



## MARRAKESH RATIFICATION AROUND THE WORLD

1 October, 2018

The below chart is an updated and expanded version of the chart IFLA released in June. It includes an increased number of European member States, as well as those covered by the Association of Research Libraries' [inventory](#) of legislation in countries which have ratified the Marrakesh Treaty. Information is sourced from contacts with library associations and associations of people with print disabilities, as well as the ARL document. In many cases, legislation is still under discussion, and so this document should only be taken as a starting point for further investigation. Corrections, clarifications and improvements are highly welcome – please feel free to send them to [Stephen.wyber@ifla.org](mailto:Stephen.wyber@ifla.org) and [Ariadna.matas@ifla.org](mailto:Ariadna.matas@ifla.org)

<b>COUNTRY</b>	<b>STATUS<sup>1</sup></b>	<b><i>Remuneration (books)<sup>2</sup></i></b>	<b><i>Remuneration (audio-books)</i></b>	<b><i>Commercial availability</i></b>	<b><i>Registration Obligation</i></b>	<b><i>Additional Record-Keeping Requirements</i></b>	<b><i>People with dyslexia included?</i></b>	<b><i>People with other disabilities included?</i></b>
<b>Argentina</b>	Ratified, National Law Under Discussion <sup>3</sup>	Good	Good	Unclear (good)	Unclear	Relatively good	Good	Good

<sup>1</sup> See annex for explanation of terms used

<sup>2</sup> See annex for explanations

<sup>3</sup> Relevant reforms are currently under discussion in Parliament

<b>Australia</b>	Ratified, National Law Amended	Good	Good	Bad	Good	Relatively good	Good	Good
<b>Austria</b>	EU Ratified, National Law Under discussion	Bad	Bad	Good	Good	Good	Unclear	Relatively good
<b>Belgium</b>	EU Ratified, National Law Under discussion	Good	Good	Good	Unclear	Unclear	Unclear	Unclear
<b>Botswana</b>	Ratified, no National Reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
<b>Brazil</b>	Ratified, no National Reform	Unclear (good)	Unclear (good)	Unclear (good)	Unclear (good)	Unclear (good)	Unclear (good)	Bad
<b>Burkina Faso</b>	Ratified, no National Reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear

<b>Canada</b>	Ratified, National Law Under Discussion <sup>4</sup>	Unclear (good) <sup>5</sup>	Unclear (good) <sup>6</sup>	Bad	Good	Unclear (good) <sup>7</sup>	Good	Bad
<b>Chile</b>	Ratified, no National Reform	Unclear (good)	Unclear (good)	Unclear (good)	Unclear	Unclear	Good	Good
<b>Costa Rica</b>	Ratified, no National Reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
<b>Croatia</b>	EU Ratified, National Law Under discussion	Good	Good	Good	Good	Good	Good	Bad
<b>Czech Republic</b>	EU Ratified, National Law Under discussion	Good	Good	Good	Good	Relatively good	Good	Good

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<sup>4</sup> While legislation has been passed, a regulation enacting some of the provisions could be adopted and is currently not underway. It would notably develop provisions regarding supplementary remuneration and annual reports.

<sup>5</sup> See footnote 4.

<sup>6</sup> See footnote 4.

<sup>7</sup> See footnote 4.

<b>Denmark</b>	EU Ratified, Transposed	Good	Bad	Unclear	Unclear	Unclear	Unclear	Unclear
<b>Dominican Republic</b>	Ratified, no National Reform	Unclear (good)	Unclear (good)	Unclear (good)	Unclear	Unclear	Unclear	Good
<b>Ecuador</b>	Under discussion	Unclear (good)	Unclear (good)	Unclear (good)	Good	Unclear	Good	Good
<b>El Salvador</b>	Ratified, no National Reform	Good	Good	Unclear (good)	Unclear	Unclear	Unclear (good)	Good
<b>Estonia</b>	EU Ratified, National Law Under discussion	Good	Good	Unclear	Unclear	Unclear	Unclear	Unclear
<b>Finland</b>	EU Ratified, National Law Under discussion	Good	Bad	Good	Unclear	Unclear	Good	Unclear
<b>France</b>	EU Ratified, National Law Under discussion	Good	Good	Good	Bad	Bad	Good	Bad

<b>Germany</b>	EU Ratified, National Law Under discussion	Bad	Bad	Good	Bad	Bad	Good	Bad
<b>Ghana</b>	No national law	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
<b>Guatemala</b>	Ratified, no National Reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
<b>Honduras</b>	Ratified, no National Reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
<b>Hungary</b>	EU Ratified, National Law Under discussion	Good	Good	Unclear	Unclear	Unclear	Unclear	Unclear
<b>India</b>	Ratified, no National Reform	Bad	Bad	Unclear	Bad <sup>8</sup>	Unclear	Good	Good

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<sup>8</sup> The beneficiary or authorised entity must apply to the copyright board for the right to do this.

<b>Ireland</b>	EU Ratified, National Law Under discussion <sup>9</sup>	Good	Good	Good	Unclear	Good	Good	Good
<b>Israel</b>	Under discussion	Unclear (good)	Unclear (good)	Bad	Good	Unclear	Unclear (good)	Good
<b>Italy</b>	EU Ratified, National Law Under discussion	Good	Good	Unclear	Bad	Unclear	Unclear	Unclear
<b>Jordan</b>	Ratified, no National Reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
<b>Kenya</b>	Ratified, no National Reform <sup>10</sup>	Unclear (good)	Unclear (good)	Unclear (good)	Unclear (good)	Unclear (good)	Unclear (good)	Unclear (bad)
<b>Korea</b>	Ratified, no National Reform	Good <sup>11</sup>	Good	Unclear	Unclear (bad)	Unclear	Unclear	Bad

<sup>9</sup> The relevant bill is published here: <https://dbei.gov.ie/en/What-We-Do/Innovation-Research-Development/Intellectual-Property/Copyright/Copyright-and-Other-Intellectual-Property-Law-Provisions-Bill-2018/>

<sup>10</sup> Treaties are self-executing in Kenya. Given that no memorandum has been submitted to WIPO giving notification of recourse to Articles concerning remuneration or commercial availability, we should assume that

<sup>11</sup> But only Braille.

<b>Kyrgyzstan</b>	Under discussion	Good	Good	Unclear (good)	Good	Good	Good	Bad
<b>Latvia</b>	EU Ratified, National Law Under discussion	Good	Good	Good	Unclear	Unclear	Good	Unclear
<b>Lesotho</b>	Ratified, no National Reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
<b>Liberia</b>	Under discussion	Unclear (good)	Unclear (good)	Bad	Unclear	Unclear	Good	Good <sup>12</sup>
<b>Lithuania</b>	EU Ratified, National Law Under discussion	Good	Good	Unclear	Unclear	Unclear	Unclear	Unclear
<b>Malawi</b>	Ratified, National Law Amended	Good <sup>13</sup>	Relatively good <sup>14</sup>	Bad	Unclear	Unclear	Good	Unclear

<sup>12</sup> For people with a hearing impairment.

<sup>13</sup> The law as it stands does not mention remuneration

<sup>14</sup> Limited: audiovisual works can only be lent, not distributed

<b>Mali</b>	Ratified, no National Reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
<b>Mexico</b>	Ratified, National Law Amended <sup>15</sup>	Good	Good	Unclear	Unclear	Unclear	Unclear (good)	Unclear (good)
<b>Moldova</b>	Ratified, no National Reform	Good	Good	Unclear	Unclear	Unclear	Good	Good
<b>Mongolia</b>	Ratified, no National Reform	Unclear (good)	Unclear (good)	Bad	Unclear	Unclear	Unclear	Good <sup>16</sup>
<b>Netherlands</b>	EU Ratified, National Law Under discussion	Good	Good	Good	Good	Good	Good	Bad
<b>Nigeria</b>	Ratified, National Law Under Discussion	Good	Good	Unclear (good)	Unclear	Unclear	Unclear (good)	Unclear (good)

<sup>15</sup> International law is self-executing, and so where the Treaty is clear, beneficiaries and libraries can already draw on the rights

<sup>16</sup> For people with a hearing impairment.



<b>North Korea</b>	Ratified, no National Reform	Unclear (good)	Unclear (good)	Unclear (good)	Unclear	Unclear	Bad	Bad
<b>Norway</b>	EU Ratified, Transposed <sup>17</sup>	Good	Good	Good	Good	Unclear	Good	Unclear
<b>Panama</b>	Ratified, no National Reform	Good	Good	Unclear (good)	Unclear	Unclear	Unclear	Bad
<b>Paraguay</b>	Ratified, no National Reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
<b>Peru</b>	Ratified, no National Reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
<b>Poland</b>	EU Ratified, National Law Under discussion	Good	Good	Good	Good	Unclear	Unclear	Unclear (good)

<sup>17</sup> The law has been changed at the national level to adapt it to the Marrakesh Treaty provisions, and ratification will happen 6 months after the European Union ratifies.

<b>Romania</b>	EU Ratified, National Law Under discussion	Good	Good	Unclear	Unclear	Unclear	Unclear	Unclear
<b>Russia</b>	Ratified, No National Reform	Good <sup>18</sup>	Good <sup>19</sup>	Unclear (good)	Bad	Unclear	Unclear (bad)	Bad
<b>Saint Vincent</b>	Ratified, no National Reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
<b>Singapore</b>	Ratified, National Law Under Discussion	Relatively good <sup>20</sup>	Relatively good <sup>21</sup>	Bad	Good	Unclear	Unclear (good)	Bad
<b>Slovakia</b>	EU Ratified, Transposed	Good	Good	Unclear	Unclear	Unclear	Unclear	Unclear
<b>Spain</b>	EU Ratified, Transposed	Good	Good	Good	Good	Bad	Good	Bad

<sup>18</sup> Lending only, not distribution

<sup>19</sup> Lending only, not distribution

<sup>20</sup> Rightholders can ask for payment, but there is no automatic obligation to pay

<sup>21</sup> Rightholders can ask for payment, but there is no automatic obligation to pay

<b>Sri Lanka</b>	Ratified, no National Reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
<b>Sweden</b>	EU Ratified, Transposed	Good	Good	Good	Good	Good	Good	Unclear
<b>Tunisia</b>	Ratified, no National Reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
<b>UAE (United Arab Emirates)</b>	Ratified, National Law Under Discussion	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
<b>Uganda</b>	Ratified, no National Reform	Good <sup>22</sup>	Bad	Unclear <sup>23</sup>	Unclear	Unclear	Bad	Relatively good <sup>24</sup>
<b>United Kingdom</b>	EU Ratified, Under discussion <sup>25</sup>	Good	Good	Good	Good	Good	Good	Good

<sup>22</sup> Braille

<sup>23</sup> Fair dealing

<sup>24</sup> Sign language permitted

<sup>25</sup> The government response to a consultation indicates the direction it intends to take: <https://www.gov.uk/government/consultations/uk-implementation-of-the-marrakesh-treaty>

<b>United States</b>	Under discussion 26	Good	Good	Good	Good	Good	Bad	Bad
<b>Uruguay</b>	Ratified, national law amended	Good	Good	Good	Good	Bad	Good	Bad

### Terminology:

- Under 'STATUS':
  - **Ratified, National Law Under Discussion:** the Marrakesh Treaty has been ratified, but the process of amending national law is ongoing.
  - **Ratified, National Law Amended:** the Marrakesh Treaty has been ratified, and national laws amended in response.
  - **Ratified, no National Reform:** the Marrakesh Treaty has been ratified, but we are not aware of efforts to amend national laws in order to comply.
  - **EU Ratified, Under Discussion:** Under the terms of the EU legislation on Marrakesh, EU Member States have until 11 October to bring their legislation into line with the rules set out in European law. For countries marked in this way, this process has not yet been completed.
  - **EU Ratified, Transposed:** the country has successfully updated its national law in order to comply with the EU legislation on Marrakesh

<sup>26</sup> The House of Representatives has passed Marrakesh Treaty Implementation Act, which now awaits signature by the President.

## - **Criteria used**

- **Remuneration (books):** the Marrakesh Treaty leaves open the possibility for Member States to oblige beneficiaries and/or authorised entities such as libraries to make payments to rightholders when making or sharing accessible copies of books. We believe that such an obligation is counter-productive – it is directly harmful to beneficiaries, and risks drawing resources away from services to beneficiaries in the case of authorised entities.
- **Remuneration (audio-books):** as above, but relating to audio-books. The current market situation for audiobooks means that some countries treat them differently to normal books. We believe, again, that payments will draw resources away from other uses.
- **Commercial availability:** the Marrakesh Treaty leaves the possibility to oblige beneficiaries and authorised entities to check whether an accessible format copy of a book is available on the market before making and/or sharing a copy. Such a provision adds an extra bureaucratic step, and may make using Marrakesh impossible in countries where it is difficult to be 100% sure about the availability of a book or not. Where a book is easily available in an accessible format, libraries and others are also likely to acquire this, rather than go to the expense of creating copies.
- **Registration obligation:** the agreed statement on Article 9 of the Treaty underlines that there should be no obligation on authorised entities to register or seek special permission before they can make use of provisions under Marrakesh. However, many countries seek to impose such controls. This adds bureaucracy, and in many cases may reduce the number of libraries stepping forwards.
- **Additional record-keeping requirements:** the Treaty asks for authorised entities (libraries) to keep records and information about how they are preventing illicit use of works, but does not oblige annual reporting or impose detailed requirements. However, some countries risk doing this, again taking time away from providing services.

- **People with dyslexia included:** the refers to whether national laws – in line with the Marrakesh Treaty – extend the scope of beneficiaries to people with dyslexia.
  - **People with other disabilities included:** while not included in the Treaty, it is possible for Member States to extend possibilities to benefit from the Treaty to people with other disabilities. This is an issue currently on the agenda at the World Intellectual Property Organisation.
- **Under each of the provisions**
- **Good.** Positive provision as interpreted the Bill or draft law in terms of access to, and possibilities for, beneficiaries and authorised entities
  - **Bad.** Negative provision as interpreted from the Bill or draft law in terms of access to, and possibilities for, beneficiaries and authorised entities
  - **Relatively good.** Slightly positive provision as interpreted the Bill or draft law in terms of access to, and possibilities for, beneficiaries and authorised entities
  - **Unclear.** The extent of the provision is not clear from the information available. Where there are indications from elsewhere in the law that this may be more or less positive, these are marked in brackets.