

WIPO



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GENEVA

WIPO COORDINATION COMMITTEE

Thirty-Ninth Session (28th Ordinary)
Geneva, September 22 to October 1, 1997

APPOINTMENT OF MEMBERS OF THE WIPO ARBITRATION AND MEDIATION COUNCIL

Memorandum by the Director General

1. At its September 1993 session, the General Assembly of the World Intellectual Property Organization (WIPO) unanimously approved the establishment of WIPO arbitration services for the resolution of disputes between private parties (see document WO/GA/XIV/4, paragraph 31).

2. As part of its decision to approve the establishment of arbitration services, the WIPO General Assembly approved the creation of a WIPO Supervisory Board on Arbitration, which is now called the WIPO Arbitration and Mediation Council ("the Council"). The proposal for the establishment of the Council that was placed before, and approved by, the WIPO General Assembly read as follows:

"13. In order to provide advice and to supervise the activities of the International Bureau in this area, it is proposed that a WIPO Supervisory Board on Arbitration (hereinafter referred to as "the Board") be established. It is proposed that the Board be composed of six persons, appointed by the Director General of WIPO. Two of them would be government officials of member States of WIPO and their appointment would be preceded by the Director General's consulting with the WIPO Coordination Committee. The other four would be selected from among leading international specialists in arbitration in the non-government sector after consultation between the

Director General and representatives of the most prestigious non-governmental organizations in the field of intellectual property and/or international arbitration. It is proposed that appointments be made for terms of three years, renewable, and that the Board meet one to three times a year to review past activities and to provide advice on future activities.” (Document WO/GA/XIV/1, paragraph 13)

3. After consultation with representatives of non-governmental organizations in the fields of intellectual property and international arbitration, the Director General appointed in 1994 the following four persons from the non-government sector to the Council (see documents WO/CC/XXXII/3 and 5):

Dr. Marc BLESSING, President, Swiss Arbitration Association (ASA)

Mr. Michael HOELLERING, General Counsel, American Arbitration Association (AAA)

The Right Honorable Sir Michael KERR, Member, Court of Appeal and Privy Council, United Kingdom, and Honorary President, London Court of International Arbitration (LCIA)

Professor Zentaro KITAGAWA, Chief Director, Kyoto Comparative Law Center, Kyoto, Japan.

4. With the agreement of their respective governments, and after consulting the WIPO Coordination Committee, the Director General also appointed in 1994 the following two persons from the government sector to the Council (see documents WO/CC/XXXII/3 and 5):

Mr. Jürgen SCHMID-DWERTMANN, Deputy Director General, Ministry of Justice, Germany

Professor TANG Houzhi, Vice-Chairman, China International Trade and Economic Arbitration Commission (CIETAC).

5. The Council, composed of the aforementioned six persons, has met on three occasions—September 19, 1994, November 15, 1995, and November 27, 1996.

6. The initial terms of office of the aforementioned six persons expire on August 31, 1997, so that new appointments need to be made.

7. With the agreement of their respective governments, the Director General intends to appoint the following two persons from the government sector to serve for a three-year term as members of the Council:

Mr. Jürgen SCHMID-DWERTMANN, Deputy Director General, Ministry of Justice, Germany

Professor TANG Houzhi, Vice-Chairman, China International Trade and Economic Arbitration Commission (CIETAC).

8. After consultation with representatives of non-governmental organizations in the fields of intellectual property and international arbitration, the Director General has also decided to appoint for a further three-year term the following four persons from the non-governmental sector to the Council:

Dr. Marc BLESSING, President, Swiss Arbitration Association (ASA)

Mr. Michael HOELLERING, General Counsel, American Arbitration Association (AAA)

The Right Honorable Sir Michael KERR, Member, Court of Appeal and Privy Council, United Kingdom, and Honorary President, London Court of International Arbitration (LCIA)

Professor Zentaro KITAGAWA, Chief Director, Kyoto Comparative Law Center, Kyoto, Japan.

9. In addition, in order to enlarge the geographical representation on the Council, the Director General proposes to appoint to the Council for a three-year term a further person from the non-governmental sector, namely,

Dr. Mohamed ABOUL-ENEIN, Director, Cairo Regional Centre for International Commercial Arbitration, Egypt.

10. Each of the above-mentioned persons has agreed to serve on the Council.

11. The WIPO Coordination Committee is invited to express its views on the intention of the Director General to appoint the two government officials named in paragraph 7, above, as members of the WIPO Arbitration and Mediation Council, and on the intention of the Director General to enlarge the representation of the non-government sector on the WIPO Arbitration and Mediation Council by one person, as indicated in paragraph 9, above.

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