
MVT/A/6/2 PROV.
ORIGINAL: ENGLISH
DATE: NOVEMBER 5, 2021

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

Assembly

Sixth (6th Ordinary) Session
Geneva, October 4 to 8, 2021

DRAFT REPORT

prepared by the Secretariat

1. The Assembly was concerned with the following items of the Consolidated Agenda (document A/62/1): 1, 2, 3, 4, 5, 6, 10(ii), 11, 12, 28, 32 and 33.
2. The report on the said items, with the exception of item 28, are contained in the draft General Report (document A/62/13 Prov.).
3. The report on item 28 is contained in the present document.
4. Mr. Ali Alshankeeti (Saudi Arabia) was elected Chair of the Assembly; Ambassador Mathias Francke (Mr.) (Chile) and Mr. Vladimir Maric (Serbia) were elected Vice-Chairs.

ITEM 28 OF THE CONSOLIDATED AGENDA

MARRAKESH TREATY TO FACILITATE ACCESS TO PUBLISHED WORKS FOR PERSONS WHO ARE BLIND, VISUALLY IMPAIRED OR OTHERWISE PRINT DISABLED (MVT)

5. Discussions were based on document MVT/A/6/1 Rev. Reference was made to document MVT/A/6/INF/1.
6. The Chair thanked the Members for electing him as Chair of the Marrakesh Treaty Assembly. He welcomed new Members who had adhered to the Treaty since the previous session of the Assembly in September 2020, namely Bosnia and Herzegovina, Comoros, Ethiopia, Liechtenstein, Mauritius, Norway, Sao Tome and Principe, Turkmenistan and the United Kingdom. The total number of Contracting Parties was 81, which covered 107 countries.
7. The Secretariat introduced document MVT/A/6/1 Rev. on the Marrakesh Treaty and document MVT/A/6/INF/1 on the Accessible Books Consortium. The adherence to the Marrakesh Treaty continued at an excellent pace. The Treaty had 81 Contracting Parties. Nine of them were new Member States, who had joined since the previous year. Since July 2020, 22 virtual meetings had been organized in order to promote the Treaty as well as the Accessible Books Consortium (ABC). The ABC played an essential role with regard to the making available of books in accessible formats for the beneficiaries of the Marrakesh Treaty. The Global Book Service of ABC had reached an important milestone as 100 authorized entities had joined the Service, 46 of them originating from developing countries or least developed countries (LDCs). The Service had a catalogue of 650,000 titles in 80 languages. The COVID-19 pandemic, and the travel restrictions which resulted from that situation, had led the Secretariat to accelerate the development of an online course on the production of books in accessible formats. As things stood, the new course, which aimed to build the skills needed to produce school textbooks in accessible formats, had benefited 10 out of the 15 ongoing ABC projects in developing countries.
8. The Delegation of the Republic of Korea was pleased that 81 Member States had ratified the Marrakesh Treaty as of September 2021. As a contracting party to the Treaty, the Republic of Korea had embraced the implementation of the Treaty. The Delegation stated that for the previous several years, its Ministry of Culture, Sports and Tourism had striven to enhance access to published works for persons who were blind and visually impaired or otherwise print disabled by providing support to the ABC through its Funds-in-Trust (FIT). The Delegation stressed its belief that the Treaty enriched the lives of millions of visually impaired people around the world and it urged more Member States to join the Treaty and to put more emphasis on the ABC initiatives.
9. The Delegation of China pointed out that it was one of the first signatories to the Marrakesh Treaty and that it was at that moment carrying out the process of ratification. In 2020, the third revision of China's copyright law had been completed, amending relevant provisions to be in line with the Marrakesh Treaty. The implementation of the revised copyright law had started in June 2021. In October 2021, China's legislator, namely the National People's Congress, would consider ratifying the Marrakesh Treaty. The Delegation informed the Assembly that a great deal of preparatory work had been done in order to ensure the effective implementation of the Marrakesh Treaty.
10. The Delegation of Panama underlined the great importance that it attached to the Marrakesh Treaty and informed the Assembly that it was making progress toward implementation. A process for the accreditation of authorized entities and the compilation of data to establish the national catalogue had been established, and workshops and training seminars for the promotion of the benefits of the Treaty and its implementation had been provided. The Delegation reaffirmed its commitment to work toward balance, with the

recognition and enjoyment of copyrights by rightsholders. It encouraged Members to run similar activities in order to better progress in the adoption and use of the Marrakesh Treaty as a fundamental tool for achieving real and effective social inclusion.

11. The Delegation of Botswana expressed its appreciation for the work of the Secretariat in progressing the objectives of the Marrakesh Treaty. The Delegation welcomed the virtual meetings and webinars that had been carried out to promote the Marrakesh Treaty. Recognition was given to the work of the ABC in furthering its reach to beneficiary persons in different Member States. The Delegation underscored the importance of including other stakeholders, which collaborated with various Member State institutions. Following the capacity building project supported by ABC and WIPO in 2018, the Botswana Association of Blind and Partially Sighted had continued to convert books for learners with print disabilities. That work had been happening since 2009 and was being done through a collaboration with a local publisher and the Association of Materials for Publishing. The Association had been converting books for the Ministry of Basic Education. While it had been a challenge for the Association, it continued to come up with initiatives to produce more materials for print disabled learners. The Delegation informed the Assembly that Botswana was making good progress in implementing the Marrakesh Treaty. Once the Treaty was implemented, the Delegation was hoping for an even greater benefit through an increase in collaborations.

12. The Delegation of Australia welcomed the increase in ratifications and accessions to the Marrakesh Treaty and thanked the Secretariat for its work in promoting the Treaty. The Delegation encouraged all Member States to ratify and implement that important Treaty so that people were able to fully realize its benefits, particularly the exchange of books in accessible formats.

13. The Delegation of Japan welcomed the new contracting parties and underlined the importance of the Marrakesh Treaty for the facilitation of access for persons who are visually impaired, as well as for the interests of rightsholders and the public. The Marrakesh Treaty had come into force in Japan on January 1, 2019. Since then, there had been several cases of cross-border exchange of accessible format copies between authorized entities of Japan and those of foreign countries. The Delegation was hopeful that more Member States would adhere to the Marrakesh Treaty and the cross-border exchange network would expand.

14. The Delegation of Saudi Arabia stated that it was amongst the countries adhering to the Marrakesh Treaty and underlined Saudi Arabia's support for persons who are disabled or who are blind or visually impaired.

15. The Delegation of Turkey was pleased to announce that on September 27, 2021, the Government of Turkey had ratified the Marrakesh Treaty. Its document of ratification would be deposited at WIPO in the following weeks. The Delegation provided a brief explanation concerning the governing law of Turkey on the related issue and new Article 11 of the Turkish copyright law. With the completion of the internal ratification process and the entry into force of the Marrakesh Treaty with a presidential decision in Turkey, the implementation of exceptions in Turkish copyright law would become stronger. The Delegation stressed that Turkey would continue its efforts to implement the Treaty and to make existing regulations more effective. Trainings would be organized to increase the awareness level of other relevant stakeholders concerning the implementation and the advantages of the Marrakesh Treaty.

16. The Delegation of Serbia expressed its thankfulness for the work done regarding the promotion of the Marrakesh Treaty. In January 2020, the Serbian Parliament had enacted a new law on ratification of the Marrakesh Treaty. It was an important step forward in making the copyright system more humane and capable of helping blind or visually impaired persons to freely use copyright materials. The Delegation recognized the importance of the Marrakesh Treaty for improving the legal status of blind and visually impaired persons in the domain of

copyright law and stated that some amendments of the national copyright law were necessary in order to allow the provisions of the Marrakesh Treaty to reach their full potential in practice. The Delegation informed the Assembly that the Government of Serbia was working hard to bring the new copyright law in line with the needs of blind and visually impaired persons and to reflect the spirit of the Marrakesh Treaty.

17. The Delegation of Colombia was pleased to announce that on June 21, 2021, the Parliament of Colombia had approved the Marrakesh Treaty. The Delegation reported that Colombia was at that moment involved in internal procedures that were required to confirm the ratification of the Treaty, and Colombia was hoping to deposit the instrument of ratification as soon as possible.

18. The Representative of the Latin American Intellectual Property School (ELAPI) drew particular attention to Article 3 of the Treaty, which was about persons with disabilities and was very specific as to who should be beneficiaries of the Treaty. The Article delimited access and it was important to note that it depended on the type of disability and the possibilities of persons with disabilities to benefit from the Treaty. The Representative was pleased to see that legal security was afforded to the authors of works through the Treaty and recalled the importance of that issue. To allow for more access of print disabled persons to works of a traditional nature, all States were encouraged to sign the Marrakesh Treaty in order to reach a consensus and to have the non-Member States implement the provisions of that Treaty in their domestic laws.

19. The Representative of Electronic Information for Libraries (EIFL) congratulated Member States that had recently joined the Marrakesh Treaty. In every country, libraries had long experience serving people with print disabilities, and were key to its success. For example, in Zimbabwe, which had joined Marrakesh in 2019, university libraries were getting ready to provide expanded access for VIP students through events and exhibitions, and dedicating staff to serving VIPs. Some librarians had attended training in accessible book production offered by WIPO's ABC accessible publishing initiative. The Representative called on contracting parties to domesticate the Treaty at the earliest opportunity so that more people could benefit. The Marrakesh Treaty had been a great success for WIPO, multilateralism, and people with print disabilities. The Representative was hopeful it could serve as a model for persons with disabilities other than print disabilities, so that libraries could serve all users equally.

20. The Assembly of the Marrakesh Treaty took note of the "Status of the Marrakesh Treaty" (document MVT/A/6/1 Rev.).

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