

INTERGOVERNMENTAL COMMITTEE
of the
UNIVERSAL COPYRIGHT CONVENTION
as revised in 1971

RULES OF PROCEDURE

adopted by the Committee at its first ordinary session (June 1975) and revised at its third, fourth and twelfth ordinary sessions

CHAPTER I

Introductory Rule

Rule 1 – Definitions

For the purposes of these Rules of Procedure:

- (i) « 1952 Convention » means the Universal Copyright Convention adopted at Geneva on 6 September 1952 ;
- (ii) « 1971 Convention » means the Universal Copyright Convention as revised at Paris on 24 July 1971 ;
- (iii) « Universal Convention » means either one of the texts mentioned under (i) and (ii) of this Rule or both texts ;
- (iv) « Committee » means the Intergovernmental Copyright Committee established under Article XI of the 1971 Convention ;
- (v) « Member of the Committee » means a State which, in conformity with Article XI of the 1971 Convention and the Resolution annexed thereto, is a member of the Committee of the 1971 Convention ;
- (vi) « UNESCO » means the United Nations Educational, Scientific and Cultural Organization ;
- (vii) « Secretariat » means the Secretariat of UNESCO.

CHAPTER II

Sessions of the Committee

Rule 2 – Ordinary sessions¹

1. The Committee shall meet every four years in ordinary session.
2. The opening date of each session shall be fixed by the Chairman, after consulting with the Director-General of UNESCO and taking into account any preference which the Committee may have expressed at its previous session.
3. The Committee shall fix, during its ordinary session, the place of the next session.
4. Should circumstances develop which, in the opinion of the Chairman, render it undesirable to hold the Committee at the place fixed at the previous session, the Chairman may, after consultation with the members of the Committee and if a majority of them concur, convene the Committee elsewhere.

Rule 3 – Extraordinary sessions

The Committee may meet in extraordinary session if it decides to do so itself during an ordinary session, or at the request of at least one-third of the members of the Committee between two ordinary sessions.

Rule 4 – Invitation by a State to host a session

1. Any State party to the Universal Convention and any State member of UNESCO may be host to an ordinary or extraordinary session of the Committee or one of its subsidiary bodies.
2. In fixing the place of an ordinary session, the Committee shall consider only those invitations that have been communicated to the Secretariat at least six weeks in advance of the opening date of the current session.
3. The Chairman shall fix the date and place of extraordinary sessions after consulting with the Director-General of UNESCO, taking into account any invitations received.

¹ Article 2 as modified at the twelfth ordinary session of the Committee (June 2001).

CHAPTER III

Attendance at meetings of the Committee

Rule 5 – Delegations

1. Each member of the Committee shall be represented by one or more delegates, who may be assisted by alternates, advisers and experts.
2. Each delegation shall be under the authority of a head of delegation.
3. Any alternate, adviser or expert may act as delegate by order of the head of his delegation.
4. Each delegate, alternate, adviser or expert shall be accredited by the competent authority of the State member of the Committee concerned, by means of a letter, note or telegram addressed to the Secretariat.

Rule 6 – Participants in an advisory capacity

The Director-General of UNESCO, the Director General of the World Intellectual Property Organization, the Secretary-General of the Organization of American States, the Secretary-General of the Council of Europe, the Secretary-General of the Organization of African Unity¹ and the Director-General of the Arab Educational, Cultural and Scientific Organization, or their representatives, may attend meetings of the Committee in an advisory capacity. They shall not have the right to vote.

Rule 7 – Participants in an advisory capacity

1. The following may be represented as observers at sessions of the Committee :
 - (i) States party to the Universal Convention that are not members of the Committee;
 - (ii) States members of the United Nations, of any of the Specialized Agencies brought into relationship with the United Nations, of the International Atomic Energy Agency and States party to the Statute of the International Court of Justice that are not party to the Universal Convention;
 - (iii) interested intergovernmental and international or national non-governmental organizations invited by the Committee to be represented at all or particular sessions, or a specific meeting of a session;
 - (iv) interested intergovernmental and international or national non-governmental organizations invited between two sessions by the Chairman of the Committee to be represented at its next session, or a specific meeting of that session.
2. Each observer shall be accredited by the competent authority of the State or Organization he represents, by means of a letter, note or telegram addressed to the Secretariat.

¹ The African Union, officially succeeded to the Organization of African Unity, on 9 July 2002, in Durban (South Africa).

Rule 8 – Experts

The Committee may invite experts on any matter within its competence to be heard by it on that matter.

Rule 9 – Privacy of meetings

Unless the Committee decides otherwise, the meetings of the Committee shall not be open to the public.

CHAPTER IV**Agenda and working documents****Rule 10 – Preparation of provisional agenda**

1. The Chairman of the Committee shall prepare a provisional agenda for each ordinary or extraordinary session after consultation with the Director-General of UNESCO.
2. This Agenda shall be communicated to members of the Committee as well as to participants in an advisory capacity and observers at the same time as they are informed of the date and place of a session in conformity with Rule 21 (1) of these Rules.

Rule 11 – Content of provisional agenda of ordinary sessions

The Provisional agenda of an ordinary session shall include:

- (i) items which the Committee decided, at its previous session, to include on the agenda;
- (ii) items proposed by any State party to the Universal Convention;
- (iii) items which the Director-General of UNESCO deems opportune to raise.

Rule 12 – Content of provisional agenda of extraordinary sessions

The provisional agenda of an extraordinary session shall consist only of items proposed either by the Committee when it has taken the initiative to convene the session, or by the members of the Committee if it is the members of the Committee who have requested the convocation of the session.

Rule 13 – Supplementary items

1. Any State party to the Universal Convention may, at least six weeks before the date fixed for the opening of the ordinary session and at least one week before the date set for the opening of an extraordinary session, request the inclusion of supplementary items on the agenda. In the case of an extraordinary session, supplementary items shall

be retained only if they refer directly to those on the provisional agenda of the extraordinary session concerned.

2. The Secretariat shall prepare, on the basis of the provisional agenda and the list of supplementary items, a revised provisional agenda and shall send it, if possible, before the opening of the session.

Rule 14 – Approval of the agenda

The Chairman shall submit the provisional agenda to the Committee for approval as soon as possible after the opening of the session.

Rule 15 – Amendments, deletions and new items

1. The Committee may, during a session, change the order of the items on the agenda by decision of the majority of members present and voting.
2. During a session certain items may be amended or may be deleted from the agenda, by decision of the majority of members present and voting.
3. New items of an important and urgent character may be added to the agenda during a session by decision of a two-thirds majority of the members present and voting. The discussion of any new item so added to the agenda shall, at the request of any member of the Committee, be deferred for a period not exceeding twenty-four hours after its inclusion on the agenda.

Rule 16 – Working Documents

Documents relating to various items on the provisional agenda shall be distributed with that agenda under the conditions specified in Rule 21(1)(i), or as soon thereafter as possible.

CHAPTER V

Organization of the work of the Committee

Rule 17 – Officers

1. The Committee shall elect, at the end of each ordinary session, a Chairman and two Vice-Chairman from among the delegates.
2. Officers shall remain in office until the election of new officers, and shall not be eligible for immediate re-election to the same office, except for a unanimous decision of the Committee to the contrary, on proposal of at least one-third of the members of the Committee, before the election has taken place.

Rule 18 – Change of Chairmanship

1. If the Chairman finds it necessary to be absent or is unable to perform his duties during a meeting or any part thereof, he shall appoint one of the Vice-Chairmen, each in turn, in the French alphabetical order of members of the Committee, to take his place.
2. Where the Chairman resigns or is no longer a delegate of a State member of the Committee, he is replaced by one of the Vice-Chairmen, in the French alphabetical order of members of the Committee, for the remainder of the term of office. When the Chairman is temporarily unable to perform his duties, one of the Vice-Chairmen, in the French alphabetical order of members of the Committee, shall act as Chairman.
3. If the two Vice-Chairmen have also ceased to be delegates of States members of the Committee or are unable to perform their duties, the Committee shall elect a Chairman for the remainder of the term of office. The Director-General of UNESCO shall take all necessary measures in this respect.
4. A Vice-Chairman acting as Chairman shall have the same powers and responsibilities as the Chairman.

Rule 19 – Participation of Chairman in debates and vote

When acting as a delegate, the Chairman has the right to vote in the name of the State he represents and to make his views known.

Rule 20 – Subsidiary bodies

1. The Committee may establish, from among its members, sub-committees, drafting committees, working groups or other subsidiary bodies for the study of particular problems or the performance of particular tasks.
2. Unless the Committee decides otherwise, and subject to paragraphs 3 and 4 below, the provision of these Rules of Procedure shall apply, *mutatis mutandis*, to all subsidiary bodies of the Committee.
3. If the Committee has not decided to apply Rule 9 to a subsidiary body, it is for that body to decide whether or not its sessions shall be open to the public.
4. When establishing a subsidiary body, the Committee shall decide whether Rule 7 applies to such body and, if so, to what extent.

Rule 21 – Secretariat

1. It shall be the duty of the Secretariat:
 - (i) to inform members of the Committee, as well as participants in an advisory capacity and observers referred to in Rules 6 and 7, respectively, at least ninety days in advance, of the date and place of an ordinary session and, if possible, at least thirty days in advance, of the date and place of an extraordinary session;

- (ii) to receive, translate and distribute documents, reports and resolutions of the Committee and its subsidiary bodies;
 - (iii) to provide for the interpretation of oral interventions made during meetings;
 - (iv) to prepare the draft report of each session;
 - (v) to be responsible for the safekeeping of documents in its archives and in general perform all other work entrusted to it by the Committee.
2. The Secretariat may, at any time, with the approval of the Chairman, make statements to the Committee and its subsidiary bodies, orally or in writing, on any item under consideration.

Rule 22 – Working languages¹

1. All documents of the Committee shall be in Arabic, English, French, Russian and Spanish.
2. The working languages of the Committee shall be Arabic, English, French, Russian and Spanish. Delegates may speak in other than the working languages, but they must themselves provide for interpretation of their speech into one of the working languages, according to their choice; the Secretariat shall provide interpretation into the other working languages.

Rule 23 – Report

At the end of each session, the Committee shall adopt a report on the work of that session on the basis of the draft report submitted by the Secretariat.

CHAPTER VI

Conduct of Business

Rule 24 – Quorum

1. No session of the Committee shall be opened unless one-third of its members are present.
2. A majority of the members of the Committee represented at a session shall constitute a quorum at any meeting of that session.

Rule 25 – General responsibilities of Chairman

The Chairman shall declare the opening and closing of each meeting, direct the discussion, ensure the observance of these Rules, accord or withdraw the right to speak, put questions and announce decisions. He shall rule on points of order and, subject to these Rules, shall have complete control of the proceedings and over the maintenance of order at meetings.

¹ Article 22 as modified at the third ordinary session of the Committee (second part, October 1979).

Rule 26 – Order and length of interventions

1. Subject to paragraph 2 of this Rule, the Chairman shall call upon speakers in the order in which they signify their wish to speak. The Secretariat shall be responsible for establishing the list of speakers.
2. The Chairman of a subsidiary body of the Committee may be accorded priority for the purpose of presenting the conclusions reached by the body over which he presided.
3. To facilitate the conduct of the debates, the chairman may limit the time to be allowed for each speaker.
4. In the course of a debate, the Chairman may announce the list of speakers and, with the consent of the Committee, declare the list closed. He may, however, accord the right of reply if a speech delivered after he has declared the list closed makes this desirable.
5. The Chairman may call to order a speaker whose interventions do not relate to the item under consideration.
6. The consent of the Chairman shall be obtained each time an observer of an international or national non-governmental organization wishes to make an oral statement.

Rule 27 – Proposals and amendments

1. Members of the Committee, the Director-General of UNESCO and the Secretariat may submit proposals to the Committee.
2. Any proposal may be made orally, provided that the Committee may decide not to debate or vote it unless it is submitted in writing.
3. The Committee may decide not to debate or vote a proposal made in writing until it has been translated and distributed in the languages specified in Rule 22(1).
4. Any proposal may be withdrawn by its proponent at any time before voting on it has begun.
5. Any proposal withdrawn by its proponent may be immediately introduced by another person having the right to make proposals.
6. This Rule shall also apply to amendments put forward with respect to any proposals.

Rule 28 – Points of order

In the course of a debate, any member of the Committee may raise a point of order, and such point of order shall be immediately decided by the Chairman. An appeal may be made against the ruling of the Chairman. It shall be put to the vote immediately, and the Chairman's ruling shall stand unless overruled by a majority of the Member States present and voting.

Rule 29 – Suspension or adjournment of the meeting

During the discussion of any matter, any member of the Committee may move the suspension or adjournment of the meeting. Such motions shall not be debated but shall be immediately put to the vote.

Rule 30 – Adjournment of debate

During the meeting, any member of the Committee may move the adjournment of the debate on the item under discussion. Any such motion shall have precedence. In addition to the proposer of the motion, one speaker may speak in favour of, and one against, the motion.

Rule 31 – Closure of debate

A member of the Committee may at any time move the closure of the debate, whether or not any other speaker has signified his wish to take part in the discussion. If the application is made for permission to speak against the closure, it may be accorded to not more than two speakers. The Chairman shall take the sense of the Committee on a motion for closure. If the Committee is in favour of the motion, the Chairman shall declare the closure of the debate.

Rule 32 – Order of procedural motions

Subject to Rule 26(4), the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (i) to suspend the meeting ;
- (ii) to adjourn the meeting ;
- (iii) to adjourn the debate on the item under discussion ;
- (iv) to close the debate on the item under discussion.

CHAPTER VII**Vote****Rule 33 – Eligibility to vote**

Each member of the Committee shall have one vote.

Rule 34 – Majority

Except as otherwise provided in these Rules, decisions of the Committee shall be taken by a simple majority of the members present and voting.

Rule 35 – Meaning of expression « members present and voting »

For purposes of these Rules, the expression «members present and voting» means members of the Committee casting an affirmative or negative vote. Members who abstain from voting are considered not to be voting.

Rule 36 – Procedure for putting questions to the vote

1. Proposals and amendments presented by a member of the Committee shall be put to the vote only if they are supported by at least one other member of the Committee.
2. Amendments shall be put to the vote before the proposals to which they refer.
3. When two or more amendments to a proposal are moved, the Committee shall first vote on the amendment deemed by the Chairman to be furthest removed in substance from the original proposal, and then on the amendment next furthest removed therefrom, and so on, until all the amendments have been put to the vote.
4. If one or more amendments are adopted, the amended proposal shall then be voted upon.
5. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.
6. If two or more proposals relate to the same item, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been presented. After each vote, the Committee may decide whether or not it shall vote on the following proposal.

Rule 37 – Voting Procedure

1. Subject to paragraphs (2), (3) and (5) below, voting shall normally be by a show of hands.
2. When the result of a show of hands is in doubt, the Chairman may take a vote by roll-call.

3. Vote by roll-call shall be taken if it is requested by not less than two members of the Committee. The request shall be made to the Chairman before voting takes place, or immediately after a vote by show of hands.
4. When a vote is taken by roll-call, the vote of each member of the Committee shall be inserted in the report on the session.
7. All elections and decisions concerning States or individuals shall be voted on by secret ballot if at least two delegations so request. However, voting shall be by secret ballot in the cases provided for in Rules 48 and 49(2).
6. Once the Chairman has announced the start of a vote, it can be interrupted only by a point of order concerning the voting procedure.

Rule 38 – Separate vote

Parts of a proposal or amendment shall be voted on separately, if a member of the Committee requests that it be divided. After the vote on the separate parts, the proposal or amendment shall then be put to a final vote in its entirety.

Rule 39 – Equally divided votes

If a vote is equally divided, in voting not concerned with elections, the proposal shall be considered rejected.

Rule 40 – Reconsideration of proposals

1. When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless a two-thirds majority of the members of the Committee present and voting so decides.
2. Any motion to reconsider a proposal shall be immediately put to the vote without debate.

CHAPTER VIII

Election of members of the Committee

Rule 41 – Elections

At each of its ordinary sessions, the Committee shall elect the number of members required to fill the vacancies occurring at the end of the session.

Rule 42 – Length of terms of office¹

The term of office of a member of the Committee shall begin at the close of the session at which he is elected; it shall expire at the end of the ordinary session held during the twelfth year following that during which he was elected or if no ordinary session is held during the twelfth year, at the end of the following ordinary session.

Rule 43 – Renewal of the Committee²

One-third of the Committee shall be renewed every four years.

Rule 44 – Loss of membership on Committee

1. A State which is not represented at two consecutive ordinary sessions of the Committee shall cease to be a member of the Committee, unless the Committee by two-thirds majority decides otherwise.
2. A State which denounces the Convention shall cease to be a member of the Committee twelve months after the receipt of the notification of such denunciation by the Director-General of UNESCO.
3. A State which resigns from its membership on the Committee shall cease to be a member from the date on which the notification of its resignation is received by the Chairman or the Secretariat.

Rule 45 – Partial elections

1. When a State ceases to be a member of the Committee under Rule 44(1), the Committee shall replace it, during the session at the end of which the said State ceases to be a member, in conformity with the procedure provided for in Rule 49 below, for the remaining portion of its term.
2. When a State ceases to be a member of the Committee under Rule 44(2) or (3), the Committee shall replace it, at the beginning of the first session following the date of the notification of the denunciation or resignation, in conformity with the procedure provided for in Rule 49 below, for the remaining portion of its term. This designation shall be effective when it is made or, in the case provided for in Rule 44(2) and if the twelve

¹ Article 42 as modified at the twelfth ordinary session of the Committee (June 2001).

² Article 43 as modified at the twelfth ordinary session of the Committee (June 2001).

months referred to in the said paragraph have not yet expired, at the expiration of this period.

Rule 46 – Eligibility

Any State party to the 1971 Convention or only the 1952 Convention is eligible unless it notifies the Committee or Secretariat that it does not wish to become a member.

Rule 47 – Elections on the basis of a proposal submitted by a nominations committee

1. A nominations committee composed of the Chairman of the Committee, the two Vice-Chairmen and two *ad hoc* members designated by the Committee shall meet, in private, during each ordinary session of the Committee. Where anyone of these persons is unable to participate in the meeting of the nominations committee, the Committee shall proceed to elect a substitute.
2. The nominations committee shall propose a list of eligible States party to the Universal Convention. When establishing this list, provision shall be made for an equitable balancing of national interests on the basis of geographic situation, population, languages and degree of development. At least one-third, but not more than two-thirds of the States proposed on the list shall be States that are not members of the Committee at the date of the elections¹.
3. The proposal of the nominations committee shall not be subject to amendment and shall be voted upon as a whole. Its adoption shall require a two-thirds majority. Rule 35 shall apply to this Rule.

Rule 48 – Election where proposal of nominations committee is not adopted

1. When the majority required by Rule 47(3) is not obtained, such election shall take place in two stages of voting:
 - (i) in the first stage of voting, two-thirds of the seats shall be filled from among all eligible States party to the Universal Convention².
 - (ii) in the second stage of voting, the remaining one-third of the seats shall be filled from among those eligible States party to the Universal Convention that are not members of the Committee at the date of the elections³.
2. Where more States receive votes than the number of the seats to be filled, those States shall be declared elected which have received the most votes. Where two or more States receive the same number of votes and the seats available to them are fewer than their number, a new vote shall be taken among those States with the same number of votes. In the case of a new tie vote, selection shall be by drawing of lots.

¹ Article 47(2) as modified at the third ordinary session of the Committee (second part, October 1979)

² Article 48(1)(i) as modified at the third ordinary session of the Committee (second part, October 1979).

³ Article 48(1)(ii) as modified at the third ordinary session of the Committee (second part, October 1979).

3. Where fewer States receive votes than the number of seats to be filled, voting shall continue until the remaining seat or seats are filled.

Rule 49 – Election to a single post

1. When only one post is to be filled by election in accordance with Rule 45, the nominations committee provided for in Rule 47, bearing in mind the principle of an equitable balancing of national interests on the basis of geographic situation, population, languages and degree of development, shall submit a proposal which shall be adopted by a two-thirds majority¹.
2. Where a two-thirds majority is not attained, the election shall be by secret ballot in conformity with the procedure provided for in Rule 50 below. Where more than one State obtains the greatest number of votes, a second vote shall take place among those States with the same number of votes. In the case of a new tie vote, selection shall be by drawing of lots.

Rule 50 – Elections by secret ballot

1. To proceed to elections by secret ballot, the Secretariat shall distribute ballot papers to the Committee on which are listed all States party to the Universal Convention who are eligible for election. The voters shall indicate by a cross the name of the States for which they wish to vote.
2. The Secretariat shall satisfy themselves that the ballot box is empty and, having locked it, shall hand the key to the Chairman.
3. Delegations shall be called upon in turn by the Secretary of the meeting in the French alphabetical order of the names of States members of the Committee, beginning with the name of the Member State which shall have been drawn by lot. When their name is called, delegations shall place their ballot paper in the ballot box.
4. At the conclusion of the calling of delegations, the Chairman shall declare the ballot closed and announce that the votes are to be counted.
5. When the Chairman has opened the ballot box, he shall open and read each ballot. The names inscribed on the ballot papers shall be entered by the Secretariat on lists prepared for the purpose.
6. Blank ballot papers, i.e., those on which no names are written, shall be considered to be abstentions.
7. The following shall be considered invalid:
 - (i) ballot papers on which there are more States marked than there are seats to be filled;
 - (ii) ballot papers on which less States are marked than there are seats to be filled;

¹ Article 49(1) as modified at the fourth ordinary session of the Committee (November-December 1981).

- (iii) ballot papers on which the voters have revealed their identity, in particular by apposing their signature or mentioning the name of the State they represent;
 - (iv) ballot papers on which the name of a State appears more than once.
8. When the counting of the votes is completed, the Chairman shall announce the results.

CHAPTER IX

Entry into force of the Rules of Procedure, amendments and suspension

Rule 51 – Entry into force

These Rules of Procedure shall enter into force on the date of their adoption.

Rule 52 – Amendments to the Rules of Procedure

1. These Rules of Procedure may be amended by a decision of the Committee taken by a majority of the members present and voting.
2. Unless the Committee unanimously decides otherwise, any amendments shall enter into force at the close of the session during which they were adopted.

Rule 53 – Suspension

No Rule of Procedure may be suspended unless the motion for suspension is adopted by a two-thirds majority of the members present and voting.

CHAPTER X

Transitional provisions

Rule 54 – Chairman of the first session

In derogation of Rule 17(1), the Chairman of the first session of the Committee shall be elected at the beginning of the session and his term of office shall expire at the end of the same session.

Rule 55 – Expiration of terms of office of States designated as first members of Committee

1. It shall be decided by lot, during the first ordinary session of the Committee, which are :
 - (i) the six States which, unless re-elected, shall cease to be members of the Committee at the end of its second ordinary session;
 - (ii) the six States which, unless re-elected, shall cease to be members of the Committee at the end of its third ordinary session.

2. The remaining six States designated as first members of the Committee by the Resolution concerning Article XI shall, unless re-elected, cease to be members of the Committee at the end of its fourth ordinary session.

Rule 56 – Use of Arabic and Russian languages¹

Arabic and Russian shall be introduced gradually as working languages of the Committee, it being understood that:

- (i) notwithstanding the provisions of Rule 22, to begin with:
 - (a) all documents of the Committee shall be in Arabic, French and Spanish;
 - (b) the working languages of the Committee shall be English, French, Russian and Spanish. Delegates may speak in other than the working languages, but they must themselves provide for interpretation of their speech into one of the working languages, according to their choice; the Secretariat shall provide interpretation into the other working languages.
- (ii) in a second phase, all the work of the Committee will be translated into Arabic and Russian, translation of documents as well as the simultaneous interpretation of debates.

¹ Article 56 as adopted by the Committee at its third ordinary session (second part, October 1979).