

## **WIPO Coordination Committee**

### **Seventy-Eighth (51<sup>st</sup> Ordinary) Session Geneva, September 21 to 29, 2020**

#### **ANNUAL REPORT BY THE ETHICS OFFICE**

*prepared by the Secretariat*

1. Pursuant to Office Instruction N° 16/2020, the WIPO Ethics Office shall provide annual reports on its activities to the Director General and, through the Director General, to the WIPO General Assembly. This document contains the Annual Report by the Ethics Office for the period January 1, 2019 to December 31, 2019.

#### **I. BACKGROUND**

2. In line with the commitment of the Organization of maintaining the highest standards of ethics and integrity, as expressed in the WIPO core values, as well as taking account of best practices of other international organizations of the United Nations (UN) common system, the WIPO Ethics Office was established in 2010.

3. The objective of the WIPO Ethics Office is to assist the Director General in ensuring that staff members and other personnel observe – and perform their functions with – the highest standards of integrity, through fostering a culture of ethics, transparency and accountability. The WIPO Ethics Office shall have the independence required for the effective discharge of its functions.

4. The main responsibilities of the WIPO Ethics Office are<sup>1</sup>:
- (a) Ensuring the design, development and implementation of effective WIPO ethics strategies, programs and policies to enhance integrity, compliance with ethics rules, and the ethical conduct of the Organization's business;
  - (b) Providing confidential advice and guidance to staff and other personnel on ethical issues;
  - (c) Providing other authoritative advice, as well as leadership, to support the correct interpretation of, and compliance with, ethics rules and related strategies, programs and policies;
  - (d) Providing input when consulted on policy issues where its expertise, views and experience may be useful;
  - (e) Administering the Organization's financial disclosure and declaration of interests policy and related programs;
  - (f) Undertaking the responsibilities assigned to it under the policy to protect against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations;
  - (g) Developing standards, training and education on ethics issues and, in cooperation with the Human Resources Management Department (HRMD) and other offices as appropriate, ensuring regular ethics training for all staff members, and other personnel as appropriate;
  - (h) Providing standard-setting and policy support in respect of the development and interpretation of ethics related policies;
  - (i) Developing internal and external partnerships, and participating in and contributing to activities of relevant ethics networks from multilateral organizations, in order to maintain required skills, and adapt best practices on raising ethics awareness, promoting ethical conduct and complying with ethics rules, for the Organization;
  - (j) Ensuring accountability in the management of assigned WIPO resources (financial, human and material); and
  - (k) Performing such other functions as the Director General considers appropriate for the Office.
5. The WIPO Ethics Office is headed by a Chief Ethics Officer, who enjoys functional and operational independence from Management in the conduct of her duties.
6. The main activities of the Office concern:
- awareness raising and training of staff;
  - providing confidential advice to staff members;
  - standard-setting and policy development; and

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<sup>1</sup> Office Instruction N° 16/2020, WIPO Ethics Office (which supersedes Office Instruction No. 25/2010, June 9, 2010).

- implementation of policies assigned to the Ethics Office.

## II. AWARENESS RAISING AND TRAINING

7. Awareness raising and training activities are, in general, tailored to the Organization's values and policies on ethical conduct, and are in line with good training practices and commonly recognized ethical principles. Specifically, the activities aim to:

- enhance the culture of ethics;
- raise awareness across the Organization about principles, policies, tools and considerations relating to ethical behavior at WIPO;
- increase trust among colleagues and managers, and trust in the Organization;
- promote accountability in decision-making; and
- strengthen ethical leadership at all levels (especially so-called "top" and "middle" level management)<sup>2</sup>.

8. The desired outcomes of awareness raising and training are to:

- ensure a common understanding of the meaning of "ethics and integrity" in a professional setting, and of the importance of ethical conduct for the reputation of the Organization;
- ensure that all staff remain aware of WIPO's core values of independence, loyalty, impartiality, integrity, accountability, and respect for human rights; as well as of the ethics principles in WIPO relevant to conflicts of interest, abuse of authority, commitment to a respectful working environment, gifts, honors, favors, other benefits, resources of the organization, confidentiality of information, and post-employment;
- promote a consistent message on ethics and expected standards of conduct in WIPO; and
- improve understanding of mechanisms that are in place to support personnel.

9. Since the launch of the WIPO ethics and integrity program in 2012, there has been mandatory training for all staff at every level of the Organization. The training program is managed by the Ethics Office in close collaboration with HRMD.

10. Since the launch of the WIPO ethics and integrity policy, training on ethics for all staff, including new recruits, has been mandatory. Participation in induction courses, which include a session on Ethics, is mandatory for staff joining the Organization, including for managers and staff at senior levels. Since 2017, an online training course on Ethics and Integrity is offered and mandatory for all staff. The online course also serves as a refresher course on ethics for all staff of the Organization.

11. In 2019, 470 staff members participated in ethics training and awareness activities:

- 187 staff members successfully completed the mandatory on-line training on Ethics and Integrity;

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<sup>2</sup> Middle management, who are typically in daily contact with the staff, play a critical role in reinforcing the "tone at the top" for establishing a culture of ethics in the Organization.

- 145 staff members attended the Public Lecture organized by the Ethics Office, on Culture, Character and Ethics: Ethical Dilemmas in International Organizations, by guest speaker, Dr. Julian Baginni;
- 110 new staff members, at all levels, including managers, participated in introductory courses on ethics delivered by the Ethics Office, in the three induction courses organized by HRMD;
- 21 senior staff members participated in two dedicated briefings on Financial Disclosure and Declaration of Interests;
- 7 staff members from External Offices participated in the Annual Dialogue of the Ethics Office with External Offices on ethics values and principles in WIPO, tailored to their specific needs.



12. Building on the well-received and, as confirmed by surveys, successful awareness raising strategy, introduced in 2017, the Ethics Office continued to organize presentations by experts in the ethics field of high renown and/or with specialized technical skills, from different cultural backgrounds, to trigger open discussions on codes and principles of ethics and on how to apply these in the daily working practice of an international civil servant. The 2019 WIPO Ethics Office Public Lecture was delivered by author, philosopher, advisor to business and non-business entities, member of the Food Ethics Council and Academic Director of the Royal Institute of Philosophy (UK), Dr. Julian Baggini. The Public Lecture “Culture, Character and Ethics: Ethical Dilemmas in International Organizations” attracted a public of some 250 persons, with an estimated 40 per cent of participants from developing countries, and included members of the diplomatic community, staff from the UN, UN Specialized Agencies and other International Organizations, representatives of non-governmental organizations (NGOs) and the academic community as well as students, alongside WIPO staff. A remarkable feature was the active engagement in the discussions by developing country participants, and by women. The presentation and subsequent interactive discussions between the speaker,

staff and attendees from the public, served the objective of reflecting on ethical behavior in serving WIPO and/or International Organizations.

13. Awareness raising and training activities also included information on WIPO's Policy to Protect Against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations (PaR), as well as on general and specific information resources, including the Ethics Office Intranet pages. WIPO's Ethics Office maintains a comprehensive and regularly updated Intranet site, which includes resources and information, amongst others on the PaR policy.

14. In line with best practice (private and public sector), in 2019 special attention was again placed on interaction with middle management. To that end, three activities were dedicated to managers (middle managers and senior staff).

15. In 2019, general and dedicated ethics awareness events were held throughout the year. Printed materials, providing information and contact details of the Ethics Office, were distributed at all events.

16. The ethics and integrity training and awareness raising events included a review of ethical principles and values that apply at WIPO, with focus on specific areas, examples and case studies, and on ethical decision-making models. As a standard feature, all activities included an introduction to the Ethics Office, its tasks and the services it provides to staff, as well as information on its 24/7 helpline. In all activities, there were inter-active discussions on common obstacles to behaving ethically, and on ways such obstacles could best be addressed.

17. Overall, ethics and awareness events were well received by staff.

### III. CONFIDENTIAL ADVICE TO STAFF MEMBERS

18. Upon request, the Ethics Office provides confidential advice to staff members. In 2019, the Ethics Office provided advice in 55 instances. The areas of advice concerned:

Outside activities: 10  
Communications, media: 2  
Conflicts of interest: 5  
Declarations of interests: 24  
Protection against retaliation (enquiry): 1  
Employment-related: 3  
Other, referrals: 10.



19. Advice was provided to the satisfaction of the staff members concerned.

#### IV. STANDARD-SETTING AND POLICY DEVELOPMENT

##### Protection Against Retaliation

20. In furtherance of the principles and objectives of securing the highest standards of ethics and integrity for all members of personnel of the Organization, and in support of WIPO's core values, the 2017 *Policy to Protect Against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations* (PaR) constitutes the general framework for the protection of all personnel against retaliation for cooperation in an oversight activity, or for making a report, in good faith, of misconduct that, if established, would be manifestly harmful to the interests, operations or governance of the Organization.

##### Policy on Financial Disclosure and Declaration of Interests

21. The 2017 Policy on Financial Disclosure and Declaration of Interests (FDDI) applies to the disclosure of financial interests and to compliance with the International Public Sector Accounting Standards (IPSAS) for senior staff and other designated categories of staff. The Policy aims to achieve an appropriate balance between the need for information and staff members' right to privacy, while taking into account the risk management framework, the internal controls system implemented by the Secretariat, and best practices on the issue. The first filing exercise, with review of submissions by an external reviewer, was undertaken in 2018.

#### V. IMPLEMENTATION OF POLICIES ASSIGNED TO THE ETHICS OFFICE

##### Protection Against Retaliation

22. A PaR policy, in existence at WIPO since 2012 and updated in 2017, constitutes the general framework for the protection of all personnel against retaliation for participation in an oversight activity as defined in the policy, or for reporting misconduct.

23. In accordance with the PaR policy, the Ethics Office receives complaints of retaliation and conducts preliminary reviews to determine whether a complainant has engaged in a protected activity. Based on its preliminary review of a complaint, the Ethics Office determines whether *prima facie* there is a case of retaliation, and whether there exists a need to recommend protection as per the policy, of the staff member concerned.

24. In accordance with its mandate to provide services to other UN organizations, the Ethics Office of the United Nations Office for Project Services (UNOPS) serves as outside reviewer for requests for review in respect of preliminary reviews by WIPO's Ethics Office.

25. 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.

26. In the two cases concluded, the complainants requested a review of the preliminary reviews by the Ethics Office of UNOPS. In both cases, the determinations of the WIPO Ethics Office were affirmed. In 2019, UNOPS also upheld a 2018 determination by WIPO's Ethics Office, affirming that the case did not present a *prima facie* case of retaliation.

### Financial Disclosure and Declaration of Interests

27. In 2019, WIPO staff members at the level of D1 and above, and a limited number of other designated categories of staff, submitted declarations over the reporting year 2018 under the FDDI policy.

28. This policy has as objectives:

- to promote transparency and accountability;
- to enhance internal and external public trust in the integrity of the Organization; and
- to assist the Organization to manage the risk of actual and perceived conflicts of interest through disclosure, mitigation and prevention.

29. The Ethics Office is tasked with the administration of the FDDI statements. The statements 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.

30. The external reviewer reported that review and analysis of participant disclosure forms was based on the relevant Office Instructions, knowledge and experience attained from similar disclosure programs, consultation with WIPO's Ethics Office, and independent research as necessary to evaluate possible conflicts. Each disclosure form was subject to two levels of review by the external reviewer. The review methodology was designed by the external reviewer to highlight items that required special consideration, including but not limited to: a financial interest of a company on WIPO's Vendor List, a financial interest with significant investment objectives focused on intellectual property, and/or any relevant Authorizations required for certain interests or activities. The review included research of publicly available information to obtain the investment strategy, as well as a breakdown of disclosed interests. Additionally, the external reviewer conducted follow up discussions with the participants as necessary to obtain supplemental information relevant to the review.

31. When factors existed in a disclosure form indicating perceived, potential, or actual conflicts of interest, the external reviewer discussed the situation with WIPO's Ethics Office for guidance and resolution. The conclusion on whether a perceived, potential or an actual conflict existed, and the appropriate resolution, remained with WIPO.

## Program Overview

32. Continuing the practice initiated in 2018, in 2019, statements of financial disclosure and declaration of interests were submitted online. The external reviewer launched a website for the 2019 Financial Disclosure and Declarations of Interests Program for the WIPO participants on June 11, 2019.

33. An earlier launch date than in the previous cycle was opted for. During the review in the previous year, a delay in participant response times was experienced, and found to be due to the traditional summer break of most participants. The earlier launch date in 2019 allowed participants to complete their FDDI form submissions prior to the summer holidays, therefore reducing the lag time in participant follow-up responses. The change of dates seemed indeed to have contributed to the timely response by participants.

34. Following the external reviewer's recommendation, feedback received from filers, and in-depth analysis followed by discussions with WIPO's Office of the Legal Counsel and the Security and Information Assurance Division, the requirement for participants to use an anonymized email alias for the FDDI was suppressed in the 2019 filing cycle. In the prior year, an anonymized email "alias" was used, with a view to maintaining participant confidentiality and anonymity. This system caused significant confusion among participants, as manifested by a high volume of calls and emails for support relating to login issues. Moreover, many participants nevertheless chose to use their personal emails for these inquiries and for engaging with the external reviewer. A survey by the Ethics Office indicated that the vast majority of filers did not have objections to suppressing this requirement. Allowing participants to use their personal WIPO emails during the 2019 disclosure program markedly reduced participant confusion, login inquiries and requests for login support. WIPO accepted the external reviewer's recommendation to continue to allow participants to use their personal WIPO emails in subsequent years.

35. During the 2019 disclosure program, the external reviewer maintained anonymity in its review system through an automated anonymous Filer ID assigned to each participant by the FDDI system. During the case discussions with WIPO's Ethics Office, the external reviewer referred to the participants' anonymous Filer ID (generated by its FDDI system), instead of referencing names and/or personal WIPO emails.

36. In order to maintain as strict a confidentiality as possible around participant information and disclosures, the external reviewer put in place a number of measures. To protect participant privacy, the external reviewer put in place a closed project team, physical security of documentation, system access and printing restrictions, confidentiality agreements, and a rigorous application and network security-testing regime. These practices are to remain in place for future FDDI filing cycles.

37. One hundred and five (105) WIPO staff members participated in the 2019 program (i.e. the 2018 Filing Cycle). The program was open for approximately six weeks, with an official closing deadline of July 24, 2019. All 105 participants completed their disclosure forms prior to the official closing deadline thus allowing for a 100 per cent filing rate for the 2018 filing cycle (conducted in 2019). About 91 per cent of the reviewed staff member disclosures were categorized as 'No Reportable Observations', whereby the external reviewer did not identify a possible conflict of interest in its review of the declaration. The remaining 9 per cent of disclosures were discussed with WIPO's Ethics Office to make a determination on conflicts of interest and any necessary remedial action.



### Additional Verification

38. Approximately 5 per cent (6 participants) of randomly selected FDDI forms were selected for the 2019 verification process, in addition to the regular review process. The staff members were asked to provide third-party documentation for all items they had disclosed. If their forms were blank, they were asked to re-confirm that they did not have any items to disclose on their WIPO FDDI form. Any additional documents were requested in order to verify the accuracy and completeness of information disclosed by participants. All participants selected for the Verification Process were compliant, providing the necessary third-party documentation or blank form submission confirmation, resulting in no reportable observations.

39. The Ethics Office, in collaboration with the external reviewer, organized briefings and support sessions for staff required to file FDDI statements. The information sessions took place closer to the date of the FDDI launch to maximize participation and encourage early form submissions. Informational slides from sessions were also posted on the Intranet site of the Ethics Office. The Ethics Office provided substantive and technical support and guidance to filers. The Ethics Office furthermore provided in-person advice on conflict-of-interest management.

40. Participants also had the option to contact the external reviewer for assistance by email, through an “Ask A Question” function on its website and/or by telephone to the external reviewer’s service desk. The majority of participant inquiries to the external reviewer related to technical issues, such as misplacement of registration emails or other registration/login issues to the FDDI website. The external reviewer reported that it had responded to all inquiries within two business days.

### IPSAS

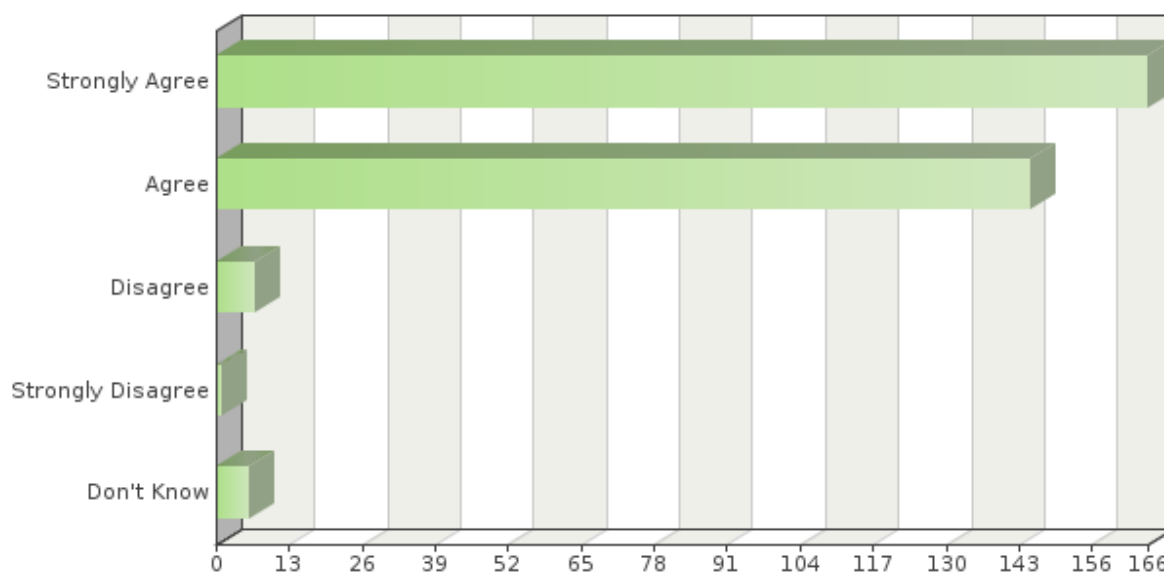
41. Compliance with IPSAS created additional disclosure requirements for staff members at D2 level and above. A 100 per cent rate of compliance by WIPO staff with IPSAS disclosure requirements in 2019 concerning related-party transactions for the 2018 reporting period, was achieved.

42. The Ethics Office took into consideration the experience gathered in 2019 for the design and launch of the 2020 process.

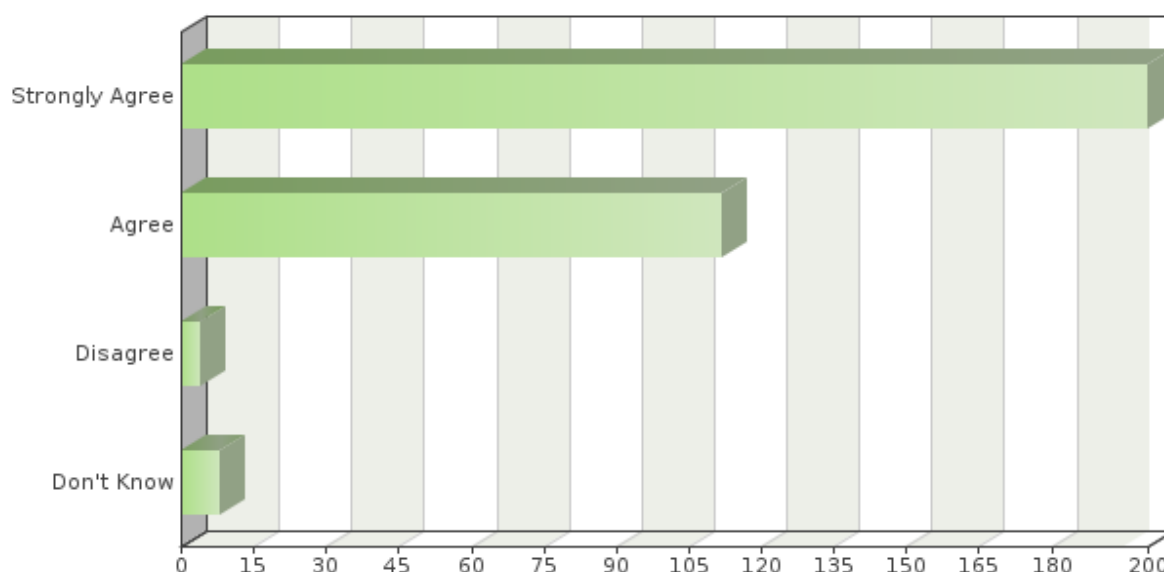
## VI. MEASURING ETHICS AND INTEGRITY AT WIPO

43. 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 equally reported being committed to these principles. Eighty-six per cent of respondents reported being aware of the procedures for reporting misconduct.

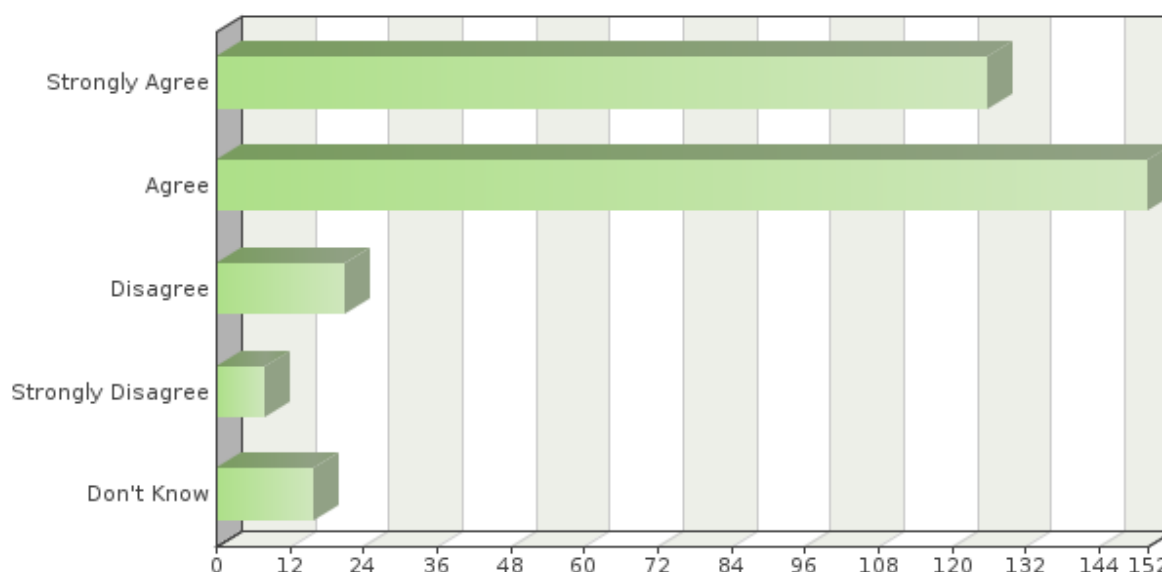
44. In response to question 1, *I am aware of WIPO's ethics principles*, 51.08 per cent of respondents answered "Strongly Agree", and 44.62 per cent of respondents answered with "Agree".



45. In response to question 2, *I am committed to WIPO's ethics principles*, 61.73 per cent of respondents answered "Strongly Agree", and 34.57 per cent of respondents answered with "Agree".



46. In response to question 3: *I am aware of the procedures for reporting misconduct*, 39.01 per cent of respondents answered "Strongly Agree", and 47.06 per cent of respondents answered "Agree".



47. The findings of the survey were taken into consideration for the further design of training and awareness raising programs on ethics.

#### VII. OTHER ACTIVITIES OF THE ETHICS OFFICE

48. The Ethics Office, as all program units within the Organization, also prepares its contribution to the biennial and annual planning processes of WIPO. Risk management is also performed as part of the integrated results-based management framework.

49. Throughout 2019, the Ethics Office engaged with the WIPO Independent Advisory Oversight Committee (IAOC).

50. Also in 2019, the Ethics Office cooperated with system-wide initiatives. In particular, the Ethics Office, as the designated WIPO focal point for the UN Joint Inspection Unit's (JIU) "Review of whistle-blower policies and practices in United Nations system organizations", continued to be involved in the process at the system level. The Ethics Office also cooperated with the JIU on its "Review of audit and oversight committees in the United Nations system" and on the "Review of the state of the Investigation Section". The JIU's 2020 work program foresees a review on the "Current state of the ethics function in the United Nations system".

#### VIII. SYSTEM-WIDE COLLABORATION ON ETHICS-RELATED ISSUES WITHIN THE UNITED NATIONS BY THE ETHICS OFFICE

51. WIPO's Ethics Office actively engages with the Ethics Network of Multilateral Organizations (ENMO), which aims to promote system-wide collaboration on ethics-related issues within the UN system for participating bodies from the UN family. The ENMO serves as a broad forum of ethics functions from UN system entities, affiliated international organizations and international financial institutions, and allows for the exchange of ethics policies and practices.

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