

Diplomatic Conference on the Protection of Audiovisual Performances

Beijing, June 20 to 26, 2012

FIRST REPORT OF THE CREDENTIALS COMMITTEE

Prepared by the Secretariat

1. The Credentials Committee (hereinafter referred to as “the Committee”), established on June 20, 2012, by the Diplomatic Conference on the Protection of Audiovisual Performances, met on June 21, 2012.
2. The Delegations of the following States, elected members of the Committee by the Diplomatic Conference, attended the meeting: Azerbaijan, China, Japan, Paraguay, Republic of Korea, Slovenia, Zimbabwe.
3. The President of the Committee, elected by the Diplomatic Conference, was Mr. Garikai Kashitiku (Zimbabwe). The Vice-Presidents, elected by the Diplomatic Conference, were Mr. Yan Xiaohong (China), and Mr. Grega Kumer (Slovenia).
4. In accordance with Rule 9(1) of the Rules of Procedure adopted by the Conference on June 20, 2012, (document AVP/DC/2), 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 delegation of the European Union participating in the Conference in accordance with Rule 2(1)(ii) of the Rules of Procedure (hereinafter referred to as the “Special Delegation”), 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 “the Observers”).

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, its Permanent Mission in Geneva or Embassy in China and should not otherwise be accepted; in particular, a communication emanating from a Minister other than the Minister for Foreign Affairs, 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 was 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 electronic communications or hard copies of originals 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 signing the final act, and full powers to sign the treaty to be adopted by the Diplomatic Conference) of the delegations of the following (42) States: Austria, Belgium, Belize, Burkina Faso, Cambodia, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Democratic People's Republic of Korea, Denmark, Ethiopia, Ghana, Greece, Grenada, Guinea, Hungary, Italy, Kenya, Mali, Malta, Mexico, Mongolia, Morocco, Nicaragua, Niger, Poland, Saint Kitts and Nevis, Serbia, Seychelles, Sierra Leone, Singapore, Sudan, Switzerland, The former Yugoslav Republic of Macedonia, Togo, Tunisia, United States of America, Uruguay.
 - (ii) the *credentials* (without *full powers*) of the delegations of the following (81) States: Afghanistan, Albania, Algeria, Argentina, Australia, Azerbaijan, Bangladesh, Barbados, Belarus, Benin, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cameroon, Czech Republic, Croatia, Cyprus, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Fiji, Finland, France, Gambia, Georgia, Germany, Guatemala, Haiti, Honduras, Iran (Islamic Republic of), Iraq, Ireland,

Israel, Jamaica, Japan, Jordan, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lithuania, Libya, Malawi, Malaysia, Maldives, Mauritania, Mauritius, Namibia, Nepal, Netherlands, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Republic of Korea, Republic of Moldova, Russian Federation, Saudi Arabia, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Syrian Arab Republic, Tajikistan, Tanzania, Thailand, Tonga, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Kingdom, Vanuatu, Viet Nam.

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

(c) as far as *Observer Delegations* are concerned, no *credentials* were submitted.

(d) as far as the *Observers* are concerned, the *letters or documents of appointment* of representatives of the following Observers:

- (i) *intergovernmental organizations*: African Regional Intellectual Property Organization (ARIPO), International Labour Office (ILO), Benelux Organization for Intellectual Property (BOIP), World Trade Organization (WTO) (4).
- (ii) *non-governmental organizations*: American Intellectual Property Law Association (AIPLA), Asia-Pacific Broadcasting Union (ABU), Asian Pacific Copyright Association (APCA), Asociación Argentina de Intérpretes (AADI), Central Eastern European Copyright Alliance (CEECA), Coalición por el acceso legal a la cultura (CALC), Conseil National pour la Promotion de la musique traditionnelle du Congo (CNPMTTC), Copyright Research Information Center (CRIC), European Broadcasting Union (EBU), The European Law Student's Association (ELSA), Independent Film and Television alliance (IFTA), International Association of Broadcasting (IAB), International Confederation of Societies of Authors and Composers (CISAC), International Federation of Actors (FIA), International Federation of Film Producers Associations (FIAPF), Federación Ibero-latinoamericana de Artistas Intérpretes o Ejecutantes (FILAIE), International Federation of Musicians (FIM), International Video Federation (IVF), International Federation of Reproduction Rights Organizations (IFRRO), Internet Society (ISOC), Latín Artis, Motion Picture Association (MPA) (22).

8. 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) and 7(b), above, the credentials of the delegations mentioned in paragraph 7(a)(ii), above, and the letters or documents of appointment of the representatives of the organizations mentioned in paragraph 7(d), above.

9. 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 Observers not having presented letters or other documents of appointment.

10. 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 President of the Committee to the Conference, meeting in Plenary.

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

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