

Asian Pacific Copyright Association (APCA) Statutes

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1. Establishment and Objective

(a) Establishment

The Asian Pacific Copyright Association (APCA) was established on 15 November 2011 by the duly recorded affirmative votes of establishing members.

(b) Objective

The objective of APCA is to provide a forum for discussion and promoting, through legislation, dialogue and education, the maintenance and development of copyright and related rights in the Asian Pacific Region, being that Region embracing the countries and territories located in or bordering on the Pacific Ocean west of the International Date Line. The general working language of APCA is English.

2. Membership

(a) Members

Application for membership of APCA may be made by an applicant being

- (i) an individual who supports the objective of APCA and who is a citizen of, or a resident in a country or territory located in the Asian Pacific Region

or

- (ii) a body being an association, organisation, institution, society, corporation, company, firm or agency which supports the objective of APCA and is located in a country or territory in the Asian Pacific Region.

(b) Associate members

Application for associate membership of APCA may be made by an applicant of one of the categories defined in paragraph (a) of this Article who or which supports the objective of APCA but is not respectively (i) a citizen of or resident in or (ii) located in a country or territory of the Asian Pacific Region.

(c) Honorary Members

The APCA General Meeting may award the title of Honorary Member for life to any individual who at the time of such award is an APCA member and who has rendered an outstanding contribution to furthering the objective of APCA. An Honorary Member may attend and vote at APCA General Meetings and pays no subscription to APCA, and if a continuing member of a National Group has a vote in the National Group proceedings but without subscription obligation.

(d) Admission

- (i) Admission to APCA membership or associate membership has been made or may be made in agreed form by the APCA Acting Secretary in respect of applications made before the adoption of these Statutes and may continue to be so made until appointment of the General Secretary.
- (ii) The General Secretary is empowered to admit to APCA membership or associate membership on due application by qualifying applicants.
- (iii) Application for membership where the applicant is a citizen or resident of or located in a country or territory of a National Group, is made through the Secretary of that Group, who upon approbation of the application by that Group forwards the application to the General Secretary for confirmation of APCA membership. Other applications for membership are made directly to the General Secretary.
- (iv) Membership of APCA embraces and entails membership of the respective National Group in the country or territory of citizenship of, or residence in or location of the APCA member concerned.
- (v) A member of a body which is a member of APCA may have separate membership of APCA.

(e) Termination

Membership or associate membership of APCA may be terminated by

- (i) resignation by notice in writing to the General Secretary, or
- (ii) subject to two months' written notice to the member concerned, by decision of the APCA Executive Committee for non-payment of subscription or other serious breach of an obligation under these Statutes.

3. Organs

The organs of APCA are the National Groups, the Council, the Executive Committee and the General Meeting, all of whose functions are to support and contribute to the objective of APCA and its activities.

4. Officers

- (a) The Officers of APCA are the President, two Vice Presidents, the General Secretary and the Treasurer.

- (b) (i) The President and Vice Presidents are elected by the Council from individuals supporting the objective of APCA being respectively an individual member of APCA or a member of a body which is a member of APCA. The General Secretary and the Treasurer are appointed by the Council on terms decided by the Council. Pending appointment of the General Secretary, the APCA Acting Secretary exercises the functions of the General Secretary.
- (ii) The President and the Vice Presidents hold office for three years from election and may be re-elected, their respective tenures of office being conditional on their respectively continuing to fulfil the conditions of eligibility for election as described in (i) above.
- (c) Where not provided in these Statutes, the functions of the General Secretary and the Treasurer are determined by the APCA Council.

5. APCA National Groups

(a) Constitution

An APCA National Group consists of APCA members and following adoption of these Statutes is constituted in each country or territory located in the Asian Pacific Region with United Nations status by the admission to APCA membership in such country or territory of two or more applicants. Membership of a National Group is conditional upon citizenship of or residence in or location in the country or territory of that National Group.

(b) Function of National Group

The function of an APCA National Group is to promote and facilitate in accordance with these Statutes and decisions of the General Meeting and Council the achievement of the objective of APCA in the country or territory of the National Group, and to participate by representation in meetings of the Council as provided herein.

(c) Administration, procedure and representation

- (i) Each National Group elects from its members its Chairman and Secretary, and determines its own rules on administration and procedure including rules relating to National Group subscriptions, quorum requirement and proxy voting.
- (ii) Each National Group is entitled to appoint from among its members one representative on the Council for every 50 members of the National Group as at the opening of the Council meeting concerned, with a maximum of three National Group representatives for each National Group. A National Group representative must be an individual member of the appointing National Group or an individual who is nominated by a member of such Group and who is a citizen of or resident in the country or territory of such National Group and who supports the objective of APCA.

6. APCA Council

(a) Constitution

The members of the APCA Council are

- (i) the members of the Executive Committee,
- (ii) the National Group representatives appointed by National Groups, and
- (iii) co-opted members.

(b) Function of Council

The function of the Council is to promote and facilitate the achievement of the objective of APCA in accordance with these Statutes and the decisions of the APCA General Meeting.

(c) Administration and procedure

- (i) The Council elects its Chairman from its members and determines its own rules on administration and procedure including rules relating to quorum requirement and proxy voting. The APCA General Secretary acts as Secretary of the Council.
- (ii) The Council may co-opt a maximum of two APCA members to the Council. A co-opted member of the Council has one vote in Council proceedings.
- (iii) An APCA member of a country or territory of the Asian Pacific Region in which no APCA National Group exists may attend meetings of the Council as an observer. The Council may in addition appoint observers to attend Council meetings. Observers have no vote in Council proceedings.

(d) Voting

- (i) An appointed National Group representative may by prior written notice to the Secretary of the Council appoint an APCA member of the same National Group to represent and vote as proxy for such National Group representative at a particular Council Meeting. Such proxy appointment and voting must for validity be in accordance with the rules adopted by the Council in this respect.
- (ii) Each appointed National Group representative or, as applicable, duly appointed proxy of such representative, has one vote in Council proceedings.
- (iii) A member of the Executive Committee who is an appointed National Group representative has as such representative one vote in Council proceedings, but no additional vote in such proceedings. A member of the Executive Committee who is not an appointed National Group representative has one vote in Council proceedings.
- (iv) Decisions of the Council whether in meeting assembled or through communication with the Secretary of the Council are by majority of votes validly cast by appointed National Group representatives, by duly appointed proxies of such representatives and by Executive Committee members as applicable. In case of equal voting for and against a proposal the Chairman of the Council has in addition a deciding vote.

7. APCA Executive Committee(a) Constitution

The APCA Executive Committee is composed of the APCA Officers.

(b) Function of Executive Committee

The function of the Executive Committee is to take such decisions as are necessary to carry out the decisions of the General Meeting and of the Council, and generally to facilitate the achievement of the objective of APCA.

(c) Administration and procedure

The Executive Committee determines its own rules on administration and procedure including rule relating to quorum requirement. The President of APCA acts as Chairman of the Executive Committee. The General Secretary acts as Secretary of the Committee.

(d) Voting

- (i) Each member of the Executive Committee has one vote in Executive Committee proceedings.
- (ii) Decisions of the Executive Committee whether in meeting assembled or through communication with the Secretary of the Committee are by majority of votes validly

cast by Committee members. In case of equal voting for and against a proposal the Chairman of the Committee has in addition a deciding vote.

8. APCA General Meeting

(a) Constitution

The APCA General Meeting is constituted by a meeting of which due notice has been given by the General Secretary to all APCA members.

(b) Function of the General Meeting

The APCA General Meeting has the function of reviewing the activities of the Executive Committee and Council, reviewing and deciding on activities of APCA for the achievement of the APCA objective.

(c) Administration and procedure

(i) A General Meeting of APCA members shall be held at least every three years after the date of adoption of these Statutes on a date and at a place as decided by the Council. A General Meeting shall be preceded by at least three months' written notice of such meeting to all APCA members together with notice of the proposed Agenda of the meeting as decided by the Council.

(ii) The procedure at General Meetings including rule relating to quorum requirement shall be determined before the holding of such General Meetings by the General Secretary subject to approval at the General Meeting concerned.

(iii) The President of APCA acts as Chairman of General Meetings and the General Secretary acts as Secretary of such Meetings.

(d) Voting

(i) An APCA member may by prior written notice to the General Secretary appoint another APCA member to represent and vote as proxy for such APCA member at a particular General Meeting. Such proxy appointment and voting must for validity be in accordance with the rules adopted by the Council in this respect.

(ii) Each APCA member or, as applicable, duly appointed proxy of such member has one vote in General Meeting proceedings.

(iii) Decisions of the General Meeting whether in meeting assembled or through communication with the Secretary of the General Meeting are by majority of votes validly cast by APCA members and duly appointed proxies. In case of equal voting for and against a proposal the Chairman of the General Meeting has in addition a deciding vote.

9. Finance

Subscriptions to APCA shall be at rates approved by the Council and shall be paid to the APCA Treasurer:

(i) by APCA members who are not members of an APCA National Group,

(ii) by APCA National Groups, and

(iii) by APCA associate members.

The APCA Treasurer, shall be responsible for rendering an annual account of APCA finances to the Council.

10. Amendment of Statutes

The Statutes may be amended by a majority of votes validly cast by APCA members and received by the General Secretary following at least two months' prior written notice of the proposed amendments given by the General Secretary to all members, such proposed amendments to be approved by the Council before such notice is given.

11. Dissolution

The Association may be dissolved by resolution by a majority of votes validly cast by APCA members and received by the General Secretary following at least three months' prior written notice of such resolution given by the General Secretary to all members, such proposed resolution to be approved by the Council before such notice is given.

12. Status

- (a) APCA is established as an unincorporated members association.
- (b) Registration of APCA under the law of a country or territory of the Asian Pacific Region may be effected following at least two months' prior written notice given by the General Secretary to all APCA members.

Adopted 7 May 2013
