

WIPO



WO/CC/58/3

ORIGINAL: English

DATE: April 24, 2008

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

WIPO COORDINATION COMMITTEE

Fifty-Eighth (20th Extraordinary) Session
Geneva, May 13 and 14, 2008

NOMINATION PROCESS

prepared by the Chair of the Coordination Committee

I. PROCEDURES

1. The nomination process will be based on the Procedures for Nomination and Appointment of Directors General of WIPO, established by decision of the WIPO General Assembly in September 1998 (see documents WO/GA/23/6 and WO/GA/23/7; see also Annex II to letter of November 13, 2007, from the Chair of the Coordination Committee to WIPO Member States asking for nominations to the position of Director General).
2. The Straw Poll and the Formal Votes will follow the Rules for Voting by Secret Ballot established in the Annex to the General Rules of Procedure of WIPO, as modified to take into account a situation with 15 candidates.
3. The proposals below have been elaborated in consultations with Members and Observers of the Coordination Committee.

II. TIME FRAME

4. The Coordination Committee is scheduled to meet on May 13 and 14, 2008, in order to nominate a new Director General of WIPO. This allows for two days for the nomination process among 15 candidates.

5. During informal consultations, Member States requested sufficient time for consultations after the initial Straw Poll and between each round of voting. Member States and Observers from all Groups have also requested the elimination of as few candidates as possible in each step.

6. Following the wish expressed by Member States, the Chair of the Coordination Committee has requested that a third day be reserved for the nomination process. This means that the meeting will start on May 13, 2008, and, if necessary, end on May 15, 2008, instead of May 14, 2008.

III. VOTING ROUNDS

7. The said Annex II which lays down the nomination procedure gives the Chair the competence to decide, after consultations, how many candidates will be ineligible to participate in the next vote (elimination of candidates). The Chair would like to make this decision in full agreement with Member States. The following schedule is proposed.

8. In every round of voting, the two candidates receiving the least number of votes will be eliminated until nine or fewer candidates remain, after which time the one candidate receiving the fewest votes will be eliminated until the final vote, as illustrated below:

(i) where there are 15 candidates, two will be eliminated, taking the remaining number of candidates to 13;

(ii) where there are 14 candidates, two will be eliminated, taking the remaining number of candidates to 12;

(iii) where there are 13 candidates, two will be eliminated, taking the remaining number of candidates to 11;

(iv) where there are 12 candidates, two will be eliminated, taking the remaining number of candidates to 10;

(v) where there are 11 candidates, two will be eliminated, taking the remaining number of candidates to nine;

(vi) where there are 10 candidates, two will be eliminated, taking the remaining number of candidates to eight;

(vii) where there are nine candidates, one will be eliminated, taking the remaining number of candidates to eight;

(viii) where there are eight candidates, one will be eliminated, taking the remaining number of candidates to seven;

(ix) where there are seven candidates, one will be eliminated, taking the remaining number of candidates to six;

(x) where there are six candidates, one will be eliminated, taking the remaining number of candidates to five;

(xi) where there are five candidates, one will be eliminated, taking the remaining number of candidates to four;

(xii) where there are four candidates, one will be eliminated, taking the remaining number of candidates to three;

(xiii) where there are three candidates, one will be eliminated, taking the remaining number of candidates to two; and

(xiv) where there are two candidates, a final decision will be taken by a simple majority of votes, resulting in a nominee.

IV. TIED CANDIDATES

9. In cases of a tie among several candidates receiving the least number of votes, where the number of candidates tied exceeds the number of candidates scheduled to be eliminated in that particular voting round, consultations will be held in order to advance the process.

10. If consultations are inconclusive:

- in case a tie occurs in a voting round where more than one candidate is scheduled to be eliminated, and the tie does not include the candidate receiving the least number of votes, but those receiving the second least number of votes, only the candidate with the least number of votes will be eliminated.
- in cases of a tie among several candidates receiving the least number of votes, where the number of candidates tied exceeds the number of candidates scheduled to be eliminated in that particular voting round, the Chair may decide, as a last resort, that there will be a new round of voting among/between tied candidates only.

The voting process will then continue according to the above plan.

V. RECOUNT

11. Any delegation has the right to request that the ballots be recounted to verify the results, after the Chair has announced the decision and before the ballot papers are destroyed.

12. While there is a provision in Article 8(6)(b) of the WIPO Convention addressing the issue of a recount to ascertain that a decision adopted by a simple majority in the Coordination Committee achieved the majorities required in the Paris and Berne Union Executive Committees, it is a procedure which cannot be used in conjunction with a secret

ballot, since it requires that “the vote of each State shall be inscribed opposite its name in each list in which it appears”.

VI. PAPERS

13. The rules for voting by secret ballot provide that ballot papers and envelopes shall be of white paper without distinguishing marks (Rule 3 of the Annex to the General Rules of Procedure). During informal consultations, some Member States and Groups requested that the Secretariat prepare ballot papers with the names of the candidates participating in each round of voting printed on the ballot paper. This would facilitate the voting process for delegations, as it would be enough to tick off or make a cross next to the candidate’s name.

14. The Secretariat will prepare ballot papers as requested before each round of voting with the names and country of the candidates which will participate in the voting round.

VII. APPOINTMENT OF TELLERS

15. According to the Rules for Voting by Secret Ballot in the Annex to the General Rules of Procedure of WIPO, the Chair shall appoint two tellers from among the delegates present before the ballot begins.

16. Tellers will be selected at random by the Chair, drawing from a list of volunteer delegations provided by the Group Coordinators (one delegation (without a candidate) from each Group). The Chair will appoint a third and a fourth teller as possible substitutes in case of absence of one or both the tellers, drawing from the same list of volunteer delegations. Tellers will be selected at the informal meeting for all members and observers on May 9, 2008, and formally appointed on May 13, 2008.

17. The Coordination Committee is invited to approve the proposals appearing in paragraphs 6, 8, 9, 10, 12 and 14, above.

18. The Coordination Committee is invited to take note of the information contained in this document.

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