

Combined Audit and Evaluation of the Office of the Legal Counsel

Internal Oversight Reports



IOD Ref. No. IA 2022-04
February 16, 2023
Evaluation Section
Internal Audit Section

TABLE OF CONTENTS

LIST OF ACRONYMS	2
EXECUTIVE SUMMARY	3
1. INTRODUCTION	5
2. PURPOSE, OBJECTIVES AND SCOPE	5
3. METHODOLOGICAL APPROACH	5
(A) CRITERIA AND QUESTIONS	5
(B) LIMITATIONS, MITIGATION MEASURES AND METHODOLOGICAL CONSIDERATIONS.....	6
(C) FRAMEWORK	6
(D) DATA COLLECTION METHODS	7
4. FINDINGS	8
(A) RELEVANCE	8
(B) EFFECTIVENESS.....	11
(i) Delivery of activities	11
(ii) Delivery of results	12
(C) EFFICIENCY	15
(i) Governance, structural changes, and reporting lines	15
(ii) Risk management and controls.....	16
(iii) Performance management and accountability	16
(D) CONDITIONS ENABLING EFFECTIVENESS AND EFFICIENCY	19
(i) Resources and Capacities	19
(ii) Roles and Responsibilities	20
(iii) Information and knowledge management	22
(iv) Communication.....	24
(v) Collaboration	25
5. CONCLUSIONS AND RECOMMENDATIONS	26
TABLE OF RECOMMENDATIONS	29
ANNEXES	33

LIST OF ACRONYMS

AFMS	Administration, Finance and Management Sector
ALS	Administrative Law Section
CGL	Contracts and General Legal Section
COVID-19	Coronavirus Disease-2019
EPM	Enterprise Performance Management
HRMD	Human Resources Management Department
ILOAT	International Labour Organization Administrative Tribunal
IOD	Internal Oversight Division
LCA	Legal and Constitutional Affairs Section
MTSP	Medium -Term Strategic Plan
OLC	WIPO Office of the Legal Counsel
PMSDS	Performance Management and Staff Development System
SOP	Standard operating procedures
ToR	Terms of Reference
UN	United Nations
UNEG	United Nations Evaluation Group
WAB	WIPO Appeal Board
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WJI	WIPO Judicial Institute

EXECUTIVE SUMMARY

1. This report of the Internal Oversight Division (IOD) documents key findings and conclusions of the combined audit and evaluation of the Office of the Legal Counsel (OLC), and presents recommendations to help OLC further enhance its relevance, effectiveness and efficiency to deliver on its mandate. Building on a “looking back to look forward” approach, this combined engagement assessed OLC in the framework of the Medium-Term Strategic Plan (MTSP) 2016-2021 to identify risks, challenges, good practices and lessons that apply in the framework of the MTSP 2022-2026.

2. Within this purpose, IOD developed a theoretical framework in consultation with OLC to guide data collection and analysis. Data collection relied on four main methods: workshop, documentary review, in-depth interviews and survey with internal stakeholders. Since OLC functions as a service provider, internal stakeholders’ perceptions and reports of Member States’ official meetings were used as proxy indicators to assess the effectiveness of services.

3. The evaluation adhered to the United Nations Evaluation Group (UNEG) Norms and Standards and UNEG Ethical Guidelines for Evaluations. The internal audit procedures were performed in accordance with the International Standards for the Professional Practice of Internal Auditing and Code of Ethics issued by the Institute of Internal Auditors. The combined engagement adopted a highly participatory approach.

4. The services of OLC are consistent with its mandate and relevant to the Organization’s strategic directions. In practice, it contributes to the creation of an enabling environment for the World Intellectual Property Organization (WIPO) to fulfil its mandate by delivering its activities and intended results in line with its guiding principles such as professionalism, objectivity, reliability, and sound and logical reasoning. This includes responding well to increasing demand, emerging risks, and changing circumstances.

5. OLC’s positioning, resources and capacities are adequate to deliver activities and results effectively and efficiently, which includes the adoption and promotion of collaborative approaches at three levels: internal, cross-sectoral and external. It also has tailored processes to manage information and knowledge, and mechanisms to ensure that roles and responsibilities within OLC are clearly articulated and understood.

6. While acknowledging the above findings, the following issues would need to be addressed:

- (a) While OLC has listed several program activities in the Results Based Management framework of the Organization, it however has identified only one performance indicator, and as a result, the contribution of OLC to the WIPO Results framework is incomplete since only one activity is measured;
- (b) OLC does not have a structured system or process in place to capture and manage stakeholders’ feedback, thus preventing further alignment with the customer-centric approach introduced by the MTSP 2022-2026;
- (c) There is a room for expanding written procedures and guidelines to further enhance learning, consistency, and institutional memory; and
- (d) Communication about the mandate and services of OLC needs more streamlining and alignment with the WIPO customer-centric approach highlighted in the MTSP 2022-2026.

7. With a view to enhancing the relevance, effectiveness and efficiency of OLC, and in particular with regards to further alignment with, and shifting towards a more customer-

centric approach as outlined in the MTSP 2022-2026, IOD makes the following two recommendations:

Recommendation 1. In line with the MTSP 2022-2026, OLC should adopt systems and/or processes to manage stakeholders' feedback with the twofold purpose of promoting a positive customer experience and improving its services for the benefit of the Organization. In collaboration with the Program Performance and Budget Division, it should design performance indicator(s) preferably building on stakeholders' perceptions that would account for reflecting the contributions of the three Sections to WIPO Results Framework.

Recommendation 2. In line with the MTSP 2022-2026 and to be consistent, strengthen learning, and preserve institutional memory, OLC should enhance its information and knowledge management processes and mechanisms, including in terms of:

- (a) Documenting processes and practices in the form of Standard Operating Procedures; and
- (b) Enhancing communication through further developing and enriching the intranet and internet pages of OLC.

1. INTRODUCTION

8. In accordance with its 2022 Oversight Plan, IOD conducted a combined audit and evaluation of OLC during the fourth quarter of the year, hereinafter referred to as “combined engagement”.¹

9. This report documents key findings and conclusions of this combined engagement, and presents recommendations to help OLC further enhance its services in the context of the MTSP 2022-2026.

2. PURPOSE, OBJECTIVES AND SCOPE

10. The combined engagement promoted adaptive learning to enhance relevance, effectiveness, and efficiency of OLC’s services to better enable WIPO to deliver on its Strategy House. It had two main objectives, as follows:

- (a) Review the governance, risk management, compliance, and effectiveness of internal controls in OLC, and adequacy of tools and systems used to support the Office; and
- (b) Review services provided by OLC and identify prospective measures to enhance internal and external services in view of the new organizational context.

11. To comply with these purpose and objectives, IOD adopted a participatory “look back to move forward” approach; i.e., it assessed OLC in the framework of the MTSP 2016-2021 to identify risks, challenges, good practices, and lessons that apply in the framework of the MTSP 2022-2026.² Therefore, this combined engagement only covered those services that will remain valid and relevant during 2022-2026, bearing in mind the unpredictable environment in which OLC operates.

3. METHODOLOGICAL APPROACH

(A) CRITERIA AND QUESTIONS

12. The combined engagement answered all the guiding questions proposed in the Terms of Reference (ToR), which were structured around four criteria (Table 1).

Table 1. Guiding criteria and questions

Criteria	Questions
Relevance	To what extent have OLC's services remained relevant to the directions of the Organization? Why? How could relevance be improved in the framework of the MTSP 2022-2026?
Effectiveness	What does "effectiveness" mean for OLC's services, and how effective has OLC been (or is likely to be) in enabling and/or contributing to the fulfillment of WIPO's objectives, mission and vision? Why? How could effectiveness be improved in the framework of the MTSP 2022-2026?
Efficiency	How adequate are the governance structure, mechanisms, systems, processes and/or risk management and controls surrounding OLC's services? Why? How could their efficiency be improved in the framework of the MTSP 2022-2026?
Enabling conditions	How present and functional are the elements enabling relevance, effectiveness and efficiency? Why? How could the enabling environment for OLC's performance be improved in the framework of the MTSP 2022-2026?

13. The procedures of Internal Audit were determined through the assessment of risks that

¹ Consult the Terms of Reference for further information on rationale and background (Annex I).

² Given the recent structural changes, the combined engagement focused on 2021-2022, and covered previous years when necessary to identify trends.

could hinder the achievement of OLC workplan activities. The aim of internal audit procedures was to provide a reasonable assurance that OLC has reduced these risks to acceptable levels. Preliminary potential risks, controls and internal audit procedures are disclosed in Annex I of the ToR.

(B) LIMITATIONS, MITIGATION MEASURES AND METHODOLOGICAL CONSIDERATIONS

14. The combined engagement faced a few conceptual and practical limitations to answer the guiding questions; they influenced both the design and the conduct of this exercise (Table 2).

Table 2. Limitations and related mitigation measures

Limitations	Mitigation measures
OLC's services are advisory in nature, and OLC does not have decision-making power. It delivers legal advice and assistance.	IOD developed an audit and evaluation framework to build OLC's narrative within WIPO, identify its accountability ceiling and define measurable criteria to be used as proxies of OLC's success in achieving results.
Audits and evaluations have different purposes and approaches, yet they overlap in methods for data collection; this can lead to repetitions and pose additional burden on stakeholders.	The audit and evaluation framework also brought both exercises together. Moreover, the Internal Audit Section and the Evaluation Section worked in close collaboration throughout the entire process. This included joint communication with stakeholders, and co-design of methods for data collection.

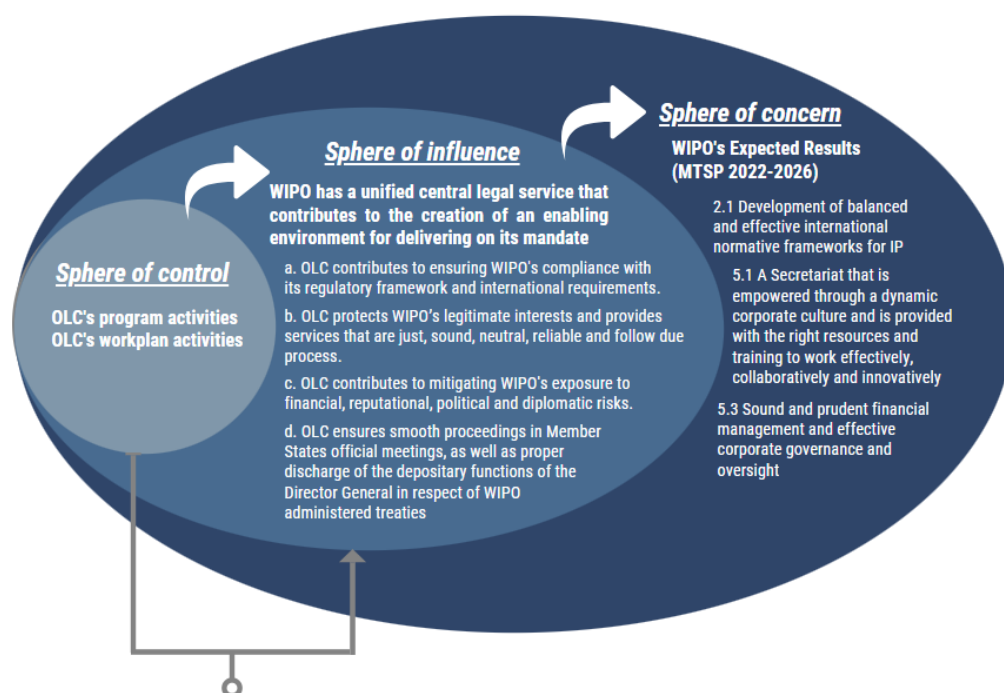
15. The evaluation adhered to [UNEG Norms and Standards](#) and [UNEG Ethical Guidelines for Evaluations](#). The Internal Audit procedures were performed in accordance with the [International Standards for the Professional Practice of Internal Auditing](#) and [Code of Ethics](#) issued by the Institute of Internal Auditors.

(C) FRAMEWORK

16. A theoretical framework was developed with OLC to delimit the scope of the combined engagement and guide data collection and analysis (Figure 1). It describes how OLC's services contribute to the Organization's Expected Results (sphere of concern), highlights OLC's workplan and program activities as per the Enterprise Performance Management (sphere of control), and defines OLC's accountability ceiling; i.e., results for which OLC can be held accountable for achieving (sphere of influence). It also lists conditions that enable achievement of these results.³

³ This framework was developed by IOD following an extensive documentary review and in collaboration with OLC; it was validated with stakeholders through in-depth interviews. Please consult Annex III for further details.

Figure 1. OLC's theoretical framework



Enabling conditions
Stakeholders provide OLC with necessary documentation and information within the deadline, as required
OLC has processes and/or mechanisms in place to provide stakeholders with timely and quality clarification, as and when required
OLC has processes and/or mechanisms in place to understand the objective(s) of stakeholders
OLC has a structured and systematic peer-review mechanism
OLC documents/records lessons and implements them in future cases, incl. institutional memory and feedback loops
OLC learns from/replicates best practices from other UN agencies, as necessary
OLC has systems and mechanisms to ensure confidentiality
OLC has sufficient resources (human, financial and time), tools and capacities to achieve its expected results
OLC has processes and/or mechanisms in place to collect necessary information/conduct research adequately
OLC is able to anticipate challenges and identify critical emerging risks hindering the achievement of its direct results in an agile manner
OLC registers/documents feedback received
OLC measures its performance adequately
OLC works coherently and collaboratively with other relevant stakeholders within and outside WIPO
OLC's governance structure is fit-for-purpose for the achievement of expected results
OLC's mandate and rules of procedures are comprehensive and well-documented
OLC abides by its mandate and rules of procedure, and is responsive to its stakeholders

(D) DATA COLLECTION METHODS

17. The relevance and effectiveness of OLC's services were assessed against the spheres of control and influence, while their efficiency was assessed against some enabling conditions; i.e., governance, risk management and controls, and performance management and accountability. The combined engagement did not look at the sphere of concern

because OLC has limited control over the achievement of WIPO’s Expected Results due to the advisory nature of its services.

18. The combined engagement relied on four methods for data collection: workshop, documentary review, and in-depth interviews and survey with internal stakeholders (Figure 2).⁴

Figure 2. Overview of the methods employed for data collection⁵



19. Considering that OLC functions as a service provider, internal stakeholders’ perceptions were used as a proxy to assess effectiveness of its services, particularly of those provided by the Administrative Law Section (ALS) and the Contracts and General Legal Section (CGL).⁶ To assess the effectiveness of services provided by the Legal and Constitutional Affairs Section (LCA) to external stakeholders, IOD used reports of Member States’ official meetings as a proxy.⁷ The combination of methods described in Figure 2 were used for data triangulation and validation.

20. IOD involved OLC in the various stages of the combined engagement process without risking its independence. Stakeholders were engaged throughout the process, particularly in the data collection stage.

4. FINDINGS

(A) RELEVANCE

Finding 1. OLC’s services are consistent with its mandate, and relevant to the Organization’s strategic directions. OLC is demand-driven and context-sensitive by nature, which in turn affects its ability to establish and follow plans; nevertheless, OLC is largely responsive to its stakeholders’ needs and to changing circumstances.

21. OLC provides “*legal advice and assistance to the WIPO Director General, to the bodies of WIPO member states and to the secretariat on constitutional, administrative, contractual,*

⁴ IOD prepared an anonymous survey to measure effectiveness of services provided by OLC (Annex II); it was sent to 177 internal stakeholders who could have potentially benefitted from and/or been affected by OLC’s services (i.e. Sector Leads, Directors and Heads of Sections). IOD roughly estimated that around 50 per cent of them have somehow engaged with OLC in the past two years.

⁵ Data collection and analysis took place between September 21 – November 21, 2022. Internal stakeholders responded to the survey between October 26 – November 11, 2022.

⁶ Proxy is an indirect measure that represents or approximates an event in the absence of a more direct measure. While it provides a solution to overcome data gaps, it can mask uncertainty. In evaluation, it serves to assess results that are hard to measure or estimate or to which no direct measures are available (e.g., quality of services).

⁷ The results of the internal survey were not used as the only proxy indicator for the services provided by LCA because its stakeholders are mainly external.

and general legal matters and in respect of the depositary functions of the WIPO-administered treaties”.⁸ These services are distributed across three functional and complementary Sections: ALS, CGL, and LCA. The detailed activities of these functions are listed in Annex IV.

22. The multifaceted services provided by OLC are relevant to WIPO and consistent with OLC’s mandate, which in essence is to provide the Organization with a unified central legal service that contributes to the creation of an enabling environment to deliver on its mandate. This includes working towards the results listed in Figure 1; i.e.:

- (a) Contributes to ensuring WIPO’s compliance with its regulatory framework and international requirements;
- (b) Protects WIPO’s legitimate interests;
- (c) Contributes to mitigating WIPO’s exposure to financial, reputational, political, and diplomatic risks; and
- (d) Ensures smooth proceedings in Member States official meetings, and proper discharge of the depositary functions of the Director General in respect of WIPO administered treaties.

23. OLC’s relevance to the Organization is not only conceptual but also practical. When prompted to describe what words would come to their minds when thinking of OLC, 84 per cent of the citations provided by survey respondents were either positive (63 per cent) or neutral (21 per cent), while only 16 per cent were negative (Figure 3).⁹ By spontaneously identifying OLC’s principles, qualities and values, internal stakeholders certify the relevance of OLC’s services to the Organization.¹⁰

Figure 3. Internal stakeholders’ perception about OLC in most frequent words



24. OLC’s services are not only relevant but also required. OLC’s mandate is derived from WIPO’s status as a UN specialized agency thus emanating from multiple documents, and in

⁸ See: https://www.wipo.int/about-wipo/en/activities_by_unit/index.jsp?id=88

⁹ Out of 100 citations. Neutral perception is defined as knowledge of OLC’s services. For brevity, synonyms were combined and reported together with the most frequent word.

¹⁰ This analysis draws parallels with the relevance score’s rationale used in the marketing industry; i.e., the number of positive feedbacks received from a service’s target audience can represent the service’s relevance.

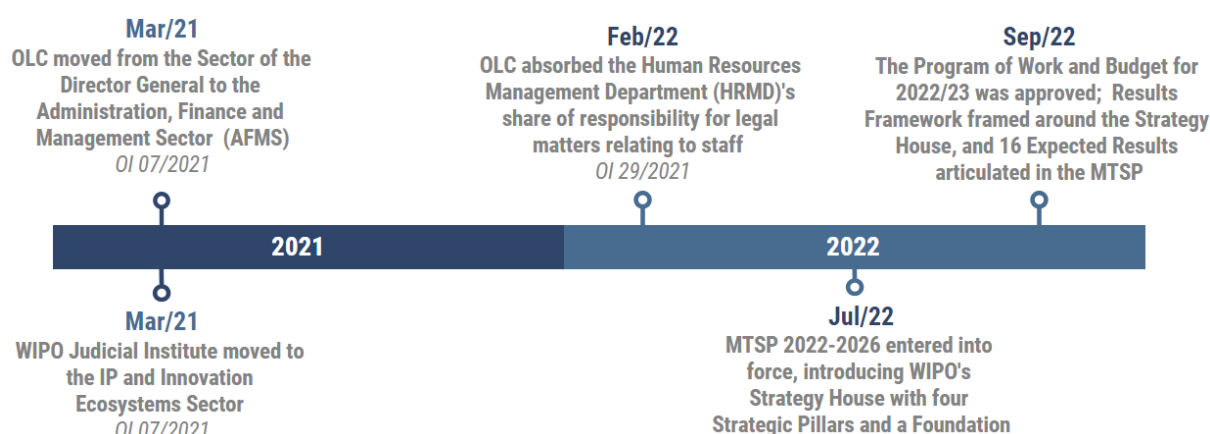
particular:¹¹

- (a) The [Charter of the United Nations](#) (UN Charter);¹²
- (b) The [Convention on the Privileges and Immunities of the Specialized Agencies](#);
- (c) The Agreement between the Swiss Federal Council and WIPO to determine the legal status in Switzerland of that Organization;
- (d) The [Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties](#);
- (e) The [Vienna Convention on the Law of Treaties](#); and
- (f) The [WIPO Convention](#).

25. Owing to its mandate and the nature of the services it provides, OLC is largely demand-driven and sensitive to contextual changes, which affects its ability to establish and follow plans. However, it responds well to both contextual changes and increasing demand within its mandate, resources, and capacities due to its ability to timely identify and address risks.

26. Between 2020 and 2021, both WIPO and OLC were affected by the Coronavirus Disease-2019 (COVID-19) pandemic. OLC was also affected by some major structural changes between 2021 and 2022 (Figure 4). In general, it was able to identify emerging risks and develop mitigation measures, with successful examples (Box 1).

Figure 4. Timeline of structural changes that affected OLC¹³



Box 1. Successful examples of OLC's response to changes

In 2020, in the early months of the COVID-19 pandemic, LCA provided a rapid response to enable the appointment of the WIPO Director General. The rules of procedures for the nomination and appointment were adopted by the 59th Series of the meetings of the Assemblies of the Members States of WIPO, and the WIPO Coordination Committee adopted the nomination of the candidates following these procedures on March 4.

On March 11, The World Health Organization (WHO) declared COVID-19 a pandemic. In less than two months, OLC had to organize and advise on the appointment of the Director General, which included the drafting of a new written procedure; it allowed for the appointment of the Director General in a joint meeting with the Paris Union Assembly and the Berne Union Assembly from May 7 to May 8, 2020. Internal and external stakeholders commended OLC for its efforts (See: A/59/4, A/59/14, A/60/3).

¹¹ While its services are also regulated by multiple documents produced within WIPO. List available in Annex IV.

¹² [Registration and publication of treaties \(Article 102\)](#); and [the juridical status and privileges and immunities of the Organization, its officials and the representatives of the States Members of the Organization \(Article 105\)](#)

¹³ Annex IV demonstrates the change in WIPO Expected Results linked to OLC incurred in 2022.

In 2022, ALS saw the number of requests for advice increase by almost 100 per cent when compared to 2021, partly because of the advent of OI 29/2021 that resulted in OLC having the sole responsibility for all legal matters related to staff (whose responsibility was previously shared between Human Resources Management Department (HRMD and OLC). It addressed the new demand in terms of quantity and quality efficiently (see Sections B and C).

27. IOD's survey of internal stakeholders, conducted between October 26 and November 11, 2022, corroborates this finding. The survey found that 85 per cent of the respondents assessed OLC's responsiveness as either good or excellent, while 12.7 per cent assessed it as fair and only 1.8 per cent assessed it as poor.

28. In the context of WIPO's structural changes, OLC's program and workplan activities remained relevant to its assigned Expected Results. OLC ensured its alignment with the reformulated Expected Results by further elaborating and supplementing its workplan activities. Further, the five program activities related to WIPO Judicial Institute were eliminated (Annex IV).

29. IOD also assessed how WIPO's Expected Results allocated to OLC are cascading down to program and workplan activities, and to individual work-related objectives in the Performance Management and Staff Development System (PMSDS). It concluded that activities are effectively designed to contribute to these Expected Results. A sample of 2022 PMSDS Cycle documents of four OLC staff members demonstrated coherent linkage between the workplan activities and work-related objectives of staff.¹⁴

(B) EFFECTIVENESS

(i) Delivery of activities

Finding 2. OLC has means for early identification of delays in program activities and is on a good track to deliver its 2022 workplan activities. Reports adopted by recent Assemblies of the Member States of WIPO and internal survey results have no indications of any significant Member States' concerns regarding OLC's work.

30. According to the 2022 workplan, OLC contributes to 26 workplan Activities (Annex IV). Regular staff meetings provide for effective status updates and early identification of any potential delays. The Heads of ALS, CGL and LCA confirmed that they are not aware of any 2022 workplan Activities under their responsibility that may not be completed;¹⁵ an exception was made to "promotional activities on the constitutional process." As explained by the Head of LCA, recent developments in the Assemblies of the Member States of WIPO and other Member States meetings indicated a reduced priority for that activity. OLC, therefore, proposed to postpone it; OLC provided IOD with relevant supporting evidence.

31. Regarding Budget Execution for 2022, OLC spent 85 per cent and 75 per cent of funds allocated to personnel and non-personnel expenses respectively as of November 30, 2022 (Annex V). The review of pre-encumbrances at the end of November 2022 suggested that no additional significant purchases are expected in December 2022. Detailed analysis shows that 65 thousand Swiss Francs of not utilized non-personnel funds did not significantly impact the delivery of OLC objectives. Going forward, OLC may assess these non-executed funds from the perspective of efficiency savings and consider potential economies in further budgeting cycles.

32. IOD reviewed the reports adopted by the Assemblies of the Member States of WIPO between 2016 and 2022. While some Member States provided comments on the organization of voting processes, generally OLC was associated with positive feedback. The

¹⁴ Annex IV depicts the link between OLC expected results and workplan activities in 2021 and 2022.

¹⁵ Meetings with Section Heads: ALS – 19 October 2022; LCA – 14 October 2022; CGL – 20 October 2022.

IOD internal survey did not reveal any indications of potential issues, as further detailed below.

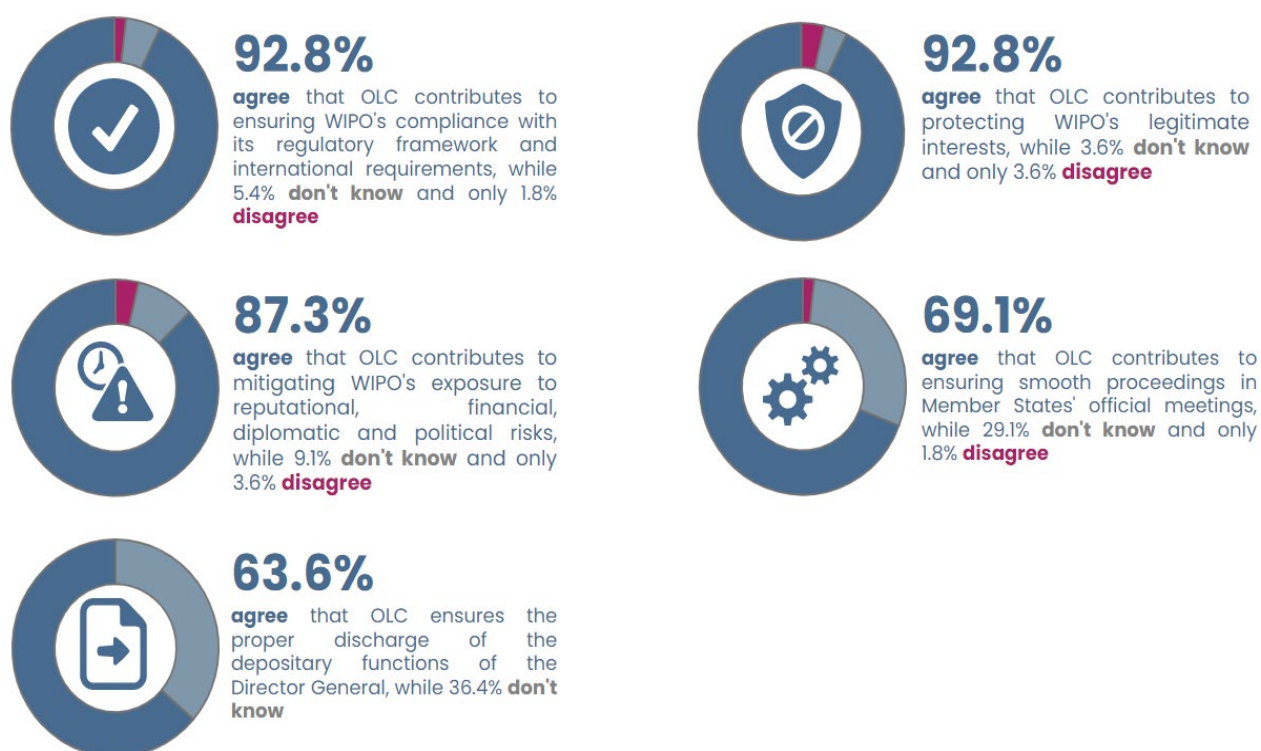
(ii) Delivery of results

Finding 3. By and large, OLC delivers its intended results in adherence to its guiding principles. However, there is still room to improve stakeholders' knowledge and perceptions about its services and achievements.

Overall results

33. OLC contributes to creating an enabling environment for WIPO to deliver on its mandate; in practice, it does so by directly delivering the results under its sphere of influence (see: Figure 1). As illustrated in Figure 5, internal stakeholders were generally positive about OLC's achievements, yet some did not have enough knowledge to opine (Figure 5).¹⁶

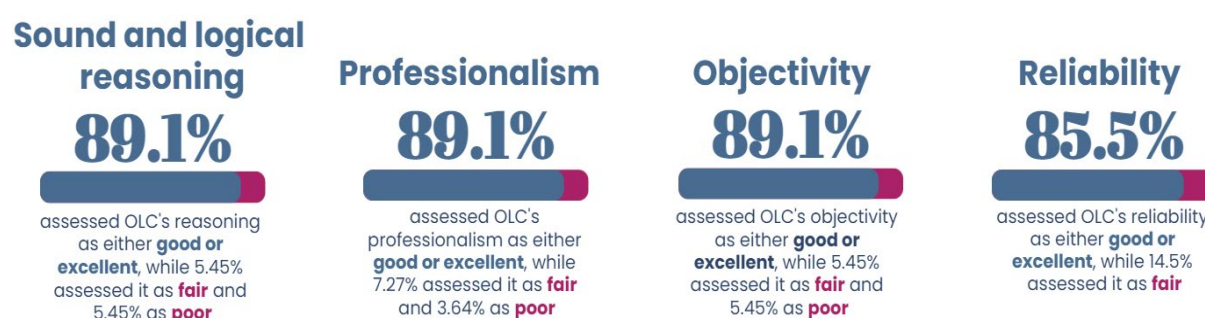
Figure 5. Internal stakeholders' knowledge and perceptions about OLC's direct results



34. OLC delivered these results while observing its main guiding principles. When prompted to assess OLC's services in relation to some of these principles, internal stakeholders were generally positive (Figure 6).

¹⁶ Overall finding supported by all methods employed by IOD, but the survey with internal stakeholders provided the most significant data in view of the service-oriented nature of OLC's mandate. The relatively high percentage of internal stakeholders who could not opine about the achievements related to LCA's services could be explained by the fact that LCA's main stakeholders are external, and hence Member States' official meetings were used as a more reliable proxy to measure effectiveness for this particular session. Nevertheless, improving internal stakeholders' knowledge of OLC's mandate, services and achievements is relevant to and aligned with WIPO Core Values, particularly Working as One, and the MTSP 2022-2026.

Figure 6. Compliance of OLC's services with its key guiding principles



Administrative Law Section

35. The majority of ALS' stakeholders consulted are satisfied with its services (Figure 7 below), which reflects the positive perception regarding the achievement of OLC's results that fall under the competence of this Section (see: Figure 5).

Figure 7. Internal stakeholders' perceptions on the Administrative Law Section

Of those who have used and/or been affected by specific services of the Administrative Law Section...



36. Documents and interviewees confirmed that ALS contributes to protecting WIPO's legitimate interests and to mitigating legal, reputational and financial risks. In particular: (i) it advises WIPO's management on avoiding or reducing the risk of litigation; (ii) it advises stakeholders entrusted with decision-making authority in accordance with WIPO's regulatory framework and the International Labour Organization Administrative Tribunal (ILOAT) jurisprudence; (iii) it represents the Director General before the WIPO Appeal Board (WAB); and (iv) it represents WIPO before the ILOAT - between 2016 and 2022, for example, it represented the Organization in proceedings leading to 53 judgements.¹⁷

37. With the incorporation of HRMD's share of the responsibility for legal matters related to staff as from February 2022, ALS is further enhancing the effectiveness of its services in the framework of the MTSP 2022-2026. This addition to its mandate allows OLC to anticipate and mitigate risks related to potentially litigious cases that could harm the Organization's interests and set legal parameters early on for future defenses.

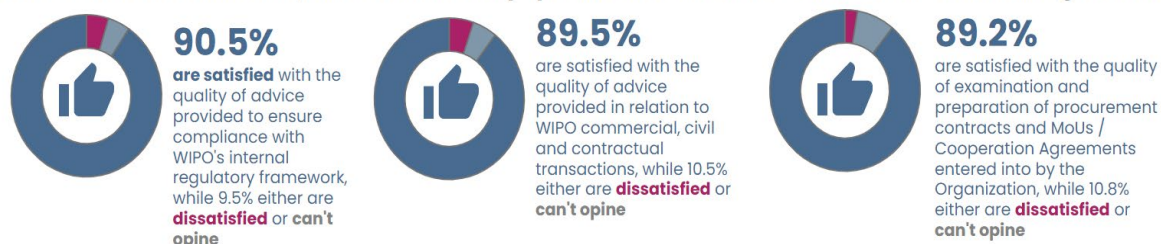
Contracts and General Legal Section

38. The majority of CGL's stakeholders consulted are satisfied with its services (Figure 8), which is reflected in the positive perception regarding the achievement of OLC's results that fall under the competence of this Section (see: Figure 5).

¹⁷ Findings based on ALS' Master File Cases and register of requests for advice (2018-2022), examples of correspondence/advice provided by ALS, and the Triblex case-law database. Due to confidentiality and to the fact that decision-making within WIPO and in WAB/ILOAT is outside OLC's control, it was not conceptually relevant or methodologically feasible to quantify ALS' contributions to protecting WIPO's legitimate interests and to mitigating legal, reputational and financial risks; e.g., number of risks mitigated due to ALS' legal advice, amount of money saved for the Organization because of ALS' services, and number of winning cases that can be directly attributed to ALS' role in the administration of justice system.

Figure 8. Internal stakeholders' perceptions on the Contracts and General Legal Section

Of those who have used and/or been affected by specific services of the Contracts and General Legal Section...



39. Documents and interviewees confirmed that CGL contributes to ensuring WIPO's compliance with its regulatory framework, and to mitigating reputational and financial risks.¹⁸ In particular: (i) it ensures that technical assistance and project activities do not violate applicable UN sanctions;¹⁹ and (ii) it advises WIPO's sectors, units, and services on multiple subjects such as procurement, IP-related issues, maps, and partnerships. For instance, between 2016 and 2022, it enabled the formalization of multiple agreements as listed in Figure 9 below.²⁰

Figure 9. Agreements facilitated by CGL between 2016 and 2022



40. Within the context of the MTSP 2022-2026, demand for CGL's services concerning formalization of agreements is likely to increase in view of WIPO's objective of "building effective interactions and partnerships with the UN, IGOs and NGOs in support of global goals to which IP can contribute".²¹

Legal and Constitutional Affairs Section

41. Administering treaties and facilitating meetings and other discussions among Member States are core functions of WIPO's activities.²² While Figure 5 shows a number of respondents who could not assess OLC against the results falling under LCA's competence; this could be explained by the fact that its services target just a few and very specific internal stakeholders such as Secretaries of Member States Committees. However, perceptions about its achievements were fairly positive among those who have used and/or been affected by these services internally (Figure 10).

¹⁸ Finding based on the registries and examples provided by CGL. Due to confidentiality reasons and to the fact that decision-making is outside OLC's control, IOD did not quantify CGL's contributions to this expected result. ¹⁹ The Section's Head is also the Chief Compliance Officer (OI 29/2016 Rev2).

¹⁹ The Section's Head is also the Chief Compliance Officer (OI 29/2016 Rev2).

²⁰ List of agreements facilitated by CGL between 2016 and 2022 available in Annex VI.

²¹ MTSP 2022-2026, paragraph 42.

²² WIPO Convention; it will remain central to WIPO's mandate in the framework of the MTSP 2022-2026.

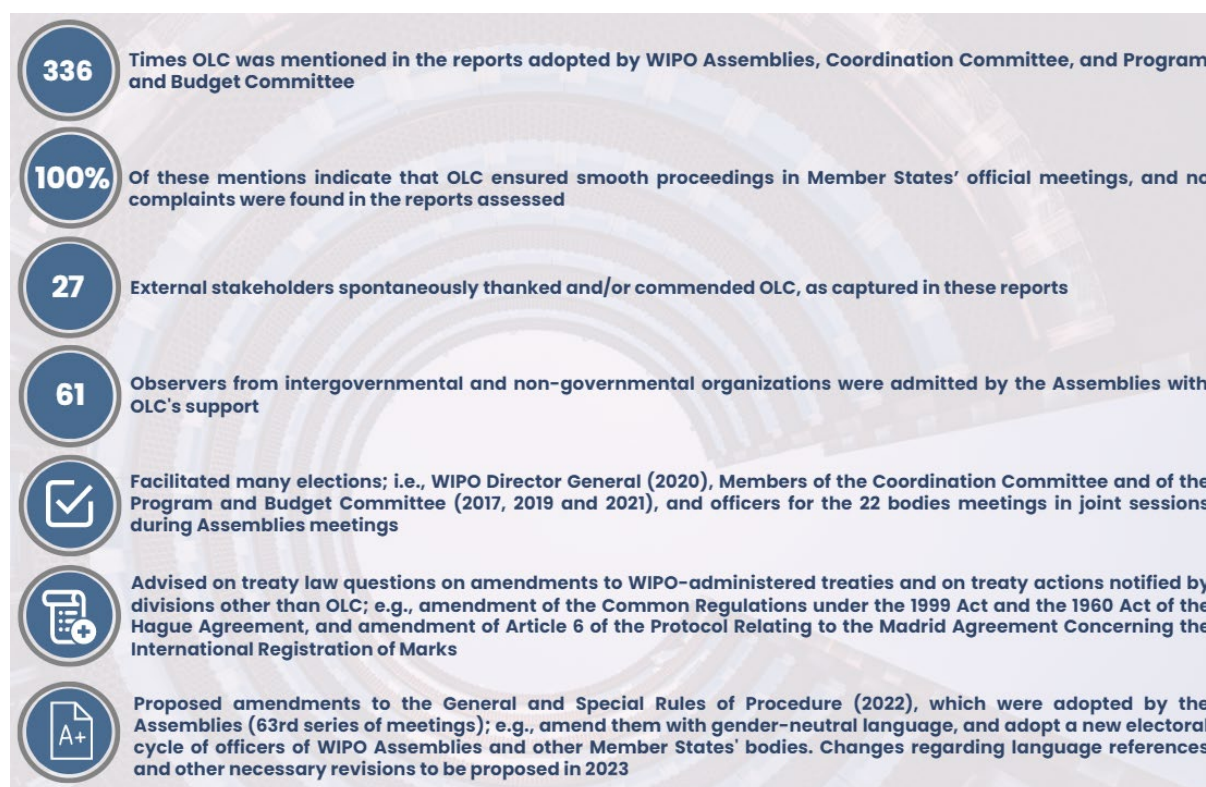
Figure 10. Internal stakeholders' perceptions on the Legal and Constitutional Affairs Section

Of those who have used and/or been affected by specific services of the Legal and Constitutional Affairs Section...



42. The structured review of WIPO's decision-making and negotiating bodies' reports corroborated the internal stakeholders' perceptions, confirming that LCA contributes to (i) mitigating WIPO's exposure to diplomatic and political risks; (ii) ensuring smooth procedures in Member States' official meetings; and (iii) ensuring the proper discharge of the depositary functions of the WIPO Director General. In addition to not having received any complaints by Member States, LCA was positively mentioned in these reports (Figure 11).²³

Figure 11. Proxy for Law and Constitutional Affairs Section's results, 2016-2022



(C) EFFICIENCY

(i) Governance, structural changes, and reporting lines

Finding 4. Operational and structural changes made in 2022 had no significant impact on the functioning of OLC. Where needed, OLC reformulated its workplan activities to be coherent with the 2022-2026 MTSP.

²³ List of reports reviewed are available in Annex VII.

43. Starting from 2022, WIPO work program structure was streamlined from the current 31 Programs to correspond to the nine Sectors responsible for implementing the Program of Work. Such terms as “Programs,” “Program Managers” and “Senior Management Team” were replaced by “Departments,” “Sector Leads” and “Sector Lead Team” respectively.

44. OLC, like other WIPO departments, experienced operational and structural changes as depicted in Figure 4 above. In March 2021, the Office was transferred from the Office of the Director General and Related Programs to Administration, Finance and Management Sector (AFMS)²⁴; hence switching reporting lines from the Director General to the Assistant Director General, AFMS. Further, the WIPO Judicial Institute (WJI) moved from OLC to the IP and Innovation Ecosystems Sector. Annex VIII shows the evolution of OLC structure and reporting lines.

45. IOD verified publicly available information on organizational placement of the Office of the Legal Counsel in similar structures in the UN system and found that while in most UN specialized agencies and bodies, the Legal Counsel reports directly to the Secretary General or its equivalent (Annex IX), there are some Organizations where the Office of the Legal Counsel reports to other levels in the organizational hierarchy.

46. As corroborated between OLC management and staff, and OLC stakeholders, the change in administrative reporting did not have any significant impact on the functioning of OLC. Where needed, OLC retained direct functional reporting to the Director General; e.g., provision of legal advice and assistance to the Director General.

(II) Risk management and controls

Finding 5. OLC understands risks and controls concepts and can identify, assess, report, and mitigate risks.

47. Through meetings and interviews, OLC management and staff demonstrated a good understanding of risk management and internal controls concepts. OLC can timely identify risks, assess their impact, develop mitigating measures where necessary, and report on risks.

48. AFMS Sector Risk Coordinators regularly perform risk and control reviews with OLC. Currently, there are two internal risks identified and recorded by OLC in the WIPO Enterprise Risk Management system. Both risks have status “accepted,” which means that their inherent magnitude is at acceptable level according to the WIPO Risk Appetite. Based on interviews and review of relevant documentation, IOD did not identify any additional key risks that would significantly affect the achievement of OLC’s workplan activities.

49. Since November 2022, OLC has been invited to participate in the quarterly WIPO Risk Management Group meetings. IOD sees this initiative as a positive one, because OLC is a valuable source of risk information.

(iii) Performance management and accountability

Finding 6. Nine out of ten OLC core activities subject to the WIPO Results Framework are not monitored by performance indicator(s) in the WIPO Enterprise Performance Management (EPM). Most of the success criteria for these activities are qualitative and hard to measure with internally generated quantitative metrics. Internal stakeholders' feedback would be the most relevant method to monitor how OLC performs. Further, setting credible performance indicator(s) is an effective way to demonstrate accountability, in particular as the Office’s budget is notably growing.

50. IOD analyzed the core activities of OLC’s Sections, their main success criteria, and

²⁴ WIPO OI No. 07/2021.

available metrics to assess the service delivery. The analysis is shown in Annex X.

51. IOD found that only one OLC activity is monitored by Performance Indicator in EPM: percent of treaty notifications that are promptly processed by OLC. All remaining OLC activities, related to Expected Results 5.1 and 5.3, particularly activities of ALS and CGL, are not formally linked to any performance indicator (Annex IV).

52. In IOD's view, activities that make up part of the WIPO Results Framework must be monitored by Performance Indicators. Therefore, it would be valuable for OLC to make sure that Performance Indicator(s) provide(s) reasonable coverage of OLC activities subject to WIPO Results Framework. IOD would like to highlight the importance of having meaningful performance indicator(s) that would duly reflect the work of the three Sections.

53. Most of the success criteria for the core activities of OLC are qualitative, such as "Quality" and "Insightful Advice" (Annex X), which are hard to measure with internally generated quantitative metrics. Stakeholders' feedback would be more relevant and objective for assessing these criteria. Given the service provider nature of OLC, and the variety of activities to be covered, a feedback mechanism could be a relevant solution for measuring performance. This could include capturing stakeholders' perceptions on OLC's deliverables and compliance with its main guiding principles such as reliability, objectivity, responsiveness, professionalism, neutrality, and sound and logical reasoning.

54. Further, data analytics may complement client satisfaction surveys. Incoming email sentiment analysis might provide some insights on the level of satisfaction of the sender. This solution may require the involvement of IT specialists, including proper consideration of aspects of data confidentiality.

55. The 2022 payroll funding of ALS was increased by 37 per cent or 302 thousand Swiss francs (Program Activity 5.1), mainly due to additional P4 on-boarding to deal with HR related legal issues (Annex XI and Annex V). IOD analyzed received and processed requests for legal advice by ALS between January 1, 2021, and August 31, 2022 (Annex XII). In the first eight months of 2022 the number of HRMD requests processed by ALS increased by 95 per cent compared to 12 months of 2021. The increase mainly relates to WIPO's decision to move HRMD's share of the responsibility for staff-related legal matters to ALS. Overall, the number of ALS' processed requests increased by 89 per cent: from 114 requests in 2021 to 216 requests in the first eight months of 2022. Further, IOD found that all requests were consistently processed within the deadlines set, hence meeting the stakeholders' needs and expectations. In addition, the average request processing time has significantly decreased in 2022 compared to 2021 - requests from HRMD and the Ethics Office were processed on average 60 per cent faster in 2022 compared to 2021 (Annex XII). OLC highlighted that what matters is that the advice is given within the deadline set, and not how long it takes; furthermore, the average request processing time depends on the complexity of the request, the volume of research to be undertaken and other important parameters.

WIPO Cases

56. ALS keeps a register of legal cases. Figure 12 below provides statistics of cases handled by OLC at the pre-appeal stage, as well as before WAB and ILOAT in 2021 and the first eight months of 2022.

Figure 12. Statistics on cases before the Director General, ILOAT and WAB

	RFR		Chapter X		Rebuttal		ILOAT		WAB	
	2021	2022 (8 months)	2021	2022 (8 months)	2021	2022 (8 months)	2021	2022 (8 months)	2021	2022 (8 months)
Number of opened cases	9	6	2	2	1	0	19	3	2	5
Number of closed cases	7	7	2	2	0	1	4	5	54	7
Average processing length (in months) of closed cases in the end of the given period	2	2	1	1	no closed cases	3	22	42	33	37

Source: register of ALS. * Processing length is calculated based on the number of months between Case start and Case closure indicated in ALS registers. For the WAB, calculations do not take into account case suspensions. ** For the Rebuttal case closed in 2022, additional submissions were required, thereby extending the time limit to treat the case. *** For the Chapter X cases opened and closed in 2022, no disciplinary proceedings were instituted

57. OLC represents the Director General before the WAB, and has no role in its operational and decision making process. WAB is an independent administrative body established by the Director General to advise on appeals against decisions taken under Staff Regulation 11.4 (“Formal Conflict Resolution”), or a disciplinary decision taken under Staff Rule 10.1.2. Pursuant to Staff Rule 11.5.1. The WIPO Coordination Committee designates the Chair and Deputy Chair of the WAB for a term of five years, on a proposal made by the Director General after consultation with the Staff Council.

58. OLC records information on the cases in WIPO’s administration of justice system to monitor their status in order to, among other things, obtain a global view of ongoing cases, and to estimate annual litigation provisions²⁵ necessary for the annual financial closure.

59. IOD notes that all the cases under the direct responsibility of OLC were processed by it within the applicable time limits (*i.e.*, Requests for Review, Chapter X of the WIPO Staff Regulations and Rules, Rebuttals of performance appraisals, and pleadings before WAB and ILOAT).

60. Cases at WAB and ILOAT increased average processing timelines for the issuance of a report (by WAB) or judgment (by ILOAT). IOD acknowledges that ILOAT cases are subject to circumstances and conditions not within the control of the Organization, and likewise, discussions with the Secretariat of WAB also indicate that circumstances such as suspensions, appellants’ requests for extensions of time, delay in the issuance of ILOAT judgements where applicable, unavailability of WAB Members, and more recently, the impact of the COVID-19 pandemic, have affected processing time. IOD did not further analyze the cases of WAB as this is outside the scope of this engagement. IOD however notes that three WAB cases have been pending for over five years and one for over 10 years. An assessment of WIPO’s internal justice system is planned for 2023/2024.

Treaty Notifications and Advice to Member States

61. The depositary of treaties is required to provide certain information to all interested parties about the treaties deposited with him.

62. The Director General has delegated the responsibility for managing the depositary of treaties to OLC, which includes among other things, the timely preparation of treaty notifications and other relevant communications to Contracting Parties as required by the terms of treaties administered by the Organization. IOD notes that the budget for Treaty Notifications and Advice to Member States (Program Activity 2.1), primarily managed by the LCA Section, increased by 37 per cent or 226 thousand Swiss francs in 2022. Specifically, the budget for Treaty Notifications increased by 20 per cent or 63 thousand Swiss francs and

²⁵ The litigation provisions are verified by the External Financial Auditor within the audit of WIPO annual financial statements.

Advice to Member States increased by 55 per cent or 163 thousand Swiss francs.

63. LCA notifies and keeps track of processed treaty accessions, with the number of accessions totaling 45 in 2020 and 42 in 2021. There were 33 accessions processed by the end of August 2022 (Annex XIII). Figure 13 below shows the number of processed inquiries about observer status in WIPO Committees for 2022; suggesting that these figures will exceed the 2021 figures. Finally, IOD notes that the average inquiry processing time decreased by 50 per cent in 2022 compared to 2021.

Figure 13. Statistics on processed inquiries concerning observer status in WIPO Committees

	2021	2022 (8 months)	Change	%
Number of Inquiries Processed	17,00	18,00	1,00	6%
Average Inquiry Processing Length (days)	3,35	1,67	-1,69	-50%

Source: register of LCA

64. CGL keeps a register of agreements signed between WIPO and external organizations. Figure 14 below shows the number of processed international and national agreements over the last three years.

Figure 14. Statistics on processed international and national agreements

	2020	2021	2022 (8 months)
International Agreements	7	19	11
National Agreements	120	115	61

Source: register of CGL

65. In addition, while CGL provides advice and consults WIPO sectors, it however does not maintain a register of processed requests for advice.

(D) CONDITIONS ENABLING EFFECTIVENESS AND EFFICIENCY

(i) Resources and Capacities

Finding 7. IOD did not identify any notable resources and capacity shortages preventing OLC from achieving its 2022 workplan.

66. Annex XI illustrates the evolution of the financial and staffing budget of OLC between 2021 and 2022. Following the move of WJI to the IP and Innovation Ecosystems Sector²⁶ at the end of 2021, the headcount of OLC decreased by three (one D1, one P4 and one G4 grade). Five activities related to WJI were also removed from OLC workplan in 2022. Further, one P4 grade staff member was transferred from HRMD to ALS. Transfer followed the decision to move HRMD's share of the responsibility for staff-related legal matters to OLC ALS²⁷.

67. Since 25 June 2022, OLC has been working with a reduced capacity because the Legal Counsel went on special leave until his retirement on February 28, 2023.²⁸ IOD notes the good efforts of Deputy Legal Counsel and OLC staff to absorb the temporary reduction in OLC's capacity. WIPO published the Legal Counsel vacancy announcement on its website on 15 November 2022.

²⁶ Office Instruction No. 07/2021.

²⁷ Office Instruction No. 29/2021.

²⁸ Information Circular No. 25/2022.

68. The budget of OLC for 2022 after transfers is four per cent higher compared to 2021 - 3.28 million Swiss francs in 2021 and 3.42 million in 2022 (Annex XI). Since the WJI Section, including its budget, was transferred to the IP and Innovation Ecosystems Sector in 2021, it would be more relevant to compare the budget of OLC excluding WJI. Thus, the budget of OLC limited to the three current functions amounted to 2.95 million Swiss francs in 2021 compared to 3.42 million in 2022 and representing a 0.47 million Swiss francs (or 16 per cent) increase compared to 2021.

69. Table 3 below shows changes in budget allocations in 2022 compared to 2021.

Table 3. Changes in budget allocations 2021-2022 (in thousands CHF)

3.280		Budget 2021 (in thousands CHF)
	226	Increase of budget for Treaty Notifications and Advice to Member States (Program Activity 2.1) by 37 percent or 226 Swiss Francs. Specifically, the budget for Treaty Notifications increased by 20 per cent or 63 thousand Swiss francs and Advice to Member States increased by 55 percent or 163 thousand Swiss francs.
	302	Increase of payroll funding for ALS by 37 percent or 302 thousand Swiss Francs due to additional P4 staff member on-boarding and base salary increases;
	108	Increase of non-payroll funding for ALS by 108 thousand Swiss Francs and subsequent carry-forward of 107 thousand Swiss Francs from 2022 to 2023 budget. Most funds relate to ILOAT administrative costs and are subject to estimate;
	(107)	
	45	Increase of funding for advice on general legal obligations (5.3 program activity 1) by 7 percent or 45 thousand Swiss Francs;
	(100)	Decrease of funding for advising DG and Sectors in 2022 (5.3 program activity 2) by 13 percent or 100 thousand Swiss Francs. The analysis suggests that most funds related to non-payroll expenses and did not significantly affect the delivery of service. At the same time IOD points to some comments from stakeholders who see room for further enhancement of the format of advice provided to DG and Sectors. Refer to "Areas for Improvement" within Section (B) EFFECTIVENESS for more details.
	(330)	Elimination of WJI Section's budget due to transfer to the IP and Innovation Ecosystems Sector
3.424		Budget 2022 (in thousands CHF)

Source: EPM, Annex XI

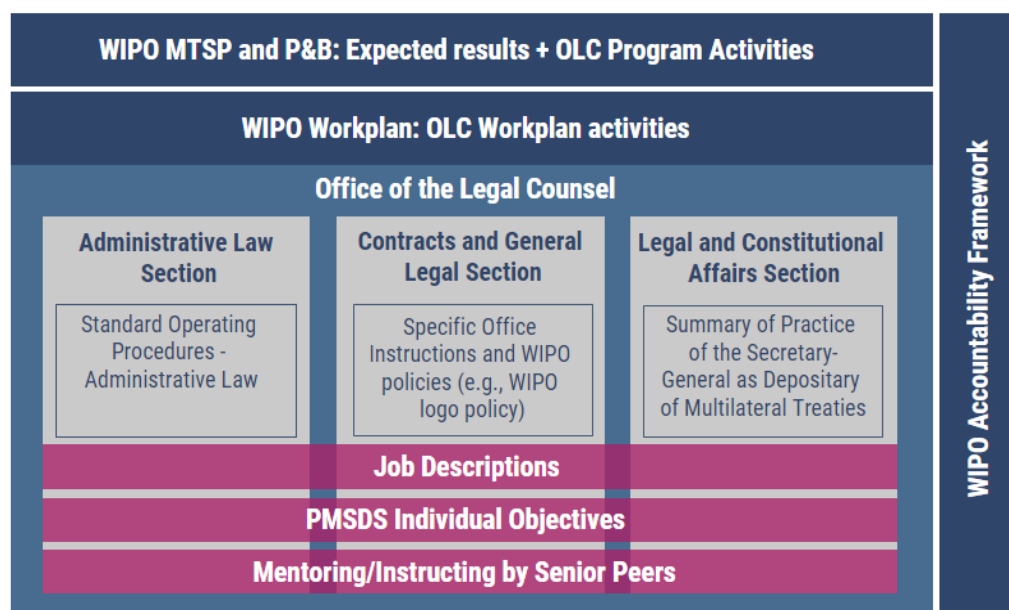
70. Overall, IOD did not identify any notable resources and capacity shortages preventing OLC from carrying out its mandate.

(ii) Roles and Responsibilities

Finding 8. While there are sufficient control activities in place within OLC, LCA and CGL do not have internal Standard Operating Procedures (SOPs) to outline working modalities, and practices to support, among other things, consistency and institutional memory.

71. Figure 15 below depicts the main enablers for the operationalization of the work of OLC and for setting roles and responsibilities.

Figure 15. Enablers for setting OLC roles and responsibilities



Source: Compiled by IOD

72. At a higher level, the WIPO MTSP, Program and Budget (P&B), and WIPO workplan serve as a foundation for Program and Workplan Activities linked to OLC’s mandate.

73. **WIPO Accountability Framework**, applicable to the Organization, sets the principles of governance and accountability including for OLC. The framework sets the roles and responsibilities of any WIPO organizational unit, including OLC, in seven broad areas: (i) Results Based Planning; (ii) Performance and Risk Management; (iii) Monitoring, Oversight, Complaints and Response Mechanisms; (iv) Control Activities; (v) Information and Communication; (vi) Ethical Standards and Integrity; and (vii) Control Environment.

74. **Internal Standard Operating Procedures and other relevant guidelines** operationalize the work of OLC’s Sections. SOPs are well-documented processes or procedures kept in place to ensure services are being delivered effectively, consistently and in conformity with operational practices or applicable regulations and rules. They document how jobs are to be carried out and serve as a useful tool for onboarding and training, compliance, maintaining organizational knowledge and setting quality and performance targets.

75. OLC has provided IOD with a list of SOPs and other normative documents that prescribe the working modalities of OLC’ Sections. IOD has analyzed these documents from the perspective of SOP’s good practices. The analysis is provided in Annex XIV. IOD found that ALS developed SOPs that outline the protocol of 12 core Section’s activities, such as requests for legal advice, responses to general correspondence, requests for review, complaints before the Tribunal, establishment of Litigation Provisions, and others. The content of these documents corresponds to SOPs good practices.

76. LCA and CGL Sections have also provided IOD with a list of documents that guide working modalities and day-to-day operations of the respective Sections. While IOD found these documents useful and informative, however, taken individually or collectively, IOD is of the view that they do not fully meet the criteria of SOPs (see Annex XIV). Going forward, it would be useful and relevant for the LCA and CGL Sections to develop SOPs for their respective Sections.

77. **Job descriptions and PMSDS Individual Objectives** serve as useful guidance, setting the roles and responsibilities, quality standard, and individual performance targets of

OLC staff.

78. **Mentoring and instructing.** Open communication and the positive working environment at OLC facilitates the “learning by doing” process. More senior peers provide valuable *ad-hoc* mentorship to their colleagues in their day-to-day activities. IOD however notes that knowledge transfer and institutional memory are more effective when supported by written internal guidance in the form of for instance, SOPs.

(iii) Information and knowledge management

Finding 9. OLC has tailored processes to manage information and knowledge that have largely addressed its needs over the years. However, in the framework of the MTSP 2022-2026, OLC will need to consider having more structured systems in place, particularly to collect and manage stakeholders’ feedback; this would help further enhance its services by providing relevant information for OLC to measure stakeholders’ perception, and the achievements of the Office.

79. OLC deals with a high volume of information, including confidential information. In particular, it manages cases and requests of varied subjects, scope and urgency coming from multiple channels such as email, phone, and chats. This, combined with the diversity of services provided by each Section, led OLC to utilize different yet functional mechanisms to manage information.

80. For instance, ALS created tailored systems, combining an internal encrypted folder with Microsoft Office, to manage cases and requests for advice. LCA does not register requests for advice but manages information related to major services such as application process for observers, clearance of instruments of accession and statistics on Treaty accessions. Likewise, CGL does not register requests for advice but manages information related to agreements signed between WIPO and other entities.²⁹

81. Overall, OLC has processes in place to ensure confidentiality and prevent conflict of interest. They include: (i) placement of confidential data in secure encrypted folders with restricted access; (ii) confidential/internal deliberative/personnel sensitive matters are not included in the organizational Enterprise Content Management System, KIC; (iii) existence of a dedicated mailbox to receive requests for review with limited access; (iv) restricted physical access - locked offices and cabinets; (v) annual Financial Disclosure and Declaration of Interests for Legal Counsel and Deputy Legal Counsel; (vi) systematic assessments of risks of perceived or actual conflicts of interest prior to working on a matter; (vii) recusal of the staff concerned to work on a matter in the event of a perceived or actual conflict of interest.

82. The current systems for managing information meet OLC’s needs, with staff at all levels indicating that operating with a state-of-the-art information technology system would not necessarily improve their work or save them time. The absence of structured systems did not seem to have affected OLC’s effectiveness, but could affect efficiency *vis-à-vis* stakeholders’ needs, particularly concerning the two Sections that do not register requests for advice. In addition to increasing the likelihood of errors such as missing requests and/or deadlines, the absence of such a system could potentially affect transparency and accountability.

83. Although OLC does not see the need to rely on technologies to manage information, digitalization to drive value for stakeholders and customers, including internal customers, is one of WIPO’s priorities introduced by MTSP 2022-2026.³⁰ This is both a call and an opportunity for OLC to consider advantages and disadvantages of having a more structured

²⁹ The Contracts and General Legal Section reported trying to register requests for advice a few years ago, but it turned out to be administratively burdensome and detractive from the actual provision of legal advice.

³⁰ Paragraph 134-136.

and coherent information management system, including the use of technologies. According to a study conducted by Deloitte on in-house legal service delivery, technology is an enabler that “allows legal departments/functions to deliver the legal services and tasks that the organization demands”,³¹ it goes hand-in-hand with information management.

84. While there is room for improvement, OLC has already taken some important steps towards digitalization. OLC has been digitalizing its archives since 2020. For instance, Memorandums of Understanding and Cooperation Agreements were already digitalized; this was previously considered an issue by the Evaluation of WIPO’s Partnerships conducted by IOD in 2019. In 2022, OLC participated in the discussions concerning internal management of documents and information organized by the Knowledge Management and General Services Division.

85. Regarding knowledge management, IOD found that each Section has its own approach that largely meet OLC’s needs. Knowledge management approaches include (i) regular meetings and effective communication; (ii) storage of past advices by year and theme; (iii) organization of cases by year and stage; (iv) maintenance of an updated table of fake accounts affecting WIPO and/or staff members on social media; (v) summary of terms of use drafted and/or reviewed; (vi) production of overview documents for External Offices; and (vii) development of roadmaps and fact sheets on a few topics to serve as both institutional memory and guidance for future application; e.g., private legal obligations and Rule 28 of the WIPO General Rules of Procedure.³²

86. Considering that cases and requests are unique, and that changes in direction, precedent and jurisprudence are often unpredictable, it may not be relevant nor efficient to have a structured content-based knowledge management system that could lead to rigidity. However, as a service provider, OLC should have a comprehensive and structured customer-based knowledge management system, particularly to support the implementation of MTSP 2022-2026.

87. MTSP 2022-2026 promotes a customer-centric approach and design thinking to support an adaptive customer journey for internal and external users of WIPO’s products and services - “only by listening to external and internal customers will it be possible to drive improvements in customer experience.”³³ While it is not realistic to expect OLC to fully meet stakeholders’ expectations, collecting and managing their feedback is particularly important towards overall customer experience. By listening to its stakeholders actively and systematically, OLC may acquire opportunities to learn and to improve its services and strategies for the benefit of the Organization.

88. For instance, internal stakeholders provided some feedback that OLC could benefit from further exploring (Box 2).

Box 2. Example of feedback collected through survey and interviews with internal stakeholders

Notwithstanding the overall positive feedback, it is worth noting that internal stakeholders raised a few concerns through both the survey and the in-depth interviews. They revolved around the following matters: (i) uneven approaches to legal advice (e.g., legalistic vs. legal) and/or contradicting advice; (ii) interference in business matters; (iii) insufficient attention to details; (iv) quality of documents submitted to official meetings; (v) clarification on the status of different language versions of WIPO’s treaties; (vi) political neutrality; and (vii) overstretching of resources.

In particular, there is demand for OLC to be more proactive and less legalistic in its advice; i.e., actively look for solutions to ensure that WIPO delivers on its mandate while identifying ways of minimizing legal, reputational, financial, political, and diplomatic risks. Even though stakeholders

³¹ <https://www.deloitte.com/content/dam/assets-shared/legacy/docs/services/legal/2022/dttl-legal-operating-model.pdf>; page 14.

³² Rule on voting by secret ballot.

³³ MTSP 2022-2026, paragraph 135.

recognize that OLC has already started to move towards this direction, they expect the Office to increase and/or enhance its risk-based approach to provide those requesting advice with feasible options that would mitigate legal risks while enabling them to deliverer their activities and achieve their intended results.

89. While acknowledging that the level of satisfaction may be influenced by factors that are outside OLC's control,³⁴ nevertheless, only by collecting stakeholders' feedback in an open and regular manner will OLC be able to ponder the concerns raised, identify their causes and decide the most appropriate manner to address them. Managing stakeholders' feedback does not imply incorporating unrealistic suggestions or satisfying every customer - it is about improving customers' experiences.

90. The importance of adopting a customer-centric approach is already being considered within the UN system. The Office of Legal Counsel of WHO, for example, defined managing customer relations as one of its key strategic priorities, and it is now piloting activities in this regard; e.g., conducting meetings with potential stakeholders across the Organization to identify their needs and present how the Office could help in addressing them.

(iv) Communication

Finding 10. OLC communicates its services and results through multiple channels to both internal and external stakeholders. However, there are stakeholders who are still unclear about OLC's services and achievements.

91. Communication is an essential element of the MTSP 2022-2026. For instance, it states that WIPO will empower its staff to communicate with stakeholders and strengthen internal communications to "*support the development of a dynamic culture where staff work collaboratively and innovatively*".³⁵ While OLC has mechanisms and channels to communicate with stakeholders, there is still room to improve communication regarding its services and achievements.

92. OLC's services are described in publicly available documents such as relevant Office Instructions and WIPO Staff Regulations and Rules. Moreover, OLC has intranet and internet pages to communicate its services to internal and external stakeholders; e.g., [OLC webpage](#) and [WIPO Observers](#). However, stakeholders who responded to the survey assessed clarity of services provided by OLC as either fair (16.4 per cent) or poor (1.8 per cent); this was also reflected in the percentage of stakeholders who were not able to assess OLC against its services and results (See: Figure 5, Figure 7, Figure 8 and Figure 10) and corroborated with interviews of internal stakeholders.³⁶

93. IOD's assessment confirmed that OLC's intranet and internet pages do not offer sufficient information about the services provided. Documents describing services and how to access them are dispersed, requiring time and effort to be gathered. While such information might be intuitive for regular stakeholders, it is not clear for all potential stakeholders who could engage in activities that may incur reputational, financial, political and/or diplomatic risks for the Organization. Insufficient information about OLC's services could affect internal stakeholders' ability to manage risks and opportunities, and also affect current stakeholders' perceptions about OLC's compliance with its key guiding principles, and its overall ability to support the Organization.

94. IOD acknowledges that OLC provides tailored information on its services to stakeholders upon request, and recognizes that OLC cannot have rigid frameworks due to the advisory nature of its services and to the unpredictable environment in which it operates. Going forward, basic information around OLC's services should be compiled and easily

³⁴ E.g., a legal advice, however sound it may be, may not suit the particular needs of the stakeholder concerned.

³⁵ Paragraph 35.

³⁶ IOD did not collect information from external stakeholders on clarity of services provided.

accessible by staff and external stakeholders in line with MTSP 2022-2026; e.g., mission statement and guiding principles, internal structure, description of services provided, and information on when, why and how to contact OLC.

95. OLC's achievements are communicated to specific stakeholders through different channels. LCA, for instance, communicates results to Member States through documents presented to the Assemblies. It also displays the 26 WIPO-Administered Treaties and updates about them on WIPO's website: [WIPO-Administered Treaties](#) and [WIPO Publication 423](#).

96. ALS communicates the results of ILOAT Sessions to the Director General, the Director of HRMD, the Controller, the Director of the Finance Division, and any other relevant stakeholders who may have been involved in the case, and/or have a legitimate interest in knowing the outcome. It also drafts the Annual Reports on the Administration of Justice System sent by the Director General to all staff. IOD did not come across specific communication of results by CGL.

97. OLC also communicates its achievements in relation to WIPO's Expected Results through the WIPO Performance Report. However, as analyzed under "Performance management and accountability," OLC's only performance indicator does not encompass the results achieved by two Sections; i.e., ALS and CGL.

(v) Collaboration

Finding 11. Collaboration is at the core of MTSP 2016-2022 and inherent to the services provided by OLC. In practice, OLC collaboration occurs at three levels: internal, cross-sectoral, and external.

98. Working collaboratively is a critical factor that underpins the Strategy House introduced by MTSP 2022-2026, which also reinforced WIPO's commitment to work more closely with other partners in the international system, including other Organizations of the UN System.³⁷

99. Internally, there is proactive collaboration and an effective flow of communication within OLC, including between Sections. This includes regular knowledge sharing, internal consultations, technical assistance, discussion/review of matters, peer-review, and quality assurance.³⁸ In 2022, OLC re-introduced regular staff meetings to further reinforce collaboration and in particular strengthen team spirit and further enhance delivery of services.

100. Concerning its stakeholders, OLC's services presuppose cross-sectoral and external collaboration. In addition to serving all Sectors within WIPO, OLC serves WIPO's decision-making and negotiating bodies. The fact that stakeholders are largely satisfied with and/or have not raised concerns about OLC's services is a proxy for attesting to OLC's collaboration with its stakeholders. The survey results show that some stakeholders spontaneously referred to OLC as collaborative and cooperative. Stakeholders through the survey and interviews, also highlighted the improved collaboration and responsiveness of OLC, especially during 2022.

101. Cross-sector collaboration is also evidenced through OLC's active participation in multiple boards, committees, and panels within WIPO; i.e., Advisory Committee on Investments, Business Security Contacts, Contracts Review Committee, Crisis Management Team, Information and Communication Technology Board, Property Survey Board, Vendor Sanctions Committee, WIPO Insurance Board, WIPO Staff Pension Committee, WIPO Timestamping Policies and Procedures Board and IAOC Selection Panel. It was recently invited to join the Risk Management Group, with the expectation that it would contribute to

³⁷ MTSP 2022-2026, pages 4, 11 and 23.

³⁸ Written drafts are reviewed by the Head of the Section.

enhancement of the conversation around risk appetite, tolerance and mitigation.

102. Externally, OLC constructively collaborates with its counterparts within the UN system, particularly with the International Labour Organization, the International Telecommunication Union and WHO. In addition to being involved in interagency discussions on issues concerning the International Civil Service Commission, OLC is considered an active member of the UN's network of legal advisors. Within this network, OLC engages in regular exchanges of practices and learning and is appreciated by its counterparts consulted within this combined engagement's scope.

5. CONCLUSIONS AND RECOMMENDATIONS

Conclusion 1. OLC's services are consistent with its mandate and are relevant to the Organization's strategic directions. OLC contributes to the creation of an enabling environment for WIPO to deliver on its mandate by largely delivering its activities and intended results in line with its guiding principles; this includes responding well to increasing demand, emerging risks, and changing circumstances. Nevertheless, its only performance indicator does not capture most of its contributions to WIPO's Expected Results. Moreover, OLC does not have a structured system or process in place to manage stakeholders' feedback, preventing further alignment with the customer-centric approach introduced by MTSP 2022-2026.

Conclusion 2. OLC's positioning, resources and capacities are adequate to deliver activities and results effectively and efficiently, including by adopting collaborative approaches. It has tailored processes to manage information and knowledge, and mechanisms to ensure that roles and responsibilities within OLC are clearly articulated and understood. However, most of these mechanisms are not documented, which in turn can affect learning, consistency, and institutional memory. Moreover, communication about the mandate and services of OLC needs to be streamlined to better align with customer-centric approach highlighted in MTSP 2022-2026.

103. The objectives and outcomes of the Audit procedures are summarized below.

Objective(s)	Outcome(s)
<p>Review the governance, risk management, compliance, and effectiveness of internal controls in OLC, and adequacy of tools and systems used to support the Office</p>	<ul style="list-style-type: none"> ▪ IOD has assessed the governance structure of OLC, including Operational and Structural changes made in 2022. Current governance structure supports the effective functioning of OLC. ▪ IOD has assessed the design and operating effectiveness of processes such as risk identification and assessment; development of risk responses and risk reporting. OLC has sufficient controls in place to keep risks at acceptable level and ensure compliance of its operations. ▪ IOD has assessed tools and systems in place to support the efficient and effective operations of the Office. IOD recommends broadening the monitoring of OLC performance through enhancement of stakeholders' feedback mechanism. In addition, IOD finds valuable to enhance the information and knowledge management's processes and mechanisms of OLC.

Recommendations

1. In line with MTSP 2022-2026, OLC should adopt systems and/or processes to manage stakeholders' feedback with the twofold purpose of promoting a positive customer experience and improving its services for the benefit of the Organization. In collaboration with the Program Performance and Budget Division, it should design performance indicator(s) preferably building on stakeholders' perceptions that would account for reflecting the contributions of the three Sections to WIPO Results Framework.

(Priority: Medium)

Closing criteria:

- a) OLC has a structured ongoing process and/or system to manage stakeholders' feedback that include at least the following steps: questionnaire to collect feedback, criteria to categorize and prioritize feedback, standards to address feedback, and follow up process to enhance customers' relationship; and
 - b) EPM contains OLC performance indicator(s) that allow monitoring core OLC activities subject to WIPO Results Framework. It/they should reflect characteristics most expected from OLC by its stakeholders such as quality, timeliness, insightful advice, responsiveness, sound and logical reasoning, objectivity, reliability, and professionalism. To this purpose, it/they could build on closing criteria (a).
2. In line with MTSP 2022-2026 and to be consistent, enhance learning, and preserve institutional memory, OLC should enhance its information and knowledge management processes and mechanisms, including in terms of:
 - a) Documenting processes and practices in the form of Standard Operating Procedures; and
 - b) Enhancing communication through further developing and enriching its intranet and internet pages.

(Priority: Medium)

Closing criteria:

- a) LCA and CGL have documentation providing guidance on working modalities and day-to-day operations. They should include the following good practices:
 - Cover all core activities of the Sections;
 - Include step-by-step process describing who performs the step and how and when to perform the step;
 - Enable proper onboarding, training, and guidance; have user-friendly content;
 - Refer to relevant documents / templates to be used in the process;
 - Contain elements of Control Activities; and

- Contain metrics, which may be useful for setting the necessary level of Quality and KPIs.
- b) OLC's intranet page compiles information on OLC and its services, particularly: mission statement and guiding principles, guiding documents, internal structure and description of services provided, including information on when/why/who/how to contact OLC and on how stakeholders' feedback is managed.
- c) OLC's webpage compiles information on OLC and its services that could be relevant for external stakeholders, particularly: mission statement and guiding principles, internal structure and description of services provided, including information on when/why/who/how to contact OLC.

ACKNOWLEDGMENT

IOD wishes to thank all relevant members of staff for their assistance, cooperation, and interest during this combined engagement.

Prepared by: Veridiana Mansour Mendes and Dainis Reinieks

Reviewed and Approved by: Adan Ruiz Villalba and Alain Garba

Note: This report is solely for internal use and any sensitive and confidential information will be removed prior to publishing the report on WIPO's website.

TABLE OF RECOMMENDATIONS

No	Recommendations	Priority	Person(s) Responsible	Other Stakeholder	Management Action Plan	Deadline
1.	<p>In line with MTSP 2022-2026, OLC should adopt systems and/or processes to manage stakeholders' feedback with the twofold purpose of promoting a positive customer experience and improving its services for the benefit of the Organization. In collaboration with the Program Performance and Budget Division, it should design performance indicator(s) preferably building on stakeholders' perceptions that would account for reflecting the contributions of the three Sections to WIPO Results Framework.</p> <p><i>Closing criteria:</i></p> <p>a) OLC has a structured ongoing process and/or system to manage stakeholders' feedback that include at least the following steps: questionnaire to collect feedback, criteria to categorize and prioritize feedback, standards to address feedback,</p>	Medium	Legal Counsel	<p>Heads of Section</p> <p>Program Performance and Budget Division</p>	<p>OLC will start to explore the various systems and processes in order to gather, analyze, follow up on, and store feedback from relevant stakeholders in the most structured, effective and efficient manner.</p> <p>ALS has already started to collect feedback through an on-line satisfaction survey in WIPO's learning management platform, following its delivery of a formal training course to key internal stakeholders, prior to the finalization of this report.</p> <p>OLC will work with the Program Performance and Budget Division to design relevant performance indicators.</p>	June 30, 2024

No	Recommendations	Priority	Person(s) Responsible	Other Stakeholder	Management Action Plan	Deadline
	<p>and follow up process to enhance customers' relationship.</p> <p>b) EPM contains OLC performance indicator(s) that allow monitoring core OLC activities subject to WIPO Results Framework. It/they should reflect characteristics most expected from OLC by its stakeholders such as quality, timeliness, insightful advice, responsiveness, sound and logical reasoning, objectivity, reliability, and professionalism. To this purpose, it/they could build on closing criteria.</p>					
2.	<p>In line with MTSP 2022-2026 and to be consistent, enhance learning, and preserve institutional memory, OLC should enhance its information and knowledge management's processes and mechanisms, including in terms of:</p> <ul style="list-style-type: none"> • Documenting processes and practices in the form of Standard Operating Procedures; and • Enhancing communication through further developing and 	Medium				June 30, 2024

No	Recommendations	Priority	Person(s) Responsible	Other Stakeholder	Management Action Plan	Deadline
	<p>enriching the intranet and internet pages of OLC.</p> <p><i>Closing criteria:</i></p> <p>a) LCA and CGL have documentation providing guidance on working modalities and day-to-day operations. They should include the following good practices:</p> <ul style="list-style-type: none"> • Cover all core activities of the Sections; • Include step-by-step process describing who performs the step and how and when to perform the step; • Enable proper onboarding, training, and guidance; have user-friendly content; • Refer to relevant documents / templates to be used in the process; • Contain elements of Control Activities; • Contain metrics, which may be useful for setting the necessary level of Quality and KPIs. 		Legal Counsel	Heads of LCA and CGL Sections	LCA and CGL will collect and review good practices in relation to Standard Operating Procedures (SOP); and, following an assessment of their relevance to the work and activities of their respective Sections, Heads of LCA and CGL will develop structured SOPs that are most appropriate and efficient in guiding the core working modalities of the Sections, in line with the applicable closing criteria referred to by IOD.	

No	Recommendations	Priority	Person(s) Responsible	Other Stakeholder	Management Action Plan	Deadline
	<p>b) OLC's intranet page compiles information on OLC and its services, particularly: mission statement and guiding principles, guiding documents, internal structure and description of services provided, including information on when/why/who/how to contact OLC and on how stakeholders' feedback is managed.</p> <p>c) OLC's webpage compiles information on OLC and its services that could be relevant for external stakeholders, particularly: mission statement and guiding principles, internal structure and description of services provided, including information on when/why/who/how to contact OLC.</p>		<p>Legal Counsel</p> <p>Legal Counsel</p>	<p>Heads of Section</p> <p>Web Communications</p> <p>Heads of Section</p> <p>Web Communications</p>	<p>OLC will update its intranet page to provide more specific information on its services, keeping in mind the needs of internal stakeholders. It will work together with Web Communications to ensure that the resultant pages are user-friendly and accessible.</p> <p>OLC will update its webpage to provide more specific information on its services, keeping in mind the needs of external stakeholders. It will work together with Web Communications to ensure that the resultant pages are user-friendly and accessible.</p>	

ANNEXES

Annex I. Terms of Reference
Annex II. Survey of Internal Stakeholders
Annex III. Evaluation-Audit Framework (OLC's Theory of Change)
Annex IV. Analysis of OLC Expected Results, Performance Indicators and Program Activities: 2021 and 2022
Annex V. OLC Budget 2022 vs Actuals, 30 November 2022
Annex VI. List of Agreements Facilitated by CGL between 2016 and 2021
Annex VII. List of WIPO's Decision-making and Negotiating Bodies' Reports Reviewed
Annex VIII. Evolution of OLC Structure Since 2012
Annex IX. Location of the Office of the Legal Counsel and Similar Structures in the UN System
Annex X. Overview of Core Activities and Related Performance Metrics Available
Annex XI. Analysis of OLC Budget in CHF: 2021 and 2022
Annex XII. Analysis of Received Requests by ALS (01/01/2021 – 31/08/2022)
Annex XIII. Analysis of Processes Accessions by LCA (01/01/2021 – 31/08/2022)
Annex XIII. Assessment of OLC Normative Documents from the Perspective of Properties of Standard Operating Procedure
Annex XV. Risk Rating and Priority of Audit Recommendations

ANNEX I: TERMS OF REFERENCE



Click on the image to open a document

ANNEX II: SURVEY WITH INTERNAL STAKEHOLDERS

OLC | Audit and Evaluation
General Questions

What word(s) that come to your mind when you think of OLC? Please limit your answer to three words.

* Have you used any of OLC's services or have they somehow benefited/affected you either directly or indirectly?

Yes No I don't remember

OLC | Audit and Evaluation
General Questions

Based on your experience, please assess OLC's services in relation to the following:

* Sound and logical reasoning

Poor	Fair	Good	Excellent
★	★	★	★

* Objectivity

Poor	Fair	Good	Excellent
★	★	★	★

* Professionalism

Poor	Fair	Good	Excellent
★	★	★	★

* Reliability

Poor	Fair	Good	Excellent
★	★	★	★

* Responsiveness

Poor	Fair	Good	Excellent
★	★	★	★

Click on the image to open a document

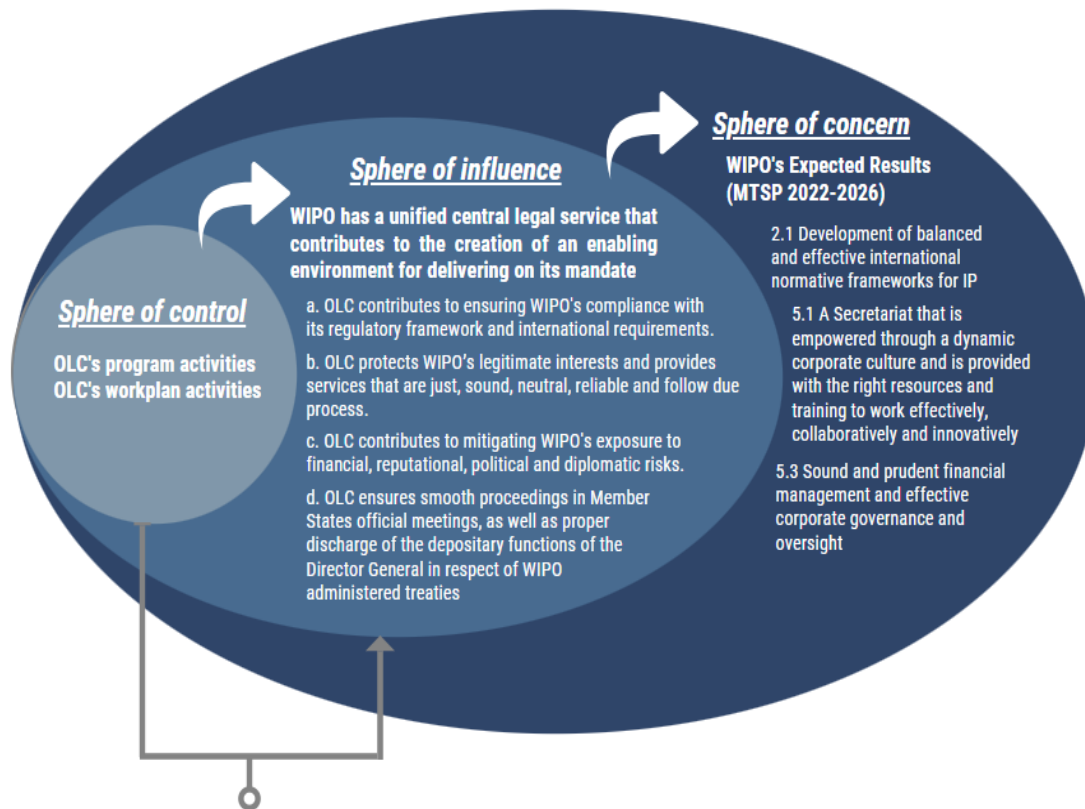
ANNEX III: AUDIT AND EVALUATION FRAMEWORK (OLC's THEORY OF CHANGE)

1. The framework below (Figure 1) illustrates the narrative underpinning OLC's work within WIPO. It builds on documentary review and consultation with OLC and is expected to guide the combined audit and evaluation process in tandem with the Terms of Reference (ToR).³⁹
2. The proposed framework consists of three spheres, namely sphere of control, sphere of influence and sphere of concern. It also includes a list of key assumptions that help unpack how results are achieved.
3. The sphere of control comprises inputs and activities over which OLC has complete or almost complete control. In this narrative, it represents OLC's workplan and program activities as described in the Enterprise Performance Management (EPM), some of which may be subject to variables outside OLC's control
4. The sphere of influence includes elements over which OLC does not have control, but it may have some power to alter. In this narrative, it represents OLC's direct contribution to WIPO – or “what success resulting from OLC's work looks like;” i.e., provide the Organization with a unified central legal service that contributes to the creation of an enabling environment for WIPO to deliver on its mandate, which includes a good functioning of the WIPO Treaties. For the purpose of the combined audit and evaluation, OLC's contributions to these enabling conditions will be defined by the following criteria:
 - OLC contributes to ensuring WIPO's compliance with its regulatory framework and international requirements.
 - OLC protects WIPO's legitimate interests and provides services that are just, sound, neutral, reliable and follow due process.
 - OLC contributes to mitigating WIPO's exposure to financial, reputational, political, and diplomatic risks.
 - OLC ensures smooth proceedings in Member States official meetings, as well as proper discharge of the depositary functions of the Director General in respect of WIPO administered treaties.
5. The sphere of concern reflects events over which OLC has limited or no control, as they depend on actions taken by others or on a series of external factors. In this narrative, it represents WIPO's Expected Results to which OLC contributes as indicated in the EPM.
6. Finally, the list of key assumptions reflects some conditions that should ideally be in place to enable the conversion of OLC's services into their desired result; i.e., to help OLC move from the sphere of control to the sphere of influence. Enabling conditions that are not necessarily under OLC's control will be duly acknowledged by IOD during data analysis and report writing.
7. The combined audit and evaluation will assess OLC's narrative around the sphere of influence, which includes testing the enabling conditions in relation to OLC's services, recognizing that these services are advisory in nature, and that OLC does not have decision-making authority.

³⁹ Meeting with OLC held on September 21. Documents reviewed include: [MTSP 2016-2021](#); [MTSP 2022-2026](#); [Program and Budget 2020/2021](#); [Program of Work and Budget 2022/2023](#); [Performance & Budget \(2020-2021, 2022-2023\)](#); [OI n. 07/2021](#); [OI n.29/2021](#); [United Nations Charter](#); [A/RES/74/258 – Administration of justice at the United Nations](#); [A/RES/76/117 – The rule of law at the national and international levels](#); [Evaluation of the Office of Legal Affairs: Report of the Office of Internal Oversight Services \(OIOS, 2019\)](#); [Six best practices for legal operating models \(KPMG, 2021\)](#); [In-house Legal Service Delivery \(Deloitte, 2020\)](#); and [Key Functions of Legal Systems with Suggested Performance Measures \(Messick, 2001\)](#).

This will contribute to answering the questions posed in the ToR on relevance, effectiveness, efficiency and enabling environment. IOD will not assess the quality of OLC’s services (sphere of control) and their contributions to the achievement of WIPO’s Expected Results (sphere of concern).

Figure 1. Framework for the combined audit and evaluation of OLC



Enabling conditions
Stakeholders provide OLC with necessary documentation and information within the deadline, as required
OLC has processes and/or mechanisms in place to provide stakeholders with timely and quality clarification, as and when required
OLC has processes and/or mechanisms in place to understand the objective(s) of stakeholders
OLC has a structured and systematic peer-review mechanism
OLC documents/records lessons and implement them in future cases, incl. institutional memory and feedback loops
OLC learns from/replicates best practices from other UN agencies, as necessary
OLC has systems and mechanisms to ensure confidentiality
OLC has sufficient resources (human, financial and time), tools and capacities to achieve its expected results
OLC has processes and/or mechanisms in place to collect necessary information/conduct research adequately
OLC is able to anticipate challenges and identify critical emerging risks hindering the achievement of its direct results in an agile manner
OLC registers/documents feedback received
OLC measures its performance adequately
OLC works coherently and collaboratively with other relevant stakeholders within and outside WIPO
OLC's governance structure is fit-for-purpose for the achievement of expected results
OLC's mandate and rules of procedures are comprehensive and well-documented
OLC abides by its mandate and rules of procedure, and is responsive to its stakeholders

ANNEX IV: ANALYSIS OF OLC EXPECTED RESULTS, PERFORMANCE INDICATORS AND PROGRAM ACTIVITIES: 2021 AND 2022

- Formulation has not changed in 2022 comparing to 2021
 - Formulation changed in 2022 comparing to 2021
 - Eliminated in 2022
- ALS Administrative Law Section
 - LCA Legal and Constitutional Affairs Section
 - CGL Contracts and General Legal Section
 - WIJI WIPO Judicial Institute

OLC PERFORMANCE INDICATORS AND PROGRAM ACTIVITIES 2021					
Strategic Goal ID	Expected Result Description	Performance Indicator ID	Program Activity Description	Nr of workplan activities	In-Charge
SG1	I.1 Enhanced cooperation among Member States on development of balanced international normative frameworks for IP	I.1.01 - % of treaty notifications that are promptly processed by OLC	Manage the timely preparation of treaty notifications and other communications to Contracting Parties as required by the treaties administered by the Organization, and in the discharge of the depositary functions of the DG	2	OFFICE LCA
SG8	VIII.3 Effective engagement with Member States	VIII.3.01 - % of official documentation prepared by OLC that is published on time	Provide advice to MS, governing bodies, and elected officers related to treaty, constitutional and procedural questions, including preparation of relevant documents for their decision	3	OFFICE LCA
SG9	IX.1 Effective, efficient, quality and customer-oriented support services both to internal clients and to external stakeholders	IX.1.01 - % of queries for legal advice and services that receive prompt responses from OLC	Advise on and represent WIPO in the different bodies administering justice, including the ILOAT	6	OFFICE ALS
			Advise on general legal obligations of the Organization consistent with its regulatory framework	8	OFFICE CGL
			Provide legal advice and assistance to the DG and different sectors of the Organization on any legal or constitutional matters relating to the functions, structure and activities of the organization and its constituent bodies.	4	OFFICE LCA ALS CGL
SG1	I.2 (text omitted)	I.2.01 - Level of sustained engagement by Member State judiciaries	Exchange of information amongst judiciaries	52	OFFICE CGL
		III.2.01 - Level of satisfaction of participants in judicial	Development of judicial resources/tools		
SG3	III.2 (text omitted)	IV.2.01 - No. of national collections in the judgments database	Judicial Training		
SG4	IV.2 (text omitted)		Internal coordination of activities with judiciaries		

OLC PERFORMANCE INDICATORS AND PROGRAM ACTIVITIES 2022					
Strategic Goal ID	Expected Result Description	Performance Indicator ID	Program Activity Description	Nr of workplan activities	In-Charge
SG2	2.1 Development of balanced and effective international normative frameworks for IP	II.1.02 - % of treaty notifications that are promptly processed by OLC	Manage the timely preparation of treaty notifications and other communications to Contracting Parties as required by the treaties administered by the Organization, and in the discharge of the depositary functions of the DG	2	OFFICE LCA
SG5	5.1 A Secretariat that is empowered through a dynamic corporate culture and is provided with the right resources and training to work effectively, collaboratively and innovatively		Provide advice to MS, governing bodies, and elected officers related to treaty, constitutional and procedural questions, including preparation of relevant documents for their decision	3	OFFICE LCA
			Advise on and represent WIPO in the different bodies administering justice, including the ILOAT	8	OFFICE ALS
			Advise on general legal obligations of the Organization consistent with its regulatory framework, <u>including review of commercial contracts and cooperation agreements entered into by the Organization with private and public entities</u>	7	OFFICE CGL
	5.3 Sound and prudent financial management and effective corporate governance and oversight		Provide legal advice and assistance to the DG and different sectors of the Organization on any legal or constitutional matters relating to the functions, structure and activities of the organization and its constituent bodies.	6	OFFICE LCA ALS CGL

ANNEX V: OLC BUDGET 2022 VS ACTUALS, 30 NOVEMBER 2022

Refer to the next page for the full names

EXPECTED RESULT	PROGRAM ACTIVITY	EXPENSE TYPE	OLC, BUDGET 2022 CHF			OLC, ACTUALS 30 Nov 2022 CHF			Remaining budget	Budget utilization
			ALS	LCA	CGL	ALS	LCA	CGL		
ER 2.1 Normative Frameworks	2.1 PA1 - treaty notifications	Payroll		332.980			301.615		31.365	91%
		Non-payroll		48.381			-		48.381	0%
	2.1 PA2 - advice to MS	Payroll		362.692			328.529		34.163	91%
		Non-payroll		97.460			97.460		-	100%
ER 5.1 Empowered Secretariat	5.1 PA1 - advise and represent on ILOAT, etc.	Payroll	1.123.512			836.523			286.989	74%
		Non-payroll	106.593			87.939			18.654	82%
ER 5.3 Fin.mgm, Corporate gov., Oversight	5.3 PA1 - advise on WIPO legal obligations	Payroll			654.650			592.986	61.664	91%
		Non-payroll			970			970	-	100%
	5.3 PA2 Advise, assist DG and Sectors	Payroll	228.853	228.853	228.853	207.296	207.296	207.296	64.669	91%
		Non-payroll	3.378	3.378	3.378	3.995	3.995	3.995	(1.851)	118%
Total Payroll expenses per section:			1.352.365	924.525	883.503	1.043.819	837.440	800.282	478.850	85%
Total Non-payroll expenses per section:			109.971	149.219	4.348	91.934	101.455	4.965	65.184	75%
Total expenses per section:			1.462.336	1.073.744	887.851	1.135.753	938.895	805.247	544.034	84%
Total OLC budget:			3.423.930			2.879.896				

Approximate Budget execution per OLC section*

STAFFING AND GRADES	Office: D2 + D1 + G6 + G6 + G3			Office: D2 + D1 + G6 + G6 + G3		
	ALS	LCA	CGL	ALS	LCA	CGL
P5		P5	P5		P5	P5
P4	P4		P4	P4		P4
P3	P3			P3		
		ICS			ICS	
Headcount	5			5		
	5	2	2	5	2	2
	14			14		

ANNEX VI: LIST OF AGREEMENTS FACILITATED BY CGL BETWEEN 2016 AND 2022

ANNEX VI. LIST OF AGREEMENTS FACILITATED BY CGL BETWEEN 2016 AND 2022

N.	Category/Country	Name of Entity	Title	Year
1	International	eTrade For All	Form of consent to become a partner	2016
2	International	European Registry for Internet Domains (EURID)	Agreement concerning the provision of domain name dispute resolution services for EUI	2016
3	International	International Federation of Inventors Associations (IFI)	MOU on WIPO Green	2016
4	International	The International Trade Centre (ITC) And The Beijing IP Office (BJIPO) of China	Customization and Printing of the WIPO/ITC Publication Secrets of IP - a Guide for Small and Medium-Sized Exporters	2016
5	International	Organisation Africaine de la Propriété Intellectuelle (OAPI)	Accord de coopération pour assister et participer à une manifestation	2016
6	International	Unifair National (UN)	International Boundary Data and User Agreement (IBDAU)	2016
7	International	UNIP	Agreement on the management of the IPD Programme	2016
8	International	International Computing Centre (UNICC)	LSU for the Rental of Parking Spaces under the MSU for the Provision of IT Services	2016
9	International	International Computing Centre (UNICC)	MOU for the Provision of a Data Centre at WIPO Premises	2016
10	International	UNITAR	Organization of a workshop	2016
11	Bolivia	National Center of IP (NCIP)		2016
12	Brazil	Ministry of Industry, Foreign Trade and Services (MDIC)	Joint statement on Cooperation on technical and operational issues	2016
13	China	Tongji University	MOU on LL.M. Degree Program in IP	2016
14	China	State Administration for Industry and Commerce of China (SAIC)	MOU for Promoting the understanding and use of the IP System in general and the Madrid System in particular	2016
15	China	The Beijing IP Office (BJIPO) of China And The International Trade Centre (ITC)	Customization and Printing of the WIPO/ITC Publication Secrets of IP - a Guide for Small and Medium-Sized Exporters	2016
16	China	China IP Training Center (CPTC) And State Intellectual Property Office (SIPO)	MOU on the provision of training courses targeted at Chinese and international Government Officials	2016
17	Djibouti	Le Ministère du Commerce, des PME, de l'Artisanat, du Tourisme et la Formation	Accord sur le Niveau de Services à propos de la Mise en Place et du Développement des CAI	2016
18	Ecuador	El Instituto Ecuatoriano de la PI (IPIE)	Acuerdo Para la Ejecución a escala Nacional de un Proyecto Sobre PI en Relación con el Turismo y la Cultura	2016
19	El Salvador	El Centro Nacional de Registros (CNR)	Memorandum de Entendimiento sobre la Prestación de Servicios Relativos a los Metodos Alternativos de Solución de Controversias	2016
20	France	Institut National de la Propriété Industrielle (INPI)	Accord de coopération générale	2016
21	France	Association Française pour le nommage Internet en coopération (AFNIC)	Partenariat PARI EXPERT avec le Centre d'arbitrage et de médiation	2016
22	France	Institut National de la Propriété Industrielle (INPI)	Accord de licence relatif au transfert et à la réutilisation des données de PI de l'INPI	2016
23	France	Institut National de la Propriété Industrielle (INPI) Et Office marocain de la PI (OMPIC)	Accord concernant le Développement de Formations en matière de PI	2016
24	Greece	Hellenic IP Organization (OBI)	Agreement Concerning the Translation into Greek of a WIPO Publication	2016
25	Guinea	Le Ministère de l'Industrie, des PME et de la Promotion du Secteur Privé	Accord sur le niveau de services s'agissant de la Mise en Place de Développement des CAI	2016
26	India	SAKSHAM	MOU on ABC	2016
27	Indonesia	Directorate General of IP (DGIP)	Service Level Agreement with respect to Establishing, Developing and Supporting TISCA	2016
28	Iraq	Central Organization of Standardization and Quality Control (COISQC)	MOU on General Cooperation	2016
29	Japan	Japan Patent Office (JPO)	Agreement on the use of electronic IP information data exchanged	2016
30	Japan	Japan IP Association (JIPA)	General Cooperation	2016
31	Japan	Meiji University	WIPO Lex Partnership Agreement	2016
32	Jordan	Industrial Property Protection Directorate (IPDD)	Service Level Agreement with respect to Establishing and Developing TISCA	2016
33	Latvia	Patent Office of the Republic of Latvia	MOU on communications by electronic means under the procedures of the Madrid System	2016
34	Latvia	Department of IP, Ministry of Science and Technology (DIPM)	Agreement concerning the Translation into Lao and Printing of a WIPO Publication	2016
35	Malawi	Government of the Republic of Malawi	SAA on TISCA	2016

WIPO FOR OFFICIAL USE ONLY

Click on the image to open a document

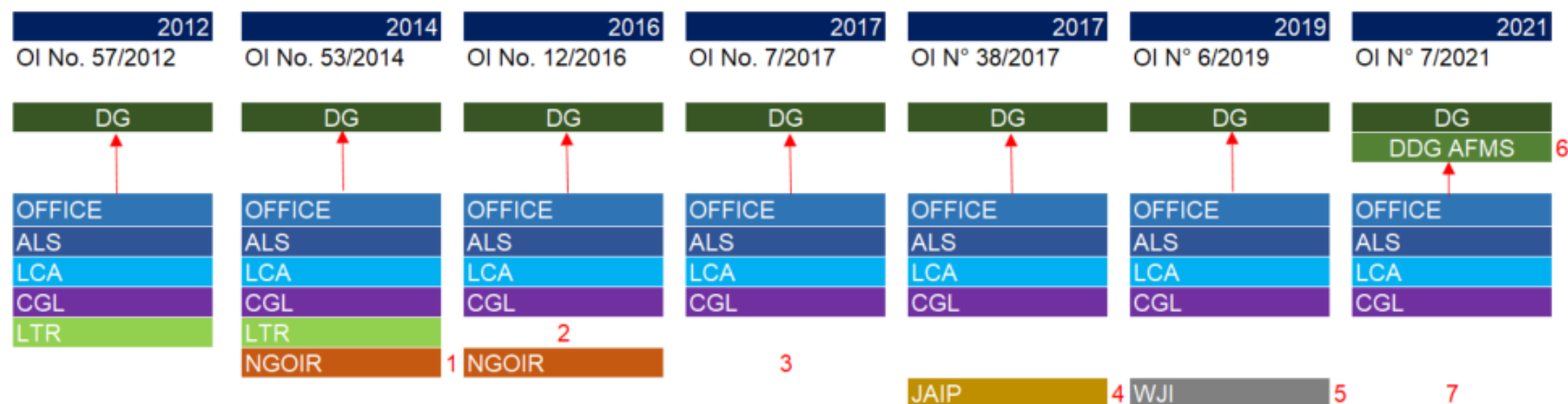
ANNEX VII: LIST OF WIPO'S DECISION-MAKING AND NEGOTIATING BODIES' REPORTS REVIEWED

No.	Meeting	Month/Year	Year	Series	Doc number	Mention in OLC	P = positive mention; N = neutral or just procedural; NG = negative mention	Thanks/comment and no. of stakeholders	Observers identified	Category
1	Assemblies	19-22	2002	83	AS/10	80	NG			International NGOs & National NGOs
2	Assemblies	20-21	2003	82	AS/13	11	N			International NGOs & National NGOs
3	Assemblies	29-30	2003	81	AS/10	19	NG			Intergovernmental organizations & International NGOs & National NGOs
4	Assemblies	28-29	2003	82	AS/9	2	P			International NGOs & National NGOs
5	Assemblies	23-19	2019	39	AS/14	39	NG			International NGOs & National NGOs
6	Assemblies	19-Oct	2016	38	AS/11	9	NG			International NGOs & National NGOs
7	Assemblies	23-17	2017	37	AS/12	12	N			Intergovernmental organizations & International NGOs & National NGOs
8	Assemblies	23-16	2016	36	AS/11	9	N			International NGOs & National NGOs
9	Coordination Committees	Mar-20	2000	77	WO/CC/77A	12	NG			NA
10	Coordination Committees	18-22	2002	81	WO/CC/81A	9	NA			NA
11	Coordination Committees	23-21	2001	80	WO/CC/80B	2	N			NA
12	Coordination Committees	28-20	2000	79	WO/CC/79A	9	NA			NA
13	Coordination Committees	18-20	2000	78	WO/CC/78B	1	N			NA
14	Coordination Committees	28-19	2016	76	WO/CC/76A	3	N			NA
15	Coordination Committees	28-18	2016	75	WO/CC/75B	2	N			NA
16	Coordination Committees	28-17	2017	74	WO/CC/74B	8	PN			NA
17	Coordination Committees	28-16	2016	73	WO/CC/73T	21	N			NA
18	SPC	18-22	2002	34	WO/SPC/34T	7	PN			NA
19	SPC	18-21	2001	33	WO/SPC/33B	2	N			NA
20	SPC	18-22	2003	35	WO/SPC/35B	1	N			NA
21	SPC	18-20	2000	31	WO/SPC/31B	28	PN			NA
22	SPC	18-19	2001	32	WO/SPC/32B	11	PN			NA
23	SPC	18-18	2001	32	WO/SPC/32B	11	PN			NA
24	SPC	18-18	2001	32	WO/SPC/32B	11	PN			NA
25	SPC	18-17	2001	31	WO/SPC/31B	18	PN			NA
26	SPC	18-17	2001	31	WO/SPC/31B	18	PN			NA
27	SPC	18-16	2001	31	WO/SPC/31B	18	PN			NA

Click on the image to open a document

ANNEX VIII: EVOLUTION OF OLC STRUCTURE SINCE 2012

DG	Office of Director General
DDG AFMS	Deputy Director General, Administration, Finance and Management Sector
ALS	Administrative Law Section
LCA	Legal and Constitutional Affairs Section
CGL	Contracts and General Legal Section
WJI	WIPO Judicial Institute
LTR	Laws and Treaties Resource Section
NGOIR	Non-Governmental Organizations and Industry Relations Section
JAIP	The Division for the Judicial Administration of Intellectual Property



- Notes**
- 1 - The Non-Governmental Organizations and Industry Relations Section (NGOIR), formerly within the Department of External Relations, has been transferred to the OLC.
 - 2 - The Laws and Treaties Section is discontinued in the OLC. The work carried out by the Section is transferred to the Global Infrastructure Sector.
 - 3 - The Non-Governmental Organizations (NGOs) and Industry Relations Section is moved from the OLC to the Department for TDC.
 - 4 - The Division for the Judicial Administration of Intellectual Property, OLC, is hereby established. The Division is responsible for directing and coordinating WIPO's systematic approach to international cooperation in the area of judicial administration of intellectual property.
 - 5 - The Division for the Judicial Administration of Intellectual Property is renamed the WIPO Judicial Institute (WJI).
 - 6 - The OLC is transferred from the former Office of the DG and Related Programs to the AFMS, reporting to the ADG.
 - 7 - The WIPO Judicial Institute is transferred from the OLC, former Office of the DG and Related Programs to the IP and Innovation Ecosystems Sector.

ANNEX IX: LOCATION OF THE OFFICE OF THE LEGAL COUNSEL AND SIMILAR STRUCTURES IN THE UN SYSTEM

Specialized agencies and related organizations (except ICC and ITLOS)	Legal structure	Location	Report to DG/SG	Website
FAO	Legal Office/Legal Counsel	Office of the Director-General	Yes	https://www.fao.org/legal/home/legal-office/en/
ICAO	Legal Affairs and External Relations Bureau	Office of the Secretary-General	Yes	https://www.icao.int/secretariat/legal/pages/default.aspx
IFAD	Office of the General Counsel (LEG)	Office of the President and Vice-President	Yes	https://webapps.ifad.org/members/briefingreps/118590/docs/LEG-Presentation-September-2013.pdf
ILO	Office of the Legal Adviser	Office of the Director-General	Yes	https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/jur/lang--en/index.htm
IMF	Legal Department General Counsel	Managing Deputy Directors	No	https://www.imf.org/en/About/senior-officials/Bios/rhoda-weeks-brown#:~:text=Rhoda%20Weeks%2DBrown%20is%20General,lending%2C%20regulatory%20and%20advisory%20functions.
IMO	Legal Affairs and External Relations Division	Office of the Secretary-General	Yes	N/A
ITU	Legal Affairs Unit	Office of the Secretary-General	Yes	https://www.itu.int/en/general-secretariat/Pages/osg.aspx
UNESCO	Office of International Standards and Legal Affairs	Office of the Director-General	Yes	https://www.unesco.org/en/legal-affairs/oisla?hub=66535#our-team
UNIDO	Office of Legal Affairs	Office of the Director-General	Yes	https://www.unido.org/more/legal-resources
UPU	Legal Affairs Directorate	Executive Office Directorate	Yes	https://www.upu.int/en/Universal-Postal-Union/About-UPU/Bodies/International-Bureau/Directorates
WHO	Office of the Legal Counsel	Office of the Director-General	Yes	N/A
WIPO	Office of the Legal Counsel	Administration, Finance and Management Sector	No	https://www.wipo.int/about-wipo/en/activities_by_unit/index.jsp?id=88
WMO	Governance Services Department (inc. Legal Counsel and Administration)	Director of Governance Sector Department	No	https://public.wmo.int/en/about-us/secretariat/secretariat_structure
World Bank	General Counsel (inc. legal vice presidency)	Office of the President	Yes	https://www.worldbank.org/en/about/unit/legal_vice_presidency
CTBTO	Division of Legal and External Relations	Office of the Executive Secretary	Yes	https://www.ctbto.org/sites/default/files/2022-09/CTBTO_Organigram_September%202022.pdf
IAEA	Office of Legal Affairs	Office of the Director-General	Yes	https://www.iaea.org/about/organizational-structure/offices-reporting-to-the-director-general/office-of-legal-affairs
IOM	Office of Legal Affairs	Office of the Director-General	Yes	https://www.iom.int/our-work-department/office-director-general
ISA	Office of Legal Affairs	Office of the Secretary-General	Yes	https://www.isa.org.jm/secretariat
OPCW	Office of the Legal Adviser	Office of the Director-General	Yes	https://www.opcw.org/about/technical-secretariat/divisions/office-legal-adviser
WTO	Legal Affairs Division	Office of the Deputy-Director General	No	https://www.wto.org/english/thewto_e/secre_e/div_e.htm

ANNEX X: OVERVIEW OF CORE ACTIVITIES AND RELATED PERFORMANCE METRICS AVAILABLE TO OLC SECTIONS

OLC Section	Core Activities	Most important success criteria for the activity	Potentially Available Data	Is structured Data Register maintained?	Existing PI and assertions it covers (from EPM)
LCA	Administration of Treaties.	- Quality - Timeliness	Processed Treaty Notifications; Accessions	Yes	percent of treaty notifications that are promptly processed by OLC (Timeliness)
	Advice / Consult MS and WIPO Sectors, including DG	- Quality - Insightful Advice - Timeliness	Provided Advice / Consultation	No	none
	Preparation and Review of general agreements with IGOs	- Quality - Timeliness	Prepared Agreements	No	none
	Support during WIPO Official Meetings	- Quality - Proactiveness	Supported Meetings	No	none
	Process requests by IGOs and NGOs for observer status	-Timeliness	Processed requests	Yes	none
ALS	Dealing with cases (RFR, Chap. X, Rebuttal) ⁴⁰	- Objectivity - Quality (Effective defense)	Processed cases and case details	Yes	none
	Advice / Consult MS and WIPO Sectors, including DG	- Quality - Insightful Advice - Timeliness	Provided Advice / Consultation	Yes	none
	Review of policies, regulations, and rules	- Quality - Timeliness	Reviewed documents	Yes	none
CGL	Advice / Consult WIPO Sectors, including DG	- Quality - Insightful Advice - Timeliness	Provided Advice / Consultation	No	none
	Preparation and Review of agreements / contracts	- Quality - Timeliness	Processed Agreements / Contracts	Yes	none

⁴⁰ ILOAT and WAB cases are not under the direct control of the OLC

ANNEX XI: ANALYSIS OF OLC BUDGET IN CHF: 2021 AND 2022

ALS	Administrative Law Section
LCA	Legal and Constitutional Affairs Section
CGL	Contracts and General Legal Section
WJI	WIPO Judicial Institute

OLC, BUDGET 2021, CHF				
STAFFING AND GRADES	Office: D2 + D1 + G6 + G6 + G3			
	ALS	LCA	CGL	WJI
	P5	P5	P5	D1
	P4		P4	P4
P3	P3		G4	
	TMP			
Headcount	4	2	2	3
	5			16

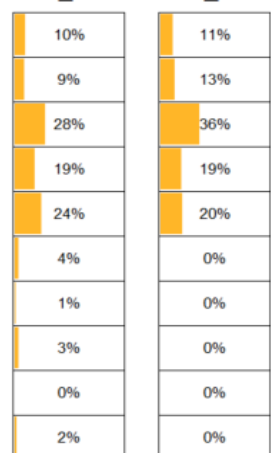
OLC, BUDGET 2022, CHF			Change	△%
Office: D2 + D1 + G6 + G6 + G3				
ALS	LCA	CGL		
P5	P5	P5		
P4	P4	P4		
P3	P3			
	ICS			
Budget per Program Activity (2021)	5	5		
Budget per Program Activity (2022)	5	2	2	14
			(2)	-13%

Refer to the next page for the full names of Expected Results and Program Activities

EXPECTED RESULT	PROGRAM ACTIVITY	EXPENSE TYPE	ALS	LCA	CGL	WJI
ER 2.1	2.1 PA1	Payroll		318.888		
		Non-payroll		-		
ER 2.1	2.1 PA2	Payroll		296.888		
		Non-payroll		-		
ER 5.1	5.1 PA1	Payroll	821.128			
		Non-payroll	105.000			
ER 5.3	5.3 PA1	Payroll			683.206	
		Non-payroll			27.500	
ER 5.3	5.3 PA2	Payroll	225.683	225.683	225.683	
		Non-payroll	39.962	39.962	39.962	
ER I.2	I.2 PA1	Payroll				127.848
		Non-payroll				-
ER I.2	I.2 PA2	Payroll				31.791
		Non-payroll				-
ER III.2	III.2 PA1	Payroll				95.336
		Non-payroll				15.798
ER III.2	III.2 PA2	Payroll				6.559
		Non-payroll				-
ER IV.2	IV.2 PA1	Payroll				52.922
		Non-payroll				-

Budget per Program Activity (2021)

Budget per Program Activity (2022)



	14.295	4%
	48.381	100%
	65.807	22%
	97.460	100%
	302.387	37%
	1.593	2%
	71.450	12%
	(26.530)	-96%
	9.508	1%
	(109.753)	-92%
	(127.848)	-100%
	-	-100%
	(31.791)	-100%
	-	-100%
	(95.336)	-100%
	(15.798)	-100%
	(6.559)	-100%
	-	-100%
	(52.922)	-100%
	-	-100%

Total Payroll expenses per section:	1.046.808	841.263	808.883	314.456
Total Non-payroll expenses per section:	144.962	39.962	67.462	15.798
Total expenses per section:	1.191.771	881.216	876.346	330.254
Total OLC budget:	3.279.586			

	1.352.365	924.626	883.503
	109.971	149.219	4.348
	1.462.336	1.073.744	887.851
	3.423.930		
	148.991	5%	
	(4.647)	-2%	
	144.344	4%	



ANNEX XI (CONTINUED)

EXPECTED RESULTS	
ER 2.1	2.1 Development of balanced and effective international normative frameworks for IP
ER 5.1	5.1 A Secretariat that is empowered through a dynamic corporate culture and is provided with the right resources and training to work effectively, collaboratively, and innovatively
ER 5.3	5.3 Sound and prudent financial management and effective corporate governance and oversight
ER I.2	2021 formulation: I.2 Tailored and balanced IP legislative, regulatory and policy frameworks
ER III.2	2021 formulation: III.2 Enhanced human resource capacities able to deal with the broad range of requirements for the effective use of IP for development in developing countries, LDCs and countries with economies in transition
ER IV.2	2021 formulation: IV.2 Enhanced access to, and use of, IP information by IP institutions and the public to promote innovation and creativity

PROGRAM ACTIVITIES	
2.1 PA1	Manage the timely preparation of treaty notifications and other communications to Contracting Parties as required by the treaties administered by the Organization, and in the discharge of the depositary functions of the Director General
2.1 PA2	Provide advice to Member States, governing bodies, and elected officers related to treaty, constitutional and procedural questions, including preparation of relevant documents for their decision
5.1 PA1	Advise on and represent WIPO in the different bodies administering justice, including the ILOAT
5.3 PA1	Advise on general legal obligations of the Organization consistent with its regulatory framework
5.3 PA2	Provide legal advice and assistance to the Director General and different sectors of the Organization on any legal or constitutional matters relating to the functions, structure and activities of the organization and its constituent bodies.
1.2 PA1	2021 formulation: 'Exchange of information amongst judiciaries
1.2 PA2	2021 formulation: 'Development of judicial resources/tools
III.2 PA1	2021 formulation: 'Judicial Training
III.2 PA2	2021 formulation: 'Internal coordination of activities with judiciaries
IV.2 PA1	2021 formulation: 'Online Information Platform on Judicial Systems and Judgments

ANNEX XII: ANALYSIS OF RECEIVED REQUESTS BY ALS (01/01/2021 - 31/08/2022)

NUMBER OF REQUESTS RECEIVED BY SECTOR

	2021	2022 (8 months)	Change	%
HRMD	66	129	63	95%
AFMS	17	23	6	35%
EXTERNAL/OTHER	5	15	10	200%
RNDS	0	12	12	0%
PTS	0	9	9	0%
ETHICS	4	9	5	125%
ASSEMBLIES	4	6	2	50%
DG	15	5	-10	-67%
BDS	0	4	4	0%
IOD	3	4	1	33%
	114	216	102	89%

AVERAGE REQUEST PROCESSING LENGTH (DAYS; MINIMUM - ONE DAY)

	2021	2022 (8 months)	Change	%
IOD	5,33	5,00	- 0,33	-6%
EXTERNAL/OTHER	4,40	3,40	- 1,00	-23%
PTS		2,44	no 2021 data	N/A
ETHICS	5,50	2,22	- 3,28	-60%
HRMD	4,27	1,70	- 2,58	-60%
RNDS		1,67	no 2021 data	N/A
ASSEMBLIES	1,00	1,00	-	0%
AFMS	1,00	1,00	-	0%
DG	1,00	1,00	-	0%
BDS		1,00	no 2021 data	N/A

ANNEX XIII: ANALYSIS OF PROCESSED ACCESSIONS BY LCA SECTION (01/01/2021 - 31/08/2022)

NUMBER OF ACCESSIONS PER AREA OF LAW

	2020	2021	2022 (8 months)	Total
Copyright and Related Rights (Neighboring Rights)	35	20	14	69
Geographical Indications	1	5	3	9
Industrial Designs	3	3	4	10
Patents (Inventions)	2	5	5	12
Trademarks	3	8	6	17
Constituent Instrument of WIPO	1	0	0	1
Industrial Property	0	1	1	2
	45	42	33	120

NUMBER OF ACCESSIONS PER TREATY

	2020	2021	2022 (8 months)	Total
Beijing Treaty	8	6	4	18
Berne Convention	2	1	1	4
Geneva Act of the Hague Agreement	2	2	2	6
Marrakesh Treaty	15	8	5	28
Singapore Treaty	1		1	2
WCT	5	3	2	10
WPPT	4	2	2	8
WIPO Convention	1			1
Vienna Agreement	1		1	2
Locarno Agreement	1	1	2	4
Madrid Protocol	1	3	2	6
Strasbourg Agreement	1	1	1	3
Budapest Treaty	1	2	2	5
Geneva Act of the Lisbon Agreement	1	5	3	9
Nairobi Treaty		2		2
Patent Law Treaty		1		1
Nice Agreement		3	2	5
Rome Convention	1			1
Paris Convention		1	1	2
PCT		1	2	3
	45	42	33	120

ANNEX XIV: ASSESSMENT OF OLC NORMATIVE DOCUMENTS FROM THE PERSPECTIVE OF PROPERTIES OF STANDARD OPERATING PROCEDURE

The table below analyses documents, listed by OLC, which provide guidance on working modalities and day-to-day operations of OLC sections and may be used as a Standard Operating Procedure.

	- meets good practices
	- partially meets good practices
	- does not meet good practices
	- not relevant

		PROPERTIES OF STANDARD OPERATING PROCEDURE (BEST PRACTICES)					
OLC Section	Document Name	Lists / Covers all core activities of OLC Section	Includes step-by-step process describing WHO performs the step and HOW and WHEN to perform the step	Enables Proper Onboarding, Training and Guidance. User-friendly content.	Refers to other relevant documents / templates to be used in the process	Contains elements of Control Activities	Contains metrics which may be useful for setting the necessary level of Quality and KPIs.
ALS	Standard Operating Procedures of Administrative Law Section	The document covers all core activities of the AL Section.	Step-by-step instructions. Explaining who, when and how to perform the steps.	The document will serve as good guidance for newcomers.	Procedures included related documents (e.g., staff rules, Ols, WAB rules, etc.).	Steps contain control elements.	Steps contain elements, based on which it is possible to understand the required quality standard and to establish metrics for performance assessment.
LCA	Summary of Practice of the Secretary-General as Depository of Multilateral Treaties	While the document covers the process of depositary function of multilateral treaties), there are uncovered other LCA Section's duties (e.g., processing MS, IGO, NGO requests; preparation of documents to COCO, etc.).	The document contains general steps to be performed by the depositary from the time of conclusion of the Treaty.	The document might be used as a guidance; however, the scope is limited to depositary function. Not user-friendly content.	The document contains references to relevant documents.	Steps contain control elements.	Steps contain elements, based on which it is possible to understand the required quality standard and to establish metrics for performance assessment.

	WIPO Treaty	Documents are agreements by nature and do not serve as an operating procedure describing the working modalities of the LCA Section.	Irrelevant, not analyzed. Documents are useful for training and compliance needs, but do not meet the criteria of Standard Operating Procedure of the Section.
	Vienna Agreement		
CGL	WIPO Office Instructions (for example: OI. No. 2/2013 OI. No. 27/2004 OI. No. 29/2016 OI. No. 37/2017 Etc.)	IOD has not identified WIPO Office Instructions or other guidance that would serve as an operating procedure, describing the working modalities and day-to-day operations of CGL.	Irrelevant, not analyzed. Documents are useful for training and compliance needs, but do not meet the criteria of Standard Operating Procedure of the Section.

ANNEX XV: RISK RATING AND PRIORITY OF AUDIT RECOMMENDATIONS

The risk ratings in the tables below are driven by the combination of likelihood of occurrence of events and the financial impact or harm to the organization’s reputation, which may result if the risks materialize. The ratings for audit recommendations are based on the control environment assessed during the audit.

Table I.1: Effectiveness of Risks/ Controls and Residual Risk Rating

		Compound Risk Rating (Likelihood x Impact)		
		Low	Medium	High
Control Effectiveness	Low	Low	Medium	High
	Medium	Low	Medium	High
	High	Low	Low	Medium

Table I.2: Priority of Audit Recommendations

Priority of Recommendations	Residual Risk Rating
Requires Urgent Management Attention	High
Requires Management Attention	Medium
Routine in Nature	Low

World Intellectual Property Organization
34, chemin des Colombettes
P.O. Box 18
CH-1211 Geneva 20
Switzerland

Tel: +41 22 338 91 11
Fax: +41 22 733 54 28

For contact details of WIPO's
External Offices visit:
www.wipo.int/about-wipo/en/offices