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One Hundred Twelfth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515
www.hcfa.house.gov

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July 16, 2012

Dear Director General Gurry,

We are gravely concerned about WIPO's decision to ship U.S. origin computers and other high-tech equipment to Iran and North Korea. As an agency that receives significant funding from United States inventors, we are astonished that WIPO would think it proper to use those funds to send such material to these rogue regimes. In order to build confidence in your organization and ensure that such technology transfers do not take place in the future, we request that you immediately commission an independent, external investigation with unfettered access to all relevant documents and witnesses—without fear of retaliation—and provide the same unfettered access to Member States and to our Committee.

Please do not misinterpret our concern. This is not about WIPO's technical assistance programs to developing countries—programs designed to build infrastructure for national innovation and IP systems. Instead, it is about your organization's misuse of those programs to send dual-use technology to two specific countries that are subject to Security Council sanctions. In fact, these actions undermine the mission of WIPO to foster respect of intellectual property rights through, among other things, the provision of technical assistance.

In your public statements you have asserted that there was nothing improper with the Iran and North Korea transactions, and that you have acted entirely properly in this matter. We strongly disagree. It was wrong for these transfers to have been authorized without prior disclosure and consultations with the Member States of WIPO and with full reporting after shipment, in accordance with accepted UN practice. We assume that had Member States been properly notified, they surely would have objected in this case, given the sanctions in place.

Furthermore, we are also disturbed by your ongoing attempts to keep these technology transfers a secret within your organization. We were appalled to learn that you failed to seek advice from the relevant sanctions bodies of the U.N. before proceeding with these transactions. Why did your organization feel it was unnecessary to consult with the Security Council prior to initiating these transfers to ensure they were in compliance with applicable sanctions? Given the obvious "dual use" nature of this technology, why was no attempt made to keep strict control over these items and closely monitor their use?

The Honorable Francis Gurry

July 16, 2012

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Even more troubling are allegations that your primary focus on this issue has not been full disclosure of all relevant information on these projects in Iran and North Korea, but rather discovering and punishing whistleblowers who initially alerted outside bodies about these transactions. With regard to your claim to confidentiality in documents provided to us, the information they contain is exactly what WIPO, as a governmental agency, should be providing to all its stakeholders. There is no justification for concealing them from the public.

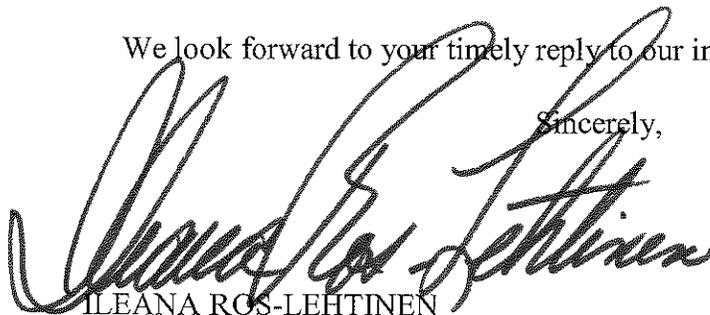
In this similar vein, we are outraged by your recent refusal, on the basis of "confidentiality," of a request by the U.S. Department of State to conduct an independent, external investigation into how and why these transactions happened. There is no rational basis for this refusal. And there is ample precedent for the request, including a prior investigation addressing alleged corruption by your predecessor. On the face of it, the documentary record, coupled with your public statements, shows a shocking and intolerable lack of judgment, together with an inclination to disregard the legitimate concerns of Member States and to retaliate against staff who are simply trying to tell the truth. However, if you truly believe that your actions have been entirely proper, then surely you would have nothing to hide and no reason to block the requested independent investigation.

We do not believe that it is sufficient to simply promise that future shipments to Iran and North Korea will be reviewed by the Sanctions Committee in New York. In light of your conduct in this matter thus far it is imperative that we learn how and why all this happened, so that we can understand how to prevent similar lapses in judgment in the future. As a fiduciary for the thousands of inventors throughout the world who pay their fees to WIPO expecting that the money will be wisely spent, we believe that it is past time for you to stop trying to defend and deflect, and to focus instead on building confidence in the integrity of your organization.

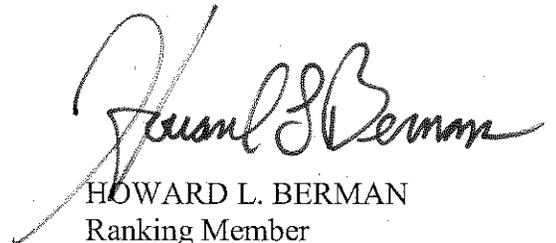
We strongly urge you, in the interest of the institution, to reconsider your position by allowing an independent, external investigation and by providing WIPO stakeholders - particularly the United States Government - with unfettered access to all documents and witnesses relating to these transfers to Iran and North Korea, ensuring that Member States are fully consulted prior to the establishment of any future technical assistance programs, and fully protecting whistleblowers against retaliation.

We look forward to your timely reply to our inquiry.

Sincerely,



ILEANA ROS-LEHTINEN
Chairman



HOWARD L. BERMAN
Ranking Member