

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

GENERAL RULES OF PROCEDURE



General Rules of Procedure

**As adopted on September 28, 1970,
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GENERAL RULES OF PROCEDURE OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION

PART I: GENERAL

Rule 1: *Application*

(1) These General Rules of Procedure shall apply to the bodies of the World Intellectual Property Organization (WIPO), to the bodies of the various international Unions whose administrative tasks it performs, to the bodies established under international agreements whose administration it assumes, to the subsidiary bodies of any of the said bodies, and to the ad hoc committees of experts convened by the Director General of WIPO, to the extent that the said General Rules of Procedure are not in conflict with the international treaties having created such bodies or the special rules of procedure of such bodies, subsidiary bodies or committees.

(2) These General Rules of Procedure shall not apply to diplomatic conferences.

Rule 2: *Definitions*

For the purposes of these General Rules of Procedure and the rules of procedure of the bodies and committees referred to in Rule 1 (1):

“assembly” shall mean the participants having the right to vote in any meeting of a body, subsidiary body and ad hoc committee of experts to which the General Rules of Procedure apply;

“body” shall mean the General Assembly, the Conference and the Coordination Committee of WIPO, as well as the Assemblies, the Conferences of Representatives and the Executive Committees of the Unions, the Council of the Lisbon Union for the Protection of Appellations of Origin and their International Registration, the Committee of Directors of National Industrial Property Offices of the Madrid Union for the International Registration of Marks, the Committee of Experts of the Locarno Union for the International Classification of Industrial Designs, the Committee of Experts of the Nice Union for the International Classification of Goods and Services for the Purposes of the Registration of Marks, the Committee of Experts of the Special Union for the International Patent Classification, the WIPO Permanent Committee for Development Cooperation Related to Industrial Property, the WIPO Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights and the WIPO Permanent Committee on Patent Information.

“Director General” shall mean the Director General of WIPO; in all cases where Acts earlier than the Stockholm Acts are still applicable, “Director General” shall mean the Director of BIRPI;

“International Bureau” shall mean the International Bureau of Intellectual Property established by Article 9 (1) of the WIPO Convention; in all cases where Acts earlier than the Stockholm Acts are still applicable, “International Bureau” shall also mean the United International Bureaux for the Protection of Intellectual Property (BIRPI);

“Organization” shall mean the World Intellectual Property Organization;

“Union” shall mean any international agreement designed to promote the protection of intellectual property whose administrative tasks are performed or whose administration is assumed by the Organization;

“WIPO” shall mean the World Intellectual Property Organization.

PART II: BODIES OF WIPO AND OF THE UNIONS

Chapter I: Preparation of Sessions. Agenda

Rule 3: *Dates and Place of Sessions*

(1) The opening date of each session, its duration and place shall be fixed by the Director General.

(2) The opening date fixed for an extraordinary session must not be more than four months after the day on which the Director General has received the request to convene that session, except where the author or authors of the said request express their willingness to accept a later date.

Rule 4: *Convocations*

The Director General shall send out letters of convocation not less than two months prior to the opening of the session.

Rule 5: *Agenda*

(1) The Director General shall prepare the draft agenda for ordinary sessions.

(2) The draft agenda for extraordinary sessions shall be established by the person or persons requesting convocation of such sessions.

(3) The Director General shall send out the draft agenda at the same time as the letter of convocation

(4) Any State member of a body may request the inclusion of supplementary items on the draft agenda. Such requests shall reach the Director General not later than one month before the date fixed for the opening of the session. The Director General shall immediately notify the other States members of that body accordingly.

(5) The assembly shall adopt its agenda at the first meeting of the session.

(6) During the session, the assembly may change the order of the items on its agenda, amend some of those items, or delete them from the agenda.

(7) During the session, the assembly may, by a majority of two-thirds of the votes cast, decide to add new items to the agenda, provided they are of an urgent character. The discussion of any such items shall be deferred for forty-eight hours if any delegation so requests.

Rule 6: *Working Documents*

(1) Each item on the agenda of an ordinary session shall, as a rule, be the subject of a report by the Director General.

(2) Reports and other working documents must be sent out at the same time as the letter of convocation, or as soon thereafter as possible.

Chapter II: Participation in Sessions

Rule 7: *Delegations*

(1) Each State member of a body shall be represented by one or more delegates, who may be assisted by alternates, advisors, and experts.

(2) Each delegation shall have a head of delegation.

(3) Any alternate, advisor or expert may act as delegate by order of the head of his delegation.

(4) Each delegate or alternate shall be accredited by the competent authority of the State which he represents. The Director General shall be notified of the appointment of delegates and alternates in a letter, note or telegram, issuing preferably from the Ministry of Foreign Affairs.

Rule 8: *Observers*

(1) The Director General shall invite such States and intergovernmental organizations to be represented by observers as are entitled to observer status under a treaty or agreement.

(2) In addition, each body shall decide, in a general way or for any particular session or meeting, which other States and organizations shall be invited to be represented by observers.

(3) Observers shall be accredited by the competent authority of their State or the competent representative of their organization, in a letter, note or telegram addressed to the Director General; if they represent a State, such communication shall preferably be effected by the Ministry of Foreign Affairs.

Chapter III: Officers and Secretariat

Rule 9: Officers

- (1) In the first meeting of each ordinary session, each body shall elect a Chairman and two Vice-Chairmen.
- (2) Officers shall remain in office until the election of new officers.
- (3) The outgoing Chairman and Vice-Chairmen shall not be immediately eligible for re-election to the office which they have held.

Rule 10: Acting Chairmen

- (1) If the Chairman dies, if he finds it necessary to be absent, or if the State he represents ceases to be a member of the body concerned, the older of the two Vice-Chairmen shall act in his place.
- (2) If, for any of the reasons mentioned in the preceding paragraph, none of the Vice-Chairmen is able to act as Chairman, the body concerned shall elect an Acting Chairman.

Rule 11: Secretariat

- (1) The Director General, or a staff member of the International Bureau designated by him, shall act as Secretary for all meetings, including those of subsidiary bodies.
- (2) The International Bureau shall receive, translate and distribute documents, provide for the interpretation of oral interventions, prepare the draft reports of the sessions, be responsible for the safekeeping of documents in its archives, and, generally, perform all the tasks which the meetings of the body concerned may require and for which it has the necessary means at its disposal.

Chapter IV: Subsidiary Bodies

Rule 12: Subsidiary Bodies

- (1) Any body may establish committees, working groups or other subsidiary bodies.
- (2) Each subsidiary body shall report to the body which established it.
- (3) The provisions of these General Rules of Procedure shall, as far as possible, apply also to subsidiary bodies.

Chapter V: Conduct of Business

Rule 13: *General Powers of the Chairman*

(1) The Chairman 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.

(2) He shall rule on points of order and shall have complete control of the proceedings and over the maintenance of order thereat.

(3) He may propose limiting the time to be allowed to each speaker, limiting the number of times each delegation may speak on any question, closing the list of speakers, and closing the debate.

(4) He may propose the suspension or adjournment of the debate on the question under discussion, or the suspension or adjournment of the meeting.

Rule 14: *Points of Order*

(1) In the course of a debate, any delegation may raise a point of order. It may not speak at the same time on the substance of the matter under discussion.

(2) Such points of order shall be immediately decided by the Chairman.

(3) Any delegation may appeal against the ruling of the Chairman. The appeal shall be immediately put to the vote and the Chairman's ruling shall stand unless overruled by a majority of the delegations.

Rule 15: *Right to Speak*

(1) No person may speak without having previously obtained the permission of the Chairman.

(2) The Chairman shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall be responsible for drawing up a list of such speakers.

(3) The Chairman of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that subsidiary body.

(4) The Director General, or a staff member of the International Bureau designated by him, may at any time, with the approval of the Chairman, make statements on any subject under discussion.

(5) The Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 16: *Limitation of the Number and Length of Speeches*

(1) Any assembly may limit the number of times each delegation may speak on any question and the time to be allowed to each delegation.

(2) The Chairman may limit the time to be allowed to any person speaking on the adjournment or closure of a debate, proposing the suspension or adjournment of the meeting, speaking on the reconsideration of proposals already adopted or rejected, or explaining the vote of his delegation.

(3) When a speaker exceeds the time allotted to him, the Chairman shall call him to order without delay.

Rule 17: *Closing of List of Speakers*

(1) During the discussion of any matter, the Chairman may announce the list of speakers and, with the consent of the meeting, declare the list closed.

(2) He may, however, accord the right of reply if a speech delivered after he has declared the list closed makes it desirable.

Rule 18: *Adjournment or Closure of Debate*

(1) During the course of a meeting, any delegation may move the adjournment or closure of the debate on the question under discussion, whether or not any other participant has signified his wish to speak.

(2) Such motion shall be immediately debated. In addition to the delegation proposing the motion, one other delegation may speak in favor of the motion, and two against it, after which the motion shall immediately be put to the vote.

(3) If the assembly is in favor of the adjournment or closure, the Chairman shall immediately declare the debate adjourned or closed.

Rule 19: *Suspension or Adjournment of the Meeting*

(1) During the course of a meeting, any delegation may move its suspension or adjournment.

(2) Such motions shall not be debated, but shall immediately be put to the vote.

Rule 20: *Order of Procedural Motions*

Subject to the provisions on points of order, the following motions shall have precedence, in the order indicated below, over all other proposals or motions before the meeting:

- (a) to suspend the meeting,
- (b) to adjourn the meeting,
- (c) to adjourn the debate on the question under discussion,
- (d) to close the debate on the question under discussion.

Rule 21: *Proposals by Delegations*

(1) Proposals for the adoption of amendments to the drafts submitted to the assembly, and all other proposals, may be submitted orally or in writing by any delegation.

(2) The assembly may decide to debate and vote on a proposal only if it is submitted in writing.

(3) Unless it decides otherwise, the assembly shall discuss or vote on a written proposal only if it has been translated and distributed in the languages in which the documents of the body concerned must be submitted.

Rule 22: *Withdrawal of Proposals*

(1) A proposal may be withdrawn by the delegation which has made it at any time before voting on it has commenced, provided that it has not been amended.

(2) A proposal thus withdrawn may be immediately reintroduced by any other delegation.

Rule 23: *Reconsideration of Proposals Adopted or Rejected*

(1) When a proposal has been adopted or rejected, it may not be reconsidered unless the assembly so decides by a two-thirds majority.

(2) In addition to the delegation proposing the motion to reconsider, one other delegation may speak in favor of the motion, and two against it, after which the motion shall immediately be put to the vote.

Rule 24: *Observers*

- (1) Observers may take part in debates at the invitation of the Chairman.
- (2) They may not submit proposals, amendments or motions.

Chapter VI: Voting

Rule 25: *Voting*

Proposals and amendments submitted by a delegation shall be put to the vote only if they are supported by at least one other delegation.

Rule 26: *Method of Voting in General*

Voting shall normally be by a show of hands.

Rule 27: *Voting by Roll-Call*

(1) Voting shall be by roll-call:

(a) if, when the result of a vote by show of hands is in doubt, the Chairman so decides;

(b) if at least two delegations so request, either before voting takes place or immediately after a vote by show of hands.

(2) The roll shall be called in the alphabetical order of the names in French of the States represented, beginning with the delegation whose name is drawn by lot by the Chairman.

(3) When voting is by roll-call, the vote of each delegation shall be recorded in the report on the session.

Rule 28: *Voting by Secret Ballot*

(1) All elections and decisions concerning States or individuals shall be voted on by secret ballot if at least two delegations so request.

(2) Voting by secret ballot is governed by special regulations, which form the annex to the present Director General Rules of Procedure and are an integral part thereof.

Rule 29: *Conduct During Voting*

After the Chairman has announced the beginning of voting, no one shall interrupt the voting except on a point of order in connection with the actual conduct of such voting.

Rule 30: *Division of Proposals and Amendments*

(1) Any delegation may move that parts of a proposal or of an amendment be voted upon separately.

(2) If a delegation opposes such motion, permission to speak on the subject shall be given only to one delegation in favor and two delegations against, after which the motion shall be put to the vote.

(3) If the motion for division is carried, all parts of the proposal or of the amendment, separately approved, shall again be put to the vote together as a whole.

(4) If all the operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Rule 31: *Voting on Proposals*

If two or more proposals relate to the same question, the assembly shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted.

Rule 32: *Voting on Amendments*

(1) When an amendment to a proposal is moved, the amendment shall be voted on first. A motion is considered an amendment to a proposal if it adds to, deletes from, or revises part of, that proposal.

(2) When two or more amendments to a proposal are moved, they shall be put to the vote in the order in which their substance is more removed from the proposal. If, however, the adoption of any amendment necessarily implies the rejection of any other amendment or of the original proposal, such amendment or proposal shall not be put to the vote.

(3) If one or more amendments are adopted, the proposal as amended shall be put to the vote.

Rule 33: *Election for a Single Post*

When a single elective place is to be filled and none of the candidates obtains the required majority in the first ballot, additional ballots shall be taken which shall be restricted to the two candidates having obtained the greatest number of votes.

Rule 34: *Election for Several Posts*

(1) When several elective places are to be filled at one time and in the same conditions, the officers or a nominations committee set up for the purpose may submit to the competent assembly a list containing a number of candidates equal to that of the places to be filled. The procedure provided for in paragraph (2) shall be applied if the assembly does not unanimously accept the list thus proposed.

(2) When several elective places are to be filled at one time and in the same conditions, those candidates obtaining the required majority in the first ballot shall be elected. If the number of candidates obtaining such majority is less than the number of places to be filled, there shall be additional ballots to fill the remaining places. The voting shall then be restricted to the candidates obtaining the greatest number of votes in the previous ballot, up to a number which shall not, however, be more than twice the number of places remaining to be filled.

Rule 35: *Required Majority*

Unless expressly provided otherwise in the applicable treaties or in the present General Rules of Procedure, all decisions shall be made by a simple majority.

Rule 36: *Majority and Unanimity. Equally Divided Votes*

(1) In determining whether the required majority or unanimity is attained, only votes actually cast shall be taken into consideration. Abstentions shall not be considered votes.

(2) When, on matters other than elections which require a simple majority, a vote is equally divided, the proposal or amendment shall be considered rejected.

Rule 37: *Explanations of Votes Cast*

(1) The Chairman may allow delegations to explain their votes, either before or after the voting takes place, unless the vote is taken by secret ballot.

(2) Explanations of votes cast shall be recorded in the report on the session.

Rule 38: *Chairmen Not entitled to Vote*

(1) No Chairman or Acting Chairman shall vote.

(2) Another member of his delegation may vote for the State he represents.

Rule 39: *Observers*

Observers shall not have the right to vote.

Chapter VII: Miscellaneous Provisions

Rule 40: *Languages of Documents*

(1) Documents intended for the various bodies shall be drawn up in English and French. The Director General may, in so far as he considers it advisable and practicable, decide that certain documents shall be drawn up also in Spanish or Russian, or in both of those languages.

(2) The Director General shall decide on the language or languages in which documents intended for subsidiary bodies shall be drawn up.

Rule 41: *Languages of Oral Interventions. Interpretation*

(1) Oral interventions during meetings of the various bodies shall be in English or French, and interpretation shall be provided for in the other language. The Director General may, however, decide that oral interventions may also be made in Spanish or Russian, or in both of those languages; in such cases, interpretation shall be provided for in all the accepted languages.

(2) With regard to the subsidiary bodies, the Director General shall decide on the language or languages in which oral interventions shall be made and for which interpretation shall be provided.

(3) In any meeting in which simultaneous interpretation is provided by the Secretariat in at least two languages, any participant may make oral interventions in another language in so far as he provides for simultaneous interpretation in one of the languages for which interpretation is provided by the Secretariat.

Rule 42: *Joint Meetings*

(1) When two or more bodies of the Organization or of the Unions must examine questions of common interest to them, they shall hold joint meetings.

(2) Every joint meeting shall be presided over by the Chairman of the body which has precedence over the others, such precedence being determined as follows:

(i) among bodies of WIPO: 1. General Assembly, 2. Conference, 3. Coordination Committee;

(ii) among bodies of the same Union: 1. Assembly, 2. Conference of Representatives, 3. Executive Committee;

(iii) among bodies of WIPO and one or more Unions: the WIPO body;

(iv) among bodies of several Unions: the body of the oldest Union.

Rule 43: *Publicity of Meetings*

(1) Meetings of the WIPO Conference and the WIPO General Assembly and those of the Assemblies of the Unions shall be open, whereas those of the other bodies and of the subsidiary bodies shall be closed.

(2) Any body and any subsidiary body may, for its own purposes, waive the provision of the preceding paragraph in special cases and to the extent desired.

Rule 44: *Report*

(1) At the end of every session the Secretariat shall submit to the assembly a draft report on the work accomplished.

(2) After the session, the report adopted by the assembly shall be transmitted by the Director General to the States and organizations invited to the session.

Rule 45: *Entry into Force and Amendment of Special Rules of Procedure*

(1) The special rules of procedure of each body shall enter into force on being adopted by that body.

(2) Each body may amend its own rules of procedure.

PART III: AD HOC COMMITTEES OF EXPERTS

Rule 46: *Functions*

(1) The Director General shall, in implementation of the program of the Organization or of any Union, convene ad hoc committees of experts (committees, working groups) whose task shall be to make suggestions or give advice on any subject within the competence of the Organization or of such Union.

(2) The terms of reference of ad hoc committees of experts shall be defined in the program of the Organization or of the Union concerned, or, failing this, by the Director General.

Rule 47: *Dates and Place of Meetings*

The Director General shall fix the place and dates of meetings of ad hoc committees of experts.

Rule 48: *Participants*

- (1) Experts shall serve in a personal capacity.
- (2) They shall be designated individually, either by the Director General or by Governments or international organizations on the invitation of the Director General.
- (3) Unless decided otherwise by the Director General, experts may be accompanied by advisors, who may participate in the debates.
- (4) The Director General may at any time invite States or organizations to send observers to follow the work of an ad hoc committee of experts.

Rule 49: *Expenses of Participants*

- (1) At the time of the convocation, the Director General shall indicate whether and to what extent the travel and subsistence expenses of participants shall be borne by the Organization.
- (2) The expenses of observers shall be borne by the States or organizations which have sent them.

Rule 50: *Agenda and Rules of Procedure*

- (1) The Director General shall draw up the agenda of each ad hoc committee of experts. He may modify it on his own initiative or at the request of the ad hoc committee of experts.
- (2) The provisions of Part II of the General Rules of Procedure shall, as far as possible, serve as rules of procedure for ad hoc committees of experts. To the extent that they apply to such committees, the Director General may modify them in each individual case, either on his own initiative or at the request of the ad hoc committee of experts concerned.

Rule 51: *Languages*

- (1) The Director General shall decide on the language or languages in which documents intended for ad hoc committees of experts are drawn up.
- (2) The Director General shall decide on the language or languages in which oral interventions must be made and for which interpretation will be provided, in an ad hoc committee of experts.

Rule 52: *Officers of ad hoc Committees of Experts*

- (1) During its first meeting, the ad hoc committee of experts shall elect from among its members a Chairman and two Vice-Chairmen.
- (2) With the consent of the Director General, the ad hoc committee of experts may elect the Director General himself or another official of the International Bureau as Chairman.

Rule 53: *Voting*

Each member of the ad hoc committee of experts shall have one vote.

Rule 54: *Publicity of Meetings*

- (1) Meetings of ad hoc committees of experts shall be closed.
- (2) The Director General may waive this rule on his own initiative or at the request of the ad hoc committee of experts.

Rule 55: *Report*

Ad hoc committees of experts shall submit their reports to the Director General, who shall distribute and publicize these documents as he sees fit.

PART IV: FINAL PROVISIONS

Rule 56: *Amendment of General Rules of Procedure*

- (1) These General Rules of Procedure may be amended, as far as each body which has adopted them is concerned, by a decision of that body, provided that the said decision is taken as far as possible in joint meeting and that the said body accepts the amendment according to the procedure laid down for amendment of its own rules of procedure.
- (2) Any amendment to these General Rules of Procedure shall enter into force for each body which has adopted these General Rules of Procedure when that body has accepted the amendment.

Rule 57: *Entry into Force*

These General Rules of Procedure shall enter into force for each body at the time when it adopts its own rules of procedure referring thereto.

ANNEX

to the General Rules of Procedure of WIPO

Rules for Voting by Secret Ballot

Rule 1. – In order to vote, delegations must be properly accredited.

Rule 2. – Before the ballot begins, the Chairman shall appoint two tellers from among the delegates present. He shall hand them the list of delegations entitled to vote and, where applicable, the list of candidates.

Rule 3. – The Secretariat shall distribute ballot papers and envelopes to the delegations. Ballot papers and envelopes shall be of white paper without distinguishing marks.

Rule 4. – The tellers shall satisfy themselves that the ballot box is empty, and, having locked it, shall hand the key to the Chairman.

Rule 5. – Delegations shall be called in turn by the Secretary of the meeting, in the alphabetical order of the names of the member States in French, beginning with the member State whose name shall have been drawn by lot.

Rule 6. – When their names are called, delegations shall hand their ballot papers, in the envelopes, to a teller, who shall place them in the ballot box.

Rule 7. – To indicate the recording of each member State's vote, the Secretary of the meeting and one of the tellers shall sign or initial the list in the margin opposite the name of the member State in question.

Rule 8. – At the conclusion of the calling, the Chairman shall declare the ballot closed and announce that the votes are to be counted.

Rule 9. – When the Chairman has opened the ballot box, the tellers shall check the number of envelopes. If the number is greater or less than that of the voters, the Chairman shall be informed, and shall then declare the vote invalid and announce that it is necessary to re-open the ballot.

Rule 10. – One of the tellers shall open the envelopes, one by one, read aloud what is written on the ballot paper, and pass it to the other teller. The votes inscribed on the ballot papers shall be entered on lists prepared for that purpose.

Rule 11. – Blank ballot papers shall be considered to be abstentions.

Rule 12. – The following shall be considered invalid:

- (a) ballot papers on which there are more names than there are States or persons to be elected;
- (b) ballot papers in which the voters have revealed their identity, in particular, by apposing their signature or mentioning the name of the member State they represent;
- (c) ballot papers which do not give a clear reply to the question asked.

Rule 13. – A candidate is entitled to only one vote per ballot paper, even if his name appears more than once thereon.

Rule 14. – When the counting of the votes is completed, the Chairman shall announce the results of the ballot in the following order:

- number of member States entitled to vote at the session;
- number absent;
- number of abstentions;
- number of invalid ballot papers;
- number of votes recorded;
- number of votes constituting the required majority;
- number of votes for or against the proposal or names of the candidates and number of votes secured by each of them, in descending order of the number of votes.

Rule 15. – The Chairman shall announce the decision resulting from the vote. In particular, he shall declare elected those candidates who have obtained the required majority.

Rule 16. – Immediately after the announcement of the results of the ballot, the ballot papers shall be burnt in the presence of the tellers.

Rule 17. – The lists on which the tellers have recorded the results of the vote shall, after signature by the Chairman and by the tellers, constitute the official record of the ballot, and shall be deposited in the archives of the Organization.

Rule 18. – The Chairman of the meeting shall draw the attention of delegations to these Rules whenever a vote is taken by secret ballot.

Rule 19. – (1) These Rules shall in no way affect the provisions according to which a quorum may, in certain conditions, be attained after the session.

- (2) Votes expressed by correspondence shall not be secret.
-