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Intangible
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**UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION**

CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE

**INTERGOVERNMENTAL COMMITTEE FOR THE
SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE**

**Third Session
Istanbul, Turkey, 4 to 8 November 2008**

Item 6 of the Provisional Agenda: Draft Operational Directives for the use of the emblem of the Convention

Summary

At its second session, the General Assembly selected an emblem for the Convention, and requested the Committee to submit to it for approval, at its third session, additional operational directives concerning, inter alia, the use of its emblem. This document proposes a set of draft directives.

Decision required: paragraph 5

1. At its first extraordinary session, the Committee decided to "create an emblem in order to support its activities and those of States Parties in promoting the objectives of the Convention" and decided "to agree on the principle of an open competition based on wide publicity for the design of an emblem that best reflects the purposes and spirit of the Convention" (Decision 1.EXT.COM 8). At its second ordinary session, the Committee adopted the "guidelines relating to the graphic design of an emblem for the Convention", and established a subsidiary body that guided the Secretariat in the organization of the competition. The competition was launched on 15 November 2007 and closed on 17 March 2008.
2. Almost 1,300 designs for the emblem were proposed by artists in more than 100 UNESCO Member States. On 13 June 2008 the subsidiary body selected seven emblems from among those submitted. The Committee convened its third extraordinary session on 16 June 2008 in Paris, at which time it decided to submit those seven emblem proposals to the General Assembly for its consideration at its ongoing second session. The General Assembly thanked the Committee for its initiative in deciding to create an emblem for the Convention, and selected the proposal submitted by Mr Dragutin Kovačević from Croatia as the winner of the competition. It further decided, as a temporary measure, that the statutory organs of the Convention and the Director-General have the sole right to use the emblem of the Convention, and that they may not authorize others to use the emblem until such time as the General Assembly has adopted operational directives to that effect (Resolution [2.GA 9 bis](#)). It requested the Committee to submit to it for approval, at its third session, additional directives concerning, inter alia, the use of its emblem (Resolution [2.GA 5](#)).
3. The General Assembly also decided that the Convention's emblem shall be accompanied with UNESCO's emblem (paragraph 10 of Resolution 2.GA 9 bis). The use of UNESCO's emblem is governed by the *Directives concerning the Use of the Name, Acronym, Logo and Internet Domain Names of UNESCO*, which were approved by the General Conference of UNESCO at its 34th session ([34 C/Resolution 86](#)). The directives for the use of the Convention's emblem should therefore be in line with those UNESCO directives to the greatest extent possible, although they must necessarily also include requirements that are specific to the Convention's emblem. At its second extraordinary session, the Committee gave initial consideration to a draft set of directives governing the use of the emblem, but decided to invite comments from States Parties and to consider a revised set of directives at its third session. Comments were received from seven States Parties and have been posted on the website of the Convention for reference.
4. The annex to the decision below proposes a draft set of directives that might govern the use of the emblem of the Convention, reflecting the Committee's preliminary discussions at its second extraordinary session and the comments offered by States Parties in response to the preceding draft. The proposed directives coincide wherever possible with the Directives approved by the General Conference of UNESCO for the use of the UNESCO logo. The table below summarizes key provisions of the two sets of directives, for easy comparison.

	Explanatory table of the directives for the use of the UNESCO logo	Explanatory table of the draft directives for the use of the Convention emblem
Rights of use (automatic, without further authorization)	<ul style="list-style-type: none"> • General Conference • Executive Board • Secretariat • National Commissions for UNESCO (under the conditions specified in the Directives) 	<ul style="list-style-type: none"> • General Assembly • Committee • Secretariat

Right to authorize use by others	Prerogative of the General Conference and the Executive Board	Prerogative of the General Assembly and the Committee
Authorization may not be further delegated	The power to authorize the use of the UNESCO logo may not be granted to any other bodies.	The power to authorize the use of the emblem of the Convention may not be granted to any other bodies.
Authorization by Director-General	The Director-General is empowered to authorize the use of UNESCO's logo in connection with patronage, the appointment of goodwill ambassadors and other personalities, and also contractual arrangements and partnerships, as well as specific promotional activities.	The Director-General is empowered to authorize the use of the Convention's emblem in connection with patronage and contractual arrangements and partnerships, as well as specific promotional activities.
D-G's consultation with governing bodies	The governing bodies may ask the Director-General to put specific cases of authorization before them and/or submit to them an occasional or regular report on specific cases of use and/or of authorization, notably concerning the granting of patronage, partnerships and commercial use. The Director-General may decide to put specific cases of authorization before the governing bodies.	The statutory organs may ask the Director-General to put specific cases of authorization before them and/or submit to them an occasional or regular report on specific cases of use and/or of authorization, notably concerning the granting of patronage, partnerships and commercial use. The Director-General may decide to put specific cases of authorization before the statutory bodies.
Authorization for commercial use	Any commercial use of the UNESCO logo must be expressly authorized by the Director-General, under a specific contractual arrangement.	Any commercial use of the emblem of the Convention must be expressly authorized by the Director-General, under a specific contractual arrangement.
Benefits from commercial use	(Not discussed)	When commercial benefits are anticipated, the Director-General should ensure that the Intangible Cultural Heritage Fund receives a fair share of the revenues and conclude a contract or other agreement that documents the nature of the understandings that govern the project and the arrangements for provision of income to the Fund.
National Commissions for UNESCO (or another body designated by the Member State of UNESCO)	National Commissions have the right to use the UNESCO logo under the conditions specified in the Directives. The National Commissions for UNESCO, except where another body has been designated by the Member States, are the competent body to deal with questions relating to the use at the national level of the UNESCO logo.	(Not applicable)

	When granting their own patronage to national activities, National Commissions can authorize organizations to use UNESCO's logo always in association with the National Commissions' own name and, if they so desire, their own logo. The same applies to contractual arrangements and promotional activities which they enter into or conduct in their own name, at the national level.	(Not applicable; power to authorize may not be delegated)
	National Commissions, or other designated authorities, are responsible for the consequences arising out of the authorizations granted by them.	(Not applicable; power to authorize may not be delegated)
	The Secretariat and the Member States, through their National Commissions or other designated bodies, should closely cooperate, in order to prevent any unauthorized use of UNESCO's logo at the national level, in liaison with competent national bodies and in line with these Directives.	The Secretariat and the States Parties should closely cooperate, in order to prevent any unauthorized use of the emblem of the Convention at the national level, in liaison with competent national bodies and in line with these Directives.
Protection	The governing bodies may ask the Director-General to monitor the proper use of the UNESCO logo, and to initiate proceedings against abusive use where appropriate.	The statutory organs of the Convention may ask the Director-General to monitor the proper use of the emblem of the Convention, and to initiate proceedings against abusive use where appropriate.
Amendment	These Directives may only be amended by the General Conference.	May only be amended by the General Assembly.

5. The Committee may wish to adopt the following decision:


DECISION 3.COM 6

The Committee,

1. Recalling Resolutions [2.GA 5](#) and [2.GA 9 bis](#) of the General Assembly;
2. Submits to the General Assembly for approval the directives concerning the use of the emblem of the Convention as annexed to this decision.

ANNEX: DRAFT DIRECTIVES GOVERNING THE USE OF THE EMBLEM OF THE CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE

Definition

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| 1. | The emblem or logo of the Convention, which is used as its official seal, is shown below: |
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| 2. | The Convention's emblem shall be accompanied by UNESCO's logo and may not be used in isolation, it being understood that each of them is governed by a separate set of rules and that any use must have been authorized in accordance with each of the respective sets of rules. |

Rules applicable to use of the UNESCO logo and the emblem of the Convention respectively

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| 3. | The provisions of the present Directives apply only to the use of the emblem of the Convention. |
| 4. | The use of UNESCO's emblem or logo which accompanies the emblem of the Convention is governed by the <i>Directives concerning the Use of the Name, Acronym, Logo and Internet Domain Names of UNESCO</i> , as adopted by the General Conference of UNESCO ¹ . |
| 5. | The use of the Convention's emblem linked to the UNESCO logo, therefore, must be authorized under the present Directives (for the part of the Convention's emblem) and under the <i>Directives concerning the Use of the Name, Acronym, Logo and Internet Domain Names of UNESCO</i> (for the part of UNESCO's logo) in accordance with the respective procedures provided under each of these Directives. |

Rights of use

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| 6. | Only the Statutory Organs of the Convention, i.e. the General Assembly and the Committee, as well as the Secretariat have the right to use the emblem of the Convention without prior authorization, subject to the rules set out by the present Directives. |
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Authorization

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| 7. | Authorizing the use of the emblem of the Convention is the prerogative of the |
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¹ The most recent version of the *Directives concerning the Use of the Name, Acronym, Logo and Internet Domain Names of UNESCO* is found in the annex to Resolution 86 of the 34th session of the General Conference (34 C/Resolution 86) or at <http://unesdoc.unesco.org/images/0015/001560/156046e.pdf>.

	Statutory Organs of the Convention, i.e. the General Assembly and the Committee. In specific cases as set out by the present Directives, the statutory organs empower, by delegation, the Director-General to authorize such use to other bodies. The power to authorize the use of the emblem of the Convention cannot be granted to other bodies.
8.	The General Assembly and the Committee authorize the use of the emblem of the Convention by means of resolutions and decisions, notably in the case of official partners, global or regional prizes, and special events in the States Parties.
9.	The statutory organs of the Convention should ensure that their resolutions and decisions stipulate the terms of the authorization granted, in accordance with the present Directives.
10.	The Director-General is empowered to authorize the use of the Convention's emblem in connection with patronage and contractual arrangements and partnerships, as well as specific promotional activities.
11.	Any decision authorizing the use of the emblem of the Convention shall be based on the following criteria: (i) relevance of the proposed association to the Convention's purposes and objectives and (ii) compliance with the principles of the Convention.
12.	The statutory organs may ask the Director-General to put specific cases of authorization before them and/or submit to them an occasional or regular report on specific cases of use and/or of authorization, notably concerning the granting of patronage, partnerships and commercial use.
13.	The Director-General may decide to put specific cases of authorization before the governing bodies.
Criteria and conditions for the granting of patronage and use of the emblem	
14.	Patronage may be granted to various kinds of activities, such as cinematographic works and other audiovisual productions, publications, congresses, meetings and conferences, the awarding of prizes, and other national and international events.
15.	<p>The procedures for requesting the Convention's patronage and use of the emblem shall be provided by the Secretariat, in line with the following criteria and conditions:</p> <p>a. <u>Criteria</u>:</p> <ul style="list-style-type: none"> i. Impact: use may be granted to exceptional activities likely to have a real impact on safeguarding intangible heritage and to enhance significantly the Convention's visibility. ii. Reliability: adequate assurance should be obtained concerning those in charge (professional experience and reputation, references and recommendations, legal and financial guarantees) and the activities concerned (political, legal, financial and technical feasibility). <p>b. <u>Conditions</u>:</p> <ul style="list-style-type: none"> i. The Convention's patronage and use of the emblem must be requested from the Secretariat at least three months prior to the first day of the period intended; the Convention's patronage and the use of the emblem are granted in writing, and exclusively by the Director-General.

	<ul style="list-style-type: none"> ii. In the case of national activities, the decision regarding the granting of the Convention's patronage is made on the basis of obligatory consultations with the State Party in which the activity is held. iii. The Convention must be afforded an appropriate degree of visibility, notably through the use of its emblem. iv. Patronage may be granted to individual activities or to activities which take place regularly. In the latter case, the duration must be fixed and the authorization renewed periodically.
Contractual arrangements	
16.	Any contractual arrangement between the Secretariat and outside organizations involving commercial use of the Convention's emblem by those organizations (for example, in the framework of partnerships with the private sector or civil society, co-publication or co-production agreements, or contracts with professionals and personalities supporting the Convention) must include a standard clause stipulating that any use of the emblem must be requested and approved previously in writing.
17.	Authorizations accorded under such contractual arrangements must be limited to the context of the designated activity.
Commercial use	
18.	The sale of goods or services bearing the emblem of the Convention chiefly for profit shall be regarded as "commercial use" for the purpose of these Directives. Any commercial use of the emblem of the Convention must be expressly authorized by the Director-General, under a specific contractual arrangement.
19.	When commercial benefits are anticipated, the Director-General should ensure that the Intangible Cultural Heritage Fund receives a fair share of the revenues and conclude a contract concerning the project and the arrangements for provision of income to the Fund. Such contributions to the Fund shall be governed in accordance with paragraphs *** of the Operational Directives on the "means to increase the resources of the Intangible Cultural Heritage Fund".
Graphical standards	
20.	The Convention emblem should be reproduced according to the graphical standards elaborated by the Secretariat, and should not be altered.
Protection	
21.	To the extent that the emblem of the Convention has been notified and accepted by the Paris Union Member States under Article 6 ter of the Paris Convention for the Protection of Industrial Property, adopted in 1883 and revised at Stockholm in 1967, UNESCO has recourse to Paris Convention Member States' domestic systems to prevent the use of the emblem of the Convention where such use falsely suggests a connection with UNESCO, the Convention, or any other abusive use.
22.	In specific cases, the statutory organs of the Convention may ask the Director-General to monitor the proper use of the emblem of the Convention, and to initiate proceedings against abusive use where appropriate.

23.	The Director-General is responsible for instituting proceedings in the case of unauthorized use at the international level of the emblem of the Convention. At the national level this shall be the responsibility of the relevant national authorities.
24.	The Secretariat and the States Parties should closely cooperate in order to prevent any unauthorized use of the emblem of the Convention at the national level, in liaison with competent national bodies and in line with the present Directives.