

EIGHTY-SIXTH SESSION

In re Heitz (No.6)

Judgment 1801

The Administrative Tribunal,

Considering the sixth complaint filed by Mr. André Joseph Léon Heitz against the International Union for the Protection of New Varieties of Plants (UPOV) on 9 June 1997 and corrected on 22 July, UPOV's reply of 19 September, the complainant's rejoinder of 6 October, the comments made by the International Civil Service Commission on 26 November 1997, the complainant's comments thereon of 6 January 1998, UPOV's letter of 9 February informing the Registrar of the Tribunal that it did not wish to enter a surrejoinder, the further brief entered by the Commission on 13 February and the Union's letter of 9 March informing the Registrar that it did not wish to comment on that brief;

Considering Article II, paragraph 5, of the Statute of the Tribunal and Article 13, paragraph 3, of its Rules;

Having examined the written submissions and decided not to order hearings, which neither party has applied for;

Considering that the material facts of the case and the pleadings are identical to those set out, under A to G, in Judgment 1800 (*in re* Baron and others), also delivered this day;

CONSIDERATIONS

1. This case raises the same issues as do the complaints from Mr. Baron and others challenging the decisions of the Director General of WIPO in their pay slips for July 1996. The material facts, too, are the same. Only the defendant - the International Union for the Protection of New Varieties of Plants (UPOV) - is not.

2. Judgment 1800, delivered this day, dismisses the complaints brought by Mr. Baron and others. For the same reasons this complaint too must fail.

DECISION

For the above reasons,

The complaint is dismissed.

In witness of this judgment, adopted on 18 November 1998, Mr. Michel Gentot, President of the Tribunal, Mr. Jean-François Egli, Judge, and Mr. Seydou Ba, Judge, sign below, as do I, Allan Gardner, Registrar.

Delivered in public in Geneva on 28 January 1999.

(Signed)

Michel Gentot

Jean-François Egli

Seydou Ba

A.B. Gardner

