

Excerpt

Operational Directives for the Implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage

Adopted by the General Assembly of the States Parties to the Convention at its second ordinary session (Paris, France, 16 to 19 June 2008), amended at its third session (Paris, France, 22 to 24 June 2010)

[...]

IV.2 Use of the emblem of the Convention for the Safeguarding of the Intangible Cultural Heritage

IV.2.1 Definition

124. The emblem or logo of the Convention, which is used as its official seal, is shown below:



125. 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.

IV.2.2 Rules applicable to use of the UNESCO logo and the emblem of the Convention respectively

126. The provisions of the present Directives apply only to the use of the emblem of the Convention.
127. The use of UNESCO's emblem or logo which accompanies the emblem of the Convention is governed by the Directives concerning the Use of the Name, Acronym, Logo and Internet Domain Names of UNESCO, as adopted by the General Conference of UNESCO¹.
128. 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 Directives concerning the Use of the Name, Acronym, Logo and Internet Domain Names of UNESCO (for the part of UNESCO's logo) in accordance with the respective procedures provided under each of these Directives.

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>.

IV.2.3 Rights of use

129. 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.

IV.2.4 Authorization

130. Authorizing the use of the emblem of the Convention is the prerogative of the 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.
131. 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 activities carried out by official partners, global or regional prizes, and special events in the States Parties. The General Assembly and the Committee may authorize the National Commissions for UNESCO, or other duly designated authority, at the request of the State Party concerned, to use the emblem and to deal with questions relating to the use of the emblem at the national level.
132. 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.
133. 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.
134. 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.
135. 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.
136. The Director-General may decide to put specific cases of authorization before the statutory organs of the Convention.

IV.2.5 Criteria and conditions for the use of the emblem for the purpose of patronage

137. The use of the emblem for the purpose of patronage may be authorized for various kinds of activities such as performances, cinematographic works and other audiovisual productions, publications, congresses, meetings and conferences, the awarding of prizes, and other national and international events, as well as works that embody the intangible cultural heritage.
138. The procedures for requesting the use of the Convention's emblem for the purpose of patronage shall be provided by the Secretariat, in line with the following criteria

and conditions:

(a) Criteria:

- i. Impact: use may be granted to exceptional activities likely to have a real impact on safeguarding intangible cultural 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).

(b) Conditions :

- i. The use of the Convention's emblem for the purpose of patronage must be requested from the Secretariat at least three months prior to the first day of the period intended; the use of the Convention's emblem for the purpose of patronage is authorized in writing, and exclusively by the Director-General.
- ii. In the case of national activities, the decision regarding the authorization to use the Convention's emblem for the purpose of patronage is made on the basis of obligatory consultations with the State Party in whose territory the activity is held.
- iii. The Convention must be afforded an appropriate degree of visibility, notably through the use of its emblem.
- iv. The use of the Convention's emblem for the purpose of patronage may be authorized to individual activities or to activities which take place regularly. In the latter case, the duration must be fixed and the authorization renewed periodically.

139. Communities, groups or, if applicable, individuals concerned are encouraged to use the emblem of the Convention with regard to their activities and special events to safeguard and promote their cultural heritage inscribed on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding or the Representative List of the Intangible Cultural Heritage of Humanity, under the conditions specified in the present Operational Directives.

IV.2.6 Commercial use and contractual arrangements

140. 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.
141. Authorizations accorded under such contractual arrangements must be limited to the context of the designated activity.
142. 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. If the commercial use of the emblem is directly connected with a specific element inscribed on a List, the Director-General may authorize it after consulting the State(s) Party(ies) concerned.

143. When profit, as mentioned in the previous paragraph, is anticipated, the Director-General should ensure that the Intangible Cultural Heritage Fund receives a fair share of the revenues and should conclude a contract concerning the project, including the arrangements for provision of income to the Fund. Such contributions to the Fund shall be governed in accordance with the Financial Regulations of the Intangible Cultural Heritage Fund.

IV.2.7 Graphical standards

144. The Convention emblem shall be reproduced according to the precise graphical standards elaborated by the Secretariat and published on the website of the Convention, and shall not be altered.

IV.2.8 Protection

145. 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.
146. States Parties are invited to provide the Secretariat with the names and addresses of the authorities in charge of managing the use of the emblem.
147. Those requesting use of the emblem at the national level are encouraged to consult with the designated national authorities. The Secretariat shall inform the designated national authorities of cases of authorization.
148. 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.
149. 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.
150. 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 Operational Directives.