

MAIN PROGRAM 03

Legal Counsel

Objectives:

- ◆ To advise the Director General, the Secretariat and the Member States on the legal aspects of the work of the Organization, including questions of administrative and constitutional law, contracts, and general legal matters.
- ◆ To provide secretariat services in relation to the meetings of the Working Group on Constitutional Reform and the meetings of the Assemblies, Standing Committees, and other bodies of the Member States.
- ◆ To enhance the Director General's effectiveness as depositary of WIPO-administered conventions and agreements.
- ◆ To facilitate relations between the management and the staff through the prevention and resolution of staff grievances.

Summary

79. The number of States party to the treaties administered by WIPO continues to increase at a tremendous pace. This has resulted in a continuing rise in the number of depositary activities. The number and the variety of the legal issues that arise in the work of the Organization have also multiplied as the Organization has become significantly larger and its activities have become much more complex. The Office of Legal and Organization Affairs (OLOA) will continue to respond to the growth of the Organization by providing legal advice to the Director General, to the different divisions and units of the Secretariat, and to the Member States. It is envisaged that the ongoing discussions on constitutional reform of the Organization and the follow-up action will take up a significant portion of the workplan in the biennium.

80. In view of the growing size of the Organization and its significant investments in new premises and facilities, including hardware and software components of its information technology systems, greater emphasis will be given to the relations of the Organization with the enterprise sector from the point of view of its contractual relations with entities that supply goods or services to it. This will involve the legal review of contracts¹ proposed to be entered into by the Organization for the acquisition of goods and services, including land and buildings. Legal advice and support with respect to external legal claims against and by the Organization will also be further strengthened under the Office.

¹ Previously part of the responsibilities of the former NGO and Enterprise Affairs Division.

| <u>Expected Results</u> | <u>Performance Indicators</u> |
|--|--|
| 1. Timely quality advice and assistance to Member States, the Secretariat and other entities on a wide range of legal issues relating to the work of the Organization. | <input type="checkbox"/> Number, nature and date of requests received for advice and number and timeliness of responses prepared. <input type="checkbox"/> Number of notifications of adherence and other treaty actions handled. |
| 2. Simpler and improved governance structure of the Organization. | <input type="checkbox"/> Reduction in number of governing bodies of the Organization. <input type="checkbox"/> Acceptance by Member States of recommendations of the Working Group on Constitutional Reform. <input type="checkbox"/> Number of acceptances of amendment to Article 9(3) of the WIPO Convention. |
| 3. More efficient management and ready widespread availability of user-friendly statistical information about WIPO-administered treaties. | <input type="checkbox"/> Number of consultations of the treaty database. |
| 4. Contracts entered into by the Organization of high standard of drafting and compliant with internal regulations and applicable law. | <input type="checkbox"/> Number, nature and date of requests received for contract review and number and timeliness of responses prepared. |
| 5. Fewer contracts-related disputes and greater cost savings. | <input type="checkbox"/> Number and nature of legal problems concerning the interpretation and application of the contracts. |
| 6. Improved legal framework for the implementation of the Organization's activities in the area of information technology. | <input type="checkbox"/> Number, nature and quality of relevant policies to enhance and protect the interest of the Organization in the area of information technology. |
| 7. Response to external legal claims against and by the Organization which is consistent with its legal position. | <input type="checkbox"/> Number of legally appropriate responses to claims against the Organization, and number and quality of advice with respect to proposed initiatives by the Organization. |

Activities

- ◆ Provision of secretariat services, including preparation of relevant documents, for the meetings of the Working Group on Constitutional Reform.
- ◆ Continuation of providing legal advice related to the administration and work of the Organization, and on questions concerning the legal status of the Organization, its privileges and immunities, and questions concerning its staff.

- ◆ Provision of secretariat services in relation to the legal, administrative and constitutional elements of diplomatic conferences and other meetings of Member States convened by the Organization, and assistance in the preparation of documents submitted to such conferences and meetings and to the Assemblies of Member States of WIPO and other bodies of the Organization and the Unions administered by it.
- ◆ Performance of depositary functions in relation to international treaties and agreements administered by the Organization, including the notification of treaty actions, making available lists of contracting States, and registration of WIPO-administered treaties with the United Nations Secretariat in New York.
- ◆ Finalization of an accessible database containing up-to-date information on the status of accessions to WIPO-administered treaties and making that database available on the Internet in coordination with activities under Main Program 09 (Global Communications).
- ◆ Representation of the Organization before the WIPO Appeal Board and the ILO Administrative Tribunal in all cases affecting the Organization, and preparation of related briefs and other documents. This would be carried out in coordination with activities under Main Program 16 (Human Resources Management).
- ◆ Participation in meetings of and coordination with the Legal Advisors of the Organizations of the United Nations system, and provision of advice to the members of the United Nations system on their policies relating to intellectual property.
- ◆ Provision of legal advice in the course of the preparation of contracts under negotiation by the Organization and review of contracts before they are entered into by the Organization, including contracts relating to the automated system for the Patent Cooperation Treaty, WIPONET and the building construction projects.
- ◆ Development of simplified standard agreements in order to facilitate a harmonized contracting practice in the Organization.
- ◆ Development of a framework through which new and, in particular, complex contractual obligations may be vetted, including, as necessary, in coordination with internal and external entities.
- ◆ Provide legal advice, upon request, regarding external claims by and against the Organization.

The foregoing activities will usually be carried out in cooperation with the other Main Programs, notably Main Programs 15, 17 and 18.

**Table 11.3 Detailed Budget 2002-2003
Main Program 03
Legal Counsel**

A. Budget Variation by Object of Expenditure

| <i>Object of Expenditure</i> | <i>2000-2001 Revised Budget A</i> | <i>Variation</i> | | | | | | <i>2002-2003 Proposed Budget E=A+D</i> |
|------------------------------|---|---------------------|------------------|---------------------|------------------|-------------------------|------------------|--|
| | | <i>Program</i> | | <i>Cost</i> | | <i>Total</i> | | |
| | | <i>Amount B</i> | <i>% B/A</i> | <i>Amount C</i> | <i>% C/A</i> | <i>Amount D=B+C</i> | <i>% D/A</i> | |
| Staff Expenses | 2,567 | 293 | 11.4 | 214 | 8.3 | 507 | 19.8 | 3,074 |
| Travel and Fellowships | 260 | (9) | (3.5) | 9 | 3.5 | - | - | 260 |
| Contractual Services | 296 | (10) | (3.4) | 10 | 3.4 | - | - | 296 |
| Operating Expenses | 62 | (2) | (3.2) | 2 | 3.2 | - | - | 62 |
| | 3,185 | 272 | 8.5 | 235 | 7.4 | 507 | 15.9 | 3,692 |

B. Budget Variation by Post Category

| <i>Post Category</i> | <i>2000-2001 Revised Budget A</i> | <i>Variation B-A</i> | <i>2002-2003 Proposed Budget B</i> |
|----------------------|---|--------------------------|--|
| | Directors | 2 | (1) |
| Professionals | 3 | 2 | 5 |
| General Service | 2 | - | 2 |
| TOTAL | 7 | 1 | 8 |

**C. Budget Allocation by Sub-program
and Detailed Object of Expenditure**

| <i>Object of expenditure</i> | <i>Sub-program I</i> | <i>Total</i> |
|-------------------------------|--------------------------|--------------|
| | Staff Expenses | |
| Posts | 2,936 | 2,936 |
| Short-term Expenses | 138 | 138 |
| Travel and Fellowships | | |
| Staff Missions | 110 | 110 |
| Government Officials | 150 | 150 |
| Fellowships | - | - |
| Contractual Services | | |
| Conferences | 170 | 170 |
| Consultants | 90 | 90 |
| Publishing | 36 | 36 |
| Operating Expenses | | |
| Communication and Other | 62 | 62 |
| Total | 3,692 | 3,692 |