

WIPO



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**WIPO COORDINATION COMMITTEE**

**Sixty-second (40<sup>th</sup> Ordinary) Session  
Geneva, September 22 to October 1, 2009**

STAFF MATTERS

*Report by the Director General*

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I. AMENDMENTS TO THE STAFF REGULATIONS AND RULES

A. AMENDMENTS TO THE STAFF REGULATIONS PROVISIONALLY DECREED AND APPLIED UNDER REGULATION 12.1

Pensionable remuneration for the Professional and higher categories  
– Staff Regulation 3.15

1. Effective August 1, 2008, the post adjustment multiplier in New York was changed, resulting in an increase of 6.6 per cent (rounded figure) in the net remuneration of staff in the Professional and higher categories at that duty station.
2. As a consequence, and in accordance with the provision of Article 54(b) of the Regulations of the United Nations Joint Staff Pension Fund (UNJSPF), the pensionable remuneration for the above-mentioned categories was adjusted with effect from August 1, 2008, by the same percentage as the net remuneration increase.
3. Pursuant to Staff Regulation 12.1(a), corresponding amendments to the scales of pensionable remuneration for the above-mentioned categories in the present Staff Regulation 3.1 have been provisionally decreed and applied with effect from August 1, 2008.
4. The revised scales of pensionable remuneration for the Professional and higher categories are included in the present Staff Regulation 3.1 (Salary scales for Professional and higher categories) and are reproduced in Annex I (pages 1 to 3).

Salaries and Language Allowance for staff members in the General Service category in New York – Staff Regulations 3.1 and 3.7

5. In accordance with the existing interim adjustment methodology, the net salaries of staff members in the General Service category in New York were adjusted, effective August 1, 2008, on the basis of the movement of the local consumer price index over a period until July 2008. The revised salaries represent an across-the-board average increase of 4.6 percent.
6. Furthermore, and with effect from the same date, the language allowances have been revised for staff members in the General Service category in New York.

7. Pursuant to Staff Regulation 12.1(a), corresponding amendments to the present Staff Regulations 3.1 and 3.7 have been provisionally decreed and applied with effect from August 1, 2008.

8. The revised scales of pensionable, net and gross remuneration for the General Service category in New York are included in the present Staff Regulation 3.1 (Salary scales for General Service category in New York) and reproduced in Annex II. The revised amounts of the language allowances for staff members in the General Service category in New York are included in the present Staff Regulation 3.7(b) (Language Allowance) and reproduced in Annex III.

Gross and net remuneration for staff members in the Professional and higher categories – Staff Regulation 3.1

9. By its resolution 63/251 of December 22, 2008, the General Assembly of the United Nations approved, effective January 1, 2009, in order to address the low level of the margin, an across-the-board increase of the base/floor salary scale resulting in an average increase of the gross and net salaries for these categories of 2.33 per cent.

10. In accordance with the approved methodology, the post adjustment multiplier for January 2009 was established at each duty station at a level such that the said changes did not result in an increase or decrease in the overall remuneration of staff members in the Professional and higher categories.

11. Pursuant to Staff Regulation 12.1(a), corresponding amendments to the present Staff Regulation 3.1 have been provisionally decreed and applied with effect from January 1, 2009.

12. The revised scales of gross and net remuneration for the staff members in the Professional and higher categories are included in the present Staff Regulation 3.1 (Salary scales for Professional and higher categories) and reproduced in Annex I (pages 1 to 3).

Dependency Allowances for staff members in the Professional and higher categories – Staff Regulation 3.12

13. By the same resolution, the General Assembly of the United Nations approved, effective January 1, 2009, revised dependency allowances for staff members in the Professional and higher categories entering into service on or after this date.

14. Pursuant to Staff Regulation 12.1(a), corresponding amendments to the present Staff Regulation 3.12 have been provisionally decreed and applied with effect from January 1, 2009.

15. The revised amounts of the dependency allowances for staff members in the Professional and higher category in Geneva are included in the present Staff Regulation 3.12(A) (Dependency Allowances) and reproduced in Annex IV.

*16. The WIPO Coordination Committee is invited to approve the amendments to the present Staff Regulations 3.1, 3.7, 3.12 and 3.15, which have been provisionally decreed and applied by the Director General as indicated in paragraphs 1 to 15, above, and contained in Annexes I to IV.*

## B. AMENDMENTS TO REGULATIONS UNDER STAFF REGULATION 12.1

### Representation Allowance for Deputy Directors General and Assistant Directors General – Staff Regulation 3.18

17. Pursuant to Staff Regulation 3.18, the General Assembly or the Coordination Committee shall determine the Representation Allowance for the Director General, the Deputy Directors General and the Assistant Directors general.

18. The Allowance for the Director General was increased on the basis of the development of the Geneva Consumer Price Index (CPI) when he took up office in October 2008, and it is hereby proposed to follow the same methodology for determining the Representation Allowances for the Deputy Directors General and the Assistant Directors General.

19. Derived from the 9.5 per cent increase of the Geneva CPI from August 2000, which was the basis for the last revision for these two categories of staff, to June 2009, the annual Representation Allowance for the Deputy Directors General shall amount to 19,710 Swiss francs and, for the Assistant Directors General 13,140 Swiss francs, both effective November 1, 2009.

### Discontinuation of maximum age for initial recruitment – Staff Regulation 4.15(e)

20. The provision in Staff Regulation 4.15(e) fixing a maximum age of 55 years for an initial appointment in any category was introduced and approved at the 10<sup>th</sup> ordinary session of the Coordination Committee in August 1976. At that time,

the retirement age for the mandatory participation in the United Nations Joint Staff Pension Fund (UNJSPF) was at 60 years and a staff member shall need to have at least five years of contributory service in order to have a pension paid by the Fund. Furthermore, the amendment was made as an element for maintaining a balanced age structure in the Organization.

21. In January 1990, the retirement age in the UNJSPF was increased to 62, and even though the age structure in the Organization is still a topic which the Administration focuses on, the present maximum age for initial recruitment would be in contradiction of recommendations made by the International Labour Office (ILO) on the employment of older workers (Resolution No. 162/1980) and it is no longer in line with generally accepted principles in national legislation.

22. With this background, and pursuant to Staff regulation 12.1(a), it is proposed that the provision in the present Staff Regulation 4.15(e), fixing a maximum age of 55 years for an initial appointment, be discontinued.

23. The proposed revised text in Staff Regulation 4.15(e) is reproduced in Annex V.

*24. The WIPO Coordination Committee is invited to approve the proposed increases of the Representation Allowance for the Deputy Directors General and for the Assistant Directors General, effective November 1, 2009, under the present Staff Regulation 3.18, and also to approve the amendment to the present Staff Regulation 4.15 as indicated in paragraphs 17 to 23, above, and contained in Annex V.*

## C. AMENDMENTS TO RULES UNDER STAFF REGULATION 12.2

### Education Grant (Staff Rule 3.11.1)

25. By its resolution 63/251 of December 22, 2008, the General Assembly of the United Nations also approved, with effect from the scholastic year in progress on January 1, 2009:

(a) to increase the maximum amount of the education grant for eligible staff members, where education-related expenses are incurred in Euro in Austria, Belgium, Italy, Netherlands and in Spain; in Swedish kronor; in Swiss francs; in Pounds Sterling; in United States dollars for schooling in the United States of America and in

United States dollars for schooling in countries outside the United States of America not listed in the table under Regulation 3.11;

(b) to increase the “lump sum” amounts listed in Staff Rule 3.11.1 for the purposes of boarding costs in respect of boarding expenses incurred for schooling / studies in Austria, Belgium, Denmark, France, Germany, Ireland, Italy, Japan, Netherlands, Spain, Sweden, Switzerland, the United Kingdom, for schooling in the United States of America and for schooling in countries outside the United States of America not listed in the table under Regulation 3.11;

(c) to discontinue the separate zone for Finland; any education claims or lump-sum payments for boarding in that country shall be included in the United States dollar area for schooling outside the United States of America.

(d) to continue the special measure for schooling in China, Indonesia and in the Russian Federation and to include Hungary and Bulgaria; this arrangement allows for the reimbursement of 75 per cent of actual expenses up to and not exceeding the level of the maximum admissible expenses in force for the United States dollar for schooling inside the United States of America; and

(e) to continue a similar special measure for children in France attending the European Management School in Lyon or one of the following schools in the Paris area: the American School; the British School; the International School; the American University; the Marymount School; Ecole Active Bilingue Victor Hugo and Ecole Active Bilingue Jeanine Manuel.

The special measures referred to in paragraphs (d) and (e), above, will be reconsidered every second year by the International Civil Service Commission (ICSC) and may be discontinued for all or for some of the countries or institutions concerned as from the scholastic year 2010 - 2011.

26. Pursuant to Staff Regulation 12.2(a), corresponding amendments have been made to the table of amounts applicable for the purposes of the education grant under Staff Rule 3.11.1, with effect from the scholastic year in progress on January 1, 2009.

27. The revised table of amounts in Staff Rule 3.11.1 is reproduced in Annex VI, pages 1 and 2.

Lump-sums for staff members travelling at the expense of the International Bureau on appointment (or on assignment to another duty station) but not entitled to the payment of removal costs (the “non-removal element” of the UN Mobility and Hardship Scheme) – Staff Rule 7.1.18(d)

28. The General Assembly of the United Nations furthermore approved, effective January 1, 2009, an increase of five per cent of the lump-sum amounts listed in Staff Rule 7.1.18(d).

29. Pursuant to Staff Regulation 12.2(a), corresponding amendments have been made to the lump-sum amounts listed under Staff Rule 7.1.18(d), with effect from January 1, 2009.

30. The amended text in Staff Rule 7.1.18(d) (Assignment Grant) is reproduced in Annex VII.

Composition of the Joint Advisory Committee – Staff Rule 8.2.1

31. Previously, the Joint Advisory Committee was composed of four voting members and one non-voting member, as follows: a chairman designated by the Director General from among the staff members of the International Bureau, two members representing the staff who are staff members of the International Bureau, the head of the administrative services and, as a non-voting member, as Secretary of the Committee, the Director of Human Resources Management Department *ex officio*. Apart from the chairman, there is provision for an alternate in the cases of all other members, including the non-voting member. Staff Rule 8.2.1 has therefore been amended to allow the Director General to appoint an alternate for the chair in the event the latter is unable to act, including as a result of an actual or perceived conflict of interest.

32. In addition, the name of the title of Chairman has been changed to Chair.

33. Pursuant to Staff Regulation 12.2(a), the corresponding amendments have been made to Staff Rule 8.2.1, with effect from February 1, 2009.

34. The amended text in Staff Rule 8.2.1 (Joint Advisory Committee) is reproduced in Annex VIII.

Composition and Procedure of the Appeal Board – Staff Rule 11.1.1

35. The WIPO Appeal Board consists of three members, of which the chairman shall be a non-staff member designated by the Coordination Committee on a proposal by the Director General after consultation of the Staff Council. In order to have a broader group of candidates with experience in international staff matters, Staff Rule 11.1.1(d)(1)(i) has been amended, following consultations with the Staff

Council, by opening the possibility for the designation of a chairman who has not been a staff member of the International Bureau within the past ten years.

36. Previously, a staff member had six weeks in which to file a request for the review of an administrative decision, and a further six weeks in which to file an appeal to the WIPO Appeal Board if no answer is received (or three months from the date of receipt of an answer). The Director General had four weeks in which to file his reply, and the staff member and the Director General two weeks to file a rejoinder and surrejoinder respectively.

37. It has been decided to extend the four and six week periods to eight weeks in each case, and the two week periods to four weeks in each case, to accord additional time to both the staff member and the administration to prepare their respective pleadings. The three-month deadline for a staff member to file an appeal in response to the Director General's decision following a request for an administrative decision remains unchanged.

38. With a view to assisting the Director General in his consideration of the initial request for review of an administrative decision, it has been decided to provide that a staff member is requested to provide detailed reasons and any supporting documentation substantiating the request for review. Previously, staff members often provided the detailed reasons and supporting documentation only later in the appeal process.

39. In addition, there was no provision for the Appeal Board to deal on an expeditious basis with appeals which are clearly irreceivable or devoid of merit, as for example is provided in the Rules of the Administrative Tribunal of the International Labour Organization or indeed the WIPO Joint Grievance Panel. It has been decided to amend the rules to allow the Chair to make an initial determination on the matter, subject to the final (advisory) determination being made by the full Board.

40. In the past, the Appeal Board has been accorded twelve weeks from the date of submission of the appeal in which to communicate its conclusions to the Director General (with a copy to the Appellant). It has been decided to change the time for communicating the conclusions to eight weeks from the close of pleadings (usually the date of submission of the surrejoinder).

41. In addition, it was decided to change the name of the title of Chairman to Chair.

42. Pursuant to Staff Regulation 12.2(a), the corresponding amendments have been made to Staff Rule 11.1.1(d), with effect from February 1, 2009, Staff Rules 11.1.1(b), 11.1.1(e)(3) and 11.1.1(e)(9), with effect from February 15, 2009.

43. The amended text in Staff Rule 11.1.1 is reproduced in Annex IX.



Travel Conditions – Staff Rule 7.1.9(b)

44. As one element of the cost containment process, only the Director General will be entitled to first class air travel with effect from December 1, 2009.

45. Furthermore, Chapter VII of the WIPO Staff Regulations and Staff Rules (“Travel and Removal Expenses”) will be subject to further consideration during the months to come in order to streamline processes and introduce other cost containment elements.

46. Pursuant to Staff Regulation 12.2(a), the corresponding amendment will be made to Staff Rule 7.1.9(b), with effect from December 1, 2009.

47. The amended text in Staff Rule 11.1.1 is reproduced in Annex X.

*48. The WIPO Coordination Committee is invited to note the amendments to Staff Rules 3.11.1, 7.1.9(b), 7.1.18(d), 8.2.1 and 11.1.1 as reported in paragraphs 25 to 47, above, and contained in Annexes VI to X.*

## II. TERMINATION OF EMPLOYMENT CONTRACTS

### A. AGREED TERMINATION

49. Pursuant to the provisions of WIPO Staff Regulation 9.1(e), which requires the Director General to report all cases of termination of employment contracts to the Coordination Committee, the Coordination Committee is informed that the contracts of eight staff members were terminated in 2008, in the interest of the good administration of the Organization and with the consent of the staff members themselves, in accordance with Staff Regulation 9.1(a)(4). Indemnities were paid in accordance with the existing provisions in the Staff Regulations and Staff Rules.

### B. OTHER

50. Furthermore, the Coordination Committee is informed of the decision of the Director General to terminate the services of the following staff member, effective July 15, 2009, following full consideration of the recommendations of the WIPO Joint Advisory Committee (JAC), established under Staff Regulation 8.2 (“Staff Consultation”) and Staff Rule 8.2.1 (“Joint Advisory Committee”), in its report to the Director General, dated June 5, 2009.

51. Mr. Sébastien Landais, a national of France (born on January 20, 1970) entered into service on November 1, 2006, as Information Security Administrator at

grade P-3 for an initial period of two years. His employment contract was extended for the period of November 1, 2008 until October 31, 2011.

52. The members of the Joint Advisory Committee unanimously found that the evidence supported charges brought against him for violations of WIPO Staff Regulation 1.5 (“Conduct”) and recommended that Mr. Landais be considered responsible for serious misconduct and that he be dismissed. The Director General adopted all of the recommendations of the Joint Advisory Committee.

*53. The WIPO Coordination Committee is invited to note the information as contained in paragraphs 49 to 52, above.*

### III. INTERNATIONAL CIVIL SERVICE COMMISSION

54. Under Article 17 of its statute, the International Civil Service Commission (ICSC) is required to submit an annual report to the General Assembly of the United Nations. The Executive Heads of the other organizations of the United Nations system of organizations are required to transmit this report to the governing bodies of the respective organizations. The annual report was submitted by the ICSC to the 63<sup>rd</sup> (2008) session of the General Assembly of the United Nations (UN document A/63/30). Since the report was included in the documentation of the said session of the General Assembly of the United Nations, it is not reproduced by the International Bureau; nevertheless, the text is available in pdf.-format on the ICSC website at <http://icsc.un.org/resources/pdfs/ar/AR2008.pdf> for anybody who wishes to consult the report.

*55. The WIPO Coordination Committee is invited to note the information contained in the preceding paragraph.*

### IV. UNITED NATIONS JOINT STAFF PENSION BOARD

56. Under Article 14(a) of its Regulations, the United Nations Joint Staff Pension Fund (UNJSPF) is required to present a report annually to the General Assembly of the United Nations and to the other organizations members of the said Fund. The 2007 report was presented by the Board of the UNJSPF to the General Assembly of the United Nations at its 63<sup>rd</sup> session in 2008 (UN document A/63/9). Since the report was included in the documentation of the said session of the General Assembly of the United Nations, it is not reproduced by the International Bureau; nevertheless, the text is available in pdf.-format on the UNJSPF website at <http://www.unjspf.org> for anybody who wishes to consult the report.

*57. The WIPO Coordination Committee is invited to note the information as contained in the preceding paragraph.*

## V. WIPO STAFF PENSION COMMITTEE

58. The WIPO Coordination Committee decided, at its ordinary session of 1977, that the WIPO Staff Pension Committee would consist of three members and three alternate members, one member and one alternate to be elected by the WIPO Coordination Committee. The members elected by the WIPO Coordination Committee serve a four-year term of office.

59. At its 47<sup>th</sup> ordinary session in 2001, the WIPO Coordination Committee re-elected Mr. Rémi Roul (national of France) as a member of the WIPO Staff Pension Committee and when his term expired at the end of the 53<sup>rd</sup> session of the Coordination Committee in 2005, he then continued as an alternate member. At the 56<sup>th</sup> session of the Coordination Committee in 2007, the Administration informed the Coordination Committee that it had been agreed that Mr. Roul continue as the regular member for the remaining part of the four-year term running until the ordinary session of 2009 of the WIPO Coordination Committee.

60. At its 59<sup>th</sup> session in 2008, the Coordination Committee elected Mr. Vladimir Yossifov as alternate member of the WIPO Staff Pension Committee until the ordinary session in 2011 of the WIPO Coordination Committee. However, as the term of office of Mr. R. Roul is now expiring, it is proposed that Mr. V. Yossifov be elected as new member of the WIPO Staff Pension Board for a four-year term until 2013.

61. Mr. Yossifov, a national of Bulgaria (born on February 7, 1946), has an advanced degree in civil engineering from the High Institute for Mining and Geology in Sofia (1968), followed by a degree in patent engineering from the High Institute for Mechanical and Electrical Engineering in Sofia (1974). In 1979, Mr. Yossifov obtained a degree in international economy at the All Union Academy of Foreign Trade in Moscow.

62. Mr. Yossifov is a member of the Bulgarian group of AIPPI and the Licensing Executives Society (LES) and was employed by a State Foreign Trade enterprise in Bulgaria until he joined the Bulgarian Foreign Trade Ministry in August 1979. In November 1981, Mr. Yossifov was recruited to WIPO and held important posts within different sectors of the International Bureau until he retired from WIPO on February 28, 2007, from the post of Director of the Division for certain countries in Europe and Asia. During his time at WIPO, Mr. Yossifov also held important functions in the Staff Council and as member of the WIPO Staff Pension Committee

as representative of the participants, and was elected Chairman of the UNJSPB for the 2006-2007 session.

63. Subject to the election of Mr. Yossifov as member of the WIPO Staff Pension Committee, the Director General will undertake consultations with Member States in order to identify a qualified alternate member.

*64. The WIPO Coordination Committee is invited to note the information contained in paragraphs 57 to 62, above, and to elect Mr. Vladimir Yossifov as member of the WIPO Staff Pension Committee for the period until the ordinary session in 2013 of the Coordination Committee.*

## VI. VOLUNTARY SEPARATION PROGRAM

65. As agreed at the 61<sup>st</sup> session of the Coordination Committee in June 2009, document WO/CC/61/3 Add. is attached for information as Annex XI to this document, as well as the internal memorandum from the WIPO Staff Council on this topic, dated June 16, 2009.

*66. The WIPO Coordination Committee is invited to take note of the information provided in document WO/CC/61/3 Add, as referred to in paragraph 65, above, and contained in Annex XI, as well as the internal memorandum from the WIPO Staff Council on this topic, dated June 16, 2009.*

[Annexes follow]