not only made it possible to contain the effects of the pandemic within the Organization, but also ensured that the services the Organization provided continued even during the worst periods of the pandemic. The Group mentioned that a good example of that was the support provided by the Regional Bureau for Latin America and the Caribbean to the Region by adapting its activities to the current situation. The Group also stated that it deeply regretted the passing away of one of the officials of the Organization and it wished to send its condolences to the family. The Group concluded by reiterating that WIPO had a debt to the Region in terms of the lack of geographical representation which existed within the Organization in terms of recruitment, and it requested that WIPO's recruitment policy deal with this problem effectively.

17. The Delegation of China expressed its deepest sympathies to the Organization's staff member who unfortunately passed away due to COVID-19 and wished to express its most sincere condolences to their family. It appreciated the informative and rich annual report drafted

by the Secretariat and stated that this document will help Member States to understand strategic planning in terms of HR. The Delegation acknowledged WIPO's positive outcome, the implementation of its Human Resources Strategy 2017-2021 and its efforts in improving the geographical representation of its HR. It also commended WIPO for its workforce management and the dedication of its staff. It noted that during the COVID-19 pandemic, despite unprecedented challenges, the staff had ensured that WIPO's core IP services continued to be delivered. The Delegation added that the productivity of its workforce was free from any major impact by offering remote working options as well as other effective measures. It congratulated WIPO for its good performance in gender equality and encouraged the Secretariat's efforts to continue its implementation of the UN System-wide Action Plan on Gender Equality and Empowerment of Women (UN SWAP). The Delegation also supported the strategy to attract and retain young talents through the Fellowship and Internship Programs, which would add more young talent to the workforce. The Delegation believed that WIPO still faced challenges in meeting the growing demand of global users for its IP services and, therefore, it encouraged WIPO to be innovative and effective in increasing the diversity of HR within the Organization.

18. The Delegation of Iran (Islamic Republic of) congratulated the Chair on her election and wished her all the success in this important position. It thanked the HRMD for the preparation and presentation of the Annual Report on Human Resources, which included information on progress made towards staffing goals and an overview of HR-related policies, initiatives and activities of the Organization. The Delegation welcomed the continuous improvement of this report, which had established its role as a key source of information on HR for Member States. It added that, like any other Organization, WIPO's HR constituted the backbone of the Organization, as it was a key element for the effective functioning of the Organization. The Delegation stated that it attached great importance to the proper administration of HR as it directly related to organizational efficiency, service orientation, resilience and the ability to confront new developments promptly and adequately. It also welcomed the initiatives that WIPO's management had put in place during the COVID-19 pandemic and it noted, in particular, the regular and close cooperation with other Geneva-based international organizations in sharing information and lessons learned in combating COVID-19 at work. With regard to geographical representation of staff, despite the achievements, the Delegation was of the view that there was still a gap in geographical representation within the Secretariat. Accordingly, while it welcomed and recognized the efforts made by the Secretariat to narrow the gap, it stated that there was a need for further actions to ensure balanced geographical representation. The Delegation concluded by paying tribute to the WIPO colleagues who had passed away recently and commended the Secretariat for the support and assistance offered.

19. The Delegation of Chile congratulated the Chair on her election and thanked the Secretariat for the presentation of the report. The Delegation noted its support for the statement made by the Delegation of Panama on behalf of GRULAC, and, since it was late in the evening, it wished to refer to its statement made at the Program and Budget Committee (PBC).

20. The Delegation of the Russian Federation, speaking in its national capacity, congratulated the Chair on her election. It thanked the HRMD for preparing the Report on Human Resources and it thanked WIPO for its efforts in preparing its staff to ensure that productivity continued despite the pandemic. The Delegation wished to express its condolences on the death of one of the Organization's staff members. It also stated that it wanted to ensure equitable geographical representation, noting that there had been some success in this area. However, additional steps were necessary for further balance between all regional areas in that context. The Delegation requested to be provided by the Secretariat with additional information on the representation of Groups and it welcomed the work opportunities for young staff members and interns. The Delegation was convinced that it was necessary for WIPO to continue its adherence to UN standards especially for international civil servants. It also stated that it would be very grateful for additional information on the use of innovative technologies, such as artificial intelligence (AI), and the impact of this on the work of staff members. The Delegation

noted that it would be quite happy to take part in the discussion of new strategies in the field of HR for the next period.

21. The Delegation of the United States of America congratulated the Chair on her election and expressed its support for the statement that would be made on behalf of Group B on this item. The Delegation emphasized its appreciation for everything WIPO management had done to support its staff while still advancing the Organization's important work amidst the unprecedented circumstances surrounding the COVID-19 pandemic. It also extended its deepest sympathies to the family of the WIPO staff member lost to the virus. The Delegation mentioned that this report was informative and encouraging and that it was pleased that WIPO continued to make progress in the areas of gender parity, geographical representation, diversity, staff development and learning. In the area of the rewards, the Delegation noted that there were a series of changes made to the Rewards and Recognition Program. It appreciated the removal of the organizational performance monetary reward as requested by Member States as well as the reduction in award amounts for the “delivering excellence” and “acting responsibly” rewards, whilst noting that several awards had also increased in number as well as undergone changes in eligibility criteria that made them available more widely to staff. The Delegation wished to use this opportunity to remind the Organization that awards were to be provided strictly on a merit basis or for exceptional performance, unless they risk creating for staff an expectation of routine entitlement. The Delegation was also pleased to see the seriousness with which the Secretariat had taken the outcomes of the UN system-wide Safe Space survey on sexual harassment and that it was implementing comprehensive and coordinated measures to combat sexual harassment in the Organization. The Delegation believed that harassment in all its forms undermined the mission of UN organizations and compromised the well-being of staff members and it was, therefore, very pleased that WIPO had amended its harassment and sexual harassment policies to make them applicable and available to non-staff personnel. It was also pleased that the Ombudsperson's office had been made accessible to non-staff. In the Delegation's view, this reflected a thorough understanding of the pervasive risk of harassment at large organizations and along these lines, it was also very encouraged to learn in this report of a new WIPO policy on preventing and addressing sexual exploitation and sexual abuse and it looked forward to its effective implementation. The Delegation requested that in future reports, in relation to conflict management, information be provided on the number of staff grievances that result in settlements and the amount of those settlements.

22. The Chair thanked the Delegations for their statements and mentioned that all statements would be duly reflected in the report.

(ii) Report by the Ethics Office

23. Discussions were based on document WO/CC/78/INF/2.

24. The Chief Ethics Officer introduced the Annual Report by the Ethics Office, which presented its activities for the year 2019. She referred to Office Instruction N° 16/2020, pursuant to which the WIPO Ethics Office should provide annual reports on its activities to the Director General and, through the Director General, to the WIPO General Assembly. The Chief Ethics Officer enjoyed the independence required for the effective discharge of her functions and was not part of operational management. In 2019, the Ethics Office provided Ethics and Integrity Training in close collaboration with HRMD – as has been the case since 2012, in mandatory induction courses for staff joining the Organization, including for managers and staff at senior levels. Four hundred and seventy staff members participated in ethics training and awareness activities, including the mandatory online training course on Ethics and Integrity, which was launched in 2017. In line with best practice in the private and public sectors, WIPO's Ethics Office continued to place special attention on middle management and delivered three activities to middle managers and senior staff. In 2019, the Ethics Office received 55 requests

for advice on: outside activities; communications and relations with the media; conflicts of interest; declarations of interests; and inquiries on the policy for protection against retaliation and employment-related matters. Advice was provided to the satisfaction of staff members concerned. The Chief Ethics Officer referred to the *Policy to Protect Against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations* (the PaR Policy), which constitutes the general framework for the protection of all personnel against retaliation. Based on its preliminary review of a complaint, the Ethics Office determined whether, *prima facie*, there was a case of retaliation requiring adequate protection of the complainant concerned. The Ethics Office of the United Nations Office for Project Services (UNOPS) served as outside reviewer for requests for review by complainants in respect of determinations on preliminary reviews by WIPO's Ethics Office. In 2019, the Ethics Office received one PAR-related inquiry and concluded two preliminary reviews in cases where current and/or former staff alleged retaliation and claimed protection against retaliation. The Ethics Office determined in these two cases that these did not present *prima facie* cases of retaliation, either because the complainant had not engaged in an activity protected by the policy and/or because the protected activity had not been a contributing factor in causing the alleged retaliation. In these two concluded cases, the complainants requested a review by the Ethics Office of UNOPS. In both these cases, the determinations of the WIPO Ethics Office were affirmed. In 2019, the Ethics Office of UNOPS also upheld a 2018 determination by WIPO's Ethics Office, affirming that the case did not present a *prima facie* case of retaliation. WIPO's Ethics Office is also responsible for the implementation of the Policy on Financial Disclosure and Declaration of Interests (FDDI). The policy concerns the disclosure of financial interests and compliance with International Public Sector Accounting Standards (IPSAS), of senior staff and other designated categories of staff. Whilst the Ethics Office is tasked with the administration of the FDDI statements, the Declarations of Interest are examined by an external reviewer, whose role is determined by the FDDI Policy. At the end of the process, the external reviewer provides a report to the Director General. One hundred and five WIPO staff members participated in the 2019 Filing Cycle. A 100 per cent rate of compliance with IPSAS and the disclosure requirements by WIPO staff members was achieved for the reporting period. Five per cent of filers were randomly selected by the external reviewer for the verification process, in addition to the regular review process, and were requested to provide third-party documentation for items disclosed. All participants submitted their disclosure forms in time that is, prior to the official closing deadline, to the external reviewer. Ninety-one per cent of the reviewed disclosures were categorized as 'No Reportable Observations', meaning that the external reviewer did not identify a possible conflict of interest in its review of the declaration. The external reviewer discussed the remaining 9 per cent of disclosures with the Ethics Office, to make a determination on whether or not a conflict of interest existed and on any necessary remedial action. In 2019, a survey was undertaken on awareness of WIPO's ethics principles and commitment to these principles. Ninety-six per cent of respondents reported being aware of ethics principles and 96 per cent of respondents also reported being committed to these principles. Eighty-six per cent of respondents reported being aware of the procedures for reporting misconduct. The WIPO Ethics Office continued its active engagement with the Ethics Network of Multilateral Organizations (ENMO). The network aims to promote system-wide collaboration on ethics-related issues within the UN system and provides a structure for the exchange of ethics' policies and practices in multilateral organizations. The Chief Ethics Officer said that ethics was the business of every staff member in the Organization and that without the support of the leadership, the Ethics Office could not function. She thanked the Director General for his continuing support for the work of the Ethics Office and reiterated that whenever requested, the Director General supported new initiatives from the Ethics Office, such as expanding outreach activities with the Public Lectures Series on Ethics, or allocating additional funds for promotional items. The Chief Ethics Officer extended her best wishes to the Director General.

25. The Delegation of the Russian Federation, speaking on behalf of the CACEEC Group, thanked the Ethics Office for preparing the report and welcomed its active efforts for training of

staff on ethics issues. The Group advised to continue providing confidential advice to staff, also on protection against retaliation. The Group noted the importance of the FDDI Policy. The Group was counting on the continuing participation within the network of ethics officers in multilateral organizations.

26. The Delegation of the United Kingdom, speaking on behalf of Group B, recalled the Group's statements on the report on HR as delivered to the 31<sup>st</sup> session of the PBC. It thanked the Secretariat for preparing the Annual Report by the Ethics Office. The Group stated that ethics, as part of the governance structure of WIPO, was important to ensure that WIPO could properly function. The Group encouraged the Ethics Office to continue to strengthen engagement with the WIPO Independent Advisory and Oversight Committee (IAOC) and with the Joint Inspection Unit (JIU). The Group welcomed the Ethics Office's active engagement with the ENMO. The Group asked what the engagement with ENMO entailed; the total number of staff who completed the online training courses on ethics and integrity; whether there could be incentives to encourage staff to participate in ethics training and awareness programs, and how the Ethics Office knew that confidential advice to staff members was provided to the satisfaction of staff. In addition, it said that a final determination on an alleged retaliation case of 2019 appeared to be unresolved, and asked whether there were plans to revise the PaR Policy.

27. The Delegation of the United States of America expressed its appreciation for activities undertaken by WIPO's Ethics Office in 2019, and noted with pleasure the ethics training and awareness raising undertaken in 2019. The Delegation asked about strategies of adaptation of training to the new realities in 2020 and asked whether the Ethics Office made recommendations to Management. The Delegation inquired about the current status of recommendations from the audit of WIPO's ethics framework and about a case of alleged retaliation of 2019. The Delegation requested that the Secretariat and the Ethics Office review and strengthen the PaR Policy in light of the recommendations of the 2018 JIU Report on whistleblower policies.

28. The Delegation of the Russian Federation, speaking in its national capacity, thanked the Ethics Office for its very good work and for the preparation of the Annual Report. The Delegation stated that the Ethics Office had to ensure that staff members of the Organization followed the highest level of ethical and professional standards and that there was transparency and accountability and, as such, it carried out one of the most important functions at WIPO with an impact on the functioning of other departments of WIPO. The Delegation noted the fruitful work of the Ethics Office in expanding training of staff and outreach. Furthermore, the Delegation welcomed the efforts regarding collaboration with the JIU and with the IAOC. The Delegation appreciated the engagement of the Ethics Office in the ENMO and requested further information about WIPO's participation in the ENMO.

29. On reopening the agenda item, the Chief Ethics Officer thanked all delegations for their kind words and confirmed that the Ethics Office was very active in outreach and, as such, "marketed" its services and "branded" its products: The Ethics Office had its "own" ethics colors and had developed new outreach items, such as ethics bottles on which WIPO's values and principles were displayed. The COVID-19 pandemic, indeed, posed a challenge to the Ethics Office. As regards training and outreach, the Ethics Office was also struggling with the demands of the new online digital world and was now developing more engaging strategies. In response to questions on the figures for 2020, the Chief Ethics Officer shared that, to date, 300 staff members had undertaken the Ethics training on-line. Managers had been actively encouraging their staff to take the course, which had contributed to the growing numbers. The Ethics Office takes note of feedback from training events to adjust the courses so as to better meet the needs of staff. In response to questions on a case that was being handled by the Ethics Office. She said that as the Ethics Office was bound by confidentiality, she could not identify specific cases nor discuss individual cases. In all its annual reports, the confidentiality



attached to the function was mentioned as one of the three pillars of the Ethics Office. Confidentiality is one pillar without which no ethics office could function as it would not have the trust and requisite buy-in from staff. The Chief Ethics Officer reminded, as was done on many occasions also bilaterally, that in any complaint of retaliation, the Ethics Office scrupulously followed the provisions and procedures set out in the PaR Policy. When considering complaints of retaliation filed with it, the Ethics Office carefully ensured that the PaR Policy framework was faithfully adhered to. The Chief Ethics Officer reiterated that it had made, and would continue to make, all efforts to ensure that any issues arising from the consideration of complaints of retaliation were resolved in accordance with the provisions, procedures and steps set out in the PaR Policy framework. She reminded that if a complainant was not satisfied with a procedural step taken pursuant to the Policy, he or she had the right to challenge any final adverse administrative decision, first through WIPO's internal justice system, and ultimately by requesting external judicial review by filing a complaint before the Administrative Tribunal of the International Labour Organization (ILO). In other words, complainants of retaliation had legal avenues open to them to challenge final administrative decisions. Regarding the revision of the PaR Policy, she read out paragraph 39 of the policy which said that the policy should be reviewed on a periodical basis as needed. She mentioned that this reflected best practice and was supported by the Ethics Office. She also mentioned that this might indeed be an opportune time to take stock and to reflect on the need to make amendments. In response to the question on how satisfaction with the advisory work was measured. The Chief Ethics Officer mentioned that the staff was asked if the advice served their needs. Note was also taken when staff members seeking advice mentioned that they did so upon referral by colleagues who had previously used the services of the Office. As to the engagement of WIPO's Ethics Office with the ENMO, she explained that this was a network for sharing and exchanging information on an informal basis.

#### ITEM 19 OF THE CONSOLIDATED AGENDA

#### DESIGNATION OF THE CHAIR AND DEPUTY CHAIR OF THE WIPO APPEAL BOARD (WAB)

30. Discussions were based on document WO/CC/78/2.

31. The Secretariat mentioned that the WIPO Appeal Board was an administrative body with staff participation established by the Director General to advise him or her whenever a staff member appealed against an administrative decision or a disciplinary measure. It added that, pursuant to Staff Rule 11.5.1, the Chair and the Deputy Chair of the WIPO Appeal Board were to be designated by the WIPO Coordination Committee for a term of five years on a proposal made by the Director General after consultation with the Staff Council. The Secretariat also stated that the Chair and Deputy Chair of the WIPO Appeal Board should have experience in the law of the International Civil Service or equivalent experience in applicable administrative law, and should also not be staff members or former staff members for the past 10 years of the International Bureau. It mentioned that, with effect from October 12, 2015, the WIPO Coordination Committee had designated Mr. Norbert Wühler as Chair of the WIPO Appeal Board and Mr. Michael Bartolo as Deputy Chair. As their term of office would come to an end on October 11, 2020, the WIPO Coordination Committee was now invited to designate a new Chair and Deputy Chair of the WIPO Appeal Board as from October 12, 2020. The Secretariat indicated that, following a thorough selection process, two candidates had been identified, Ms. Joan Powers and Mr. Pierre Panchaud, and were now being proposed to the WIPO Coordination Committee for designation.

32. The WIPO Coordination Committee designated, for a term of five years as from October 12, 2020:

- (i) Ms. Joan Powers as Chair of the WIPO Appeal Board, and
- (ii) Mr. Pierre Panchaud as Deputy Chair of the WIPO Appeal Board.

#### ITEM 20 OF THE CONSOLIDATED AGENDA

#### EXCEPTIONAL RE-APPOINTMENT OF DEPUTY DIRECTORS GENERAL AND ASSISTANT DIRECTORS GENERAL

33. Discussions were based on document WO/CC/78/4.

34. The Secretariat recalled that the terms of office of the current outgoing Deputy Directors General (DDGs) and Assistant Directors General (ADGs) would expire on September 30, 2020. It further recalled that the 2019 procedures for the nomination and appointment of the Director General of WIPO, adopted by the WIPO General Assembly, the WIPO Coordination Committee and the Paris and Berne Union Assemblies, each insofar as they were concerned, were intended to provide sufficient time for the Director General-Elect to undertake the process of consultation and nomination of a Senior Management Team (SMT) so that it would be in place for the commencement of its mandate on October 1, 2020. However, the exceptional public health situation, due to the COVID-19 pandemic, had created an unanticipated and unprecedented challenge to the selection process of the new DDGs and ADGs. The Secretariat mentioned that, therefore, the deadline for nominations of candidates for the posts of DDGs and ADGs ended on September 21, 2020, following which consultations would be undertaken regarding the nominations so that the proposals of candidates for appointment to these posts may be presented to the WIPO Coordination Committee at a forthcoming extraordinary session with appointments to begin on January 1, 2021. The Secretariat mentioned that, consequently, the present document sought the approval of the WIPO Coordination Committee for an exceptional and short-term re-appointment of the outgoing DDGs and ADGs in order to allow them to assist the Director General-Elect in managing the transition until the new DDGs and ADGs would commence their terms.

35. The Delegation of Iran (Islamic Republic of) mentioned that it had noted that the challenging circumstances caused by the COVID-19 pandemic had brought about unprecedented disruption in the normal functions of many international bodies. In its view, the proposal submitted by the Director General-Elect for the exceptional re-appointment of the current DDGs and ADGs, in order to provide more room for engagement and consultation with Member States, seemed reasonable. The Delegation added that it was the expectation of the Delegation that the Director General-Elect would nominate his SMT upon consultation with Member States, which would reflect the principle of geographical representation, including from developing countries.

36. The Delegation of the Republic of Korea congratulated the Chair and the two Vice-Chairs on their election and stated that it supported the Secretariat's proposal on the exceptional re-appointment of the DDGs and ADGs given that there should be no gap in the performance of their duties until the appointment of the new DDGs and ADGs. The Delegation also wished to take this opportunity to express its heartfelt appreciation to all of the DDGs and ADGs for their invaluable contribution during their terms of office.

37. The Delegation of Panama, speaking on behalf of GRULAC, thanked the Secretariat for the preparation of document WO/CC/78/4 through which the Director General-Elect had proposed the exceptional re-appointment of the current DDGs and ADGs of WIPO. The Group

stated that due to the impact of COVID-19 on its work, it understood that the procedure for the appointment of DDGs and ADGs would not be able to be undertaken in due time. It was of the view that the appointment of this group was of the greatest importance because a good management team would assist the new Director General-Elect and support his efforts and, therefore, the Group supported the exceptional re-appointment of the current DDGs and ADGs for a period of three months, until December 31, 2020. This would allow them to assist the Director General-Elect during the period of transition until the new DDGs and ADGs took up their positions on January 1, 2021. The Group stated that the Director General would thus have sufficient time in order to present a list of appropriate candidates to the WIPO Coordination Committee. It added that it recognized the importance of the work undertaken by the DDGs and ADGs and that it hoped that they would maintain their commitment to the Organization until the new management team was appointed.

38. The Delegation of Zimbabwe, speaking on behalf of the African Group, extended its congratulations to the Chair and Vice-Chairs on their elections, and it expressed its appreciation to the Secretariat for the preparation of document WO/CC/78/4 on the Exceptional Re-appointment of the DDGs and ADGs. The Group appreciated the challenges of COVID-19 on the normal functioning of the Organization, noting that Member States had had to convene the PBC and the Assemblies of WIPO through a hybrid format. It added that Delegates had not been able to travel to Geneva and physical presence had been severely restricted and, therefore, it was understandable and reasonable that the Director General-Elect had been unable to nominate an SMT in compliance with the Convention establishing the World Intellectual Property Organization. In that regard, the Group was of the view that this proposal to extend on an exceptional basis the terms of the current SMT from October to December 2020, was reasonable and understandable due to the exceptional circumstances that currently prevailed. It added that it was in the Organization's interest to facilitate a seamless transition and for the term of the current SMT to be extended for a limited period, to afford the Director General-Elect sufficient time to select individuals to be on the SMT. This would be in order to ensure that appropriate individuals were chosen on the basis of merit, gender parity and geographic representation. The Group stated that it agreed to the proposed extension provided that it was adopted on an exceptional basis.

39. The Delegation of Tunisia congratulated the Chair on her election and wished her every success. The Delegation understood the approach, which had been proposed by the Secretariat and the new Director General-Elect, with respect to the process of selection of the SMT in view of current circumstances. It believed that the Director General-Elect should have sufficient time and, therefore, it would approve this very reasonable proposal, whilst adding that the process for the selection of the SMT should take in to account their integrity, their skills and also be fair, balanced, and consider geographical representation and gender equality. The Delegation concluded by extending its support to the statement made by the Delegation of Zimbabwe on behalf of the African Group.

40. The Delegation of Chile stated that it supported the statement made by the Delegation of Panama on behalf of GRULAC and it noted its support for the proposal on the exceptional re-appointment of the current DDGs and ADGs. It added that it would simply like to thank them for their commitment and hard work and that it hoped that it would be able to continue to count on them until December of this year.

41. The Delegation of India congratulated the Chair on her appointment as the Chair of the WIPO Coordination Committee and stated that it supported the proposal for the exceptional re-appointment of the current DDGs and ADGs for the transition period of three months. The Delegation believed that this would be in the interests of continuity and it would ensure the provision of adequate support to the new Director General of the Organization in these challenging circumstances owing to the COVID-19 pandemic.

42. The Delegation of China noted that the COVID-19 pandemic had brought about unexpected challenges to the selection process of the DDGs and ADGs. It noted that the WIPO Coordination Committee would consider the exceptional re-appointment of the DDGs and ADGs whose terms end soon in view of a smooth transition in the SMT. The Delegation welcomed this proposal and mentioned that it would participate actively in the consultations for the selection of the new DDGs and ADGs.

43. The Delegation of Algeria congratulated the Chair on her election and stated that it associated itself with the statement made by the Delegation of Zimbabwe on behalf of the African Group. It fully understood the current very difficult situation and the challenges that it raised for the selection of the new SMT. Therefore, the Delegation was of the view that the proposal made by the Director General-Elect to extend the appointments of the current DDGs and ADGs for three months, to allow him to manage this transition period in the most efficient manner possible until the new SMT had been chosen, was quite acceptable. The Delegation also thanked the Director General for his service throughout his mandate as well as the staff of the Organization for their efforts. It added that it was counting on them to ensure that the transfer to the new management team was smooth and it noted that it was eager to take part in the extraordinary session to help name the new team.

44. The Delegation of Ethiopia congratulated the Chair on her election as Chair of the WIPO Coordination Committee and expressed its support for the statement made by the Delegation of Zimbabwe on behalf of the African Group. The Delegation was cognizant of the unprecedented challenges posed by the COVID-19 pandemic, which made the process of appointing the DDGs and the ADGs in due time very difficult. Therefore, it welcomed the proposal of the Director General-Elect and appreciated his initiative to reappoint the DDGs and ADGs exceptionally for three months in order to make a smooth transition. The Delegation also took this opportunity to assure the Director General-Elect of its full support and cooperation as a member of the WIPO Coordination Committee to facilitate the process of appointing the DDGs and ADGs.

45. The Delegation of Botswana congratulated the Chair and Vice-Chairs on their election and thanked the Secretariat for the preparation of document WO/CC/78/4. The Delegation aligned itself with the statement made by the Delegation of Zimbabwe on behalf of the African Group. In view of the unforeseen disruptions due to the COVID-19 pandemic, the Delegation supported the exceptional re-appointment of the DDGs and ADGs up to December 31, 2020, to allow the Director General-Elect sufficient time to work on the appointment of the SMT.

46. The Delegation of the Russian Federation expressed its support for the proposal on the re-appointment of the DDGs and the ADGs. The Delegation understood that given the COVID-19 pandemic, it was quite difficult to put forward candidates for the SMT and it hoped that the new team would also reflect equitable geographical representation and would also be exceptionally competent. It took the opportunity to thank the members of the team of the Director General, Mr. Gurry, for their high professionalism and for their many years of excellent service to the Organization.

47. The WIPO Coordination Committee approved the exceptional re-appointments as Deputy Directors General of Mr. Mario Matus, Mr. John Sandage, Ms. Wang Binying and Ms. Sylvie Forbin for the period indicated in paragraph 10 of document WO/CC/78/4.

48. The WIPO Coordination Committee gave its advice on the exceptional re-appointments as Assistant Directors General of Mr. Minelik Getahun,

Mr. Yoshiyuki Takagi, and Mr. Naresh Prasad for the period indicated in paragraph 10 of document WO/CC/78/4.

[Annex<sup>1</sup> follows]

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<sup>1</sup> It is customary practice that, on request, the Chair allows a representative of the WIPO Staff Council to address members of the WIPO Coordination Committee after the conclusion of its agenda in order to provide the perspectives of staff. The Chair informed that she would follow the precedent set forth with the agreement of the Member States, and so she proceeded. The statement of the representative of the Staff Council is annexed.



**Declaration by the President of the WIPO Staff Council (WSC) before the Member States of the Coordination Committee of the World Intellectual Property Organization  
September 23, 2020, Geneva**

Your Excellencies,  
Chair,  
Director General,  
Director General-Elect,  
Distinguished Delegates,  
Dear colleagues,

Today I have the privilege of addressing you, the representatives of the Member States of the Coordination Committee of WIPO, in the name of all the WIPO staff.

The main duty of the Staff Council, which is made up of seven members elected for three-year terms, is to **represent**, **defend**, and **serve the interests** of all Staff Members before senior management and its representatives.

Since 2017, we, the seven staff representatives, have decided to adopt a new tone and a new style. We have improved our communication and believe we have succeeded in reestablishing a climate of trust, a healthy working environment, and sincere dialogue with the Administration. As we have stated on numerous occasions and repeat again, we are not afraid of being in disagreement with senior management, and we openly express our differences in view and opinion. **HOWEVER**, we do so with respect, tact, objectivity and consideration. Of course, our mission is not yet accomplished, but we strive to fulfill it as best as possible, with all our determination and flexibility. I would like to take this opportunity to inform you that two of our eminent members will soon be leaving WIPO and, as a consequence, the Staff Council team. This will be a little unsettling, but we will strive to make sure our mission goes smoothly.

Last year, we were very pleased with the excellent financial situation of WIPO. This year, the situation is even better than what we had hoped. WIPO's economic model is working at full steam despite the terrible struggles the whole world has had to face with the health crisis. At a time when COVID-19 is devastating the global economy and sweeping away our deeply rooted societal habits, WIPO is resisting this unprecedented period of trouble and, what is more, it is doing so with daring. As you have seen, WIPO's financial results are incredible. The WIPO staff has once again demonstrated its resilience, resourcefulness and solidarity throughout this crisis. The fact that WIPO implemented remote working very swiftly was a factor in this success. The WIPO staff can be proud of its sustained productivity and its commitment to achieve all the goals that had been set. The unique circumstances into which COVID-19 has plunged us have led to many technical and managerial challenges. They have also put the spotlight on our humble human dimension with the tragic death of a colleague, who was struck down by the virus. This is perhaps the right moment to pay homage to Luis. Our thoughts go out to his family, his friends and his colleagues. During this unprecedented crisis, we have not been involved in the consultations of the COVID-19 Crisis Management Team, but we nonetheless wish to thank the Director General and his Office team sincerely for having regularly informed us of all the decisions made in relation to the staff. Moreover, the Staff Council wishes to praise the entire team of colleagues considered "essential", who worked on-site at WIPO while our headquarters was closed. It was with great satisfaction that we were able to observe that the Administration's priority is the well-being of its staff, and that the difficulties encountered by some of our colleagues during the period of work at home were promptly resolved.

You will no doubt have read the annual report on human resources. There are about 1,500 people at WIPO, including 70% "permanent" resources and 30% "flexible". We deplore the fact

that one-third of employment at WIPO is unstable given 1) WIPO's remarkable financial health, 2) the record-breaking income generated by the Patent Cooperation Treaty (PCT) and the Madrid System for registration, and 3) the significant staffing needs. Furthermore, we note with concern that WIPO hires but also fires staff. The Annual Report on Human Resources also states that WIPO is working to promote gender parity. We support this endeavor and strongly encourage the Director General-Elect to expand it to all levels of staff and not just to senior management. Indeed, we hope that the future Administration will pay special attention to the career development – which has been ignored for too long – of WIPO internal staff, and will promote both its overall and technical skills. Likewise, we know that the fight against prejudice and support for diversity and inclusion remain key concerns for all of the staff, and we are truly counting on the Administration to make significant efforts in these specific areas, including in respect of all forms of discrimination and racism. Naturally, we remain vigilant and will be sure to focus all our attention on ongoing issues relating to mental health, moral and sexual harassment, teleworking, improvement of working conditions, disciplinary procedures against Staff Members, human and material resources management, career development for WIPO staff, recruitment of new talent, the countless Office Instructions and communications sent to the Staff Members, and the future standards of conduct with regard to ethics and integrity.

The Staff Council has followed with interest the granting of rewards and recognition through the program set up for this purpose by the Administration. Even though modifications have been made to this program this year, we cannot tell whether the program has succeeded in reflecting the culture of excellence at WIPO. We believe that internal consultations with the Administration are essential to refine this program. For example, we are disturbed by the idea that rewards be granted to colleagues performing both the usual functions for which they have been recruited by WIPO and staff representation functions. Indeed, it seems to us that the accumulation of certain functions seriously jeopardizes the good perception by all staff of the role, merit and independence of these colleagues.

On a separate note, we the staff representatives are closely watching the current examination carried out by the UN in New York of the judicial structure of the United Nations system specialized agencies, which will lead to recommendations during the United Nations General Assembly next December. This examination implies that, in the view of the UN Member States, there are too many judicial bodies for defending the staff of the United Nations and its specialized agencies. These are: i) the Administrative Tribunal of the International Labour Organization (ILOAT); and ii) the United Nations Dispute Tribunal (first instance tribunal of the UN internal justice system) and the United Nations Appeals Tribunal (second instance tribunal of the UN internal justice system). In our view, it is difficult not to see a link between this sudden reform of the United Nations tribunals on the one hand and, on the other, the Judgment of July 3, 2019, made by ILOAT, which annulled a Decision of the International Civil Service Commission (ICSC) and asked for the revision of the post adjustment multiplier for Geneva.

It is clear that WIPO remains a top-class employer and a true recruiter of talent. The abundance of skilled people in our Organization enable it to maintain a level of excellence that is crucial for spreading its influence around the world. We rely on you, the representatives of the Member States of the WIPO Coordination Committee, to deploy all possible financial means to support all the staff of this Organization to help it to maintain the enviable position that it has earned.

In conclusion, on behalf of the WIPO staff, I have the pleasure of congratulating Mr. Daren Tang for his recent election to the head of WIPO and wishing him every success. The Staff Council is already pleased with the tone, quality and frankness of its exchanges with the Director General-Elect and looks forward to continuing its discussions with him. The entire staff, whose interests we represent, have great expectations of Mr. Daren Tang. We have already been discussing crucial issues with him such as career development, professional training and



internal justice, and, in view of the rumors of reprisals that are circulating, we urgently beseech him to do everything in his power to shed light on these allegations. We await to learn the composition of the future Senior Management Team, and we express our hope for valuable and fruitful cooperation with the future Administration. The Staff Council is and remains a vital resource, at the full disposal of the staff and of senior management.

Lastly, we take advantage of this opportunity today to warmly thank Mr. Francis Gurry, who has headed WIPO since 2008 and been on its staff for more than three decades, for his intense and determined work, his huge contribution to the success of WIPO, his vision of the future and his talents as leader. We will remember him for his modern outlook and his rigorous management.

Thank you for your attention.

[End of Annex and of document]