

## **WIPO Coordination Committee**

### **Seventy-Seventh (27<sup>th</sup> Extraordinary) Session Geneva, March 4 and 5, 2020**

#### **NOMINATION PROCESS**

*Document prepared by the Chair of the WIPO Coordination Committee*

1. The World Intellectual Property Organization (WIPO) Coordination Committee is scheduled to meet from March 4 to 5, 2020, in order to nominate a candidate to the post of Director General of WIPO. The present document provides information on the procedures for nomination by the WIPO Coordination Committee of a candidate to the post of Director General (Section I Procedures, below), and on the proposed *ad hoc* rules for the meeting of the WIPO Coordination Committee from March 4 to 5, 2020 (Section II Proposed *ad hoc* rules, below).

#### **I. PROCEDURES**

2. The nomination process will be based on the Procedures for Nomination and Appointment of Directors General of WIPO, established by decision of the WIPO General Assembly, the WIPO Coordination Committee and the Paris and Berne Union Assemblies during the 59<sup>th</sup> series of meetings of the Assemblies of the Member States of WIPO from September 30 to October 9, 2019 (henceforth “2019 Procedures”, see documents A/59/4, Annex III, and A/59/14 paragraph 42). The section of the 2019 Procedures pertaining to the “Procedures for Nomination by the Coordination Committee of a Candidate to the Post of Director General” is reproduced below:

“Procedures for Nomination by the Coordination Committee of a Candidate to the Post of Director General

## I. General Principles

1. The selection of a candidate for Director General shall be guided by respect for the dignity of the candidates, as well as the countries nominating them, and transparency of the nomination process.
2. The nomination of a candidate for Director General should, if possible, be made by consensus. This will facilitate the appointment of the Director General by the General Assembly. However, it is recognized that voting will probably be a necessary means of building consensus for the nomination of a candidate.
3. Efforts to nominate a candidate *via* consultations leading to consensus are welcome at any stage of the selection process, but such efforts should not unduly delay the decision-making process.

## II. Right to Vote

It is established that, for the purposes of the nomination of a candidate for Director General by the Coordination Committee, all the members of the Coordination Committee, with the exception of associate members, may exercise their vote.

## III. Decision-making process

1. Where there are more than three candidates, before any formal vote is taken, an indication of the relative support enjoyed by candidates may be assessed by means of a "straw-poll." The "straw-poll" will be conducted in such a way that each member of the Coordination Committee which has a right to vote will mark its first and second choice on the list of candidates on his voting paper. Voting will be by Secret Ballot. Where there are three or less candidates, the procedures in this paragraph and the next paragraph shall be omitted.
2. Formal voting by Secret Ballot will proceed in several steps, each time with adequate advance notice, with a view to the gradual reduction of the number of candidates to a short list of three candidates. Following each vote, the candidate receiving the least number of votes will be ineligible to participate in the next vote. If, however, the number of candidates is large, in order to limit the frequency of votes, the two or three candidates receiving the least number of votes may be declared to be ineligible to participate in the next vote. The exact dimension of each step will be decided, after consultation, by the Chair in the light of the number of candidates remaining at any given time. These steps will be carried out in keeping with the spirit of the following illustrative example based on a notional field of 10 candidates: after the first formal vote amongst all the 10 candidates, participation in additional votes shall be restricted to the seven candidates having obtained the greatest number of votes. After the second formal vote, participation in additional votes shall be restricted to the five candidates having obtained the greatest number of votes. After the third formal vote, a short-list will be established of the three candidates having obtained the greatest number of votes.
3. If consultations on the basis of the short-list of three candidates are not progressing, the voting process will be continued. Following the vote on the candidates of the short-list, a final vote will be restricted to the two candidates having obtained the greatest number of votes. The Coordination Committee will then, no later than the final day of its meeting, take its final decision amongst two candidates in a vote.

4. The Chairman of the Coordination Committee will communicate the name of the candidate for appointment to the post of Director General to the Chairman of the General Assembly.”
3. The Formal Votes will follow the Rules for Voting by Secret Ballot established in the Annex to the General Rules of Procedure of WIPO (“Annex on Rules for Voting by Secret Ballot”), as modified by the proposed *ad hoc* rules set forth in Section II of this document.
4. Delegations will be treated as accredited, for the purposes of Rule 1 of the Annex on Rules for Voting by Secret Ballot, if they provide a credentials document (i.e. a dated and signed/stamped *note verbale* from their Permanent Mission in Geneva or other official communication from their Ministry of Foreign Affairs) on behalf of the government of the Member State, nominating the delegates to attend the extraordinary session of the WIPO Coordination Committee from March 4 to 5, 2020, on behalf of that Member State.
5. The accreditation of a delegation by a competent Member State authority will be understood to authorize any named member of that duly-accredited delegation to cast the ballot on behalf of that delegation.

## II. PROPOSED *AD HOC* RULES

6. The following *ad hoc* rules, proposed for approval by the WIPO Coordination Committee, have been elaborated in consultation with Members and Observers of the WIPO Coordination Committee.
7. **No Straw Poll:** A straw poll will not be conducted in the context of the decision-making process by the WIPO Coordination Committee for the nomination of a candidate to the post of Director General in 2020.
8. **Voting Rounds:** Voting will be conducted in rounds. In every round, the candidate receiving the least number of votes will be ineligible to participate in the next vote. One candidate will be eliminated from each round until the number of candidates remaining equals two. Sufficient time for consultations will be provided after each round of voting. When only two candidates remain, a final vote will be held, in which the successful nominee for Director General will be the candidate receiving a simple majority of votes cast in the WIPO Coordination Committee.
9. **Tied Candidates:** In case of a tie among two or more candidates receiving the least number of votes in any round of voting, consultations will be held between Member States to advance the process. If consultations are inconclusive, the Chair may decide, as a last resort, that there will be a new round of voting among tied candidates only.
10. **Ballot Papers:** In accordance with Rule 3 of the Annex on Rules for Voting by Secret Ballot, ballot papers and envelopes shall be of white paper without distinguishing marks. Ballot papers will be pre-printed with the full name and country of the candidates participating in each round of voting. Delegations will be asked to mark their vote by placing a tick mark or cross in the box to the right of the candidate’s name. Any additional marks will result in a spoiled ballot. Voting will take place behind a privacy screen positioned on a designated table to keep hidden the act of voting itself (i.e. ticking off/making a cross) while the delegate who is voting will remain visible. Ballot papers will be made available only at this voting table, and will not be distributed in the room. New ballot papers will be prepared before each round of voting with the full name and country of the candidates participating in that voting round.

11. **Secrecy of Ballot:** As it is contrary to the secrecy of voting, there shall be no contemporaneous recording of any vote on a mobile device, such as taking photos or videos. If a delegation contemporaneously digitally records its vote, this will result in a spoiled ballot, which will be considered invalid and will not be counted for purposes of the vote. The Chair of the WIPO Coordination Committee will take the decision on whether or not unauthorized digital recording took place; in such an instance, the Secretariat will immediately shred the ballot and provide the delegate a new ballot paper to vote. This second ballot will, if unspoiled and cast in accordance with these applicable rules, be counted as a valid vote.

12. **Appointment of Tellers:** According to Rule 2 of the Annex on Rules for Voting by Secret Ballot, the Chair shall appoint two tellers from among the delegates present before the ballot begins. Tellers will be selected at random by the Chair, drawing from a list of volunteer delegations provided by the Group Coordinators (one delegation, without a candidate, from each group that is currently not represented among the officers of the WIPO Coordination Committee). The Chair will appoint a third and a fourth teller as possible alternates in case of absence of one or both of the tellers, drawing from the same list of volunteer delegations. Tellers will be formally appointed on the first day of the extraordinary session of the WIPO Coordination Committee.

13. **No Recount:** With respect to a recount, Article 8(6)(b) of the Convention establishing the World Intellectual Property Organization, which addresses the “special recount” that any member of the Coordination Committee may request immediately after the vote, it is noted that such a recount cannot be used in conjunction with a secret ballot, as it requires that “the vote of each State shall be inscribed opposite its name in each list in which it appears.” As this runs contrary to the very essence of a secret vote, this procedure shall not be used in relation to any round of voting.

14. **Attendance:** Attendance at the Extraordinary Session of the WIPO Coordination Committee is limited to six (6) seats per WIPO Coordination Committee Member State delegation and three (3) seats per observer State delegation.

15. The WIPO Coordination Committee is invited to approve the proposals appearing in paragraphs 7 to 14, and to take note of the information contained in this document.

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