

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

E

PREPARATORY COMMITTEE FOR THE WIPO DIPLOMATIC CONFERENCE ON THE PROTECTION OF AUDIOVISUAL PERFORMANCES

Geneva, April 12 and 14, 2000

REPORT

adopted by the Preparatory Committee

I. INTRODUCTION

1. The meeting of the Preparatory Committee for the WIPO Diplomatic Conference on the Protection of Audiovisual Performances (hereinafter referred to as “the Preparatory Committee”) was held in Geneva on April 12 and 14, 2000.

2. The following States Members of WIPO and/or the Berne Union for the Protection of Literary and Artistic Works were represented at the meeting: Albania, Algeria, Andorra, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, China, Colombia, Costa Rica, Côte d’Ivoire, Croatia, Denmark, Democratic Republic of the Congo, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Germany, Ghana, Greece, Guinea, Haiti, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Kazakhstan, Kenya, Latvia, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Malta, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tajikistan, Thailand, Togo, Tunisia, Uganda, Ukraine, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Venezuela and Zimbabwe. Iran (Islamic Republic of) participated as an observer State (84).

3. The European Community also participated in the meeting in an observer capacity.
4. The draft Agenda, as contained in document IAVP/PM/1, was unanimously adopted. The list of participants appears in Annex I of the present document.
5. The Preparatory Committee unanimously elected Mr. Jukka Liedes (Finland) as President and Mr. Carlos Teysera Rouco (Uruguay) and Mr. Shen Rengan (China) as Vice-Presidents. Mr. Francis Gurry acted as Secretary to the Preparatory Committee.
6. Discussions were based on documents IAVP/PM/3, IAVP/PM/4 and IAVP/PM/5.

II. CONSIDERATION OF DRAFT ADMINISTRATIVE AND FINAL CLAUSES FOR THE INSTRUMENT TO BE CONSIDERED BY THE DIPLOMATIC CONFERENCE

7. The Preparatory Committee requested the Secretariat to prepare a basic proposal for administrative and final clauses of the international instrument, containing alternative solutions for a protocol to the WIPO Performances and Phonograms Treaty (WPPT) and for a separate treaty, and building on the provisions of the WPPT.

III. CONSIDERATION OF DRAFT RULES OF PROCEDURE OF THE DIPLOMATIC CONFERENCE

8. The Delegation of Australia asked how, under draft Rule 15(6), precedence could be accorded to a Vice-President who was a member of the Delegation of the European Community, seeing that the precedence amongst Vice-Presidents under that Rule was determined by the place of the State of each of them in French alphabetical order of names of States. The Secretariat replied that when the equivalent to Rule 35 in the Rules of Procedure of the 1996 Diplomatic Conference was applied, the name of the European Community was placed at the end, and this seemed an appropriate guide for the application of draft Rule 15(6).
9. The Delegation of Australia, speaking to draft Rule 17, proposed replacing “the President” with “any President.” The President drew attention to the fact that the same change was required in draft Rule 16(1).
10. The draft Rules of Procedure were approved as proposed, subject to the above-mentioned modifications. The text of the draft Rules of Procedure, as approved, appears in Annex II of the present document.

IV. CONSIDERATION OF THE LIST OF STATES AND ORGANIZATIONS TO BE INVITED TO THE DIPLOMATIC CONFERENCE AND THE TEXT OF THE DRAFT LETTERS OF INVITATION

11. The Delegation of Portugal made the following declaration:

“The Portuguese Delegation is speaking in the name of the European Union on this item. Mr. Chairman, the Member States of the European Union have noted that the list of States that it is proposed should be invited to be represented by Member

Delegations at the Diplomatic Conference in their capacity as Member States of WIPO includes Yugoslavia (document IAVP/PM/4, Annex A). In that connection the Member States of the European Union wish to refer to the note verbale that the Permanent Mission of Finland conveyed to the Director General of the World Intellectual Property Organization on December 16, 1999, in the name of the Member States of the European Union, with the request that he to inform the Member States of WIPO of its contents. We quote the following passage in particular from that note verbale:

‘In the light of United Nations Security Council Resolutions 757 (1992) and 777 (1992) and United Nations General Assembly Resolution 47/1 (1992) the European Union reiterates its position that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot automatically continue the membership of the Socialist Federal Republic of Yugoslavia in international organizations, including membership in the World Intellectual Property Organization and the various Unions administered by the latter. The Federal Republic of Yugoslavia (Serbia and Montenegro) is only one of several equally entitled successor States.

‘In the absence of the deposit of an instrument of accession or a notification of succession to the constituent instruments of the World Intellectual Property Organization and the various Unions administered by the latter in which the Socialist Federal Republic of Yugoslavia was a member, the Member States of the European Union do not consider the Federal Republic of Yugoslavia (Serbia and Montenegro) a member of these organisations.’

“That position remains unchanged.”

12. With regard to the list of intergovernmental organizations proposed to be invited to the Diplomatic Conference as observer organizations, the Delegation of Cameroon indicated that the name of “Union douanière et économique de l’Afrique centrale (UDEAC),” has changed to “Communauté économique et monétaire de l’Afrique centrale (CEMAC).” The Delegation of Colombia also indicated, that the name of the “General Secretariat of the Andean Community” should be substituted by “Andean Community.”

13. With regard to the list of non-governmental organizations proposed to be invited as observer organizations, the Preparatory Committee was invited to suggest other non-governmental organizations to be invited to the Diplomatic Conference. The Delegation of Canada proposed to invite the Intellectual Property Institute of Canada (formerly the Patent and Trademark Institute of Canada). The Delegation further suggested that the representatives of the international association for the hearing impaired be also invited. The Delegation of China proposed to invite the Chinese Federation for Literature and Art Confederation (CFLAC).

14. Subject to the modifications mentioned, the invitation letters and the lists of organizations to be invited were approved as proposed. The text of the draft invitations and the list of States and organizations to be invited, as approved, appears in Annex III A to D of the present document.

V. CONSIDERATION OF THE AGENDA, DATES, VENUE AND OTHER ORGANIZATIONAL QUESTIONS OF THE DIPLOMATIC CONFERENCE

15. The Delegation of Spain proposed that the footnote on the draft agenda should be amended to read “Immediately after the closing of the Conference, the Final Act, and the Instrument, if any, will be open for signature.”
16. The draft agenda of the Diplomatic Conference was approved as proposed. The draft agenda as approved appears in Annex IV of the present document.
17. The Preparatory Committee approved the proposal that the Conference take place in Geneva, at the International Conference Center of Geneva (CIGG). Subject to the approval of the WIPO General Assembly, the Preparatory Committee recommended that the Diplomatic Conference should be convened from December 7 to 20, 2000.

[Annexes follow]

ANNEXE I/ANNEX I

LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS

I. MEMBRES/MEMBERS

(dans l'ordre alphabétique français/
in French alphabetical order)

AFRIQUE DU SUD/SOUTH AFRICA

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Bongiwe QWABE (Ms.), First Secretary, Permanent Mission, Geneva

ALBANIE/ALBANIA

Genti BENDO, First Secretary, Permanent Mission, Geneva

ALGÉRIE/ALGERIA

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ALLEMAGNE/GERMANY

Ulrich HIMMELMANN, Supervision of Copyright Collecting Societies, German Patent and Trademark Office, Munich

Karl FLITTNER, First Counsellor, Permanent Mission, Geneva

ANDORRE/ANDORRA

Eusebi NOMEN, Adviser to the Head of Government for Intellectual Property Rights, Andorra la Vella

ARGENTINE/ARGENTINA

Marta GABRIELONI (Sra.), Consejero, Misión Permanente, Ginebra

Gustavo SÁENZ PAZ, Asociación Argentina de Intérpretes (AADI), Buenos Aires

Pablo Maria PUIGGARI, Director Ejecutivo, Asociación de Teledifusoras Argentinas (ATA), Buenos Aires

Edmundo RÉBORA, Asesor, Asociacion Radiodifusoras Privadas Argentinas (ARPA), Buenos Aires

AUSTRALIE/AUSTRALIA

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AUTRICHE/AUSTRIA

Günter AUER, Chief Public Prosecutor, Federal Ministry of Justice, Vienna

BANGLADESH

Mohammad MANIRUDDIN, Registrar of Copyrights, Copyright Office, National Library Bhaban, Dhaka

BELGIQUE/BELGIUM

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BRÉSIL/BRAZIL

Francisco PESSANHA CANNABRAVA, Secretary, Permanent Mission, Geneva

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BULGARIE/BULGARIA

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Gustavo VIGNOLI, Secretario General del Consejo de Derecho de Autor, Ministerio de Educación y Cultura, Montevideo

Guzmán FERNÁNDEZ LOPEZ, Representante de la Cámara Uruguaya de los Productores de Fonogramas ante el Consejo de Derechos de Autor, Montevideo

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ZIMBABWE

Cleopas ZVIRAWA, Counsellor, Permanent Mission, Geneva

II. OBSERVATEURS/OBSERVERS

COMMUNAUTÉ EUROPÉENNE (CE)/EUROPEAN COMMUNITY (EC)

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Keith MELLOR, chef de Division, Secrétariat du Conseil de l'Union européenne, Bruxelles

Roger KAMPF, premier secrétaire, Délégation permanente, Genève

III. BUREAU/OFFICERS

Président/Chairman: Jukka LIEDES (Finlande/Finland)

Vice-présidents/Vice-Chairman: Carlos TEYSERA ROUCO (Uruguay)
SHEN Rengan (Chine/China)

Secrétaire/Secretary: Francis GURRY (OMPI/WIPO)

IV. SECRETARIAT DE L'ORGANISATION MONDIALE DE LA
PROPRIÉTÉ INTELLECTUELLE (OMPI)/
SECRETARIAT OF THE WORLD INTELLECTUAL
PROPERTY ORGANIZATION (WIPO)

Kamil IDRIS, directeur général/Director General

Shozo UEMURA, vice-directeur général, Secteur du développement progressif du droit international de la propriété intellectuelle/Deputy Director General, Sector for Progressive Development of International Intellectual Property Law

Francis GURRY, sous-directeur général, conseiller juridique/Assistant Director General, Legal Counsel

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[L'annexe II suit/
Annex II follows]]

ANNEX II

DRAFT RULES OF PROCEDURE

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- Rule 47: Possibility of Amending the Rules of Procedure

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- Rule 48: Signing of the Final Act

CHAPTER I: OBJECTIVE, COMPETENCE, COMPOSITION AND
SECRETARIAT OF THE CONFERENCE

Rule 1: Objective and Competence of the Conference

(1) The objective of the Diplomatic Conference on the Protection of Audiovisual Performances (hereinafter referred to as “the Conference”) is to negotiate and adopt the [Protocol to the WIPO Performances and Phonograms Treaty] [WIPO Treaty on Audiovisual Performances] (hereinafter referred to as “the Instrument”).

(2) The Conference, meeting in Plenary, shall be competent to:

- (i) adopt the Rules of Procedure of the Conference (hereinafter referred to as “these Rules”) and to make any amendments thereto;
- (ii) adopt the agenda of the Conference;
- (iii) decide on credentials, full powers, letters or other documents presented in accordance with Rules 6, 7 and 8 of these Rules;
- (iv) adopt the Instrument;
- (v) adopt any recommendation or resolution whose subject matter is germane to the Instrument;
- (vi) adopt any agreed statements to be included in the Records of the Conference;
- (vii) adopt any final act of the Conference;
- (viii) deal with all other matters referred to it by these Rules or appearing on its agenda.

Rule 2: Composition of the Conference

(1) The Conference shall consist of:

- (i) delegations of the States members of the World Intellectual Property Organization (hereinafter referred to as “the Member Delegations”),
- (ii) the special delegation of the European Community (hereinafter referred to as “the Special Delegation”),
- (iii) the delegations of States members of the United Nations other than the States members of the World Intellectual Property Organization invited to the Conference as observers (hereinafter referred to as “the Observer Delegations”), and
- (iv) representatives of intergovernmental and non-governmental organizations invited to the Conference as observers (hereinafter referred to as “the Observer Organizations”).

(2) References in these Rules of Procedure to Member Delegations shall be considered, except as otherwise provided (see Rules 11(2), 33 and 34), as references also to the Special Delegation.

(3) References in these Rules of Procedure to “Delegations” shall be considered as references to the three kinds (Member, Special and Observer) of Delegations but not to Observer Organizations.

Rule 3: Secretariat of the Conference

(1) The Conference shall have a Secretariat provided by the International Bureau of the World Intellectual Property Organization (hereinafter referred to as “the International Bureau” and “WIPO,” respectively).

(2) The Director General of WIPO and any official of the International Bureau designated by the Director General of WIPO may participate in the discussions of the Conference, meeting in Plenary, as well as in any committee or working group thereof and may, at any time, make oral or written statements, observations or suggestions to the Conference, meeting in Plenary, and any committee or working group thereof concerning any question under consideration.

(3) The Director General of WIPO shall, from among the staff of the International Bureau, designate the Secretary of the Conference and a Secretary for each committee and for each working group.

(4) The Secretary of the Conference shall direct the staff required by the Conference.

(5) The Secretariat shall provide for the receiving, translation, reproduction and distribution of the required documents, for the interpretation of oral interventions and for the performance of all other secretariat work required for the Conference.

(6) The Director General of WIPO shall be responsible for the custody and preservation in the archives of WIPO of all documents of the Conference. The International Bureau shall distribute the final documents of the Conference after the closing of the Conference.

CHAPTER II: REPRESENTATION

Rule 4: Delegations

(1) Each Delegation shall consist of one or more delegates and may include advisors.

(2) Each Delegation shall have a Head of Delegation and may have a Deputy Head of Delegation.

Rule 5: Observer Organizations

An Observer Organization may be represented by one or more representatives.

Rule 6: Credentials and Full Powers

- (1) Each Delegation shall present credentials.
- (2) Full powers shall be required for signing the Instrument. Such powers may be included in the credentials.

Rule 7: Letters of Appointment

The representatives of Observer Organizations shall present a letter or other document appointing them.

Rule 8: Presentation of Credentials, etc.

The credentials and full powers referred to in Rule 6 and the letters or other documents referred to in Rule 7 shall be presented to the Secretary of the Conference, preferably not later than twenty-four hours after the opening of the Conference.

Rule 9: Examination of Credentials, etc.

- (1) The Credentials Committee referred to in Rule 11 shall examine the credentials, full powers, letters or other documents referred to in Rules 6 and 7, respectively, and shall report to the Conference, meeting in Plenary.
- (2) The decision on whether a credential, full powers, letter or other document is in order shall be made by the Conference, meeting in Plenary. Such decision shall be made as soon as possible and in any case before the adoption of the Instrument.

Rule 10: Provisional Participation

Pending a decision upon their credentials, letters or other documents of appointment, Delegations and Observer Organizations shall be entitled to participate provisionally in the deliberations of the Conference as provided in these Rules.

CHAPTER III: COMMITTEES AND WORKING GROUPS

Rule 11: Credentials Committee

- (1) The Conference shall have a Credentials Committee.
- (2) The Credentials Committee shall consist of seven Member Delegations elected by the Conference, meeting in Plenary, from among the Member Delegations, except that the Special Delegation shall not be eligible for membership in the Credentials Committee.

Rule 12: Main Committees and Their Working Groups

(1) The Conference shall have two Main Committees. Main Committee I shall be responsible for proposing for adoption by the Conference, meeting in Plenary, the substantive law provisions of the Instrument and any recommendation, resolution or agreed statement referred to in Rule 1(2)(v) and (vi). Main Committee II shall be responsible for proposing for adoption by the Conference, meeting in Plenary, any administrative and the final clauses of the Instrument.

(2) Each Main Committee shall consist of all the Member Delegations.

(3) Each Main Committee may create working groups. In creating a working group, the Main Committee creating it shall specify the tasks of the Working Group, decide on the number of the members of the Working Group and elect such members from among the Member Delegations.

Rule 13: Drafting Committee

(1) The Conference shall have a Drafting Committee.

(2) The Drafting Committee shall consist of 11 elected members and two *ex officio* members. The elected members shall be elected by the Conference, meeting in Plenary, from among the Member Delegations. The Presidents of the two Main Committees shall be the *ex officio* members.

(3) The Drafting Committee shall prepare drafts and give advice on drafting as requested by either Main Committee. The Drafting Committee shall not alter the substance of the texts submitted to it. It shall coordinate and review the drafting of all texts submitted to it by the Main Committees, and it shall submit the texts so reviewed for final approval to the competent Main Committee.

Rule 14: Steering Committee

(1) The Conference shall have a Steering Committee.

(2) The Steering Committee shall consist of the President and Vice-Presidents of the Conference, the President of the Credentials Committee, the Presidents of the Main Committees and the President of the Drafting Committee. The meetings of the Steering Committee shall be presided over by the President of the Conference.

(3) The Steering Committee shall meet from time to time to review the progress of the Conference and to make decisions for furthering such progress, including, in particular, decisions on the coordination of the meetings of the Plenary, the committees and the working groups.

(4) The Steering Committee shall propose the text of any final act of the Conference (see Rule 1(2)(vii)), for adoption by the Conference, meeting in Plenary.

CHAPTER IV: OFFICERS

Rule 15: Officers and their Election; Precedence Among Vice-Presidents

- (1) The Conference shall have a President and 10 Vice-Presidents.
- (2) The Credentials Committee, each of the two Main Committees and the Drafting Committee shall have a President and two Vice-Presidents.
- (3) Any Working Group shall have a President and two Vice-Presidents.
- (4) The Conference, meeting in Plenary, and presided over by the Director General of WIPO, shall elect its President, and, then, presided over by its President shall elect its Vice-Presidents and the officers of the Credentials Committee, the Main Committees and the Drafting Committee.
- (5) The officers of a Working Group shall be elected by the Main Committee that establishes that Working Group.
- (6) Precedence among the Vice-Presidents of a given body (the Conference, the Credentials Committee, the two Main Committees, any Working Group, the Drafting Committee) shall be determined by the place occupied by the name of the State of each of them in the list of Member Delegations established in the alphabetical order of the names of the States in French, beginning with the Member Delegation whose name shall have been drawn by lot by the President of the Conference. The Vice-President of a given body who has precedence over all the other Vice-Presidents of that body shall be called “the ranking” Vice-President of that body.

Rule 16: Acting President

- (1) If any President is absent from a meeting, the meeting shall be presided over, as Acting President, by the ranking Vice-President of that body.
- (2) If all the officers of a body are absent from any meeting of the body concerned, that body shall elect an Acting President.

Rule 17: Replacement of President

If any President becomes unable to perform his or her functions for the remainder of the duration of the Conference, a new President shall be elected.

Rule 18: Vote by the Presiding Officer

- (1) No President, whether elected as such or acting (hereinafter referred to as “the Presiding Officer”), shall take part in voting. Another member of his or her Delegation may vote for that Delegation.
- (2) Where the Presiding Officer is the only member of his or her Delegation, he or she may vote, but only in the last place.

CHAPTER V: CONDUCT OF BUSINESS

Rule 19: Quorum

(1) A quorum shall be required in the Conference, meeting in Plenary; it shall, subject to paragraph (3), be constituted by one-half of the Member Delegations represented at the Conference.

(2) A quorum shall be required for the meetings of each Committee (the Credentials Committee, the two Main Committees, the Drafting Committee and the Steering Committee) and any working group; it shall be constituted by one-half of the members of the Committee or working group.

(3) The quorum at the time of the adoption of the Instrument by the Conference, meeting in Plenary, shall be constituted by one half of the Member Delegations whose credentials were found in order by the Conference meeting in Plenary.

Rule 20: General Powers of the Presiding Officer

(1) In addition to exercising the powers conferred upon Presiding Officers elsewhere by these Rules, the Presiding Officer shall declare the opening and closing of the meetings, direct the discussions, accord the right to speak, put questions to the vote, and announce decisions. The Presiding Officer shall rule on points of order and, subject to these Rules, shall have complete control of the proceedings at any meeting and over the maintenance of order thereat.

(2) The Presiding Officer may propose to the body over which he or she presides the limitation of time to be allowed to each speaker, the limitation of the number of times each Delegation may speak on any question, the closure of the list of speakers or the closure of the debate. The Presiding Officer may also propose the suspension or the adjournment of the meeting, or the adjournment of the debate on the question under discussion. Such proposals of the Presiding Officer shall be considered as adopted unless immediately rejected.

Rule 21: Speeches

(1) No person may speak without having previously obtained the permission of the Presiding Officer. Subject to Rules 22 and 23, the Presiding Officer shall call upon persons in the order in which they ask for the floor.

(2) The Presiding Officer may call a speaker to order if the remarks of the speaker are not relevant to the subject under discussion.

Rule 22: Precedence in Receiving the Floor

(1) Member Delegations asking for the floor are generally given precedence over Observer Delegations asking for the floor, and Member Delegations and Observer Delegations are generally given precedence over Observer Organizations.

(2) The President of a Committee or working group may be given precedence during discussions relating to the work of the Committee or working group concerned.

(3) The Director General of WIPO or his representative may be given precedence for making statements, observations or suggestions.

Rule 23: Points of Order

(1) During the discussion of any matter, any Member Delegation may rise to a point of order, and the point of order shall be immediately decided by the Presiding Officer in accordance with these Rules. Any Member Delegation may appeal against the ruling of the Presiding Officer. The appeal shall be immediately put to the vote, and the Presiding Officer's ruling shall stand unless the appeal is approved.

(2) The Member Delegation that has risen to a point of order under paragraph (1) may not speak on the substance of the matter under discussion.

Rule 24: Limit on Speeches

In any meeting, the Presiding Officer may decide to limit the time allowed to each speaker and the number of times each Delegation and Observer Organization may speak on any question. When the debate is limited and a Delegation or Observer Organization has used up its allotted time, the Presiding Officer shall call it to order without delay.

Rule 25: Closing of List of Speakers

(1) During the discussion of any given question, the Presiding Officer may announce the list of participants who have asked for the floor and decide to close the list as to that question. The Presiding Officer may nevertheless accord the right of reply to any speaker if a speech, delivered after the list of speakers has been closed, makes it desirable.

(2) Any decision made by the Presiding Officer under paragraph (1) may be the subject of an appeal under Rule 23.

Rule 26: Adjournment or Closure of Debate

Any Member Delegation may at any time move the adjournment or closure of the debate on the question under discussion, whether or not any other participant has asked for the floor. In addition to the proposer of the motion to adjourn or close the debate, permission to speak on that motion shall be given only to one Member Delegation seconding and two Member Delegations opposing it, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time allowed to speakers under this Rule.

Rule 27: Suspension or Adjournment of the Meeting

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

Rule 28: Order of Procedural Motions; Content of Interventions on Such Motions

(1) Subject to Rule 23, 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 question under discussion,
- (iv) to close the debate on the question under discussion.

(2) Any Member Delegation that has been given the floor on a procedural motion may speak on that motion only, and may not speak on the substance of the matter under discussion.

Rule 29: Basic Proposal; Proposals for Amendment

(1) (a) Documents [-] shall constitute the basis of the discussions in the Conference, and the text of the draft Instrument contained in those documents shall constitute the “Basic Proposal.”

(b) Where, for any given provision of the draft Instrument, there are two or three alternatives in the Basic Proposal, consisting of either two or three texts, or one or two texts and an alternative that there should be no such provision, the alternatives shall be designated with the letters A, B and, where applicable, C, and shall have equal status. Discussions shall take place simultaneously on the alternatives and, if voting is necessary and there is no consensus on which alternative should be put to the vote first, each Member Delegation shall be invited to indicate its preference among the two or three alternatives. The alternative supported by more Member Delegations than the other one or two alternatives shall be put to the vote first.

(c) Wherever the Basic Proposal contains words within square brackets, only the text that is not within square brackets shall be regarded as part of the Basic Proposal, whereas words within square brackets shall be treated as a proposal for amendment if presented as provided in paragraph (2).

(2) Any Member Delegation may propose amendments to the Basic Proposal.

(3) Proposals for amendment shall, as a rule, be submitted in writing and handed to the Secretary of the body concerned. The Secretariat shall distribute copies to the Delegations and the Observer Organizations. As a general rule, a proposal for amendment cannot be taken into consideration and discussed or put to the vote at a meeting unless copies of it have been distributed not later than three hours before it is taken into consideration. The Presiding

Officer may, however, permit the taking into consideration and discussion of a proposal for amendment even though copies of it have not been distributed or have been distributed less than three hours before it is taken into consideration.

Rule 30: Decisions on the Competence of the Conference

(1) If a Member Delegation moves that a duly seconded proposal should not be taken into consideration by the Conference because it is outside the latter's competence, that motion shall be decided upon by the Conference, meeting in Plenary, before the proposal is taken into consideration.

(2) If the motion referred to in paragraph (1), above, is made in a body other than the Conference, meeting in Plenary, it shall be referred to the Conference, meeting in Plenary, for a ruling.

Rule 31: Withdrawal of Procedural Motions and Proposals for Amendment

Any procedural motion and any proposal for amendment may be withdrawn by the Member Delegation that has made it, at any time before voting on it has commenced, provided that no amendment to it has been proposed by another Member Delegation. Any motion or proposal thus withdrawn may be reintroduced by any other Member Delegation.

Rule 32: Reconsideration of Matters Decided

When any matter has been decided by a body, it may not be reconsidered by that body unless so decided by the majority applicable under Rule 34(2)(ii). In addition to the proposer of the motion to reconsider, permission to speak on that motion shall be given only to one Member Delegation seconding and two Member Delegations opposing the motion, after which the motion shall immediately be put to the vote.

CHAPTER VI: VOTING

Rule 33: Right to Vote

(1) Each Member Delegation shall have the right to vote. A Member Delegation shall have one vote, may represent itself only and may vote in its name only.

(2) The Special Delegation has no right to vote and, for the purposes of paragraph (1) of this Rule and Rule 34, the Special Delegation is not covered by the term "Member Delegations."

(3) The Special Delegation may, under the authority of the European Community, exercise the rights to vote of the Member States of the European Community which are represented at the Diplomatic Conference, provided that

(i) the Special Delegation shall not exercise the rights to vote of the Member States of the European Community if the Member States exercise their rights to vote and vice versa, and

(ii) the number of votes cast by the Special Delegation shall in no case exceed the number of Member States of the European Community that are represented at the Diplomatic Conference and that are present at and entitled to participate in the vote.

Rule 34: Required Majorities

- (1) All decisions of all bodies shall be made as far as possible by consensus.
- (2) If it is not possible to attain consensus, the following decisions shall require a majority of two-thirds of the Member Delegations present and voting:
 - (i) adoption by the Conference, meeting in Plenary, of these Rules, and, once adopted, any amendment to them,
 - (ii) decision by any of the bodies to reconsider, under Rule 32, a matter decided,
 - (iii) adoption by the Conference, meeting in Plenary, of the Instrument,

whereas all other decisions of all bodies shall require a simple majority of the Member Delegations present and voting.

(3) "Voting" means casting an affirmative or negative vote; express abstention or non-voting shall not be counted.

Rule 35: Requirement of Seconding; Method of Voting

- (1) Any proposal for amendment made by a Member Delegation shall be put to a vote only if seconded by at least one other Member Delegation.
- (2) Voting on any question shall be by show of hands unless a Member Delegation, seconded by at least one other Member Delegation, requests a roll-call, in which case it shall be by roll-call. The roll shall be called in the alphabetical order of the names in French of the States, beginning with the Member Delegation whose name shall have been drawn by lot by the Presiding Officer.

Rule 36: Conduct During Voting

- (1) After the Presiding Officer has announced the beginning of voting, the voting shall not be interrupted except on a point of order concerning the actual conduct of the voting.
- (2) The Presiding Officer may permit a Member Delegation to explain its vote or its abstention, either before or after the voting.

Rule 37: Division of Proposals

Any Member Delegation may move that parts of the Basic Proposal or of any proposal for amendment be voted upon separately. If the request for division is objected to, the motion for division shall be put to a vote. In addition to the proposer of the motion for division, permission to speak on that motion shall be given only to one Member Delegation seconding

and two Member Delegations opposing it. If the motion for division is carried, all parts of the Basic Proposal or of the proposal for amendment that have been separately approved shall again be put to the vote, together, as a whole. If all operative parts of the Basic Proposal or of the proposal for amendment have been rejected, the Basic Proposal or the proposal for amendment shall be considered rejected as a whole.

Rule 38: Voting on Proposals for Amendment

(1) Any proposal for amendment shall be voted upon before the text to which it relates is voted upon.

(2) Proposals for amendment relating to the same text shall be put to the vote in the order of their substantive remoteness from the said text, the most remote being put to the vote first and the least remote being put to the vote last. If, however, the adoption of any proposal for amendment necessarily implies the rejection of any other proposal for amendment or of the original text, such other proposal or text shall not be put to the vote.

(3) If one or more proposals for amendment relating to the same text are adopted, the text as amended shall be put to the vote.

(4) Any proposal the purpose of which is to add to or delete from a text shall be considered a proposal for amendment.

Rule 39: Voting on Proposals for Amendment on the Same Question

Subject to Rule 38, where two or more proposals relate to the same question, they shall be put to the vote in the order in which they have been submitted, unless the body concerned decides on a different order.

Rule 40: Equally Divided Votes

(1) Subject to paragraph (2), if a vote is equally divided on a matter that calls only for a simple majority, the proposal shall be considered rejected.

(2) If a vote is equally divided on a proposal for electing a given person to a given position as officer and the nomination is maintained, the vote shall be repeated, until either that nomination is adopted or rejected or another person is elected for the position in question.

CHAPTER VII: LANGUAGES AND MINUTES

Rule 41: Languages of Oral Interventions

(1) Subject to paragraph (2), oral interventions made in the meetings of any of the bodies shall be in Arabic, Chinese, English, French, Russian or Spanish, and interpretation shall be provided by the Secretariat into the other five languages.

(2) Any of the Committees and any working group may, if none of its members objects, decide to dispense with interpretation or to limit interpretation to some only of the languages that are referred to in paragraph (1).

Rule 42: Summary Minutes

(1) Provisional summary minutes of the meetings of the Conference, meeting in Plenary, and of the Main Committees shall be drawn up by the International Bureau and shall be made available as soon as possible after the closing of the Conference to all speakers, who shall, within two months after the minutes have been made available, inform the International Bureau of any suggestions for changes in the minutes of their own interventions.

(2) The final summary minutes shall be published in due course by the International Bureau.

Rule 43: Languages of Documents and Summary Minutes

(1) Any written proposal shall be presented to the Secretariat in Arabic, Chinese, English, French, Russian or Spanish. Such proposal shall be distributed by the Secretariat in Arabic, Chinese, English, French, Russian and Spanish.

(2) Reports of the Committees and any working group shall be distributed in Arabic, Chinese, English, French, Russian and Spanish. Information documents of the Secretariat shall be distributed in English and French; and, whenever practicable, also in Arabic, Chinese, Russian and Spanish.

(3) (a) Provisional summary minutes shall be drawn up in the language used by the speaker if the speaker has used English, French or Spanish; if the speaker has used another language, the intervention shall be rendered in English or French at the choice of the International Bureau.

(b) The final summary minutes shall be made available in English and French; and, whenever practicable, also in Arabic, Chinese, Russian and Spanish.

CHAPTER VIII: OPEN AND CLOSED MEETINGS

Rule 44: Meetings of the Conference and of the Main Committees

The meetings of the Conference, meeting in Plenary, and of the Main Committees shall be open to the public unless the Conference, meeting in Plenary, or the interested Main Committee, decides otherwise.

Rule 45: Meetings of Other Committees and of Working Groups

The meetings of the Credentials Committee, the Drafting Committee, the Steering Committee and any working group shall be open only to the members of the Committee or the working group concerned and to the Secretariat.

CHAPTER IX: OBSERVER DELEGATIONS AND OBSERVER ORGANIZATIONS

Rule 46: Status of Observers

- (1) Observer Delegations may attend, and make oral statements in, the Plenary meetings of the Conference and the meetings of the Main Committees.
- (2) Observer Organizations may attend the Plenary meetings of the Conference and the meetings of the Main Committees. Upon the invitation of the Presiding Officer, they may make oral statements in those meetings on questions within the scope of their activities.
- (3) Written statements submitted by Observer Delegations or by Observer Organizations on subjects for which they have a special competence and which are related to the work of the Conference shall be distributed by the Secretariat to the participants in the quantities and in the languages in which the written statements were made available to it.

CHAPTER X: AMENDMENTS TO THE RULES OF PROCEDURE

Rule 47: Possibility of Amending the Rules of Procedure

With the exception of the present Rule, these Rules may be amended by the Conference, meeting in Plenary.

CHAPTER XI: FINAL ACT

Rule 48: Signing of the Final Act

If a final act is adopted, it shall be open for signature by any Delegation.

[Annex III follows]

ANNEX IIIA

LIST OF STATES PROPOSED TO BE INVITED AS MEMBER DELEGATIONS
(THAT IS, THE STATES MEMBERS OF WIPO)

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe (174).*

* With the exception of Yugoslavia.

DRAFT OF THE INVITATION PROPOSED TO BE ADDRESSED
TO EACH MEMBER DELEGATION

The Director General of the World Intellectual Property Organization (WIPO) presents his compliments to the Minister for Foreign Affairs and has the honor to invite His Excellency's Government to be represented as a Member Delegation at the Diplomatic Conference on the Protection of Audiovisual Performances.

The Diplomatic Conference will take place in Geneva, at the [venue], from [dates], and will open at 10:00 a.m. on the first day. Participants may register at the Headquarters of WIPO as from 3 p.m. on [date].

Simultaneous interpretation will be provided in English, Arabic, Chinese, French, Russian and Spanish.

The draft Agenda of the Diplomatic Conference, the draft Rules of Procedure of the Diplomatic Conference and the draft of the Basic Proposal (substantive, administrative and final clauses) of the [Protocol to the WIPO Performances and Phonograms Treaty] [WIPO Treaty on Audiovisual Performances] are enclosed with this Note.

The draft of the substantive clauses and the draft of the administrative and final clauses together constitute the "Basic Proposal" mentioned in Rule 29(1)(a) of the Draft Rules of Procedure.

His Excellency's attention is drawn to the fact that the representatives of His Excellency's Government will need to be provided with credentials, and, for signing the [Protocol to the WIPO Performances and Phonograms Treaty][WIPO Treaty on Audiovisual Performances], with full powers (see Rule 6 of the Draft Rules of Procedure of the Diplomatic Conference, document IAMP/DC/-). The said full powers should be signed by the Head of State, the Head of Government or the Minister for Foreign Affairs.

It would be appreciated if the names and titles of the representatives of His Excellency's Government could be communicated to the Director General of WIPO by [date].

[date]

Enclosures: IAMP/DC/-, - and -

[Annex IIIB follows]

IAVP/PM/6

ANNEX IIIB

DRAFT OF THE INVITATION PROPOSED TO BE ADDRESSED TO
THE EUROPEAN COMMUNITY

[date]

Dear President Prodi,

I have the pleasure to invite the European Community to be represented as a Special Delegation at the Diplomatic Conference on the Protection of Audiovisual Performances.

The Diplomatic Conference will take place in Geneva, at the [venue], from [dates], and will open at 10:00 a.m. on the first day. Participants may register at the Headquarters of WIPO as from 3 p.m. on [date].

Simultaneous interpretation will be provided in English, Arabic, Chinese, French, Russian and Spanish.

The draft Agenda of the Diplomatic Conference, the draft Rules of Procedure of the Diplomatic Conference and the draft of the Basic Proposal (substantive, administrative and final clauses) of the [Protocol to the WIPO Performances and Phonograms Treaty][WIPO Treaty on Audiovisual Performances] are enclosed with this Note.

The draft of the substantive clauses and the draft of the administrative and final clauses together constitute the “Basic Proposal” mentioned in Rule 29(1)(a) of the Draft Rules of Procedure.

The Delegation of the European Community will need to be provided with credentials (see Rules 2 and 6 of the Draft Rules of Procedure of the Diplomatic Conference, document IAVP/DC/-). The question of whether the Delegation of the European Community may become party to the [Protocol to the WIPO Performances and Phonograms Treaty][WIPO Treaty on Audiovisual Performances] will be answered by the [Protocol to the WIPO Performances and Phonograms Treaty][WIPO Treaty on Audiovisual Performances] itself whose adoption is expected to take place towards the end of the Conference: if the answer is in the affirmative and the Delegation of the European Community wishes to sign the [Protocol to the WIPO Performances and Phonograms Treaty][WIPO Treaty on Audiovisual Performances], it will need full powers.

I would appreciate it if the names and titles of the persons who will represent the European Community could be communicated to me by [date].

Sincerely yours,

Kamil Idris
Director General

Enclosures: IAVP/DC/-, - and –

[Annex IIIC follows]

IAVP/PM/6

ANNEX IIIC

LIST OF STATES PROPOSED TO BE INVITED AS OBSERVER DELEGATIONS
(THAT IS, THE STATES MEMBERS OF THE UNITED NATIONS
WHICH ARE NOT MEMBERS OF WIPO)

Afghanistan, Comoros, Djibouti, Iran (Islamic Republic of), Kiribati, Maldives, Marshall Islands, Micronesia (Federated States of), Myanmar, Nauru, Palau, Solomon Islands, Syrian Arab Republic, Tonga, Vanuatu (15).

DRAFT OF THE INVITATION PROPOSED TO BE ADDRESSED TO
EACH OBSERVER DELEGATION

The Director General of the World Intellectual Property Organization (WIPO) presents his compliments to the Minister for Foreign Affairs and has the honor to invite His Excellency's Government to be represented as an Observer Delegation at the Diplomatic Conference on the Protection of Audiovisual Performances.

The Diplomatic Conference will take place in Geneva, at [venue], from [dates], and will open at 10:00 a.m. on the first day. Participants may register at the Headquarters of WIPO as from 3 p.m. on [date].

Simultaneous interpretation will be provided in English, Arabic, Chinese, French, Russian and Spanish.

The draft Agenda of the Diplomatic Conference, the draft Rules of Procedure of the Diplomatic Conference and the draft of the Basic Proposal (substantive, administrative and final clauses) of the [Protocol to the WIPO Performances and Phonograms Treaty][WIPO Treaty on Audiovisual Performances] are enclosed with this Note.

The draft of the substantive clauses and the draft of the administrative and final clauses together constitute the "Basic Proposal" mentioned in Rule 29(1)(a) of the Draft Rules of Procedure.

His Excellency's attention is drawn to the fact that the representatives of His Excellency's Government will need to be provided with credentials.

It would be appreciated if the names and titles of the representatives of His Excellency's Government could be communicated to the Director General of WIPO by [date].

[date]

Enclosures: IAVP/DC/-, - and -

[Annex IIID follows]

LIST OF INTERGOVERNMENTAL ORGANIZATIONS PROPOSED TO BE INVITED
AS OBSERVER ORGANIZATIONS

United Nations (UN)
International Labour Organization (ILO)
United Nations Educational, Scientific and Cultural Organization (UNESCO)
World Health Organization (WHO)
International Telecommunication Union (ITU)
World Meteorological Organization (WMO)
International Maritime Organization (IMO)
World Trade Organization (WTO)
African Intellectual Property Organization (OAPI)
Andean Community
Arab States Broadcasting Union (ASBU)
Arab League Educational, Cultural and Scientific Organization (ALECSO)
Association of South East Asian Nations (ASEAN)
Caribbean Community (CARICOM)
Central American Economic Integration Secretariat (SIECA)
Central American Integration System (SICA)
Commonwealth Fund for Technical Cooperation (CFTC)
Commonwealth of Independent States (CIS)
Commonwealth of Learning (COL)
Communauté économique et monétaire de l'Afrique centrale (CEMAC)
Conference of Latin American Authorities on Informatics (CALAI)
Council of Europe (CE)
Economic Community of the Great Lakes Countries (CEPGL)
European Free Trade Association (EFTA)
International Institute for the Unification of Private Law (UNIDROIT)
International Criminal Police Organization (INTERPOL)
International Organization for Standardization (ISO)
Islamic Educational, Scientific and Cultural Organization (ISESCO)
Latin American Economic System (SELA)
Latin American Integration Association (LAIA)
League of Arab States (LAS)
Organisation internationale de la francophonie (OIF)
Organization of African Unity (OAU)
Organization of American States (OAS)
Organization of the Islamic Conference (OIC)
Patent Office of the Cooperation Council for the Arab States of the Gulf
(GCC Patent Office)
Southern African Development Community (SADC)
Southern Common Market (MERCOSUR)
(38)

LIST OF NON-GOVERNMENTAL ORGANIZATIONS PROPOSED TO BE INVITED AS
OBSERVER ORGANIZATIONS

Actors, Interpreting Artists Committee (CSAI)
Afro-Asian Book Council (AABC)
Agence pour la protection des programmes (APP)
American Bar Association (ABA)
American Federation of Musicians of the United States and Canada (AFM)
American Federation of Television and Radio Artists (AFTRA)
American Film Market Association (AFMA)
American Intellectual Property Law Association (AIPLA)
Groupement européen des sociétés de gestion des droits des artistes interprètes (ARTIS)
ASEAN Intellectual Property Association (ASEAN IPA)
Asia & Pacific Internet Association (APIA)
Asia-Pacific Broadcasting Union (ABU)
Asociación Argentina de Interpretes (AADI)
Asociación Nacional de Intérpretes (ANDI)
Associação Portuguesa de Actores (APA)
Association européenne des éditeurs de journaux (ENPA)
Association européenne pour la protection des œuvres et services cryptés (AEPOC)
Association for the International Collective Management of Audiovisual Works (AGICOA)
Association of Commercial Television in Europe (ACT)
Association of European Performers' Organizations (AEPO)
Association of European Radios (AER)
Australian Copyright Council (ACC)
Bundesverband Deutscher Unternehmensberater (BDU)
Business Software Alliance (BSA)
Canadian Bar Association (CBA) National Intellectual Property Section
Caribbean Broadcasting Union (CBU)
Central and Eastern European Copyright Alliance (CEECA)
Chartered Institute of Patent Agents (CIPA)
Chinese Federation for Literature and Art Confederation (CFLAC)
Commercial Internet eXchange Association (CIX)
Computer and Communications Industry Association (CCIA)
Computer Users of Europe (CUE)
Conseil francophone de la chanson (CFC)
Coordination of European Independent Producers (CEPI)
Coordination of European Picture Agencies-News and Stock (CEPIC)
Copyright Research and Information Center (CRIC)
Digital Media Association (DiMA)
Digital Video Broadcasting (DVB)
Educator's Ad Hoc Committee on Copyright Law (ECCL)
Electronic Industries Association (EIA)
Electronic Industries Association of Japan (EIAJ)
European Alliance of Press Agencies (EAPA)
European Association of Advertising Agencies (EAAA)

European Association of Manufacturers of Business Machines and Information
Technology Industry (EUROBIT)
European Broadcasting Union (EBU)
European Bureau of Library, Information and Documentation Associations (EBLIDA)
European Cable Communications Association (ECCA)
European Committee for Interoperable Systems (ECIS)
European Computer Manufacturers Association (ECMA)
European Council of American Chambers of Commerce (ECACC)
European Federation of Agents of Industry in Industrial Property (FEMIP)
European Federation of Joint Management Societies of Producers for Private
Audiovisual Copying (EUROCOPYA)
European Film Companies Alliance (EFCA)
European Publishers Council (EPC)
European Sound Directors Association (ESDA)
European Tape Industry Council (ETIC)
European Writers' Congress (EWC)
Federation of European Audiovisual Directors (FERA)
Ibero-American Television Organization (OTI)
Ibero-Latin-American Federation of Performers (FILAIE)
Independent Film Producers International Association (IFPIA)
Information Technology Association of America (ITAA)
Information Technology Industry Council (ITI)
Institute of Intellectual Property (IIP)
Intellectual Property Brazilian Association (ABPI)
Intellectual Property Institute (CLIP)
Intellectual Property Institute of Canada
Intellectual Property Owners (IPO)
Inter-American Copyright Institute (IIDA)
Interactive Software Federation of Europe (ISFE)
International Advertising Association (IAA)
International Affiliation of Writers' Guilds (IAWG)
International Air Transport Association (IATA)
International Alliance of Orchestra Associations (IAOA)
International Anticounterfeiting Coalition, Inc. (IACC)
International Association for Mass Communication Research (IAMCR)
International Association for the Advancement of Teaching and Research
in Intellectual Property (ATRIP)
International Association for the Protection of Industrial Property (AIPPI)
International Association of Audio-Visual Writers and Directors (AIDAA)
International Association of Entertainment Lawyers (IAEL)
International Association of Art (IAA)
International Association of Authors of Comics and Cartoons (AIAC)
International Association of Broadcasting (IAB)
International Association of Conference Interpreters (AIIC)
International Bar Association (IBA)
International Bureau of Societies Administering the Rights of Mechanical Recording
and Reproduction (BIEM)
International Centre for Humanitarian Reporting (ICHR)
International Chamber of Commerce (ICC)

International Commission of Jurists (ICJ)
International Communications Round Table (ICRT)
International Confederation of Free Trade Unions (ICFTU)
International Confederation of Music Publishers (ICMP)
International Confederation of Professional and Intellectual Workers (CITI)
International Confederation of Societies of Authors and Composers (CISAC)
International Copyright Society (INTERGU)
International Council of Graphic Design Associations (ICOGRADA)
International Council for Science Unions (ICSU)
International Council of Societies of Industrial Design (ICSID)
International Council on Archives (ICA)
International Dance Council (IDC)
International DOI Foundation (IDF)
International Federation for Information and Documentation (FID)
International Federation of Reproduction Rights Organizations (IFRRO)
International Federation of Actors (FIA)
International Federation of Associations of Film Distributors (FIAD)
International Federation of Commercial Arbitration Institutions (IFCAI)
International Federation of Computer Law Associations (IFCLA)
International Federation of Film Producers Associations (FIAPF)
International Federation of Interior Architects/Interior Designers (IFI)
International Federation of Journalists (IFJ)
International Federation of Library Associations and Institutions (IFLA)
International Federation of Musicians (FIM)
International Federation of Press Clipping and Media Monitor Bureaus (FIBEP)
International Federation of the Periodical Press (FIPP)
International Federation of the Phonographic Industry (IFPI)
International Federation of Translators (FIT)
International Franchise Association (IFA)
International Group of Scientific, Technical and Medical Publishers (STM)
International Hotel Association (IHA)
International Institute of Communications (IIC)
International Intellectual Property Alliance (IIPA)
International Law Association (ILA)
International League of Competition Law (LIDC)
International Literary and Artistic Association (ALAI)
International Music Council (IMC)
International Organization of Hotel and Restaurant Associations (HoReCa)
International Organization of Journalists (IOJ)
International P.E.N.
International Publishers Association (IPA)
International Theatre Institute (ITI)
International Union against Cancer (UICC)
International Union of Architects (UIA)
International Union of Cinemas (UNIC)
International Video Federation (IVF)
International Writers Guild (IWG)
Internet Alliance (I@)
Japan Compact Disk Rental Commerce Trade Association (JCD)

Japan Electronic Industry Development Association (JEIDA)
Latin American Federation of Music Publishers (FLADEM)
Latin American Institute for Advanced Technology, Computer Science and Law (ILATID)
Law Association for Asia and the Pacific (LAWASIA)
Max-Planck Institute for Foreign and International Patent, Copyright and Competition Law
Media and Entertainment International (MEI)
National Association of Broadcasters (NAB)
National Music Publishers' Association (NMPA)
North American Broadcasters Association (NABA)
Organización Iberoamericana de Derechos de Autor-Latinautor Inc.
Pearle* Performing Arts Employers Associations League Europe
Scandinavian Patent Attorney Society (PS)
Sociedad de Autores y Compositores de Música (SACM)
Société civile pour l'administration des droits des artistes et musiciens
interprètes (ADAMI)
Software & Information Industry Association (SIIA)
Software Information Center (SOFTIC)
Southern African Broadcasting Association (SABA)
The Chartered Institute of Arbitrators (CIArb)
The National Association of Commercial Broadcasters in Japan (NAB-Japan)
Union of African Journalists (UAJ)
Union of European Practitioners in Industrial Property (UEPIP)
Union of Industrial and Employers' Confederations of Europe (UNICE)
Union of National Radio and Television Organizations of Africa (URTNA)
Video Software Dealers Association (VSDA)
World Association for Small & Medium Enterprises (WASME)
World Association of Newspapers (WAN)
World Blind Union (WBU)
World Federation of Advertisers (WFA)
World Self Medication Industry (WSMI)
World Union of Professions (WUP)
(167)

and such other international non-governmental organizations as the Director General may invite.

DRAFT OF THE INVITATION PROPOSED TO BE ADDRESSED TO
EACH OBSERVER ORGANIZATION

[date]

Madam,
Sir,

I have the pleasure to invite your organization to be represented in an observer capacity at the Diplomatic Conference on the Protection of Audiovisual Performances.

The Diplomatic Conference will take place in Geneva, [venue], from [date], and will open at 10:00 a.m. on the first day. Participants may register at the Headquarters of WIPO as from 3 p.m. on [date].

Simultaneous interpretation will be provided in English, Arabic, Chinese, French, Russian and Spanish.

./ The draft Agenda of the Diplomatic Conference, the Draft Rules of Procedure of the Diplomatic Conference and the draft of the Basic Proposal (substantive, administrative and final clauses) of the [Protocol to the WIPO Performances and Phonograms Treaty][WIPO Treaty on Audiovisual Performances] are enclosed with this Note.

The draft of the substantive clauses and the draft of the administrative and final clauses together constitute the "Basic Proposal" mentioned in Rule 29(1)(a) of the Draft Rules of Procedure.

Your attention is drawn to the fact that your representatives will need to be provided with letters of appointment (see Rule 7 of the Draft Rules of Procedure of the Diplomatic Conference, document IAMP/DC/-). The said letters of appointment should be signed by the Executive Head of your organization.

I would appreciate it if the names and titles of the persons who will represent your organization could be communicated to me by [date].

Sincerely yours,

Kamil Idris
Director General

Enclosures: IAMP/DC/-, - and -

[Annex IV follows]

ANNEX IV

DRAFT AGENDA OF THE DIPLOMATIC CONFERENCE

1. Opening of the Conference by the Director General of WIPO
2. Consideration and adoption of the Rules of Procedure
3. Election of the President of the Conference
4. Consideration and adoption of the agenda
5. Election of the Vice-Presidents of the Conference
6. Election of the members of the Credentials Committee
7. Election of the members of the Drafting Committee
8. Election of the Officers of the Credentials Committee, the Main Committees and Drafting Committee
9. Consideration of the first report of the Credentials Committee
10. Opening declarations by Delegations and by representatives of Observer Organizations
11. Consideration of the texts proposed by the Main Committees
12. Consideration of the second report of the Credentials Committee
13. Adoption of the Instrument
14. Adoption of any recommendation, resolution, agreed statement or final act
15. Closing declarations by Delegations and by representatives of Observer Organizations
16. Closing of the Conference by the President*

[End of Annexes and of document]

* Immediately after the closing of the Conference, the Final Act, and the Instrument, if any, will be open for signature.