

WIPO Independent Advisory Oversight Committee

Sixty-Second Session
Geneva (Virtual), September 22 to 23, 2021

REPORT

adopted by the WIPO Independent Advisory Oversight Committee

INTRODUCTION

1. With the continuing COVID-19 pandemic, the 62nd session of the WIPO Independent Advisory Oversight Committee (IAOC) took place virtually from September 22 to 23, 2021. Present were Ms. Tatiana Vasileva (Chair), Messrs. Bert Keuppens (Vice-Chair), Mukesh Arya, Igors Ludboržs, and Zhang Long, and Ms. Maria Vicien-Milburn. While Mr. Othman Sharif has informed the Committee about his unavailability since March 2021, he has yet to submit his official resignation from the Committee.

AGENDA ITEM 1: ADOPTION OF THE AGENDA

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2. The Committee added to the draft Agenda the meeting with the newly appointed Chief Ethics Officer (Agenda Item 8). Thereafter, the Committee adopted its Agenda, which is attached to this report as Annex I. A list of session documents is attached as Annex II.
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AGENDA ITEM 2: CONFLICT OF INTEREST DECLARATION

3. Members present were asked to disclose any actual or potential conflict of interest. No conflict of interest was reported.

AGENDA ITEM 3: MATTERS ARISING FROM PREVIOUS SESSION

4. The Committee took stock of the actions carried out following the decisions taken at its 61st session. One pending item was the revision of the Terms of Reference (ToR) of the WIPO IAOC, which will be taken up in this 62nd session (Agenda Item 9).

5. The Chair and the Vice-Chair apprised the Committee on the results of the presentation of the IAOC Annual Report at the recently-concluded 33rd session of the Program and Budget Committee (PBC). Overall, the IAOC Annual Report was well appreciated. The role of the immediate past Chair, Mr. Mukesh Arya, during the annual reporting period from April 24 to July 9, 2021, was also acknowledged by the PBC.

AGENDA ITEM 4: MEETING WITH THE DIRECTOR GENERAL

6. The Director General met the Committee and provided an update on the approval of the program and budget of WIPO by the PBC. Likewise, he updated the Committee on the approval of the Capital Master Plan. The Committee was appreciative of the candid exchange with the Director General on various topics of interest, including the Medium-Term Strategic Plan.

AGENDA ITEM 5: INTERNAL OVERSIGHT

Internal Oversight Division (IOD) Activity Report

7. The Committee reviewed with the Director, Internal Oversight Division (IOD) and his line managers, the quarterly Activity Report as of September 14, 2021. The Committee noted that since the last quarterly report dated June 24, 2021 (reporting on the status as of June 15, 2021), the 2021-2026 IOD Strategy had been drafted and two evaluation engagements had been completed, namely the Evaluation of the Use and Impact of IOD Evaluation Section Recommendations and the Consultancy on National Intellectual Property (IP) Strategy Self-Evaluations.

Follow-up on Oversight Recommendations

8. The Committee also reviewed the status of implementation of oversight recommendations as of September 10, 2021. The Committee noted that 27 (or 25 per cent) of

107 outstanding recommendations were of high priority. There was minimal movement since last quarter with only one recommendation added from the Management Implementation Report. Of the 107 recommendations, 92 (or 86 per cent) were from IOD, one (or 1 per cent) from IAOC and 14 (or 13 per cent) were from the External Auditor.

Evaluations

9. IOD presented the results of the advisory engagement on National IP Strategy Self-Evaluations, which updated “Tool 3: Benchmarking indicators of the Methodology for the Development of National IP Strategies”. This publication provides support and guidance to Member States interested in developing and implementing a national IP strategy. The Committee took note of this methodology and expressed interest in the intended use at the national levels.

10. IOD also presented “Applying Behavioral Insights in Evaluation”, resulting from its Report on “Evaluation of the Use and Impact of IOD Evaluation Section Recommendations”. The Committee took note of the new evaluation approach using the latest research methods in behavioral science. IOD explained that this approach is being used in the public sector and may be worth experimenting in IOD evaluations, especially for purposes of facilitating implementation of evaluation recommendations. IOD stated that their goal is to recognize, identify and address human bias when engaging in evaluation by using the knowledge produced by behavioral insights and “nudges” to increase the usefulness and impact of evaluations. The Committee found the new approach interesting, and looked forward to getting feedback on the use of this behavioral insight approach, especially in improvements in the implementation of evaluation recommendations.

Investigations

11. The Committee was updated on the status of investigation cases. Since its last session, five new cases were opened and four were closed, after a full investigation. As of September 10, 2021, there were 14 pending investigation cases, of which two were under preliminary evaluation, seven under full investigation, and five cases on hold. The Committee noted that of the 14 pending cases, one was registered in 2016, two in 2019, two in 2020 and nine in 2021. One Management Implication Report was issued regarding information published in the PatentScope database.

12. In accordance with its ToR, the Committee met in a private session with the Director, IOD.

AGENDA ITEM 6: JOINT INSPECTION UNIT (JIU) RECOMMENDATIONS

13. The Controller presented to the Committee the status of implementation of JIU recommendations addressed to the Executive Head of JIU participating organizations, as well as those addressed to Legislative Bodies (WO/PBC/33/6), as discussed at the 33rd session of the PBC.

14. The Committee inquired about the JIU’s recommendation to Legislative Bodies to consolidate all investigations and related activities, irrespective of the type of misconduct, in the internal oversight office of each Organization (JIU/REP/2020/1). The Committee suggested that WIPO clarify how cases of sexual exploitation and abuse as well as sexual harassment should be handled. The Committee underscored the importance that the victim must know where to go first and reiterated that in some UN Organizations, this function is entrusted to the Chief Ethics Officer. The Committee emphasized that the purpose is to have a clear contact point so as to be able to act promptly and provide advice to victims as to the next steps.

15. With regard to the JIU's recommendation relating to Enterprise Risk Management (JIU/REP/2020/5), the Controller informed the Committee that the Risk Appetite Statement will be drafted in 2022 based on discussions with the Risk Management Group in the context of the Medium Term Strategic Plan.

AGENDA ITEM 7: OMBUDSPERSON – ACTIVITY REPORT FOR 2020

16. The Committee reviewed with the Ombudsperson the Activity Report for 2020 and took note of the four recommendations from the 2016-2019 report that were being reiterated in 2020. While appreciating that the Ombudsperson's recommendations are not binding, the Committee again advised that some mechanism should be put in place for following up recommendations. Having a target timeline for implementation of recommendations would also be helpful. The Committee was also pleased to know that the Ombudsperson's Activity Report will now be available publicly. The Committee had in the past suggested that the reports be shared with the Member States (WO/IAOC/54/2) and also that a peer review of the Ombudsperson's function could be helpful (WO/IAOC/58/2). The Ombudsperson confirmed that a peer review is planned before the end of 2021. The Committee was thankful to the Ombudsperson for the interesting and candid discussion.

AGENDA ITEM 8: MEETING WITH THE CHIEF ETHICS OFFICER

17. The Committee met with Ms. Jovanie Philogene, the newly appointed Chief Ethics Officer, WIPO Ethics Office, Sector of the Director General, with effect from September 15, 2021. The Committee members expressed congratulations and well wishes to Ms. Philogene and looked forward to reviewing the workplan for 2022 and onwards.

AGENDA ITEM 9: REVIEW OF IAOC TERMS OF REFERENCE

18. The Committee continued its review of the IAOC's ToR, which it had started at its 60th session (WO/IAOC/60/2). The proposed amendments aim at: (i) incorporating the relevant recommendations resulting from JIU's Review of Audit and Oversight Committees in the United Nations system (JIU/REP/2019/6); (ii) taking into account issues raised during IAOC's self-assessment undertaken during its 59th session in December 2020; and (iii) considering evolution in the practices among external oversight bodies in the United Nations system.

AGENDA ITEM 10: OTHER MATTERS

WIPO Investment Reports

19. Management submitted to the Committee the Investment Performance Reports and the Investment Monitoring Reports for June, July and August 2021, prepared by the Investment Advisors and the Custodian, respectively.

20. The Committee reviewed the documents received and confirmed that the information provided showed that during the period under review, and based on the investment market benchmark, all the vehicles in WIPO's investment portfolio delivered the expected results and were managed in accordance with the stated investment strategy. In addition, the Committee confirmed that the Custodian did not report any breaches, active or passive, or justified exceptions.

Next Session

21. The next session is scheduled to take place from December 1 to 3, 2021. It will still be in a virtual format due to the continuing COVID-19 pandemic. The draft Agenda for that session is as follows:

- (1) Adoption of the Agenda
- (2) Conflict of Interest Declaration
- (3) Matters arising from previous Session
- (4) Matters arising from the WIPO General Assembly and the Coordination Committee
- (5) Meeting with the Director General
- (6) Internal Oversight (including Proposed 2022 Annual Workplan)
- (7) Review of High-Priority Oversight Recommendations
- (8) Financial Reporting
- (9) External Audit: Audit Planning Report, 2021 Interim Audit Outcomes
- (10) Ethics (including Proposed 2022 Annual Workplan)
- (11) IAOC Self-Assessment of its 2021 Activities
- (12) Election of IAOC Chair and Vice-Chair for 2022
- (13) Information Meeting with Member States' Representatives
- (14) Other Matters

[Annexes follow]



WO/IAOC/62/1
ORIGINAL: ENGLISH
DATE: NOVEMBER 15, 2021

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DRAFT AGENDA

prepared by the WIPO Independent Advisory Oversight Committee

1. Adoption of the Agenda
2. Conflict of Interest Declaration
3. Matters arising from previous Sessions
4. Meeting with the Director General
5. Internal Oversight
6. Joint Inspection Unit (JIU) Recommendations
7. Ombudsperson: Activity Report for 2020
8. Meeting with the Chief Ethics Officer
9. Review of IAOC Terms of Reference
10. Other Matters

[Annex II follows]



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LIST OF DOCUMENTS

ITEM 1: ADOPTION OF THE AGENDA

- [01] Agenda
- [02] Timetable
- [03] List of Documents

ITEM 2: STATEMENT OF DISCLOSURE OF INTEREST AND TECHNICAL MATTERS

No document: Oral account.

ITEM 3: MATTERS ARISING FROM PREVIOUS SESSIONS

- [04] Report by the WIPO Independent Advisory Oversight Committee (IAOC) (document WO/PBC/33/2/REV.) – August 6, 2021

ITEM 4: MEETING WITH THE DIRECTOR GENERAL

No document: Oral account.

ITEM 5: INTERNAL OVERSIGHT

Internal Oversight Division:

- [05] IOD Activity Report – September 14, 2021 (Reference: IOD-IAOC-2021/03)
- [06] Open Oversight Recommendations – September 10, 2021
- [07] Proposed Revisions to the WIPO Internal Oversight Charter (document WO/PBC/33/4) – July 28, 2021
- [08] Audit Report – Methodology for the Development of National Intellectual Property Strategies: Supplement on Benchmarking Indicators, September 7, 2021 (Reference: IA 2021-02)
- [09] Evaluation of the Use and Impact of IOD Evaluation Section Recommendations, September 10, 2021 (Reference: IA 2020-03)

- [10] PowerPoint presentation: “WIPO Methodology for the Development of National Intellectual Property Strategies”, September 2021
- [11] PowerPoint presentation: “Applying Behavioural Insights in Evaluation”, September 2021

Investigation:

ITEM 6: REVIEW OF THE JOINT INSPECTION UNIT (JIU) RECOMMENDATIONS

- [12] Joint Inspection Unit (JIU) Recommendations addressed to Executive Heads of JIU Participating Organizations – Status as at end May 2021 (June 21, 2021)
- [13] Progress Report on the Implementation of the Joint Inspection Unit’s (JIU) Recommendations (document WO/PBC/33/7) – June 30, 2021

ITEM 7: OMBUDSPERSON

- [14] Activity Report 2020 (July 12, 2021)

ITEM 8: MEETING WITH THE CHIEF ETHICS OFFICER

- [15] Information Circular No. 21/2021, Appointment in the Sector of the Director General

ITEM 9: REVIEW OF IAOC TERMS OF REFERENCE

- [16] Proposed Revision of the Selection Procedure for the Members of the WIPO Independent Advisory Oversight Committee (document WO/PBC/33/3) – July 29, 2021
- [17] Draft Proposed Revisions to the Terms of Reference, Annex III, of the WIPO Financial Regulations and Rules, July 8, 2021

ITEM 10: OTHER MATTERS

- [18] Report – Sixty-First Session (WO/IAOC/61/2)
- [19] IAOC Rolling Agenda, 60th to 63rd Sessions

Investment Reports:

- [20] Credit Suisse – Investment Monitoring Reports for June, July and August 2021
- [21] MBS Capital Advice – Investment Performance Reports for June, July and August 2021

[End of Annex II and of document]