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UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL
ORGANIZATION

CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL
AND NATURAL HERITAGE

**30th Anniversary
(1972-2002)**

WORLD HERITAGE COMMITTEE

Twenty-sixth session

**Budapest, Hungary
24 - 29 June 2002**

Item 15 of the Provisional Agenda:

Proposed World Heritage Visual Identity and Legal Protection of the Emblem

SUMMARY

In 2001, the World Heritage Centre recommended that a new World Heritage Visual Identity be developed in an attempt to respond to a wide range of questions raised by users of the World Heritage Emblem, at the site level, and national and international levels. As a result, a draft User's Manual was proposed and discussed during the 25th session of the World Heritage Committee (Helsinki, December 2001) and the 26th session of the Bureau of the World Heritage Committee (Paris, April 2002).

Discussions and responses suggested that further consultations would be necessary before finalising this draft User's Manual.

The purpose of this document is to provide the World Heritage Committee with:

- (i) an update regarding the preparation of the Users' Manual;
- (ii) an opportunity to comment on the User's Manual (see WHC-02/CONF.202/INF.7) and;
- (iii) an action plan of measures that would need to be explored to ensure the legal protection of the World Heritage Emblem.

Decisions required:

The Committee may wish to:

1. Examine and take note of the information contained in this report and request the World Heritage Centre to finalise the draft User's Manual in co-operation with interested States Parties.
2. Request the World Heritage Centre to take necessary actions to ensure the legal protection of the World Heritage Emblem.

I. BACKGROUND

1. In 1998 the Consultative Body of the World Heritage Committee established a working group to discuss issues related to the use of the World Heritage Emblem within the context of a communication strategy for World Heritage. The working group drafted Guidelines and Principles for the use of the World Heritage emblem which were adopted by the Committee during its 22nd session (Kyoto, December 1998).
2. In 1999, the Guidelines and Principles were included in the *Operational Guidelines for the Implementation of the World Heritage Convention* as annex 3 of the document.
3. Regardless of ongoing work undertaken to revise the *Operational Guidelines* of March 1999, the segment of the *Operational Guidelines* on the use of the emblem will remain unchanged.

II. PROPOSAL TO PUBLISH A WORLD HERITAGE VISUAL IDENTITY USER'S MANUAL

4. Following the adoption of the Guidelines and Principles mentioned above, a proposal to publish a User's Manual on the issue of the World Heritage Emblem, including a recommended World Heritage Visual Identity was presented during the 25th session of the World Heritage Committee (Helsinki, December 2001).

Purpose of the World Heritage Visual Identity User's Manual:

5. The principle objective of this User's Manual is to provide site managers and site authorities with a "user friendly" framework of modalities and graphic chart, to complement the existing Guidelines and Principles for the Use of the World Heritage emblem (Annex 3 of the *Operational Guidelines*), and help increase the visibility of World Heritage throughout the world. It is to be considered as a recommended tool to avoid distortions of the original design and meaning of the World Heritage emblem.

Discussions on this item:

6. The Committee discussed the proposed World Heritage Visual Identity and the need to examine this document more closely in order to compare it to similar initiatives that may have been undertaken at local and national levels, and that thus may need to be taken into consideration in the elaboration of a User's Manual.
7. It was felt that the Manual should essentially be used to provide guidance to local authorities and site managers interested in developing communication tools about the World Heritage property (ies) for which they are responsible. The Committee also commented on the need for this type of Manual to serve essentially as a tool to guide users as well as the need to keep it as flexible as possible notably with regards to the choice of language versions used with the two emblems. The Committee also stressed the fact that it should not be considered as a separate, or new, set of guidelines governing the use of the World Heritage emblem.
8. The recommended design of the new World Heritage signature, jointly presenting the World Heritage Emblem and the UNESCO logo, was developed to help ensure

consistency of use when both emblems were used together (as recommended in the *Operational Guidelines* of March 1999).

9. The Committee asked that the draft User's Manual on the proposed World Heritage Visual Identity be circulated to the members of the Committee for comments and presented to the 26th session of the Bureau before the draft User's Manual could be finalised.
10. The 26th session of the Bureau of the World Heritage Committee (Paris, April 2002) also discussed this item. Questions were raised about the association of the two emblems and whether this could present legal difficulties in ensuring its protection. Concern was also expressed about the authorisation process for granting the use of the World Heritage emblem, should the UNESCO logo be associated to it.
11. As a result of discussion, the Bureau requested that a new document be prepared for consideration by the Committee, including the proposed graphic chart (WHC-02/CONF.202/INF.7) and further information on procedures and costs involved in protecting the original World Heritage emblem through the World Intellectual Property Organization (WIPO).

New Information:

12. Since the 25th session of the World Heritage Committee (Helsinki, 2001), the Centre has posted the draft pages of the User's Manual to the World Heritage Visual Identity on the World Heritage web site (www.unesco.org/whc/emblem-manual) to provide States Parties with easy and direct access to the draft.
13. A letter was sent to the members of the World Heritage Committee to inform them of the possibility to consult the draft User's Manual on the web site and to invite those without access to the Internet to identify themselves so that a black and white copy of the document could be made available to them. The draft User's Manual is contained in information document WHC-02/conf.201/INF.7.
14. The members of the Committee were asked to send their comments to the World Heritage Centre before 1 May 2002. Suggestions from 3 States Parties were received indicating:
 1. The need to identify the scope of such a Manual, specifying that it could only serve to guide users and which should not be considered as a new regulation;
 2. The need to ensure the protection of the emblem;
 3. Concern over the practicality of having to clear the use of the emblems with two bodies if UNESCO and World Heritage emblems are to be used together;
 4. Concern over the necessity to always associate both UNESCO and World Heritage emblems;
 5. In reference to the use of text, the need for some flexibility in using one or more languages and the need to use the language of the country where the UNESCO and World Heritage emblems will be used;
 6. The need to clarify how the emblems should be used when associated to other emblems.

15. **Decision required:**

The Committee may wish to examine and take note of the information contained in this report and request the World Heritage Centre to finalise the Draft User's Manual in co-operation with interested States Parties.

III. STEPS TOWARDS ENSURING THE LEGAL PROTECTION OF THE WORLD HERITAGE EMBLEM:

16. Following the approval of the *Guidelines and Principles for the Use of the World Heritage Emblem* by the World Heritage Committee, at its 22nd session (Kyoto, December 1998) and the integration of these *Guidelines and Principles* in the March 1999 *Operational Guidelines for the implementation of the World Heritage Convention*, the World Heritage Centre contacted WIPO to study means of ensuring adequate legal protection for the World Heritage Emblem.
17. Letters were sent to WIPO requesting information about the status of the World Heritage Emblem, notably under the *Paris Convention for the Protection of Industrial Property* (hereinafter the Paris Convention).
18. In February 2000, a reply was received from Mr Höpperger, Head of the Geographical Indications and Special Projects Section (WIPO), confirming that the World Heritage Emblem had so far not been communicated¹ under Article 6ter (1)(b) of the Paris Convention.
19. Article 6ter of the Paris Convention grants legal protection to the emblems, abbreviations and names, *inter alia*, of international intergovernmental organisations. The purpose of Article 6ter is to prohibit the registration and use of trademarks that are identical to, or present a certain similarity with the protected emblem.
20. WIPO further indicated that the request for communication would require a letter signed by the Director-General of UNESCO or by one of his representatives.

Discussion on this item:

21. In addressing questions raised during the 26th session of the Bureau of the World Heritage Committee (summarised above), the UNESCO Legal advisor responded to these issues by confirming that, although the conditions for protecting the World Heritage emblem had not yet been fully settled, the recommended display of both emblems would not present any difficulties from a purely legal standpoint. The use of each emblem, according to the Legal advisor, must be authorised under the existing relevant guidelines governing the use of each of these emblems, ie: under the guidelines of the World Heritage Committee as regards the World Heritage emblem and under the guidelines adopted by the Director-General and/or by the Executive Board, depending on the circumstances, as regards the UNESCO emblem. He further specified that in his

¹ The term communication is used by WIPO; it refers to the procedure by which an international intergovernmental organisation communicates, or makes known, to the States party to the Paris Convention that its emblem is applying for legal protection under the terms established by the Paris Convention.

opinion the side-by-side display of the two emblems would not constitute the creation of a new emblem unless the emblems were linked together in an overall graphic framework.

New Information:

22. Since the 26th session of the Bureau of the World Heritage Committee (April 2002), steps have been taken to obtain further information from WIPO on procedures and the cost of ensuring the legal protection of the Emblem. New information may be available in time to be presented during the 26th session of the World Heritage Committee.

23. **Decision required:**

The Committee may wish to request the World Heritage Centre to take necessary actions to ensure the legal protection of the World Heritage Emblem.