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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

COUNCIL**Forty-Eighth Ordinary Session
Geneva, October 16, 2014**

APPOINTMENT OF THE SECRETARY-GENERAL

*Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance*Introduction

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.”

3. The Council, at its forty-second ordinary session, held in Geneva on October 30, 2008, decided to appoint Mr. Francis Gurry as the Secretary-General of UPOV for the period from October 30, 2008, to September 30, 2014.

Appointment of the Director General of WIPO

4. The General Assembly of WIPO, at its Forty-Fifth (24th Extraordinary) Session, held in Geneva on May 8 and 9, 2014, appointed Mr. Francis Gurry as the Director General of WIPO for the period from October 1, 2014, to September 30, 2020.

5. In accordance with Article 4(3) of the WIPO/UPOV Agreement, Mr. Gurry is Acting Secretary-General of UPOV as from October 1, 2014.

Appointment of the Secretary-General of UPOV

6. In accordance with the relevant provisions of the UPOV Convention (Article 26(5)(iii) of the 1991 Act and Article 21(b) of the 1978 Act) and of the WIPO/UPOV Agreement (see paragraphs 1 and 2, above), the Council is invited to appoint Mr. Gurry as the Secretary-General of UPOV for the period from October 16, 2014 to September 30, 2020. The Annex to this document contains the curriculum vitae of Mr. Gurry.

7. Furthermore, Article 4(5) of the WIPO/UPOV Agreement provides that “[t]he indemnity of the Secretary-General of UPOV, payable by UPOV, shall be determined by the Council of UPOV.”

8. In accordance with decisions of the Council of UPOV, the indemnity of the Secretary-General of UPOV corresponds to twenty percent of the salary, including post adjustment, which he receives in his capacity as Director General of WIPO.

9. Mr. Gurry has expressed his wish (paragraph 7 of WIPO document WO/GA/45/3 “Report of the Working Group on the Conditions of Re-Appointment of the Director General”) not to receive an indemnity as Secretary-General of UPOV and to use this indemnity in the UPOV program and budget for financing activities of particular interest to developing countries.

10. The Council is invited to appoint Mr. Francis Gurry as the Secretary-General of UPOV for the period from October 16, 2014, to September 30, 2020.

[Annex follows]

Curriculum vitae of Mr. Francis Gurry

Date of Birth: 17 May 1951
Nationality: Australian
Family: Married, three children

ACADEMIC QUALIFICATIONS

1980 **Doctor of Philosophy (Ph.D)**
University of Cambridge, United Kingdom

Yorke Prize, Faculty of Law, University of Cambridge

1976 **Master of Laws (LL.M)**
University of Melbourne, Australia

1975 **Admitted Barrister and Solicitor**
Supreme Court of Victoria, Australia

1974 **Bachelor of Laws (LL.B)**
University of Melbourne, Australia

PROFESSIONAL EXPERIENCE

2008-present **Director General**
World Intellectual Property Organization (WIPO)
Geneva, Switzerland

Secretary-General, International Union for the Protection of New Varieties of Plants (UPOV)

2003-2008 **Deputy Director General**
World Intellectual Property Organization (WIPO)

Responsible for: the Patent Cooperation Treaty (PCT); patent law and policy and International Patent Classification (IPC); WIPO Standards; WIPO statistics; the WIPO Arbitration and Mediation Center; Traditional Knowledge, Traditional Cultural Expressions, Genetic Resources and Life Sciences

1999-2003 **Assistant Director General and Legal Counsel**
World Intellectual Property Organization (WIPO)

Legal Counsel's Office; also responsible for: the WIPO Arbitration and Mediation Center; electronic commerce; and from 2002: the Patent Cooperation Treaty (PCT), patent law and policy and the International Patent Classification (IPC); Traditional Knowledge, Traditional Cultural Expressions, Genetic Resources and Life Sciences

1997-1999 **Legal Counsel**
World Intellectual Property Organization (WIPO)

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

1993-1997 **Office of Deputy Director General**
World Intellectual Property Organization (WIPO)

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

- 1990-1993** **Office of the Director General**
World Intellectual Property Organization (WIPO)
Special Assistant to the Director-General (1991-1993) and Director-Counsellor
- 1988-1990** **Head, Industrial Property Law Section**
World Intellectual Property Organization (WIPO)
Industrial Property Division
- 1985-1988** **Consultant and Senior Program Officer**
World Intellectual Property Organization (WIPO)
Development Cooperation and External Relations Bureau for Asia and Pacific
- 1984** **Attorney-at-Law**
Freehills, Sydney
- 1982-1983** **Visiting Professor of Law**
University of Dijon, France
- 1976 – 1979** **Research Student**
Faculty of Law, University of Cambridge
(Tapp Studentship, Gonville and Caius College, 1978-79)
- 1979-1984** **Senior Lecturer in Law**
University of Melbourne
- 1974-1976** Articled Clerk, then **Attorney-at-Law**
Arthur Robinson & Co, Melbourne

OTHER APPOINTMENTS

- 2012-present** **Chair, High-Level Committee on Management (HLCM) of the United Nations System Chief Executives Board (CEB)**
- 2013** **Member, Consultative Commission for International Geneva**
(Commission consultative les relations de la Genève internationale)

HONOURS AND DISTINCTIONS

- 2013** **Alawite Commander Wissam**
Kingdom of Morocco
- 2012** **Fellow**
Australian Institute of International Affairs
- 2012** **Honorary Doctorate**
Academy of Economic Studies of Moldova, Republic of Moldova
- 2012** **Honorary Member of the University Council of the Arts** University of Alcalá, Spain
- 2012** **Honorary Doctorate**
Eurasian National University, Kazakhstan
- 2011** **Honorary Doctorate**
University of Akron, USA

2010	Honorary Doctorate Haifa University, Israel
2010	Honorary Doctorate Renmin University, China
2009	Honorary Doctorate National Technical University of Ukraine
2009	Honorary Professor Peking University, China
2008	Member European Academy of Sciences and Arts
2001	Honorary Professorial Fellow Faculty of Law, University of Melbourne, Australia

ADVISORY AND EDITORIAL BOARDS

Campaign Patron, Campaign for the University of Melbourne

Honorary Chair, Board of Management, Centre for China Innovation Index Research,
Peking University

Advisory Board, Geneva LL.M. in International Dispute Settlement, University of Geneva and the Graduate
Institute of International and Development Studies

Advisory Board, Melbourne Journal of International Law

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, Australia

Indian Journal of Intellectual Property

SCRIPT-ed - A Journal of Law, Technology & Society, University of Edinburgh, United Kingdom

LANGUAGES

English (mother-tongue), French (fluent)

PUBLICATIONS

Books

Breach of Confidence (1984), Oxford University Press, Clarendon, pp. 1-487
(now published as *Gurry on Breach of Confidence. The Protection of Confidential Information*, Second
Edition by Tanya Aplin, Lionel Bently, Phillip Johnson, and Simon Malynicz, Oxford University Press,
Clarendon, 2012)

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 Abbott and
Thomas Cottier), Kluwer, pp i-xxxii, 1-2026

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 Co, Sydney, 1985)

Journal Articles

"Copyright in the Digital Environment: Restoring the Balance" (24th Horace S. Manges Lecture, April 6, 2011) (2011) 35 *Columbia Journal of Law and the Arts* 1-15

"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 and David Gerber (eds.), *Public Policy and Global Technology Integration* (Kluwer, 1997)

"IP Licensing Disputes: When Courts are not the Answer" (1995) *IP Worldwide* 13

"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