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USE OF PORTUGUESE AS A WORKING LANGUAGE OF WIPO

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1. In two letters dated November 11, 1998, and January 25, 1999, the President of Portugal's National Institute of Industrial Property (INPI), writing in the name of the seven countries whose official language is Portuguese, requested the Director General of WIPO to include, on the agenda of the next session of the WIPO General Assembly, consideration of the possibility of adopting Portuguese as a working language of WIPO.
2. In support of this request, the President of INPI stated that Portuguese is the fifth most widely spoken language in the world, being spoken by 200 million people, that all seven Portuguese-speaking countries are now party to the WIPO Convention and the main treaties administered by WIPO and that the majority of Portuguese speakers are nationals of developing countries. He also noted that the use of Portuguese as a working language of WIPO would reinforce and enhance the participation of Portuguese speaking countries in the development activities conducted by WIPO for their benefit and would reflect the new dynamic spirit of WIPO's cooperation for development program.
3. It is recalled that Article 6(2)(vii) of the Convention Establishing the World Intellectual Property Organization provides that the General Assembly shall "determine the working languages of the Secretariat, taking into consideration the practice of the United Nations."

4. The working languages of the Secretariat (i.e., the languages used for one or more of interpretation, documents, publications or correspondence) are at present Arabic, Chinese, English, French, Portuguese, Russian and Spanish; this came about as a result of the following events.

5. In 1978 the WIPO Coordination Committee decided that the question of the use of Arabic, Portuguese, Russian and Spanish as working languages of the Organization, in addition to English and French, should be placed on the agendas of the 1979 sessions of the Committee itself and of the Assemblies and Executive Committees of the Paris and Berne Unions (document AB/IX/19, paragraph 210).

6. In 1979, the Governing Bodies decided to extend the use of Arabic, Portuguese, Russian and Spanish as working languages of WIPO, in accordance with certain proposals made by the Director General, as set out in document AB/X/11. In summary, it was decided that: *correspondence* should be accepted in Arabic (preferably with an unofficial translation) and in Russian, and should continue to be accepted and sent in Spanish; *documents* should continue to be made available for selected meetings in Arabic, Russian and Spanish (with an increase in respect of Russian); simultaneous *interpretation* should continue to be provided for selected meetings in Arabic, Russian and Spanish; the main extension proposed and decided was, for all four languages, in respect of *publications* such as texts of treaties and regulations, guides, information brochures, newsletters, etc. An increase of 400,000 Swiss francs in the budget for each of 1980 and 1981 was made to provide for the said increased use of languages; that corresponded to an increase of about 1.3% in those budgets (document AB/X/32, paragraphs 34 to 38).

7. The resulting situation was that, as from 1981, the then Languages Section was able to handle, through its own staff, translations not only in English and French but also in Arabic, Russian and Spanish.

8. In 1994 translation into Chinese was introduced, having been provided for in the Program and Budget for the 1994-95 biennium approved by the Governing Bodies (document AB/XXIV/2, paragraph 2.29(vii)).

9. The present situation for WIPO as regards the use of languages can be summarized as follows: some or all of six languages, namely Arabic, Chinese, English, French, Russian and Spanish, are used for simultaneous interpretation and for the production of documents for certain meetings, and are used for the production of publications; correspondence may be received by the Secretariat in those languages (and is sent in English, French and Spanish). As concerns Portuguese, its use as a working language is restricted to the production of certain publications.

10. As regards the use of working languages for simultaneous interpretation, translation of documents for meetings, production of publications and receipt of correspondence (hereinafter referred to as “full working languages”), the present practice observed by WIPO is consistent with that prevailing in the United Nations system of organizations: the United Nations, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the International Civil Aviation Organization (ICAO), the International Telecommunications Union (ITU), the World Meteorological Organization (WMO), the International Maritime Organization (IMO) and the United Nations Industrial Development Organization (UNIDO) use Arabic, Chinese, English, French, Russian and Spanish as full working languages; the International Labour Organization (ILO)

uses Arabic, Chinese, English, French, German and Spanish as full working languages; the Food and Agriculture Organization (FAO) of the United Nations uses Arabic, Chinese, English, French and Spanish as full working languages; the Universal Postal Union (UPU) uses English and French as full working languages.

11. Several of the above-mentioned organizations also provide for partial (rather than full) use of other languages, for interpretation or for document translation, with the associated costs being borne by the requesting countries. For example, UPU provides on request translation of documents into Arabic, Chinese, German, Portuguese, Russian and Spanish; the corresponding cost is paid by the requesting countries. In this context, as concerns Portuguese, in WMO, Portuguese interpretation is provided at the Congress held every four years, with the costs paid by the Government of Portugal; ITU provided interpretation at its plenipotentiary meeting last year at the request of and financed by the Governments of Portugal and Brazil; ILO will provide interpretation from Portuguese as from March 2000 with the costs being paid by the Government of Portugal.

12. According to the aforementioned decision taken by the Governing Bodies with regard to the production of publications in Portuguese, WIPO has produced Portuguese versions of the following publications: WIPO Convention; Paris Convention; Berne Convention; Madrid Agreement and Protocol to the Madrid Agreement; Hague Agreement; Patent Cooperation Treaty (PCT) and PCT Regulations; Budapest Treaty; Phonograms Convention; Rome Convention; IPC General Information Brochure; Locarno Classification (6th Edition); Guide to the Rome Convention; Licensing Guide for Developing Countries; Industrial Property Glossary; WIPO General Information Brochure; in addition, documents and lectures for certain training courses or seminars are produced in Portuguese.

13. Should the use of Portuguese as a working language of WIPO be extended further, for example including the addition of simultaneous interpretation to and from Portuguese and translation of documents into Portuguese at the same level as that at which Arabic, Chinese or Russian are now used, the staff and cost implications would be the following:

(a) *Interpretation.* Recruitment of Portuguese language interpreters, with the necessary ability to work from the other languages, particularly as regards use of the technical terminology associated with intellectual property, would probably have to be made non-locally, which implies a higher cost for travel and DSA expenses, since only a very limited market for Portuguese interpreters presently exists in Geneva. Based on the level of simultaneous interpretation provided at present for Arabic, Chinese and Russian, the cost for interpretation to and from Portuguese is estimated to involve costs for interpreters of approximately 500,000 Swiss francs per biennium. Additional expenses would also be incurred for the establishment of additional interpretation equipment facilities for the present main WIPO Conference Room A (which is now equipped for six languages, with six booths for interpreters). Since the existing sound equipment in Conference Room A will only accommodate six languages, the addition of a seventh language, in the short term, would require installation of a booth for interpreters (which would be located within the conference room), and the use of an infra-red installation for all seven languages: these would involve certain capital costs. In the longer term, since the sound equipment in Conference Room A is more than 20 years old and needs to be replaced, the associated re-wiring could then be made to accommodate a seventh language, with the booth for the interpreters either still being in Conference Room A or being located beside the other interpreter booths (but the latter solution would require extensive construction work).

(b) *Translation.* The level of translation provided at present in Arabic, Chinese and Russian would require the recruitment of two (Professional) senior translators and one (General Service) text processing operator; those three staff members would have a direct cost of about 930,000 Swiss francs per biennium, plus direct overheads and related expenditures of about 170,000 Swiss francs per biennium (including for office space, printing, supplies, equipment, etc.), as well as the outsourcing of some translation work, at a cost of about 100,000 Swiss francs per biennium.

(c) In total, in addition to the capital costs for adding a seventh language facility to Conference Room A, the on-going costs for providing simultaneous interpretation and translation of documents for Portuguese to be at the same level as that of Arabic, Chinese and Russian at present would cost about $(500,000 + 930,000 + 170,000 + 100,000 =)$ 1,700,000 Swiss francs per biennium.

14. It is clear that the budget for the 2000-2001 biennium cannot absorb such a significant amount. If Member States wish now to increase the use of Portuguese to be at the same level as Arabic, Chinese and Russian for purposes of simultaneous interpretation and translation of documents, it would therefore be necessary to increase the budget for the 2000-2001 biennium by the amount of 1,700,000 Swiss francs, which would correspond to a further increase of some 0.4%, thereby taking the increase over the budget for the 1998-1999 biennium to 8.5%.

15. Alternatively, if Member States are not willing to increase the use of Portuguese to be at the same level as Arabic, Chinese and Russian for purposes of simultaneous interpretation and translation of documents, with the above-mentioned financial consequences, or if Member States prefer to wait until Portuguese is made a full working language in the United Nations (recognizing that the WIPO General Assembly determines the working languages of the Secretariat, taking into consideration the practice of the United Nations), there would be no change in the current use of Portuguese as a working language in WIPO.

16. The General Assembly is invited to decide whether it wishes now to increase the use of Portuguese as a working language to the same level as Arabic, Chinese and Russian, or whether it prefers to wait until Portuguese is established as a working language of the United Nations.

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