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YLEEN D.S. POSELETE  
Staff Director



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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RICHARD J. KESSLER  
Deputy Staff Director

August 1, 2012

His Excellency Francis Gurry  
Director General  
World Intellectual Property Organization  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Dear Director General Gurry:

We are in receipt of your letter of July 23, 2012, responding to our initial inquiry regarding WIPO's transfers of U.S.-origin technology by your organization to North Korea and Iran. While you promise to fully cooperate with our Congressional investigation and offer to appear before the Committee, your refusal to authorize two of our chosen witnesses raises questions about this commitment. Though in your letter, you asserted that you would authorize Mr. Moncef Kateb, President of the WIPO Staff Association, to testify "without impediment" before the Committee, we note that we are also in receipt of the email sent last Monday by your Legal Counsel, Mr. Edward Kwakwa, to our Committee's Chief Investigative Counsel, Mr. Harold Rees, attaching e-mails in which you denied authorization for the appearance of the two other WIPO staff members whom our Committee invited to testify. (The identities of those two staff members, Mr. James Pooley and Dr. Miranda Brown, apparently were leaked to the media by an unnamed "WIPO official.")

On several occasions, you have publicly promised your full cooperation with our Congressional investigation and you reiterate this commitment in your letter to us, stressing "how seriously WIPO as an organization, and [you] personally as Director General, view this matter" and that "[your] sole focus in this case is to provide thorough and credible information to Member States." It is for this reason that we are extremely concerned by your refusal to allow these two witness to appear before the Committee. Moreover, Mr. Kateb has indicated through his attorney that the conditions you have imposed on his testimony make him unwilling to testify—especially by himself—due to fear of retaliation or other form of reprisal. As a result of your actions, we had no choice but to cancel a planned briefing on this matter, which was scheduled for July 24, 2012.

As you know, Mr. James Pooley, WIPO Deputy Director General, Innovation and Technology, is a widely-known and very well-respected lawyer and is the senior U.S.-national official at WIPO. We invited him to brief the Committee on the evidence that violations of UN sanctions may have been committed, his assessment of the role of WIPO in these transactions, and his recommendations for remedial measures to prevent recurrence. We are naturally interested why he and others among senior management may have been previously unaware of these transactions. Receiving his testimony is entirely reasonable. For similar reasons and for possible corroboration, we invited another senior level manager, Dr. Miranda Brown, your own Strategic Advisor, to testify.

According to your e-mails denying permission to Mr. Pooley and Dr. Brown, neither of these senior officials have the competence and knowledge to testify about the technology transfers at issue. We understand that there may be other WIPO personnel who have direct knowledge of this matter, and we take under advisement your offer to testify before our Committee and to make available other WIPO officials as well. However, our Committee will run its own investigation as it deems appropriate, and it is up to our Committee alone to determine the utility, competence, and knowledge of prospective witnesses, and to choose which witnesses to invite to testify.

Your denial of authorization for Mr. Pooley and Dr. Brown to testify, and the conditions you have imposed on the testimony of Mr. Kateb, is not the full cooperation that you promised or the full cooperation that we expect from you. Moreover, it is not the full cooperation that ought be expected for an investigation being conducted by the Congress of the United States, a Member State whose citizens provide significant funding for WIPO.

Accordingly, we urge that you reconsider your opposition and make available Messrs. Pooley and Kateb and Dr. Brown, as well as any other WIPO employee we subsequently may invite, to testify to the Committee at their earliest mutually agreeable time. We emphasize that all requested witnesses should be provided by WIPO unlimited and unqualified immunity and authorization to speak freely. Moreover, WIPO must give effective guarantees to requested witnesses that they will be protected against retaliation in any form for statements or actions taken in connection with the subject matter of the investigation. This protection should be afforded not only to Mr. Kateb, who first blew the whistle, but also to any other witness called to testify before Committee Members or speak to Committee investigators that may be asked to travel to Geneva to investigate the matter on behalf of the Committee.

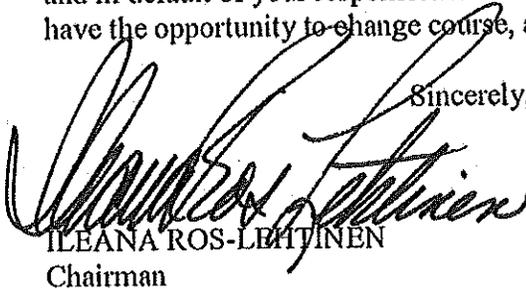
We also note that in WIPO's statement of July 19<sup>th</sup>, that the organization would be terminating the provision of information technology hardware to any of WIPO's technical assistance programs. Yet, in our initial letter to you, we made clear that we are generally supportive of WIPO's efforts to strengthen the capacity of member states to enforce international intellectual property protections. We are not opposed to these programs, or the provision of IT equipment per se, rather it is the transfer of that equipment to countries under U.S. and UN sanctions that has us deeply concerned.

His Excellency Francis Gurry  
August 1, 2012  
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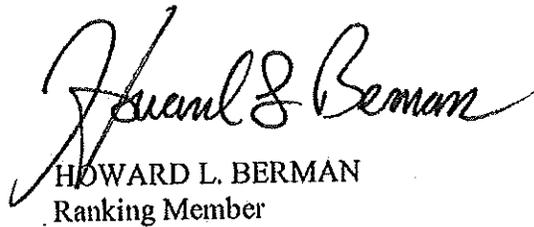
Finally, we resubmit our request for unfettered access to documents for our investigation including any internal memoranda or other communications, including but not limited to those detailing the scope, history, and justification of WIPO's technology transfers to North Korea and Iran.

Director General Gurry, either one provides full cooperation or one does not. To this point, you have not provided full cooperation to our Committee, in default of your commitments and in default of your responsibilities as an official of an international organization. You still have the opportunity to change course, and we urge you to take it.

Sincerely,



ILEANA ROS-LEHTINEN  
Chairman



HOWARD L. BERMAN  
Ranking Member

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RICHARD J. KESSLER  
Deputy Staff Director

July 12, 2012

The Honorable Hillary Rodham Clinton  
Secretary of State  
U.S. Department of State  
Washington, D.C. 20520

Dear Madam Secretary:

I am appalled by recent reports that the World Intellectual Property Organization (WIPO) has engaged in programs to purchase U.S. technology, including computer servers, programs, and related equipment, for retransfer to North Korea and Iran.

The transfer of computer technology to two rogue regimes with active nuclear weapons programs and autocratic control over telecommunications, is an outrage and cannot be excused as a standard WIPO technical assistance program. Any ostensible claim that the transfers were designed to help Iran and North Korea develop intellectual property system infrastructure would be absurd on its face. The transfers occurred without prior disclosure to Member States and without full reporting after shipment in accordance with accepted UN practice. If Member States had been properly notified, they surely would have objected, given the sanctions in place and the very limited use of the patent system in these two countries.

The transfer dual-use technology to these rogue regimes violates not only U.S. sanctions but also U.N. Security Council resolutions. Please be advised that this Committee has opened an investigation into the matter. I plan to convene a hearing on August 1, 2012 to examine the ramifications on sanctions policy of these technology transfers, and I hereby request the appearance of Esther Brimmer, Assistant Secretary for International Organization Affairs, and Ambassador Betty King, U.S. Permanent Representative to the United Nations in Geneva, to testify.

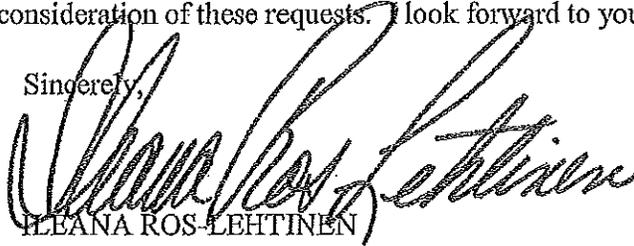
I understand that the Department of State has also commenced an investigation and that WIPO had not been fully cooperative. Instead, WIPO appears to be most interested in retaliating against organization whistleblowers.

The Honorable Hillary Rodham Clinton  
July 12, 2012  
Page two

Given WIPO's egregious behavior, I respectfully request an immediate freeze by the Administration of all U.S. contributions to WIPO until it allows unfettered access to all relevant documents and to witnesses without fear of retaliation, until investigations by both the State Department and by this Committee are concluded, and until WIPO has implemented remedial measures to ensure no such violations occur in the future and that those responsible for these violations have been held fully accountable.

Thank you for your consideration of these requests. I look forward to your response.

Sincerely,

A handwritten signature in cursive script, appearing to read "Leana Ros-Lehtinen".

LEANA ROS-LEHTINEN  
Chairman

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RICHARD J. KESSLER  
DEPUTY STAFF DIRECTOR

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

Page two

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.

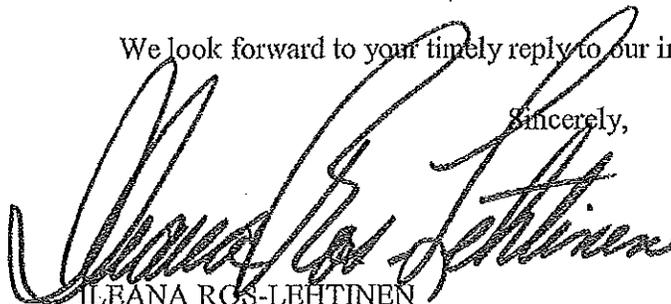
In this similar vein, we are outraged by your recent refusal, on the basis of "confidentiality," of a request by the U.S. Department of State to conduct an independent, external investigation into how and why these transactions happened. There is no rational basis for this refusal. And there is ample 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.

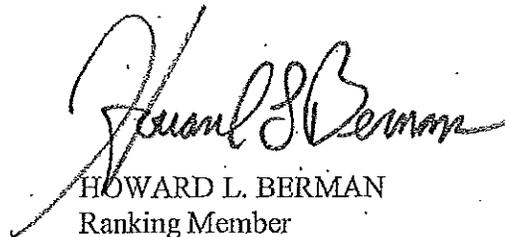
We strongly urge you, in the interest of the institution, to reconsider your position by allowing an independent, external investigation and by providing WIPO stakeholders - particularly the United States Government - with unfettered access to all documents and witnesses relating to these transfers to 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 RCS-LEHTINEN  
Chairman



HOWARD L. BERMAN  
Ranking Member

Congress of the United States  
Washington, DC 20515

September 19, 2013

The Honorable John Kerry  
Secretary, U.S. Department of State  
Washington, DC 20520

Dear Secretary Kerry,

We write to express our deep concern regarding the upcoming election for Director General at the World Intellectual Property Organization (WIPO).

As you know, patents are the cornerstone of the modern American economy. The Administration concluded last year that nearly 30 percent of U.S. jobs are directly or indirectly attributable to IP-intensive industries. And because U.S. industry operates in global markets, the proper functioning of international IP systems is imperative.

Those international IP systems are the responsibility of WIPO, the only user fee-supported agency of the United Nations. More of those fees come from U.S. innovators than from anyplace else in the world. We therefore have a critical national interest in WIPO's governance.

We understand that the process for election of the WIPO Director General has just begun, and that the incumbent, Francis Gurry, has signaled his interest in being re-elected for another six year term.

We urge the Administration not to support Mr. Gurry's bid for re-election. Early last year it was discovered that he had been using WIPO funds to send secret shipments of expensive American-made computer equipment to North Korea and Iran. This is activity that would have put any U.S. citizen behind bars, but when caught in the act, Gurry did not stop or even apologize. Instead he claimed that U.S. law was of no concern to him or WIPO. Then he refused to allow WIPO witnesses to testify in a bipartisan investigation being conducted by the House Committee on Foreign Affairs.

Gurry's erratic and secretive behavior and colossal lack of judgment must disqualify him from receiving support from the U.S. government. We call on the Administration to work diligently to identify and support an alternate candidate for leadership of this most important agency.

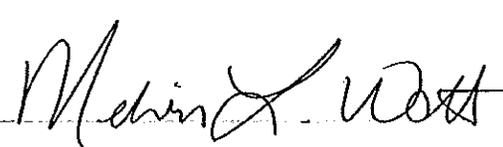
Sincerely,



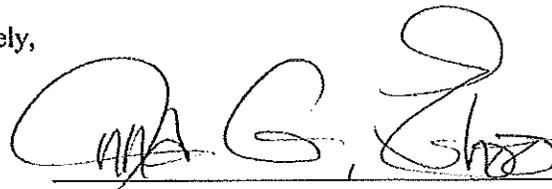
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Congress of the United States  
Washington, DC 20515

November 21, 2013

The Honorable John Kerry  
Secretary, U.S. Department of State  
Washington, DC 20520

Dear Secretary Kerry,

We are writing to follow up regarding the concerns expressed to you in September about the upcoming election for Director General at the World Intellectual Property Organization (WIPO) and the candidacy of incumbent Director General, Francis Gurry.

As you may recall, concerns were expressed following reports that Mr. Gurry was running a secret program to ship high-end computers and other electronic gear to North Korea and Iran. When called to account, he claimed that U.S. law did not constrain him, and he refused to cooperate with an investigation by the House Foreign Affairs Committee.

Since the time of that letter, the situation at WIPO has substantially deteriorated. As you know, the recent annual meeting of Member States collapsed due to the revelation of secret agreements made by Gurry to open satellite WIPO offices in China and Russia – we understand that he even proposed opening an office in Tehran.

But even more disturbing, we understand Gurry is involved in a scheme to illegally acquire DNA samples of WIPO employees in a failed effort to develop evidence to support a personal complaint that he had filed with the Swiss authorities. There is also concern that he has been working since to suppress this information and to prevent any independent investigation of it.

We appreciate the State Department's early November response indicating that the Administration is closely monitoring the WIPO election process. However, we hope you will agree that this evidence of criminal wrongdoing puts the question of his leadership in a new context. Clearly, the interests of the United States and its large community of innovators cannot be served well with Mr. Gurry continuing as Director General of WIPO. We again urge the Administration to work diligently to identify and support an alternate candidate to lead WIPO.

Sincerely,



*Mona Ross Lottin*

*Jo Ziegler (VA)*



*Jim Kunkin*

*John Long*

Ed Royce

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Eliot L. Engel

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Joe Man

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Mike Shomon

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Michael

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W. Allen

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Congress of the United States  
Washington, DC 20515

April 10, 2014

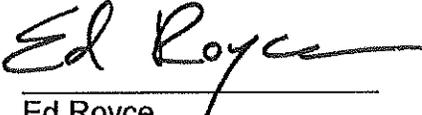
The Honorable John Kerry  
Secretary of State  
U.S. Department of State  
2201 C Street N.W.  
Washington, D.C. 20520

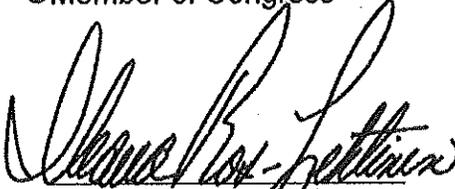
Dear Secretary Kerry,

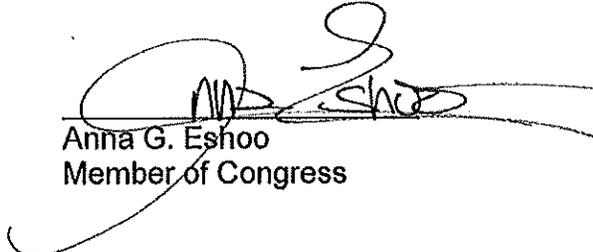
Thank you for your letter of March 20 regarding the selection of the Director General of the World Intellectual Property Organization (WIPO). As you are aware from previous correspondence, we have serious concerns about the lack of transparency at WIPO. We have written to you on prior occasions to express my concern about current Director General Francis Gurry entering into secret agreements to ship electronic equipment to North Korea and Iran, and, separately, to open WIPO satellite offices in China and Russia. Given Russia's recent actions with regard to Ukraine, that this ill-considered and unilateral action could have come to fruition without the appropriate review is particularly troubling.

Although we are aware that Gurry secured the Director General nomination at the March meeting of the WIPO Coordination Committee, our understanding is that the nomination must be considered by the full membership. In the interest of transparency, we are writing to request that the U.S. ask for a vote on the confirmation of the WIPO Director General at the upcoming General Assembly in May. We appreciate your continuing attention to this matter and look forward to your prompt response.

  
Zoe Lofgren  
Member of Congress

  
Ed Royce  
Member of Congress

  
Ileana Ros-Lehtinen  
Member of Congress

  
Anna G. Eshoo  
Member of Congress