

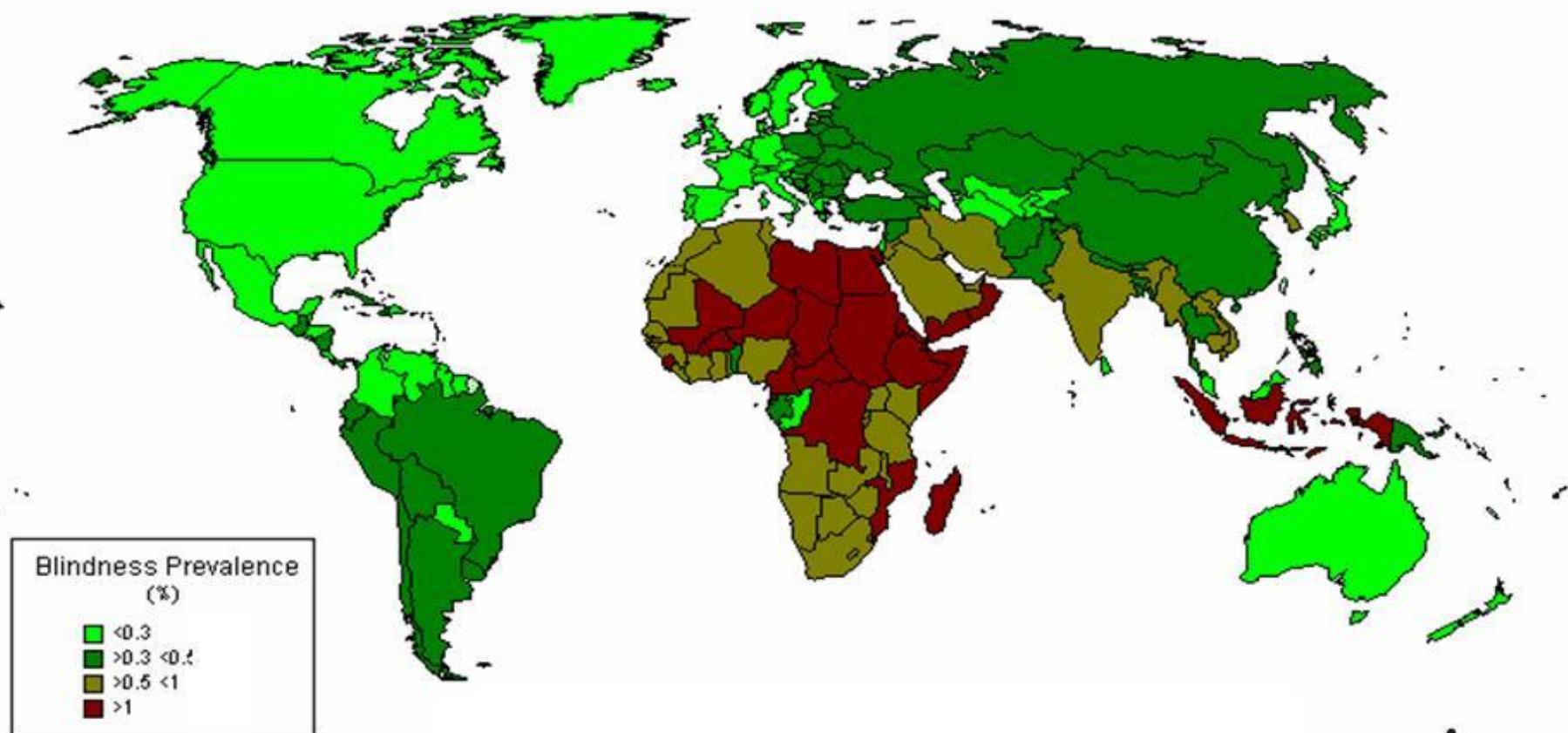


Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled

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Sydney
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PREVALENCE OF BLINDNESS



World Health
Organization

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The Facts



**285
million
VIPs in
the world**

The infographic features a central teal circle with the text '285 million VIPs in the world'. This circle is surrounded by a larger, light teal ring. To the right of the ring, there are three rectangular boxes, each containing a fact. The boxes are arranged vertically and are connected to the ring by a small teal circle.

**At least 57
national laws with
exceptions**

**Around 1% to 10%
of printed materials
in accessible
formats**

**90% of VIPs in
developing
countries**

It is not only a matter of Legislation

-  **Trusted Intermediaries**
-  **Enabling Legal Regime**
-  **Development Dimension**
-  **Concerns in the Digital Environment**
-  **Technological Tools**
-  **Standards Interoperability**
-  **Information and Training**





Diplomatic Conference to conclude a Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities

Marrakesh, June 17 to 28, 2013



Structure

Preamble

1. Relation to other Conventions and Treaty
2. Definitions (works; accessible format copy; authorized entity)
3. Beneficiary Persons
4. National level
5. Cross-border exchange
6. Importation
7. Technological Protection Measures
8. Respect for Privacy
9. Cooperation to facilitate exchange
10. Implementation provisions
11. Respect for Copyright provisions
12. Other Limitations and Exceptions

Preamble

I- Universal Declaration of Human Rights;
United Nations Convention on the Rights of Persons with
Disabilities

(Article 30.3 “States parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural material”)

Definition: Work

- Within the meaning of Article 2.1 Berne;
- in the form of text, notation and/or related illustrations (Agreed Statement to include Audiobooks);
- Whether published or otherwise made available.

Definition: Accessible format copy

- Defined with reference to the functional activities that can be carried out by beneficiaries and refers to “permit[ting] the person to have access as feasibly and comfortably as a person without visual impairment or other print disability”
(e.g. Braille, Daisy, large print);
- Must respect the integrity of the work;
- Used exclusively by the beneficiary person.



Definition: Authorized entity (1)

- Broad definition that encompasses many non-profit and government entities, whether they are specifically authorized by the government or “recognized” by the government (including through receiving funds) as entities that provide many functions including education and information access;

Definition: Authorized entity (2)

- authorized or recognized by the government;
- on a non-profit basis;
- Serving VIP as “primary activities” or institutional obligations;
- Duties: (1) verify conditions for being a beneficiary; (2) limit distribution to them; (3) discourage unauthorized uses; (4) maintain due care and keep records.

Authorized Entities: examples



Beneficiary Person

- (a) is blind;
- (b) has a visual impairment or a perceptual or reading disability which cannot be improved (agreed statement to clarify doesn't include all possible medical diagnostic or treatment) to give visual function substantially equivalent to that of a person who has no such impairment or disability and so is unable to read printed works to substantially the same degree as a person without an impairment or disability; or
- (c) is otherwise unable, through physical disability, to hold or manipulate a book or to focus or move the eyes to the extent that would be normally acceptable for reading, regardless of any other disabilities”.

Limitations and exceptions at the National level (I)

- Should permit changes needed to make a work accessible (by default);
- Mandatory: rights of reproduction, distribution, and making available to the public; optional: public performance.
- Authorized entities can: (1) make accessible format, (2) obtain it from another entity and (3) supply to beneficiary (including persons acting on her behalf, caretaker or caregiver).

Limitations and exceptions at the National level (II)

- Commercial availability (under reasonable terms) requirement is optional. Through a notification Member States can set the absence of availability of accessible format as a pre-condition for the limitations and exception;
- A system for remuneration is also optional.

Cross-border exchange

Whenever an authorized entity can prepare an accessible format nationally, it can also:

- Distribute or make available accessible formats to other authorized entities in other Member States;
- Distribute or make available accessible formats directly to beneficiary persons;

Importation

- Within the scope of limitations and exceptions at the National level (i.e. in cases where beneficiary persons, someone acting on her behalf or an authorized entity can make an accessible copy);
- Mandatory: permit a beneficiary person, someone acting on his/her behalf or an authorized entities to import.

Implementation Provisions

(2) Freedom in implementation within their own legal system and practice.

Agreed statement: *“It is understood that when a work qualifies as a work under Article 2(a), including such works in audio form, the L&Es provided for by this Treaty apply mutatis mutandis to related rights as necessary to make the accessible format copy, to distribute it and to make it available to beneficiary persons”*

(3) “...may fulfill (..) through exceptions or limitations specifically for the benefit of beneficiary persons, other exceptions or limitations, or a combination there of within their national legal traditions/systems.

Cooperation to Facilitate Cross-Border Exchange

- *1. Contracting Parties shall endeavor to foster the cross-border exchange of accessible format copies by encouraging the voluntary sharing of information to assist authorized entities in identifying one another. **The International Bureau of WIPO shall establish an information access point for this purpose.***
- *3. The International Bureau of WIPO is invited to share information, where available, about the functioning of this Treaty.*

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Vibrant Lauding Of “Historic” Marrakesh Treaty For The Blind At WIPO

06/10/2016 BY CATHERINE SAEZ, INTELLECTUAL PROPERTY WATCH — 1 COMMENT

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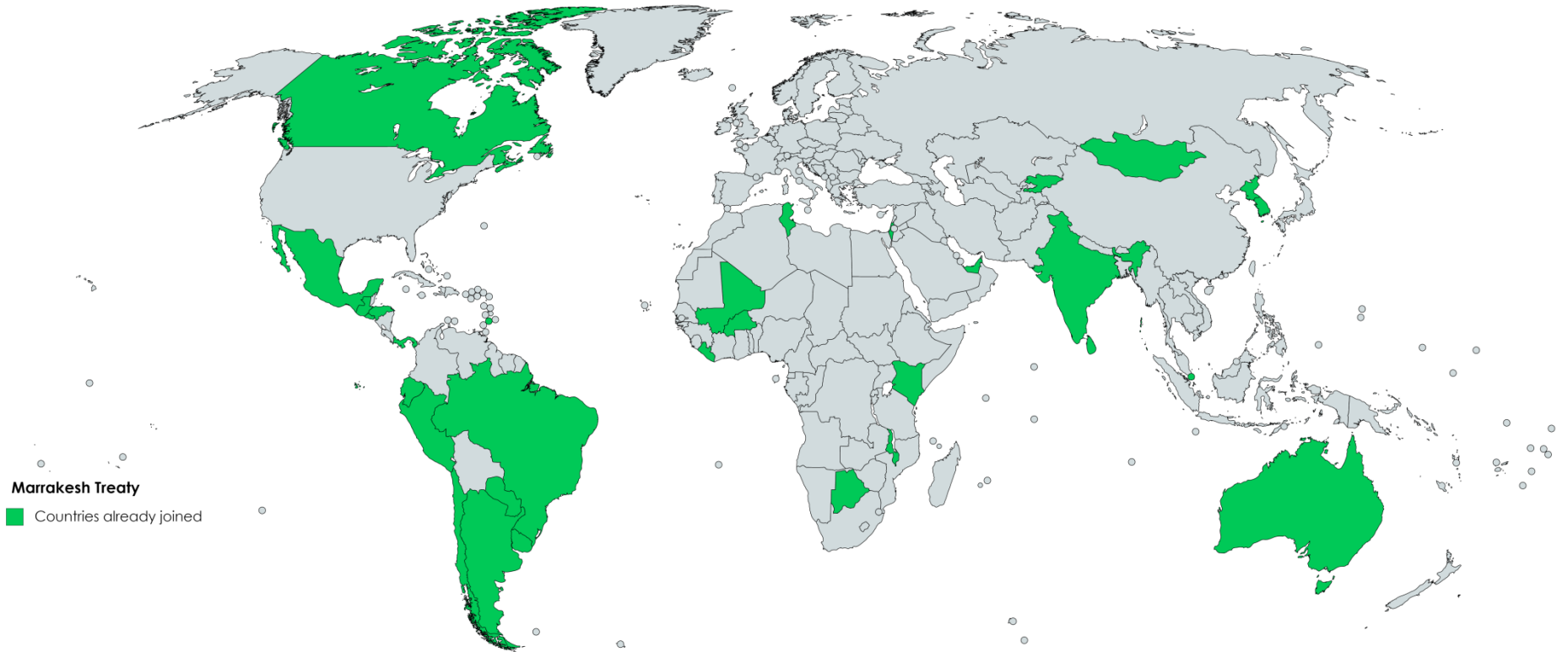
“Great victory”, “life-changing”, “historic milestone” – no adjectives were strong enough yesterday to celebrate the entry into force of the Marrakesh treaty at the World Intellectual Property Organization. The treaty, which went into effect on 30 September, “opens the door to the world’s knowledge,” to visually impaired people, but will need many more countries to join,



Ratifications and Accessions (33)

Argentina, Australia, Botswana, Brazil, Burkina Faso, Canada, Chile, Costa Rica, Democratic People's Republic of Korea, Ecuador, El Salvador, Guatemala, Honduras, India, Israel, Kenya, Kyrgyzstan, Liberia, Malawi, Mali, Mexico, Mongolia, Nigeria, Panama, Paraguay, Peru, Republic of Korea, Saint Vincent and the Grenadines, Singapore, Sri Lanka, Tunisia, United Arab Emirates, Uruguay.

Marrakesh Treaty



Marrakesh Treaty
■ Countries already joined

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Enhanced social integration and cultural participation

Having equal access to common sources of knowledge and information is crucial not only for learning, but also for social inclusion and cultural participation.

Leisure materials such as books, newspapers and magazines have a clear entertainment and information function in society, as well as an important role in the expression and dissemination of local culture.

Increased contributions to the national economy

Individual professional development is highly dependent on educational attainment. By providing access to learning materials in accessible formats, the implementation of the MVT will also provide persons with print disabilities with opportunities for professional growth, allowing them to contribute to their local economies and become economically self-sufficient.

Improved awareness of the challenges faced by the print disabled community and persons with disabilities

The Marrakesh Treaty is an instrument that fosters discussion and raises awareness about the need for policies that benefit persons with disabilities.

The implementation of the Marrakesh Treaty could trigger other initiatives such as the implementation of the UNCPRPD



Thank you!

www.wipo.int/copyright

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