

WIPO Coordination Committee

Eighty-First (53rd Ordinary) Session
Geneva, July 14 to 22, 2022

ANNUAL REPORT BY THE ETHICS OFFICE

prepared by the Secretariat

1. This annual report is hereby submitted to the WIPO General Assembly – through the Director General – at its eighty-first session. The report was provided directly to the Director General pursuant to Office Instruction N° 16/2020 entitled “WIPO Ethics Office”.

I. BACKGROUND

2. The Ethics Office supports the Director General in helping to ensure that all WIPO staff and other personnel perform their functions consistent with the highest standards of ethics and integrity required by the Convention establishing WIPO, the Standards of Conduct for the International Civil Service, the Staff Regulations and Rules, the WIPO Code of Ethics and relevant policies and procedures.

3. The Ethics Office is founded upon the pillars of independence, impartiality and confidentiality. Its activities aim to promote an organizational culture of ethics based on shared values of independence, loyalty, impartiality, integrity, accountability and respect for human rights.

4. The Ethics Office is headed by a Chief Ethics Officer, who enjoys functional and operational independence from management in the exercise of her or his function.

II. ACTIVITIES OF THE ETHICS OFFICE

5. This report provides an overview of the activities of the Ethics Office during the period January 1, 2021 to December 31, 2021.

6. As in previous years, the activities of the Ethics Office were undertaken in the following mandated areas:

- (a) confidential advice and guidance;
- (b) awareness raising and training;
- (c) standard-setting and policy development; and
- (d) implementation of policies assigned to the Ethics Office.

A. CONFIDENTIAL ADVICE AND GUIDANCE

7. Upon request, the Ethics Office provides confidential advice and guidance to all WIPO personnel.

8. In 2021, the Ethics Office provided advice in 53 instances. The majority of requests for advice related to participation in outside activities and employment (15), gifts (including awards) (10) and standards of conduct issues (9), which mainly concerned allegations or queries about workplace conduct, including possible misconduct, harassment and fair application policies. The Ethics Office provided substantive advice on all of these matters, and other conflict of interests (5) and financial disclosure and declaration of interests (FDDI) (4) queries. In addition, the Office responded to questions related to employment issues (5), general ethics inquiries (3) and made referrals (1) to the Internal Oversight Division (IOD), the Ombudsperson, and the Human Resources Management Department (HRMD) as appropriate.

9. The Ethics Office responded to one retaliation-related inquiry to clarify the application of the policy and procedures for the protection of WIPO personnel. The matter did not culminate in a request for protection.



B. AWARENESS RAISING AND TRAINING

10. Awareness raising and training activities of the Ethics Office aim to:

- (a) enhance the culture of ethics by ensuring a common understanding of the meaning of “ethics and integrity” in WIPO, and
- (b) improve understanding of mechanisms that are in place to support personnel in dealing with ethics-related issues.

11. The Ethics Office also works to increase trust among colleagues and managers, and trust in the Organization, as well as to promote accountability in decision-making and strengthen ethical leadership at all levels of the Organization.

12. An online training on 'Ethics and Integrity' is mandatory for all staff. In addition to this online training, newly recruited staff, including managers and staff at senior levels, are required to participate in induction courses, which include a session on ethics. The online training and induction session are managed by the Ethics Office in close collaboration with HRMD.

13. In 2021, a total of 112 personnel took part in the following ethics training and awareness activities:

- 24 participants successfully completed the mandatory online training on Ethics and Integrity.¹
- 88 participants attended an introductory briefing on ethics delivered by the Chief Ethics Officer during the induction program organized by HRMD.

14. The newly appointed Chief Ethics Officer also delivered a presentation to approximately 400 personnel in one Town Hall meeting and participated in six Sector Leads' meetings reaching approximately 60 directors and senior staff. The presentations included detailed information about the Office's mandate and were aimed at increasing knowledge of, and compliance with, ethics-related policies, and at encouraging staff and management to adhere to high ethical standards.

C. STANDARD-SETTING AND POLICY DEVELOPMENT

15. The primary objective of the *Policy to Protect against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations* (PaR Policy) is to ensure that WIPO personnel who report misconduct in good faith and cooperate with audits or investigations are not subject to retaliation.

16. Under this policy, the Ethics Office is responsible for reviewing complaints to determine whether there exists a *prima facie* case of retaliation. If a *prima facie* case of retaliation is determined, the Ethics Office refers the matter to the IOD for investigation. If no *prima facie* case of retaliation is found by the Ethics Office, WIPO personnel can request a review of any such determination by an external second-level reviewer.

17. Pursuant to a written agreement between WIPO and the United Nations Office for Project Services (UNOPS), the Ethics Office of UNOPS performed this second-level reviewer role for requests until October 4, 2020. There were no cases for secondary review after that date. Following a new agreement between WIPO and the United Nations Ethics Office (UNEO), UNEO has replaced UNOPS in this role as of January 2022. This change will be incorporated into a revised PaR Policy.

D. IMPLEMENTATION OF POLICIES ASSIGNED TO THE ETHICS OFFICE

Protection against Retaliation

18. There were no instances of any request for protection against retaliation having been made to the Ethics Office in 2021. However, as reported above, the Ethics Office responded to inquiries and provided advice and guidance on the application of the policy.

¹ The completion date is based on the date of entry in the Enterprise Learning Management (ELM) system, not the actual completion date of the course.

Financial Disclosure and Declaration of Interests (FDDI)

19. The FDDI program is administered by the Ethics Office in line with the *WIPO Policy on Financial Disclosure and Declaration of Interests* (FDDI policy) which aims to:

- promote transparency and accountability;
- enhance internal and external public trust in the integrity of the Organization; and
- assist the Organization in managing the risk of actual and perceived conflicts of interest through disclosure, mitigation and prevention.

20. A total of 107² staff members – all senior staff at the level of D1 and above, as well as other staff working in specific designated categories – participated in the annual FDDI program for the 2020 Filing Cycle (January 1 – December 31, 2020). The program was opened from April 28 to June 18, 2021.

21. An external reviewer contracted by WIPO for this purpose examined the FDDI declarations submitted by staff. Each declaration was subject to two levels of review following a review methodology designed by the external reviewer to highlight items requiring special consideration, including but not limited to financial interests held in companies on WIPO's Vendor List, financial interests with significant investment objectives focused on intellectual property, and outside interests or activities requiring authorizations. The review process also included research of publicly available information to obtain the investment strategy and fund breakdown of each disclosed interests. As and when required, the external reviewer conducted follow-up discussions with participants to obtain supplemental information relevant to the review.

22. When a disclosure form indicated perceived, potential, or actual conflicts of interest, the external reviewer discussed the situation with WIPO's Ethics Office for guidance and resolution. The decision on whether a perceived, potential or an actual conflict existed, and the appropriate resolution, remained with WIPO.

23. During the review, five disclosure forms were brought forward by the external reviewer for discussion with the Ethics Office. After discussion, four matters were closed with 'No Action Required'. The fifth declaration was categorized as 'Action Agreed Upon' and the participant was notified of the remedial action. There were no actual conflicts of interest for the 2021 program.

24. Following the closure of the exercise, approximately five per cent (6) of FDDI participants were randomly selected to participate in the Verification Process prescribed in the FDDI policy. All participants selected were compliant and provided the necessary third-party documentation or confirmation, resulting in no reportable observations. At the end of the process, the external reviewer provided an anonymized report to the Director General.

IPSAS

25. Consistent with its mandate,³ the Ethics Office administered and managed the annual International Public Sector Accounting Standards (IPSAS) disclosure with respect to FDDI. Compliance with IPSAS created additional disclosure requirements for staff members at D2 level and above.

² 109 staff members were invited to participate at the start of the program. Two participants were administratively closed and removed from the 2021 FDDI Program following an assessment of the Chief Ethics Officer. However, two were exempted by the Ethics Office bringing the total number of participants to 107.

³ As outlined in Office Instruction 36/2017 Rev. of July 2019 entitled *WIPO Policy on Financial Disclosure and Declaration of Interests*.

26. For 2021, the Ethics Office recorded a 100 per cent rate of compliance by WIPO staff with IPSAS disclosure requirements.

III. OTHER ACTIVITIES OF THE ETHICS OFFICE

27. Throughout 2021, the Ethics Office continued to engage with the WIPO Independent Advisory Oversight Committee (IAOC),⁴ in particular on the implementation of the workplan of the Office.

28. The Ethics Office, as with all program units within the Organization, also contributed to the biennial and annual planning and risk management processes of WIPO.

IV. SYSTEM-WIDE COLLABORATION ON ETHICS-RELATED ISSUES WITHIN THE UNITED NATIONS

29. The Ethics Office continued its active engagement with the Ethics Network of Multilateral Organizations (ENMO), which serves as a broad forum of ethics functions from UN system entities, affiliated international organizations and international financial institutions and aims to promote system-wide collaboration on ethics-related issues for participating bodies.

30. In 2021, the Chief Ethics Officer attended the ENMO annual meeting in November 2021.

V. OBSERVATIONS

31. During the year under review, an interim Chief Ethics Officer served from April 1 to September 14 following the departure of the previous incumbent. A newly appointed Chief Ethics Officer joined the Organization on September 15, 2021. There has been a noticeable increase in requests for confidential advice and guidance since that date (35 matters between September 15 and December 31) as compared to the first three quarters of 2021 (18 matters between January 1 and September 14).

32. Providing advice and guidance is a critical component of the mandate of the Ethics Office. This uptick in cases is an area that the Office will continue to carefully monitor into 2022. Indeed, the Ethics Office plans to move into a case tracking and data recording system that will help monitor cases and conduct analytics to better inform its strategy, and to report more efficiently and consistently on the ethical maturity within WIPO.

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⁴ Pursuant to the WIPO Financial Regulations and Rules Annex III, as amended on October 14, 2015.