

119th Session

Judgment No. 3469

THE ADMINISTRATIVE TRIBUNAL,

Considering the second complaint filed by Miss P. R. against the World Intellectual Property Organization (WIPO) on 14 March 2014;

Considering Article II, paragraph 5, of the Tribunal's Statute and Article 7 of its Rules;

Having examined the written submissions;

CONSIDERATIONS

1. The complainant has filed a complaint with the Tribunal, seeking the application of Judgment 3225 to her circumstances. That Judgment was delivered in public on 4 July 2013 and involved a staff member of the organisation in which the complainant had worked, namely WIPO. In that Judgment the Tribunal granted relief to the staff member in question, who had been employed on short-term contracts over a period of 13 years.

2. In a judgment delivered on 8 February 2012 (Judgment 3090), the Tribunal granted Miss R. relief (including damages in the amount of 60,000 Swiss francs) in relation to a complaint challenging the non-renewal of her contract after a series of short-term contracts over a period of more than seven years. What, in effect, the complainant is seeking is the reopening of the judgment in her matter (Judgment 3090) because she believes a more favourable result might arise if the

approach adopted by the Tribunal in Judgment 3225 was to be applied to her circumstances.

3. However there is a fundamental barrier to the course the complainant proposes. Judgment 3090 resolved, conclusively and for all purposes, her complaint against WIPO. While in rare and very confined circumstances, a judgment can be reopened, this is not such a case. The issues the complainant raised in the proceedings that led to Judgment 3090 are *res judicata*. There is no basis on which the Tribunal can lawfully reopen Judgment 3090. Her complaint seeking to do so should be dismissed as clearly irreceivable in accordance with the summary procedure provided for in Article 7 of its Rules.

DECISION

For the above reasons,

The complaint is dismissed.

In witness of this judgment, adopted on 5 November 2014, Mr Giuseppe Barbagallo, President of the Tribunal, Ms Dolores M. Hansen, Judge, and Mr Michael F. Moore, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 11 February 2015.

GIUSEPPE BARBAGALLO

DOLORES M. HANSEN

MICHAEL F. MOORE

DRAŽEN PETROVIĆ