STATUTES OF THE UNESCO/WIPO JOINT CONSULTATIVE COMMITTEE ON THE PREPARATION AND IMPLEMENTATION OF THE ACTIVITIES OF THE JOINT INTERNATIONAL UNESCO/WIPO SERVICE FOR ACCESS BY DEVELOPING COUNTRIES TO WORKS PROTECTED BY COPYRIGHT

Article I

Establishment and name

A Joint Unesco/WIPO Consultative Committee on the access by developing countries to works protected by copyright, hereinafter called the "Joint Consultative Committee", is hereby established.

Article II

Terms of reference

1. The Joint Consultative Committee shall advise the Directors-General of Unesco and WIPO on the preparation and implementation of the activities of the Joint International Unesco/WIPO Service for access by developing countries to works protected by copyright.

2. Given the recognized complementary roles of the two Organizations in copyright matters and the activities to be carried out by Unesco and/or WIPO pursuant to the division of tasks established within the framework of the agreement concluded between the Director-General of Unesco and the Director General of WIPO, the Joint Consultative Committee shall give advice, in particular, on:

(i) the collection and the dissemination of data likely to facilitate the access by developing countries to works protected by copyright when these works are protected by copyright and if the copyright owners are foreigners (hereinafter referred to as "foreign protected works"):  
(a) inventory of the needs of developing countries in respect of the various categories of foreign protected works (printed or audiovisual material), the use of which is desired in those countries;  
(b) dissemination of bibliographical information concerning foreign protected works with a view to facilitating access to information sources enabling the developing countries to select such of those works as they need;  
(c) on the basis of proposals received from different countries, drawing up, in co-operation with concerned organizations, including the national and regional copyright information centres, lists of foreign protected works for which the foreign copyright owners (particularly owners of translation and reproduction rights) are willing to grant clearances - on special conditions - in respect of such rights to nationals of developing countries, such lists being grouped, for instance, by subject, language or country and stating the special conditions for the granting of such clearances;
(ii) establishment of recommended standards to safeguard the interests of developing countries either in the negotiations or in the conclusion of contracts concerning copyright in order to obtain the requisite clearances from the foreign copyright owners;

(iii) preparation of arrangements and machinery designed to improve, from the standpoint of developing countries, the economic conditions of contracts and to facilitate the payment of royalties;

(a) setting up informational schedules of copyright scales (including cases of multilingual countries);

(b) organizing the transfer or royalties to the country of the copyright owner;

(iv) the setting up of procedures for the rendering of advice to concerned parties in the search of solutions to differences which may arise between users, in developing countries, of foreign protected works and copyright owners;

(v) intellectual, technical and financial assistance to developing countries:

(a) advice to authorities or nationals of such countries regarding the methods of acquiring copyright;

(b) approaches, at the request of interested parties in any developing country, to interested parties in countries producing printed or audio-visual material in order to establish the necessary contacts with the copyright owners and to conduct negotiations (including identifying and locating such owners, contacting them and ensuring that the right to authorize the utilization of the work concerned in the developing country belongs to them);

(c) setting up and administering funds or other machinery enabling the payment of royalties owed by users in developing countries to copyright owners in foreign countries.

Article III

Members of the Joint Consultative Committee

1. The Joint Consultative Committee shall be composed of 12 members; half shall be appointed by the Director-General of Unesco and half shall be appointed by the Director General of WIPO, taking into account the need to ensure an appropriate geographical distribution.

2. The members of the Committee shall act in a personal capacity. Their term of office shall be four years and may be renewed.

3. In the event of the resignation, incapacity or death of a member, the Director-General who made the initial appointment shall designate a replacement for the remainder of the term of that member.
Article IV

Observers

1. The Member States and Associate Members of Unesco and the Member States of WIPO may be represented by observers, subject to resolution 10.1 adopted by the General Conference of Unesco at its twenty-first session and subject to the decision of the Co-ordination Committee of WIPO taken in 1977 on the same matter.

2. The United Nations and the other organizations of the United Nations system with which Unesco and/or WIPO have concluded mutual representation agreements may send representatives as observers.

3. Interested intergovernmental organizations and interested international non-governmental organizations that have relations with Unesco in accordance with the directives approved by the General Conference of Unesco and/or having observer status with WIPO, as well as the national and regional copyright information centres, may be invited by mutual agreement of the Directors-General of the two Organizations to send observers to the meetings of the Joint Consultative Committee for the discussion of matters within the competence of those organizations.

Article V

Administration

1. The Joint Consultative Committee shall adopt its Rules of Procedure which shall be submitted to the Directors-General of the two Organizations for approval.

2. The Joint Consultative Committee shall meet at least once every two years, upon convocation addressed jointly by the Directors-General of the two Organizations.

3. The sessions of the Joint Consultative Committee shall be held alternately at the Headquarters of Unesco and of WIPO, respectively.

4. The Directors-General of the two Organizations shall, by mutual agreement, fix the date and the duration of the sessions.

5. The Directors-General of the two Organizations shall establish the agenda of the sessions.

6. At the beginning of each session, the Joint Consultative Committee shall elect a Chairman, a Vice-Chairman and a Rapporteur who shall remain in office until the following session.

7. At the end of each session, the Joint Consultative Committee shall adopt a report containing a summary of the work of the session and the advice given by the said Committee to the Directors-General of the two Organizations. The said report shall be addressed to the Directors-General of the two Organizations. The Director-General of Unesco shall inform the Executive Board of Unesco of the said report. The Director General of WIPO shall inform the governing bodies of WIPO and of the Berne Union for the Protection of Literary and Artistic Works of the said report.
8. The Secretariat of the Joint Consultative Committee shall be provided jointly by staff members of Unesco and WIPO who shall be designated for that purpose by the Director-General of Unesco and by the Director General of WIPO, respectively.

Article VI

Expenses of administration

1. The travel expenses and subsistence allowances of the members of the Joint Consultative Committee shall be borne equally by Unesco and by WIPO.

2. The expenses of the sessions of the Joint Consultative Committee shall be borne by the Organization at whose Headquarters the sessions are held.

Article VII

Amendment of the Statutes

These Statutes may be amended by mutual agreement between the two Organizations.