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Intangible Heritage Section
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Subject: Comments to document ITH/08/2.EXT.COM/CONF.201/13 discussed at the second extraordinary session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage

Dear Mr. Smeets,

Referring to the letter CLT/CIH/ITH/08/119, I have the pleasure to forward Estonian comments on the document ITH/08/2.EXT.COM/CONF.201/13, presenting Draft Operational Directives on the principles governing the use of the emblem of the ICH Convention.

1. *Paragraph 1*

The paragraph explains that the Convention's emblem shall normally be accompanied with UNESCO's emblem, acronym, logo and/or Internet domain names and in that case Resolution 34 C/86 (*Directives concerning the use of the name, acronym, logo and Internet domain names of UNESCO*) governs the criteria for its use. The provisions contained in the present document that comments are sought for apply only in the event where the Convention's emblem is used alone.

However, the paragraph does not explain what might these exceptional cases be when the emblem can be used alone. Estonia would welcome some clarification on the matter.

2. *Paragraph 3*

This paragraph underlines that only the statutory organs of the Convention and the

Director General of UNESCO have the right to use the emblem of the Convention without prior authorization.

In comparison, the Resolution 34 C/86 is more liberal concerning the rights of use, giving the right to use the name, acronym, logo and/or Internet domain of UNESCO without prior authorization also to National Commissions for UNESCO in addition to the governing bodies and UNESCO secretariat, subject to the rules set out by the Resolution itself. Estonia believes that the same kind of logic could be followed in the operational directives on the principles governing the use of the emblem of the ICH Convention.

3. *Paragraph 18, 22 and 23*

These paragraphs speak about the protection of the emblem. Paragraph 22 reads: *The States Parties are responsible for any consequences arising out of their use of the emblem.* The present wording seems to be too vague. What does this responsibility really mean? The provisions of national legislations and the Paris Convention for the Protection of Industrial Property have been referred to in paragraphs 18 and 23. Estonia believes that making full use of these measures entails also taking responsibility for any abusive use of the emblem and therefore the paragraph 22 is redundant in its present wording.

Yours truly

Margit Siim
Deputy Secretary General

cc: Margus Rava, Permanent Delegation of Estonia to UNESCO
Eike Eller, Ministry of Culture