

ANNEX IV

ATTACHMENT II

Provisions relevant to conflict of interest issues

WIPO Staff Regulations and Staff Rules

Regulation 1.4

Instructions from External Sources

In the performance of their duties with the International Bureau, staff members shall neither seek nor accept instructions from any government or from any other authority outside the International Bureau.

Regulation 1.5

Conduct

Staff members shall conduct themselves at all times in a manner befitting their status as international civil servants. They shall not engage in any activity which is incompatible with the proper discharge of their duties with the International Bureau. They shall avoid any action, and in particular any public pronouncement, which may adversely reflect on the international civil service or which is incompatible with the integrity, independence and impartiality required by their status. While they are not expected to disregard their national sentiments or their political or religious convictions, they shall at all times act with the reserve and tact incumbent on them by reason of their international status.

Regulation 1.6

Activities and Interests Outside the International Bureau

(a) Staff members:

(1) shall not engage, without the prior authorization of the Director General, in a continuous or intermittent manner, in any occupation or employment, remunerated or not, outside the International Bureau;

(2) may be authorized by the Director General to engage in an outside occupation or employment, whether remunerated or not, if such occupation or employment:

(i) is not incompatible with the proper discharge of their duties with the International Bureau and does not conflict with the staff member's official functions or their status as an international civil servant;

(ii) is not in conflict with the interests of the International Bureau; and

(iii) is permitted by domestic law at the duty station or where the occupation or employment occurs.

(b) Apart from their duties with the International Bureau, staff members shall not engage in any activity, or have any financial interest whatever, in any enterprise dealing with intellectual property. They shall not accept any benefits, gratuities or favors from firms or

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private individuals dealing with intellectual property or having commercial relations with the International Bureau.

- (c) A staff member shall not be associated with the management of, or hold a financial interest directly or indirectly in, any business or other concern, if it is possible for the staff member, business or other concern to benefit from such association or financial interest by reason of the staff member's position with the International Bureau.
- (d) Any staff member who, in the course of his duties, has occasion to deal with a matter involving a business or other concern in which he or his spouse or a dependent family member holds a financial interest, shall inform the Director General of the extent of that interest. In the case he has knowledge that a non-dependent child, parent or sibling holds a financial interest in such a business or other concern, he shall also inform the Director General of the existence of that interest.
- (e) The ownership of shares in a company shall not be held to constitute a financial interest within the meaning of paragraph (d), above, unless such ownership gives the staff member, or the staff member's spouse or dependent family member, or non-dependent child, parent or sibling, any form of control over the company's activities.
- (f) Staff members shall not, except in the normal course of official duties or with the prior authorization of the Director General, engage in any one of the following activities if they relate to the objectives, activities or interests of the International Bureau:
- (1) make statements to the press, radio or other information media;
 - (2) accept public speaking engagements;
 - (3) take part in film, theater, radio or television productions;
 - (4) submit articles, books or other material for publication;
 - (5) be a member of an association or non-governmental organization dealing with intellectual property;
 - (6) provide professional services to third parties.
- (g) All staff members at the level of D-1 and above, as well as other designated categories, shall be required to file a declaration in a designated form and disclosing designated types of interests in respect of themselves, their spouses and dependent family members. Such declarations shall be filed upon appointment and at designated intervals. Such declarations shall remain confidential.
- (h) Authorizations which the Director General may grant under the provisions of this Regulation may be made subject to such conditions as he deems appropriate, including, where necessary, the requirement to file a declaration as prescribed in paragraph (g), above.
- (i) The Director General shall establish procedures for requests for authorization and for the filing of financial disclosure declarations under this regulation.

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Regulation 1.7
Communication of Information

Staff members shall exercise the utmost discretion in all matters relating to official business. Except in the course of their official duties or with the permission of the Director General, they shall not communicate to any person any information known to them by reason of their official position which has not been made public. They shall not at any time use such information to their own advantage. These obligations do not cease upon separation from the International Bureau.

Regulation 1.8
Honors and Gifts

No staff member shall accept any honor, decoration, favor, gift or remuneration from any source external to the International Bureau, without first obtaining the approval of the Director General. Approval shall be granted only where such is not incompatible with the staff member's status as an international civil servant. Where the Director General himself is involved, the approval shall be granted by the Coordination Committee.

Regulation 1.9
Political Activities

Staff members may not engage in any political activity which is incompatible with or might reflect upon the independence and impartiality required by their status as international civil servants.

Regulation 1.11
Oath or Declaration

(a) On taking up their duties staff members shall make and sign the following oath or declaration:

“I solemnly swear (alternatively: undertake, affirm, promise) to exercise in all loyalty, discretion and conscience the functions entrusted to me as a staff member of the International Bureau, to discharge these functions and to regulate my conduct with the interest of the International Bureau only in view, without seeking or accepting instructions or assistance from any Government or other authority outside the International Bureau in regard to the accomplishment of my duties.”

(b) The oath shall be taken (or the declaration made, as the case may be) in the presence of the Director General or his authorized representative; the document relating thereto shall be signed in his presence or in the presence of his authorized representative and placed in the file of the staff member. The Director General shall take the oath or make the declaration of loyalty before the General Assembly.

Standards of Conduct for the International Service (2001)
(extracts)

21. It can happen that international civil servants are confronted with a question entailing a conflict of interest; such questions can be very sensitive and need to be treated with care. Conflict of interest includes circumstances in which international civil servants, directly or indirectly, would appear to benefit improperly, or allow a third party to benefit improperly, from their association in the management or the holding of a financial interest in an enterprise that engages in any business or transaction with the organization.

22. There can be no question but that international civil servants should avoid assisting private bodies or persons in their dealings with their organization where this might lead to actual or perceived preferential treatment. This is particularly important in procurement matters or when negotiating prospective employment. At times, international civil servants may be required to disclose certain personal assets if this is necessary to enable their organizations to make sure that there is no conflict. They should also voluntarily disclose in advance possible conflicts of interest that arise in the course of carrying out their duties. They should perform their official duties and conduct their private affairs in a manner that preserves and enhances public confidence in their own integrity and that of their organization. The primary obligation of international civil servants is to devote their energies to the work of their organizations. It is therefore improper for international civil servants to engage, without prior authorization, in any outside activity, whether remunerated or not, that interferes with that obligation or is incompatible with their status or conflicts with the interests of the organization. Any questions about this should be referred to the executive head.

42. Subject to the above, outside activities may, of course, be beneficial both to staff members and to their organizations. Organizations should allow, encourage and facilitate the participation of international civil servants in professional activities that foster contacts with private and public bodies and thus serve to maintain and enhance their professional and technical competencies.

43. International civil servants on leave, whether with or without pay, should bear in mind that they remain international civil servants in the employ of their organization and are still subject to its rules. They may, therefore, only accept employment, paid or unpaid, during their leave with proper authorization.

44. In view of the independence and impartiality that they must maintain, international civil servants, while retaining the right to vote, should not participate in political activities, such as standing for or holding local or national political office. This does not, however, preclude participation in local community or civic activities, provided that such participation is consistent with the oath of service in the United Nations system. It is necessary for international civil servants to exercise discretion in their support for a political party or campaign, and they should not accept or solicit funds, write articles or make public speeches or make statements to the press. These cases require the exercise of judgement and, where there is any doubt, should be referred to the executive head.

45. The significance of membership in a political party varies from country to country and it is difficult to formulate standards that will apply in all cases. In general, international civil servants may be members of a political party provided its prevailing views and the obligations imposed on its members are consistent with the oath of service in the United Nations system.

46. To protect the international civil service from any appearance of impropriety, international civil servants must not accept, without authorization from the executive head, any honour, decoration, gift, remuneration, favour or economic benefit of more than nominal value from any source external to their organizations; it is understood that this includes Governments as well as commercial firms and other entities. It is not proper for international civil servants to accept supplementary payments or other subsidies from a Government or any other source prior to, during or after their assignment with an international organization if the payment is related to that assignment. Balancing this requirement, it is understood that Governments or other entities should not make or offer such payments, recognizing that they are at variance with the spirit of the Charter and the constitutions of the organizations of the United Nations system.

Code of Ethics for United Nations Personnel
(extracts)

Integrity

United Nations personnel shall maintain the highest standards of integrity, including honesty, truthfulness, fairness, and incorruptibility, in all matters affecting their official duties and the interests of the United Nations.

Accountability

United Nations personnel shall be accountable for the proper discharge of their functions, and for their decisions and actions. In fulfilling their official duties and responsibilities, United Nations personnel shall make decisions in the interest of the United Nations. They shall submit themselves to scrutiny as required by their position.

Conflict of interest

United Nations personnel shall arrange their private interests in a manner that will prevent actual, potential or apparent conflicts of interest from arising, but if such a conflict does arise between their private interest and their official duties and responsibilities, the conflict shall be disclosed and resolved in favour of the interests of the United Nations.

Gifts, Honours, favours, or other benefits

United Nations personnel shall not solicit or accept gifts, honours, favours and/or other benefits from sources external to the United Nations which may bring into questions their independence, impartiality and integrity, unless the acceptance of such gifts, honours, favours and/or benefits is pursuant to applicable policies and regulations.

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