

**CHAPTER IV****PRINCIPLES GOVERNING RECRUITMENT, APPOINTMENT AND PROMOTION****Regulation 4.1****General Principles**

The paramount consideration in the recruitment and appointment of staff members shall be the need to secure the highest standards of efficiency, competence and integrity. Recruitment and appointment of staff members shall be made without distinction as to race, ethnicity, gender, sexual orientation, disability, religion, age, political affiliation, or social status.

**Regulation 4.2****Geographical Distribution and Gender Balance**<sup>55</sup>

(a) Due regard shall be paid to the importance of recruiting staff members on as wide a geographical basis as possible, recognizing also the need to take into account considerations of gender balance.

(b) Recruitment on as wide a geographical basis as possible, in accordance with the requirements of paragraph (a) above, shall not apply to staff members appointed to "language" positions (namely positions of translators, interpreters, editors and revisers) or to staff members appointed to positions in the General Service and National Professional Officer categories.

**Regulation 4.3****Transfers**<sup>56</sup>

(a) A staff member may be transferred to any of the organizational units of WIPO whenever the interests of the International Bureau so require. Due consideration shall be given to respecting the staff member concerned.

(b) This Regulation shall not apply to temporary staff members.

**Rule 4.3.1 – Transfers**<sup>57</sup>

(a) A transfer shall normally be to a post classified at the same grade as that of the staff member. The staff member must have the required qualifications for the post.

(b) A staff member may be transferred with his or her post when justified by business needs or in other exceptional circumstances.

(c) The reasons for the transfer shall be communicated to the staff member in writing.

(d) This Rule shall not apply to temporary staff members.

<sup>55</sup> Amended with effect from November 1, 2014 (please refer to Office Instruction No. 55/2014).

<sup>56</sup> *Ibid.*

<sup>57</sup> Rule added as an amendment with effect from November 1, 2014 (please refer to Office Instruction No. 55/2014). Amended with effect from January 1, 2016 (please refer to Information Circular No. 30/2015).

**Regulation 4.4****Promotion**<sup>58</sup>

- (a) "Promotion" shall include the advancement of a staff member to a post at a higher grade following a competition, or reclassification of the post to which he or she is assigned.
- (b) A staff member in the General Service, National Professional Officer or Professional category shall be entitled to promotion as a result of the reclassification within his or her category to the next higher grade of the post to which he or she is assigned, provided that:
- (1) he or she fully meets the post requirements; and
  - (2) his or her performance ratings under the performance appraisal mechanism are effective or better for the two years preceding promotion; and
  - (3) the post he or she encumbers has not been reclassified more than once with the same incumbent without the initiation of a competitive process.
- (c) Without prejudice to the recruitment of fresh talent, fixed-term and continuing staff members shall be given reasonable promotion opportunities.
- (d) This Regulation shall not apply to temporary staff members.

**Regulation 4.5****Local Recruitment**

The conditions according to which a staff member shall be held to be locally recruited shall be determined by the Staff Regulations and Rules.

**Rule 4.5.1 – Staff Members Appointed to Positions Subject to Local Recruitment**<sup>59</sup>

- (a) All staff in the General Service category, except as provided for in Regulation 4.6(d) and Rule 4.6.1(d) below, shall be recruited in the country or within reasonable commuting distance of each duty station and, notwithstanding national boundaries, irrespective of their nationality and of the length of time they may have been in the country. The allowances and benefits available to staff members in the General Service shall be set by the Director General.
- (b) All staff in the National Professional Officer category, except as provided for in Regulation 4.6(d) and Rule 4.6.1(d) below, shall be recruited locally in the country of the duty station. National Professional Officers shall normally be nationals of the country of the duty station. The allowances and benefits available to staff members in the National Professional Officer category shall be set by the Director General. A staff member in this category may only be recruited in non-Headquarters duty stations.
- (c) A staff member subject to local recruitment under this Rule shall not be eligible for the allowances or benefits provided for by Regulation 4.6(b) and Rule 4.6.1(b) below.

<sup>58</sup> Amended with effect from January 1, 2014, November 1, 2014, January 1, 2017, and October 1, 2022 (please refer to Office Instructions Nos. 43/2013 and 55/2014, Information Circular No. 34/2016 and 30/2022).

<sup>59</sup> Amended with effect from November 1, 2014, and January 1, 2017 (please refer to Office Instruction No. 55/2014 and Information Circular No. 34/2016).

**Regulation 4.6****International Recruitment**<sup>60</sup>

- (a) Staff members other than those who have been locally recruited pursuant to Regulation 4.5 shall be considered to have been internationally recruited.
- (b) Depending on their contractual status and subject to special conditions which may apply, the allowances, benefits and entitlements available to internationally recruited staff members may include: rental subsidy, payment of travel expenses upon initial appointment and on separation for themselves and their spouses and dependent children, removal of household effects, settling-in grant, home leave, education grant, and repatriation grant.
- (c) Staff members recruited locally for posts in the Professional and higher categories at a given duty station shall be held to be internationally recruited but shall not be entitled to some of the allowances, benefits and entitlements mentioned in paragraph (b) above as determined by the Director General.
- (d) For certain posts in the General Service and National Professional Officer categories for which candidates are not available locally, staff members who have been recruited to serve in such posts may be held to be internationally recruited as prescribed by the Director General.
- (e) Conditions governing allowances, benefits and entitlements for internationally recruited staff in light of their residential status shall be prescribed by the Director General as applicable to each duty station.
- (f) The subject matter of this Regulation and the rules thereunder shall not apply to temporary staff members unless otherwise prescribed by Rule 4.6.1 entitled "International Recruitment of Temporary Staff Members."

**Rule 4.6.1 – International Recruitment of Temporary Staff Members**<sup>61</sup>

- (a) Temporary staff members other than those who have been locally recruited pursuant to Regulation 4.5 shall be considered to have been internationally recruited.
- (b) Depending on their contractual status and subject to special conditions which may apply, the allowances, benefits and entitlements available to internationally recruited temporary staff members may include: payment of travel expenses upon initial appointment and on separation for themselves and their spouses and dependent children, and limited removal of household effects.
- (c) Temporary staff members recruited locally for positions in the Professional category at a specific duty station shall be held to be internationally recruited but shall not be entitled to some of the allowances, benefits and entitlements mentioned in paragraph (b) above as determined by the Director General.
- (d) For certain positions in the General Service and National Professional Officer categories for which candidates are not available locally, temporary staff members who have been recruited may be held to be internationally recruited when so decided by the Director General.
- (e) Conditions governing allowances, benefits and entitlements for internationally recruited temporary staff members in light of their residential status shall be prescribed by the Director General as applicable to each duty station.

<sup>60</sup> Amended with effect from November 1, 2014 and January 1, 2017 (please refer to Office Instruction No. 55/2014 and Information Circular No. 34/2016).

<sup>61</sup> Amended with effect from November 1, 2014 (please refer to Office Instruction No. 55/2014).

**Regulation 4.7****Nationality**

- (a) For the purpose of these Regulations and Rules, the International Bureau shall recognize only one nationality for each staff member.
- (b) For the purpose of these Regulations and Rules, a staff member having several nationalities shall be regarded as a national of the country to which he or she is bound by the closest ties.

**Regulation 4.8****Authority for Appointment**

All staff members shall be appointed by the Director General. The Deputy Directors General shall be appointed after approval by the WIPO Coordination Committee. The Assistant Directors General shall be appointed taking into account the advice of the WIPO Coordination Committee. The Director, Internal Oversight Division, shall be appointed taking into account the advice of the WIPO Coordination Committee and the WIPO Independent Advisory Oversight Committee.

**Regulation 4.9****Recruitment**<sup>62</sup>

- (a) As a general rule, recruitment shall be made on the basis of a competition.
- (b) Vacancies to be filled by competition shall be published on WIPO's recruitment website.
- (c) Vacancies in the National Professional Officer category shall be filled by the appointment of candidates who shall normally be nationals of the country of the duty station and who shall be recruited locally, subject to the exception specified in Regulation 4.6(d).
- (d) Vacancies in the General Service category shall be subject to local recruitment pursuant to Staff Rule 4.5.1, unless in exceptional cases it is decided to proceed with an international recruitment.
- (e) The Director General shall define the conditions for the establishment of Appointment Boards to advise him or her in all cases where a vacancy has been the subject of a competition.
- (f) The subject matter of this Regulation and the rules thereunder shall not apply to temporary staff members unless otherwise prescribed by Rule 4.9.4 entitled "Recruitment of Temporary Staff Members."

**Rule 4.9.1 – Employment of Members of the Same Family**

- (a) An appointment shall not be granted to a person who is the father, mother, son, daughter, brother or sister of a staff member, unless another person equally or more qualified cannot be recruited.

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<sup>62</sup> Amended with effect from November 1, 2014, and January 1, 2016 (please refer to Office Instruction No. 55/2014 and Information Circular No. 30/2015).

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- (b) The spouse of a staff member may be appointed provided that he or she is fully qualified for the position for which he or she is being considered, and that the spouse is not given any preference by virtue of the relationship to the staff member.
- (c) A staff member related to another staff member in any of the ways specified in the above paragraphs:
- (1) shall not be assigned to serve in a position which is superior or subordinate in the line of authority to the staff member to whom he or she is related;
  - (2) shall not participate in the process of reaching or reviewing an administrative decision affecting the selection, status or entitlements of the staff member to whom he or she is related.
- (d) The marriage of one staff member to another shall not affect the contractual status of either spouse, but their benefits, allowances and entitlements shall be modified as provided in the relevant Staff Regulations and Rules. The same modifications shall apply in the case of a staff member whose spouse is a staff member of another organization applying the United Nations common system of salaries and allowances. Where both spouses are staff members and maintain separate households because they are assigned to different duty stations, the Director General may decide to maintain such separate entitlements and benefits, provided that this is not inconsistent with any Staff Regulation or other decision of the WIPO Coordination Committee.

Rule 4.9.2 – Recruitment of Fixed-Term Staff Members under Funds-in-Trust Agreements<sup>63</sup>

When certain services in the Professional category and also specific posts in the General Service and National Professional Officer categories are envisaged under funds-in-trust agreements, the Director General may proceed with fixed-term appointments without having recourse to a competition within the meaning of Regulations 4.9 and 4.10.

Rule 4.9.3 – Recruitment of Fixed-Term Staff Members for Approved Projects<sup>64</sup>

When certain services in the Professional category and also specific posts in the General Service and National Professional Officer categories are envisaged under approved projects, the Director General may proceed with fixed-term appointments either following a competition within the meaning of Staff Regulations 4.9 and 4.10 or by applying *mutatis mutandis* the competitive selection process for temporary positions prescribed in Annex III, article 5(a), regardless of the duration of the initial fixed-term appointment.

Rule 4.9.4 – Recruitment of Temporary Staff Members<sup>65</sup>

- (a) The selection procedures for temporary appointments shall be prescribed by the Director General in Annex III.
- (b) Rule 4.9.1, "Employment of Members of the Same Family," shall apply to temporary staff members.

<sup>63</sup> Amended with effect from November 1, 2014, and January 1, 2017 (please refer to Office Instruction No. 55/2014 and Information Circular No. 34/2016).

<sup>64</sup> Rule added as an amendment with effect from January 1, 2017 (please refer to Information Circular No. 34/2016).

<sup>65</sup> Amended with effect from November 1, 2014, and January 1, 2017 (please refer to Office Instruction No. 55/2014 and Information Circular No. 34/2016).

