



C/42/16

ORIGINAL: English

DATE: September 1, 2008

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Forty-Second Ordinary Session
Geneva, October 30, 2008

APPOINTMENT OF THE NEW SECRETARY-GENERAL

Document prepared by the Office of the Union

Appointment of the New Secretary-General of UPOV

1. The UPOV Convention (Article 26(5)(iii) of the 1991 Act and Article 21(b) of the 1978 Act) states that the Council of UPOV shall appoint the Secretary-General of UPOV and determine the terms of appointment.
2. The Agreement between the World Intellectual Property Organization and the International Union for the Protection of New Varieties of Plants (WIPO/UPOV Agreement, document UPOV/INF/8), signed on November 26, 1982, Article 4 provides as follows:

“(1) The Council of UPOV shall appoint as Secretary-General of UPOV the Director General of WIPO.

“(2) When the post of Director General of WIPO is vacant, and as long as it is vacant, the person acting as Director General of WIPO shall be Acting Secretary-General of UPOV.

“(3) During the period between the effective date of appointment of the Director General of WIPO and his appointment as Secretary-General of UPOV, he shall be Acting Secretary-General of UPOV.

“(4) The appointment of the Secretary-General of UPOV shall last as long as he is Director General of WIPO and shall cease on the day his appointment as Director General of WIPO ceases.

“(5) The indemnity of the Secretary-General of UPOV, payable by UPOV, shall be determined by the Council of UPOV.”

Appointment of the New Director General of WIPO

3. The Coordination Committee of WIPO, at its fifty-eighth (20th extraordinary) session, held in Geneva on May 13, 2008, nominated Mr. Francis Gurry as the candidate for appointment to the post of Director General of WIPO.

4. The General Assembly of WIPO, at its thirty-sixth (18th extraordinary) session, to be held in Geneva from September 22 to 30, 2008, will be invited to appoint Mr. Gurry as the new Director General of WIPO. The decision of the General Assembly of WIPO will be reported to the Council in the form of an addendum to this document. Subject to the decision of the General Assembly of WIPO, in accordance with the provisions in paragraphs 1 and 2 of this document, the addendum to this document will also contain a decision concerning the terms of appointment of the Secretary-General of UPOV for consideration by the Council at its forty-second ordinary session to be held in Geneva on October 30, 2008.

5. The Annex to this document contains the curriculum vitae of Mr. Gurry.

6. *The Council is invited to take note of the contents of this document and its Annex.*

[Annex follows]

Legal Counsel (1997 – 1999)

Legal Counsel's Office; also responsible for the WIPO Arbitration and Mediation Center; electronic commerce

Office of Deputy Director General (1993 – 1997)

Director, WIPO Arbitration and Mediation Center; Acting Legal Counsel (1996-1997)

Office of the Director General (1990 – 1993)

Special Assistant to the Director General (1991-1993) and Director-Counsellor

Head, Industrial Property Law Section (1988 – 1990)

Industrial Property Division

Consultant and Senior Program Officer (1985 – 1988)

Development Cooperation and External Relations Bureau for Asia and the Pacific

1984

Attorney-at-Law

Freehills, Sydney

(1982 – 1983)

Visiting Professor of Law

University of Dijon (France)

1979 – 1984

Senior Lecturer in Law

University of Melbourne

1974 – 1976

Articled Clerk, then Attorney-at-Law

Arthur Robinson & Company, Melbourne

HONORARY POSITIONS

2001 to present

Professorial Fellow, Faculty of Law, University of Melbourne, Australia

1996 – 2004

Vice-President, International Federation of Commercial Arbitration Institutions

1996 – 1999

Member of the Governing Board, International School of Geneva

MEMBER OF ADVISORY BOARDS

Centre for Intellectual Property and Information Law, Faculty of Law, University of Cambridge

Intellectual Property Research Institute of Australia, Faculty of Law, University of Melbourne

Indian Journal of Intellectual Property

International Review of Industrial Property and Copyright Law (IIC) (Munich, Germany)

SCRIPT-ed – A Journal of Law, Technology & Society (Edinburgh, United Kingdom)

LANGUAGES

English (mother-tongue), French (fluent)

PUBLICATIONS

Books

International Intellectual Property in an Integrated World Economy (2007) (with Frederick Abbot and Thomas Cottier), Aspen publishers, pp ix-xxix, 1 – 683

International Intellectual Property System: Commentary and Materials (1999) (with Frederick Abbot and Thomas Cottier), Kluwer, pp i-xxxix, 1 – 2026

Breach of Confidence (1984), Oxford University Press, Clarendon, pp i-xxvii, 1 – 487

Chapters in Books

Foreword, David Lindsay, *International Domain Name Law: ICANN and the UDRP*, (Hart, Oxford, 2007)

Préface, Valérie-Anne Giscard d'Estaing, *Inventions*, (Edition 2007) (Michel Lafon)

Foreword, *Intellectual Property Management in Health and Agricultural Innovation* (eds. A. Krattinger et al) (MIHR and PIPR) (2007)

“The Uniform Domain Name Dispute Resolution Policy” (2002) XXVII *Yearbook Commercial Arbitration* 299-304

Foreword, *Martindale – Hubbell International Arbitration and Dispute Resolution Directory* (1999) (Martindale – Hubbell, East Grinstead, U.K.)

“WIPO Arbitration Center” in American Intellectual Property Law Association, *ADR Guide* (1994)

“Arbitrability of Intellectual Property Disputes” in Swiss Arbitration Association, *Objective Arbitrability, Antitrust Disputes, Intellectual Property Disputes* (ASA Special Series N/6, 1994)

“Institutional Aspects” in Peter Robinson, Karl P. Sauvant and Vishwas P. Govitrikar *Electronic Highways for World Trade – Issues in Telecommunication and Data Services* (Westview Press, 1989)

“Liability Issues Affecting Non-Contracting Parties” in OECD *Transborder Data Flows* (North Holland, 1985)

“Confidentiality” in P. D. Finn (Ed.) *Essays in Equity*, (Law Book Company, Sydney, 1985)

Articles

“The Cambrian Explosion” (2007) 38 *International Review of Intellectual Property and Competition Law* 255 – 258

“Globalization, Intellectual Property and Development” *Proceedings of the American Society of International Law* 2005

“The Growing Complexity of International Policy in Intellectual Property” (2005) 11 (1) *Science and Engineering Ethics* 13 – 20

“The Dispute Resolution Services of the World Intellectual Property Organization” (1999) *Journal of International Economic Law* 385 – 398

“The Evolution of Technology and Markets and the Management of Intellectual Property Rights” in Frederick Abbott et David Gerber (eds.) *Public Policy and Global Technology Integration* (Kluwer, 1997)

“IP Licensing Disputes: When Courts are not the Answer” (1995) *IP Worldwide* 13 – 14

“Arbitrage et propriété intellectuelle” in Institut de recherche en propriété intellectuelle *Arbitrage et propriété intellectuelle* (Libraires Techniques, 1994)

“Introduction” to 1994 Annual Volume (Volume 5) of the *American Review Of International Arbitration* 1 – 5

“New Television Services – Opportunities for Diversification” (1982) 10 *Australian Business Law Review* 157 – 173

“The Implementation of Policy through Executive Action” (1977) 11 *Melbourne University Law Review* 189 – 222

“The Role of the Permanent Establishment in Double Taxation Agreements” (1976) 5 *Australian Tax Review* 12-26

“Aspects of the Law of Contract in Takeover Offers” (1976) 50 *Australian Law Journal* 167 – 174

[End of Annex and of document]