

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

Assembly

Ninth (9th Ordinary) Session
Geneva, July 9 to 17, 2024

DRAFT REPORT

prepared by the Secretariat

1. The Assembly was concerned with the following items of the Consolidated Agenda (document [A/65/1](#)): 1, 2, 3, 4, 6, 8(ii), 9, 16, 18, 21 and 22.
2. The reports on the said items, with the exception of item 16, are contained in the draft General Report (document [A/65/11 Prov.](#)).
3. The report on item 16 is contained in the present document.
4. Mr. Franklin Ponka Seukam (Cameroon), Vice-Chair of the Marrakesh Treaty Assembly, as Acting Chair, presided over the meeting in the absence of Ms. Fabiola Torres (Paraguay), Chair of the Marrakesh Treaty Assembly.

ITEM 16 OF THE CONSOLIDATED AGENDA

MARRAKESH TREATY

5. Discussions were based on document [MVT/A/9/1 Rev.](#) Reference was made to document [MVT/A/9/INF/1](#).

6. The Vice-Chair of the Marrakesh Assembly thanked the Member States for his election, the Director General of WIPO for steering the Organization, and expressed gratitude to Cameroon for their leadership and support. He welcomed four new Contracting Parties to the Marrakesh Treaty since the previous year, that is, Iraq, Jamaica, Pakistan, and recently, Saint Kitts and Nevis. That brought the total number of Contracting Parties to 97, covering 123 countries. The Vice-Chair congratulated and welcomed them to the Marrakesh Assembly family. He noted the importance of the agenda item as the Assembly was specifically convened to discuss the work surrounding the Marrakesh Treaty. That was due to the great interest shown by the Member States, who wanted to receive more information, especially on the progress of accession to, or ratification of, the Marrakesh Treaty and its implementation in national copyright legislation of the Treaty contracting parties.

7. The Secretariat expressed pleasure in seeing the Vice-Chair preside over the Marrakesh Assembly, and introduced document MVT/A/9/1 Rev. on the Status of the Marrakesh Treaty by providing a brief update on the Treaty. The Secretariat noted that the separate meeting of the Marrakesh Assembly during the Assemblies reflected the interest in more information expressed by many Member States and Observers of the Marrakesh Assembly. The meeting provided an opportunity to share the Treaty's successes and developments, including with countries that were not yet members and could thus be encouraged to join the circle of stakeholders in the Treaty. The aim was for the Treaty to become a truly universal instrument. The number of Contracting Parties increased beyond what was mentioned in the progress report, with the accession earlier that week of Saint Kitts and Nevis, which was congratulated for becoming a party. Moreover, several countries informed the Secretariat of their intention to ratify or accede to the Marrakesh Treaty during that biennium. It was hoped that by the time the Marrakesh Assembly met the following year, they would have reached or exceeded the threshold of 100 Contracting Parties, which would cover 126 Member States. Countries that implemented the Marrakesh Treaty, transposing the specific exceptions provided by that Treaty into their legal framework, would be able to take full advantage of the services offered by the WIPO Accessible Books Consortium (ABC). Access to the full ABC Global Book Service catalog was only available once the provisions of the Treaty were implemented in national law. In view of the growing number of requests for support, the Secretariat recommended that the Marrakesh Treaty Secretariat draw up a priority list. Non-governmental organizations (NGOs) wishing to acquire the capacity to produce copies of books in accessible formats would be served first when their governments had the legislative framework in place to enable them to derive maximum benefit from the support. If the framework was not in place, legislative assistance would be offered to prepare for the active phase of implementing accessible format collections. The overriding concern was that young persons who were blind, visually impaired, or otherwise print disabled and attending school and university should be the target audience to be helped first. WIPO's objective was to make the promise of the Marrakesh Treaty a reality for as many people as possible, especially at the most decisive moment in the lives of young people who were blind or visually impaired. As the number of stakeholders grew, so did the richness of the ABC catalog. That was one more reason to continue the collective efforts to rally as many countries as possible around the project.

8. The Delegation of Iran (Islamic Republic of), speaking on behalf of the Asia and the Pacific Group (APG), thanked the Secretariat for the preparation of the report on the Status of the Marrakesh Treaty contained in document MVT/A/9/1 Rev., it was pleased to note the

widespread acceptance and interest of Member States from all regions in the Marrakesh Treaty, which reflected both its significance and its necessity. The members of the Group who were party to the Treaty were working to expand their collaboration and partnerships with the ABC and the WIPO Secretariat. The Group was of the view that the continuation of technical assistance, capacity building and training programs were key to harnessing the capabilities of domestic institutions to produce, publish and distribute resources in accessible formats. Of the many millions of people around the globe who were blind, visually impaired or otherwise print disabled, a large majority lived in less developed regions. The critical role of the Treaty for building a more inclusive society highlighted not only the importance of Member States' cooperation for achieving collective developmental goals, but also the pivotal nature of norm setting work for the creation of a balanced IP regime. The Group believed that the success of the Marrakesh Treaty indicated the need for the continuation and further expansion of the work on exceptions and limitations, particularly for the benefit of other marginalized sections of society and, to that end, APG reaffirmed its full support.

9. The Delegation of China congratulated the Vice-Chair on his election and for presiding over the meeting. The Delegation also thanked the Deputy Director General, Copyright and Creative Industries Sector for the detailed introduction as well as for the information regarding the ratification process and the most recent update. It was mostly pleased that the Marrakesh Treaty made commendable progress. In 2022, China acceded to the Marrakesh Treaty and was making efforts to promote its effective implementation. The China National Intellectual Property Administration (CNIPA) issued provisions on providing works to print disabled persons in an accessible manner. The Delegation reported that its country was also working hard to provide detailed guidance for the production and submission of accessible works. The Chinese Braille Press and the China Braille Library joined the ABC Global Book Service and there were also exchanges with other countries. All that was an effort to enable Chinese readers with visual impairment to access more library resources and to make it possible for worldwide readers to have access to Chinese libraries. Its Delegation expected more Member States to either ratify or accede to the Marrakesh Treaty. The Delegation stated that China would continue to strengthen the cooperation and exchanges with WIPO and other Member States and to make its own contribution to further enrich the reading possibilities for print disabled people worldwide so that they could enjoy all the benefits of the Treaty.

10. The Delegation of Cameroon congratulated the Vice-Chair on his election and appointment as Acting Chair to lead the work of the session. Eleven years after the adoption of the Marrakesh Treaty, the Delegation noted that despite the efforts made by all parties, much remained to be done to achieve the objective set by the Treaty, namely access to works for the beneficiaries. The Delegation reported that Cameroon spared no effort to consider in its public policies all categories of vulnerable people in its territory. It was estimated that 6,881,061 people within the territory of Cameroon met the criteria set out in Article 3 of the Marrakesh Treaty, being visually impaired. The Government paid particular attention to that issue and took into consideration asylum seekers and refugees living on national territory, hence the need to find measures to promote the effective implementation of the Treaty within the Member States. The Delegation pointed out that to achieve that goal, Cameroon planned to resume awareness raising among all stakeholders and to intensify measures to facilitate the provision of accessible books. Noting that it might also be appropriate to carry out a study on the current state of implementation of the Treaty within Member States, the Delegation stated that Cameroon stood ready to make its modest contribution to the implementation of the Treaty in various fields.

11. The Delegation of Jamaica thanked the Deputy Director General, Copyright and Creative Industries Sector, for the comprehensive report, and the Secretariat for the preparation of document MVT/A/9/1/Rev., which provided an update on the signatures as well as on ratification of and accession to the Marrakesh Treaty by WIPO Member States. The Government of Jamaica was pleased to deposit its instrument of accession to the Marrakesh

Treaty on May 28, 2024. The accession to the Treaty reaffirmed the commitment to ensuring that everyone benefits from intellectual property (IP), including the most vulnerable in society. The Marrakesh Treaty was not only important but necessary, as it addressed the issue of access, allowing the creation and sharing of accessible books and other print materials across borders. That not only enriched the lives of the blind, visually impaired, or print disabled, but also supported their educational, social, and professional pursuits and development. The Delegation stated that, through the Jamaica Intellectual Property Office (JIPO), the country was fully committed to implementing the necessary initiatives, as well as the legislative and administrative measures to comply with the Treaty. That included working closely with the Jamaica Society for the Blind and the Ministry of Education and other stakeholders to ensure that the benefits of the Treaty reached those who needed it the most. With the Treaty's entry into force in Jamaica, the Delegation considered it vital to embark on raising awareness about the rights and opportunities the Treaty afforded to empower individuals and communities across Jamaica. In that regard, the Delegation welcomed the continued support from WIPO to ensure the accession was successful and that the Treaty was impact- and-resource-oriented, adding that it looked forward to the usual support of WIPO.

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. For people to fully realize the benefits of the Treaty, particularly in the cross-border exchange of accessible format books, the Delegation encouraged all Member States to ratify or accede to that important Treaty and to implement it.

13. The Delegation of Japan applauded the steady increase in number of Contracting Parties to the Marrakesh Treaty and recognized the Treaty's importance in facilitating access to published works for persons who are visually impaired, with due consideration to the balance between the interest of rightsholders and the public interest. The Delegation stated that the Marrakesh Treaty has been in force in Japan since January 1, 2019, and subsequently, the cross-border exchange of accessible format copies of published works between authorized entities of Japan and those of other Contracting Parties was on the increase. The Delegation hoped that more countries would accede to or ratify the Treaty and expand the cross-border exchange network of the Treaty.

14. The Delegation of Togo stated that persons who are blind and visually impaired were at the forefront of the Government of Togo's concerns. It underscored that no effort was spared in supporting the Secretariat in its work and in its enlightened decisions in that respect. The Delegation wished every success to the Secretariat and hoped that there would be more and more parties to the Treaty.

15. The Delegation of Malawi thanked the Secretariat for organizing virtual meetings and webinars on the promotion of the Marrakesh Treaty at the international, regional, subregional, and national levels, which increasingly led to many Member States ratifying, or acceding to, the Marrakesh Treaty. The Delegation highlighted that it would enable more persons who are visually impaired to access copyright works with fewer hindrances, which would effectively contribute to social and economic development. It indicated that Malawi deposited its instrument of accession in 2018 and took significant steps to align its domestic copyright legislation with the Marrakesh Treaty, including several awareness-raising activities on the importance of the Treaty. The Delegation looked forward to the support of the Secretariat to provide Malawi with the necessary legislative assistance in that regard.

16. The Assembly of the Marrakesh Treaty took note of the "Status of the Marrakesh Treaty" (document MVT/A/9/1/Rev.).

17. The Representative of *Corporación Innovarte* congratulated the Member States who ratified, or acceded to the Treaty and those that put forward the initiative from the very start. *Corporación Innovarte* called for the Marrakesh Treaty to be extended to persons with other disabilities who were left out of the negotiation of the Marrakesh Treaty. The Representative also wished to call on WIPO to continue to guide Member States in the implementation of the Treaty, particularly underscoring the importance that laws implementing the Treaty establish simple and user-friendly procedures, to ensure that the use of the exceptions provided for by the Marrakesh Treaty was as seamless as possible.

18. The Vice-Chair thanked *Corporación Innovarte* and recalled that the decision had already been adopted. The Vice-Chair invited the ABC Secretariat to make two presentations: (i) to update the Assembly on the important work carried out by the ABC with a view to implementing the objectives of the Marrakesh Treaty; and (ii) to show a short video produced in celebration of the 10th Anniversary of the ABC, underscoring the key role of the ABC for beneficiaries.

19. The ABC Secretariat presented its report contained in document MVT/A/9/INF/1. It recalled that the ABC, launched in 2014, was celebrating a decade of work in 2024. The Secretariat raised a few key points about the ABC's three main activities as highlighted in the report. First, the ABC Global Book Service. As mentioned by the Director General in his opening address to the Assemblies the previous week, the ABC Global Book Service now hosted 1,000,000 titles in 80 languages available for cross-border exchange under the framework of the Marrakesh Treaty. The ABC catalog doubled in size in just over four years, and that growth was a testimony to the interest shown in the ABC by authorized entities around the world. The latest increase was due to the agreement with the Royal National Institute of Blind People of the United Kingdom. There were now over 135 authorized entities from around the world that joined the ABC Global Book Service, with over half of those in developing countries or least-developed countries (LDCs). The Secretariat noted that participating authorized entities delivered a total of 164,000 accessible format books from the ABC catalog to persons with print disabilities in 2023. Second, the Secretariat focused on the ABC Training and Technical Assistance activities. Over the past decade, ABC provided training and technical assistance to organizations in over 40 countries on how to produce accessible format books. ABC now funded the production of over 20,000 educational textbooks in national languages for students who are blind so that they could complete their education and lead productive lives. The Secretariat expressed particular gratitude to Funds-in-Trust (FIT) from Australia and the Republic of Korea for their support to ABC training and technical assistance projects. Third, the Secretariat explained that, to promote accessible publishing with publishers, ABC developed the ABC Online Course on Accessible Publishing Concepts, offered in Arabic, English, French, and Spanish. That online course was a free self-study course open to all who wanted to gain a better understanding of critical concepts in accessible publishing. It could be found on ABC's homepage and took 2–3 hours to complete. Finally, the Secretariat announced the production of a video in honor of the ABC's 10th anniversary, which presented the work of several ABC partners in France. It featured Mr. Fernando Pinto da Silva, French Federation for Blind and Partially Sighted People, as well as Mr. Marc Aufrant, Association Valentin Haüy (AVH), one of the earliest libraries for the blind in the world and currently the number one user of the ABC Global Book Service. AVH used the ABC Global Book Service proactively, thereby increasing its national collection of accessible format books from other French language authorized entities around the world. The video was shown in a French historical context and included the resting place of Louis Braille. That great innovator of the 19th century was the Steve Jobs of his day.

He lost his sight at a very early age and created braille when he was just 16 years old, and the end of 2024 would mark the 200th anniversary of the invention of braille. The video also featured the French National Institute of Blind Youth, the successor to the first school for the blind ever established in the world in the 18th century, where both Fernando and Marc, the protagonists of the video, studied when young. In closing, the Secretariat said that it hoped that the Assembly would enjoy the video and announced the start of the screening.

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