

WIPO



CRNR/DC/17
ORIGINAL: English
DATE: December 9, 1996

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

**DIPLOMATIC CONFERENCE
ON
CERTAIN COPYRIGHT AND NEIGHBORING RIGHTS QUESTIONS**

Geneva, December 2 to 20, 1996

FIRST REPORT OF THE CREDENTIALS COMMITTEE

prepared by the Secretariat

1. The Credentials Committee (hereinafter referred to as “the Committee”), established on December 5, 1996, by the Diplomatic Conference on Certain Copyright and Neighboring Rights Questions, met on December 9, 1996.
2. The Delegations of the following States, elected members of the Committee by the Diplomatic Conference, attended the meeting: Azerbaijan, China, Croatia, Italy, Jordan, Senegal and Trinidad and Tobago.
3. The Chairman of the Committee, elected by the Diplomatic Conference, was Mrs. Ndèye Abibatou Youm Diabe Siby (Senegal). The Vice-Chairmen, elected by the Diplomatic Conference, were Mr. Nikola Kopčić (Croatia), Mr. Corrado Milesi Ferretti (Italy) and Ms. Mary Ann Richards (Trinidad and Tobago).
4. In accordance with Rule 9(1) of the Rules of Procedure adopted by the Conference on December 3, 1996, and amended on December 5, 1996 (document CRNR/DC/9 Rev.; hereinafter referred to as “the Rules of Procedure”), the Committee examined the credentials, full powers, letters or other documents of appointment presented for the purposes of Rules 6 and 7 by delegations of States members of the World Intellectual Property Organization

(hereinafter referred to as “WIPO”), participating in the Conference in accordance with Rule 2(1)(i) of the Rules of Procedure (hereinafter referred to as “Member Delegations”), by the special delegation of the European Communities, participating in the Conference in accordance with Rule 2(1)(ii) of the Rules of Procedure (hereinafter referred to as the “Special Delegation”), and by delegations of States members of the United Nations other than the States members of WIPO, participating in the Conference in accordance with Rule 2(1)(iii) of the Rules of Procedure (hereinafter referred to as “Observer Delegations”), as well as by the representatives of intergovernmental and non-governmental organizations, participating in the Conference in accordance with Rule 2(1)(iv) of the Rules of Procedure (hereinafter referred to as “representatives of Observer Organizations”).

5. On the basis of the information provided by the Secretariat as to the practice prevailing in other diplomatic conferences and in particular in diplomatic conferences convened by WIPO, the Committee decided to recommend to the Conference, meeting in Plenary, that the following criteria should be applied by the Committee in its examination of, and should govern the decision of the Conference on, the credentials, full powers, letters or other documents presented for the purposes of Rules 6 and 7 of the Rules of Procedure:

(i) as far as any State is concerned, its delegation’s credentials and full powers should be accepted if they were signed by that State’s Head of State, Head of Government or Minister for Foreign Affairs; credentials, but not full powers, should be accepted if they were contained in a *note verbale* or letter of that State’s Permanent Representative in Geneva or in a *note verbale* of that State’s Ministry of Foreign Affairs or its Permanent Mission in Geneva and should not otherwise be accepted; in particular, a communication emanating from a Minister other than the Minister for Foreign Affairs, or from an official other than the Permanent Representative or Chargé d’affaires a.i. in Geneva, should not be treated as credentials;

(ii) as far as any Organization is concerned, its representative’s letter or other document of appointment should be accepted if it is signed by the Head (Director General, Secretary General or President) or Deputy Head or official responsible for external affairs of the Organization;

(iii) facsimile and telex communications should be accepted if, as to their source, the requirements stated in points (i) and (ii) were fulfilled.

6. Pending a final decision by the Conference, meeting in Plenary, on the said criteria, the Committee decided to apply those criteria to the documents received by it.

7. Accordingly, the Committee found in order

(a) as far as *Member Delegations* are concerned,

(i) the *credentials* and *full powers* (that is, credentials for participating in the Conference and full powers to sign one or several of the treaties to be adopted by the Diplomatic Conference) of the delegations of the following 32 States:

Argentina	Malta
Bolivia	Monaco
Burkina Faso	Morocco
China	Republic of Moldova
Denmark	Romania
Ghana	Senegal
Greece	Singapore
Iceland	Slovenia
India	South Africa
Indonesia	Spain
Israel	Sudan
Italy	Switzerland
Jamaica	The former Yugoslav Republic of Macedonia
Kazakstan	Uzbekistan
Liechtenstein	Venezuela
Mali	Zambia

(ii) the *credentials* (without full powers) of the delegations of the following 82 States:

Albania	Croatia
Algeria	Cuba
Andorra	Cyprus
Angola	Czech Republic
Australia	Democratic People's Republic of Korea
Austria	Ecuador
Azerbaijan	Egypt
Bangladesh	El Salvador
Belarus	Fiji
Belgium	Finland
Bhutan	France
Bosnia and Herzegovina	Gabon
Brazil	Germany
Bulgaria	Guatemala
Canada	Haiti
Chad	Holy See
Chile	Honduras
Colombia	Hungary
Costa Rica	Ireland
Côte d'Ivoire	Japan

Jordan	Poland
Kenya	Portugal
Latvia	Qatar
Libya	Republic of Korea
Luxembourg	Saudi Arabia
Malawi	Slovakia
Mauritius	Sri Lanka
Mexico	Sweden
Mongolia	Thailand
Namibia	Togo
Netherlands	Trinidad and Tobago
New Zealand	Tunisia
Nicaragua	Ukraine
Niger	United Kingdom
Nigeria	United Republic of Tanzania
Norway	United States of America
Pakistan	Uruguay
Panama	Viet Nam
Paraguay	Yemen
Peru	Zaire
Philippines	Zimbabwe

(b) as far as the Special Delegation is concerned, the *credentials* of the Delegation of the European Communities (1).

(c) as far as *Observer Delegations* are concerned, the *credentials* of the delegations of the following three States:

Dominican Republic
Ethiopia
Nepal

(d) as far as the *representatives of Observer Organizations* are concerned, the *letters or documents of appointment* of representatives of the following Observer Organizations (listed in the alphabetical order of the name of the organization according to its name in French if it exists or, if it does not exist, according to its name in another language):

(i) *intergovernmental organizations*: Organization of African Unity (OAU), United Nations Educational, Scientific and Cultural Organization (UNESCO), International Labour Office (ILO), International Maritime Organization (IMO), World Meteorological Organization (WMO), World Trade Organization (WTO), International Telecommunications Union (ITU) (7).

(ii) *non-governmental organizations*: Agence pour la protection des programmes (APP), American Bar Association (ABA), American Intellectual Property Law Association (AIPLA), Asociación Argentina de Interpretes (AADI), American Film Marketing Association (AFMA), Association of European Performers' Organisations (AEPO), Association of Commercial Television in Europe (ACT), International Association of Broadcasting (IAB), International Association of Art (IAA), International Association of Audiovisual Writers and

Directors (AIDAA), International Association for the Protection of Industrial Property (AIPPI), International Literary and Artistic Association (ALAI), Business Software Alliance (BSA), International Chamber of Commerce (ICC), Comité “Actores, Intérpretes” (CSAI), Commercial Internet Exchange Association (CIX), Computer and Communications Industry Association (CCIA), International Confederation of Music Publishers (ICMP), International Confederation of Societies of Authors and Composers (CISAC), European Writers’ Congress (EWC), European Council of American Chambers of Commerce (ECACC), Conseil francophone de la chanson (CFC), International Council on Archives (ICA), International Council of Graphic Design Associations (ICOGRADA), International Council of Societies of Industrial Design (ICSID), International Council of Scientific Unions (ICSU), Copyright Research and Information Center (CRIC), Educator’s Ad Hoc Committee on Copyright Law (ECCL), Electronic Industries Association (EIA), European Bureau of Library, Information and Documentation Associations (EBLIDA), European Cable Communications Association (ECCA), European Committee for Interoperable Systems (ECIS), European Project-Digital Video Broadcasting (DVB), Federation of European Audiovisual Directors (FERA), Ibero-Latin-American Federation of Performers (FILAIE), International Federation for Information and Documentation (FID), International Federation of the Phonographic Industry (IFPI), International Video Federation (IVF), International Federation of Actors (FIA), International Federation of Library Associations and Institutions (IFLA), International Federation of Associations of Film Distributors (FIAD), International Federation of Film Producers Associations (FIAPF), International Federation of Newspaper Publishers (FIEJ), International Federation of Musicians (FIM), International Federation of Reproduction Rights Organizations (IFFRO), International Federation of Translators (FIT), World Federation of Music Schools (WFMS), Groupement européen représentant les organismes de gestion collective des droits des artistes interprètes ou exécutants (ARTIS GEIE), Information Industry Association (IIA), Information Technology Association of America (ITAA), Max-Planck Institute for Foreign and International Patent, Copyright and Competition Law (MPI), Institute of Intellectual Property (IIP), Intellectual Property Institute (CLIP), Intellectual Property Owners (IPO), Interactive Services Association (ISA), International Affiliation of Writers’ Guilds (IAWG), International Alliance of Orchestra Associations (IAOA), Intellectual Copyright Round Table (ICRT), International Intellectual Property Alliance (IIPA), Media and Entertainment International (MEI), Japan Electronic Industry Development Association (JEIDA), National Association of Broadcasters (NAB), National Music Publishers’ Association (NMPA), North American National Broadcasters Association (NANBA), Sociedad de Autores y Compositores de Música (SACM), Software Information Center (SOFTIC), Software Publishers Association (SPA), Caribbean Broadcasting Union (CBU), Union of National Radio and Television Organizations of Africa (URTNA), European Broadcasting Union (EBU), International Publishers Association (IPA), United States Telephone Association (USTA), Video Software Dealers Association (VSDA) (73).

8. The Committee noted that, in accordance with established practices, a designation of representation implied, in principle, in the absence of any express reservation, the right of signature, and that it should be left to each delegation to interpret the scope of its credentials.

9. The Committee recommends to the Conference, meeting in Plenary, to accept the credentials and full powers of the delegations mentioned in paragraph (7)(a)(i), above, the credentials of the delegations mentioned in paragraph 7(a)(ii), above, the credentials of the delegations mentioned in paragraph 7(b) and (c), above, and the letters or documents of appointment of the representatives of the organizations mentioned in paragraph 7(d), above.

10. The Committee expressed the wish that the Secretariat should bring Rule 6 (“Credentials and Full Powers”), 7 (“Letters of Appointment”) and 10 (“Provisional Participation”) of the Rules of Procedure to the attention of Member Delegations or Observer Delegations not having presented credentials or full powers and of the representatives of Observer Organizations not having presented letters or other documents of appointment.

11. The Committee decided that a report on its meeting should be prepared by the Secretariat and issued as its report, to be presented by the Chairman of the Committee to the Conference, meeting in Plenary.

12. The Committee decided that it would re-convene to examine any further communications concerning Member Delegations, Observer Delegations, the Special Delegation or Observer Organizations which might be received by the Secretariat after the close of its meeting.

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