

**EXECUTIVE COMMITTEE OF THE INTERNATIONAL
UNION FOR THE PROTECTION OF LITERARY AND
ARTISTIC WORKS (BERNE UNION)**

**INTERGOVERNMENTAL COMMITTEE
OF THE UNIVERSAL COPYRIGHT
CONVENTION**

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**Item II.13 of the Provisional Agenda of the
Intergovernmental Committee of the Universal
Copyright Convention**

26 JUL 1985

PROTECTION OF EXPRESSIONS OF FOLKLORE

**PART I: PRESENT STATUS OF THE WORK IN PROGRESS
AT THE REGIONAL LEVEL**

Memorandum of the Secretariats

1. As the Intergovernmental Committee of the Universal Copyright Convention and the Executive Committee of the Berne Union were informed at their sessions in December 1983, the Working Group on the Intellectual Property Aspects of Folklore Protection that had met in Geneva in January 1980 had recommended that both Secretariats endeavor to promote possible ways and means of protecting folklore at the regional level.

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2. In order to give effect to that recommendation, and in accordance with the approved programmes and budgets of Unesco and WIPO, the two organizations had convened three Committees of Experts on the Means of Implementation at the regional level of Model Provisions on the Intellectual Property Aspects of Protection of Expressions of Folklore.

3. These regional Committees of Experts for Latin America, Asia and Africa respectively, met in Bogotá (October 1981), New Delhi (January-February 1983) and Dakar (February 1983).

4. Their deliberations were duly reported at the last sessions in December 1983 to the Intergovernmental Committee of the Universal Copyright Convention and the Executive Committee of the Berne Union, which were also informed that an Arab Regional Committee would be convened in 1984.

5. A Regional Committee of Experts on Means of Implementation in the Arab States of Model Provisions on Intellectual Property Aspects of Protection of Expressions of Folklore (hereinafter referred to as "the Committee") was convened by the Directors General of Unesco and WIPO and met in Doha from October 8 to 10, 1984, at the invitation of the Government of Qatar through the Arab Gulf States Folklore Centre.

6. The purpose of the meeting was to consider the text of the Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and Other Prejudicial Actions, adopted by the Committee of Governmental Experts convened by the Directors General of Unesco and WIPO in Geneva from June 28 to July 2, 1982, and to make suggestions on the means of implementation of the said text in the Arab States.

7. Experts from seven Arab countries (Algeria, Egypt, Jordan, Kuwait, Lebanon, Qatar, Saudi Arabia) participated in the meeting. Two intergovernmental organizations, the Arab League Educational, Cultural and Scientific Organization (ALECSO) and the Arab Bureau of Education for the Gulf States were represented in an observer capacity.

8. The meeting was inaugurated by His Excellency Mr. Mohammad Abdul Rahman Al-Kholaifi, Undersecretary in the Ministry of Information of the Government of Qatar and Director General of the Arab Gulf States Folklore Centre, who welcomed the participants and spoke with considerable appreciation of the dedicated work of Unesco and WIPO in studying this question and also emphasized the links that the Gulf States have with both these Organizations of the United Nations System.

9. The Committee unanimously elected Mr. Ali Abdullah Khalifa, Director of the Arab Gulf States Folklore Centre who was also the expert from Qatar, as its Chairman and Mr. Haider Mahmoud, the expert from Jordan, as Rapporteur.

10. In the course of the general debate, the experts gave a brief account of the status of protection of expressions of folklore in their respective countries.

11. The delegate from the Arab Gulf States Folklore Centre, speaking on behalf of the seven member States of the Folklore Centre, stated that the Centre realizes that the model presented for discussion at this Committee would form the basis and guide for establishing their requisite draft law. Such a draft law will then be presented to each of the following States: Bahrain, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates, requesting them to adopt it as a jointly agreed project to protect the expressions of their folklore.

12. The representative of the Arab League Educational, Cultural and Scientific Organization (ALECSO) informed the Committee concerning the Arab Convention on Copyright with particular reference to the provisions on protection of folklore. He also described the provisions of the Convention generally. He spoke of the close contacts that his Organization had with Unesco and with WIPO in the field of copyright; he mentioned that a number of Arab States were party to the Berne Convention for the Protection of Literary and Artistic Works, as also party to the Universal Copyright Convention, and that the Arab Convention on Copyright sought to complement, not contradict, the international copyright conventions administered by Unesco and WIPO.

13. The general debate was followed by a detailed examination, section by section, of the said Model Provisions and the Commentary thereon, during the course of which the Committee formulated a number of observations and suggestions in the context of implementation of the said Model Provisions in the Arab States.

14. The experts also recommended that Unesco and WIPO should prepare the draft of an international multilateral treaty on the protection of expressions of folklore and work for its adoption and implementation.

15. The Committees are invited to take note of the information contained in this document.

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