

Summary of de Vletter (No. 2) v. IBRD, Decision No. 664 [2021]

The Applicant challenged the misattribution and wrongful taking of his intellectual property and “the unannounced decision to blacklist [the] Applicant for [short-term] consultancies.”

The Tribunal first considered the Applicant’s claim of misattribution. The Tribunal noted that the acknowledgments section of the Advisory Services and Analytics (ASA) Private Sector Report had been updated following the recommendations from the Peer Review Services Panel and therefore considered whether the updated attribution adequately reflected the Applicant’s contributions. The Tribunal compared the Applicant’s Draft Report with the final Report and concluded that the Bank’s correction to the acknowledgments section fairly and accurately reflected the Applicant’s contributions to the ASA Private Sector Report, based on the core principles of fairness and equal treatment. The Tribunal noted, however, that the misattributed version of the ASA Private Sector Report remained available on the Bank’s eLibrary. The Tribunal considered that, since this version of the document was available internally, it was likely that those who might hire or recommend the Applicant for future work would have access to this document and that the Applicant therefore remained subject to ongoing harm to his reputation and career prospects as a result of the continued availability of the misattributed document.

The Tribunal next considered whether the Bank misappropriated the Applicant’s original research by including tables he claims he had prepared prior to his consultancy without his knowledge or permission. In response to an order by the Tribunal, Applicant produced annexes containing the tables which the Applicant identified as the source of the tables that appear in the ASA Private Sector Report. The Tribunal observed the Bank’s statement that “[g]iven the uncertainty surrounding the origins of the tables [it] is willing to remove them from the unpublished report” and found that the Bank could choose either to remove the tables from the ASA Private Sector Report or to attribute the tables to the unpublished research of the Applicant.

The Tribunal finally considered the Applicant’s claim that he was blacklisted from Bank consultancies in retaliation for his criticisms of his former Task Team Leader and the Country Director. The Tribunal considered the evidence presented by the Applicant and found that his allegation was far too tenuous to constitute *prima facie* evidence of retaliation. Accordingly, the Tribunal dismissed this claim.

Decision: The Bank was ordered to pay the Applicant \$2,500.00 for continued harm resulting from the misattribution decision and to ensure that the correct acknowledgments section is included in the ASA Private Sector Report, including where it is published in the Bank’s online resources. The Bank could choose either to remove the contested tables from the ASA Private Sector Report or to attribute the tables to the unpublished research of the Applicant. The Bank was ordered to contribute to the Applicant’s legal fees and costs in the amount of \$6,500.00. All other claims were dismissed.

This summary is provided to assist in understanding the Tribunal’s decision. It does not form part of the reasons for the decision. The full judgment of the Tribunal is the only authoritative document. Judgments are available at www.worldbank.org/tribunal.