

*Registry's translation,  
the French text alone  
being authoritative.*

**111th Session**

**Judgment No. 3014**

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for interpretation of Judgment 2830 filed by the World Intellectual Property Organization (WIPO) on 18 March 2010, the reply of 20 May from Mr S.G. G., the Organization's rejoinder of 13 August and Mr G.'s surrejoinder of 24 September 2010;

Considering Article II, paragraph 5, of the Statute of the Tribunal;  
Having examined the written submissions;

**CONSIDERATIONS**

1. By Judgment 2830, delivered on 8 July 2009, the Tribunal set aside the decision of 22 October 2007 confirming the termination of Mr G.'s appointment. By the terms of consideration 10 of the judgment, it referred the case back to WIPO in order that it might take a fresh decision after having examined the various conceivable redeployment possibilities with the complainant. The consideration continues:

"If the complainant's redeployment proves to be objectively impracticable owing to a lack of available posts matching his abilities, the Organization shall determine with him the definitive amount to which he is entitled upon separation from service."

On 30 November 2009 the Organization wrote to Mr G. to inform him of the steps it had taken to implement the judgment, stating that the examination of redeployment opportunities had been completed and that it had been unable to identify a vacant post matching his abilities at the grade he held on the date of his separation from service. It also provided him with its calculation of the final sums due, according to the Organization, in execution of aforementioned consideration 10.

2. The complainant challenged, on the one hand, the assertion that there was no post available and, on the other, the method used to calculate the sums in question. On the second point, the parties hold divergent opinions regarding the date of separation from service to be taken into account. The Organization, which regards 28 February 2007 as the relevant date, refers to various judgments in support of its argument that consideration 10 of Judgment 2830 is flawed inasmuch as it fails to indicate the method of calculation of the indemnities due in the event of termination. It therefore asks the Tribunal to fix the date in question and, in addition, to determine Mr G.'s contractual status after 28 February 2007 and the deductions to be made in respect of any subsequent employment income.

3. According to the case law, an application for interpretation is receivable only if the meaning of the judgment concerned is uncertain or ambiguous (see Judgment 1306, under 2) to such an extent that it precludes any reasonable execution of the judgment. An application for interpretation cannot be filed to obtain an opinion on a legal issue, to obtain a reply from the Tribunal to a question that it was not required to address in the context of the judgment to which the application relates, or to circumvent an internal procedure in which disputes regarding the execution of the judgment could be resolved in accordance with the adversarial principle.

In Judgment 2830 the Tribunal ruled on the circumstances in which Mr G.'s appointment was terminated, and it deliberately refrained from addressing the financial consequences that would ensue from that measure if it were to be confirmed following the new search

for a possible alternative post for the complainant that WIPO was required to undertake in order to respect the rights and guarantees that staff members must enjoy. It also stated that the Organization ought to have ascertained whether the complainant was prepared to accept a post at a lower grade than that which he had previously held.

The questions that WIPO raises in its application for interpretation are the type of question which must be resolved during the execution process and which can be resolved without the need for interpretation of a judgment that is neither uncertain nor ambiguous.

4. The application for interpretation must therefore be dismissed.

5. In his reply to this application Mr G. filed claims which, for the same reasons, must be dismissed.

The complainant is, however, entitled to costs in the amount of 2,500 Swiss francs.

#### DECISION

For the above reasons,

1. The application for interpretation is dismissed.
2. WIPO shall pay Mr G. costs in the amount of 2,500 Swiss francs.

In witness of this judgment, adopted on 6 May 2011, Mr Seydou Ba, Vice-President of the Tribunal, Mr Claude Rouiller, Judge, and Mr Patrick Frydman, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 6 July 2011.

Seydou Ba  
Claude Rouiller  
Patrick Frydman  
Catherine Comtet