

INTERGOVERNMENTAL COPYRIGHT COMMITTEE
Thirteenth session of the Committee of the Universal Convention as revised in 1971 Paris 22-24 June 2005

COMITÉ INTERGOUVERNEMENTAL DU DROIT D'AUTEUR
Treizième session du Comité de la Convention universelle révisée en 1971 Paris 22-24 juin 2005

COMITÉ INTERGUBERNAMENTAL DE DERECHO DE AUTOR
Decimotercera reunión del Comité de la Convención Universal revisada en 1971 París 22-24 de junio de 2005

МЕЖПРАВИТЕЛЬСТВЕННЫЙ КОМИТЕТ ПО АВТОРСКОМУ ПРАВУ
Тринадцатая сессия Всемирной конвенции, пересмотренной в 1971 г. Париж 22-24 июня 2005 г.

اللجنة الدولية الحكومية لحقوق المؤلف
الدورة الثالثة عشرة للجنة الاتفاقية العالمية المعدلة في ١٩٧١، باريس، ٢٢-٢٤ يونيو/حزيران ٢٠٠٥

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Item 8 of the provisional agenda:

PARTIAL RENEWAL OF THE INTERGOVERNMENTAL COPYRIGHT COMMITTEE

1. According to the decision of the Intergovernmental Copyright Committee (hereinafter called the Committee), adopted at its 12th session, held in Paris in 2001, amendments were introduced to its Rules of Procedure, concerning the periodicity of the sessions of the Committee and the duration of the mandate of the Committee members.
2. Rules 2.1, 42 and 43 were accordingly modified.
3. Rule 42, which regulates the duration of the mandate of the Committee Members, was amended to extend the mandate of each Committee member from six to twelve years further to the extension of the periodicity of ordinary sessions from every two to every four years (Rule 2.1).
4. In accordance with Rule 43, as amended at the 12th session of the Committee, one third of the Committee members should be renewed every four years.
5. It should be recalled that the Committee, at its tenth session in 1995, had asked the Secretariat to prepare a study concerning the possibility of applying the criteria of electoral groups agreed on by UNESCO in 27/C Resolution 43, adopted by the General Conference in 1993, to the renewal of the Committee. The study of this issue was discussed at the 11th session of the Committee in 1997 and further developed by the Secretariat and presented to the Committee at its 12th session in 2001. The purpose of the study was to determine whether this electoral system could provide a 9/9 parity membership for the representatives of the developing countries and the industrialized countries each time that the Committee was partially renewed in accordance with its statutes.

6. The study prepared by the Secretariat finally demonstrated that it would be difficult to achieve the desired result with the UNESCO system of electoral groups. Given the fixed number of the 18 Member State Committee, such a system could create problems with each increase in the number of States Parties to the Convention. Furthermore, the disappearance of the old blocs of States and the emergence of a new era in inter-State relations and international co-operation had changed the international relations landscape.

7. The Committee therefore took note of the suggestion of the Secretariat that the Committee's current Rules of Procedure should be maintained and applied on the basis of the gentlemen agreement used in the past and proceeded to the election of new members.

8. It should also be recalled that the above-mentioned unwritten "gentlemen" agreement among members of the Committee provides that the seats of the Committee be distributed 9/9 between industrialised and developing countries.

9. Finally, it should be recalled that according to Rule 42 of the Committee's Rules of Procedure, the six members elected at its tenth session in June 1995 – Argentina, Cameroon, China, France, Greece, Morocco - will have completed their term of office at the present session and will therefore have to be replaced by six new members elected by the Committee at this same session.

10. The provisions concerning the election of members of the Committee contained in Chapter VIII of the Committee's Rules of Procedure, as revised at its third, fourth and twelfth sessions, are annexed hereto.

ANNEX I

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 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.

¹ Article 42 as modified at the 12th ordinary session of the Committee (June 2001).

² Article 43 as modified at the 12th ordinary session of the Committee (June 2001).

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 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 elections.¹
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 Convention.²
 - (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 elections.³

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).

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.
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.

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

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;
 - (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.