



**The role of libraries in the implementation
of the Marrakesh Treaty
for persons with a print disability**

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1. UN CRPD Article 21

«State Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice [...], including by:

(a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;

[...]

(c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities» (UN CRPD, 2006).



2. IFLA – The key role of libraries

They encourage social inclusion, by striving to serve all those in their user communities regardless of age, gender, economic or employment status, literacy or technical skills, cultural or ethnic origin, religious or political beliefs, sexual orientation, and physical or mental ability.

3. The Marrakesh Treaty

***Recalling* the principles of non-discrimination, equal opportunity, accessibility and full and effective participation and inclusion in society, proclaimed in the Universal Declaration of Human Rights and the United Nations Convention on the Rights of Persons with Disabilities...**

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The need

- **Access to all kinds of information as everyone else.**
- **IP legislation is territorial – obligations and limitations are valid in the issuing country.**
- **There are countries with domestic exceptions.**
- **Very few valid cross-border exchange provisions exist.**
- **Books in accessible formats are highly expensive and specialized.**
 - **Production of a book in Braille – 1,500 USD.**



- **Territorial nature of IP legislation.**
 - **No exchange possible with other institutions abroad.**
 - **No access to books in other languages.**
 - **No donation of books to institutions that cannot produce their own.**
- **5% of books are made accessible (1-2% in developing countries) – the “book famine”**
- **World Blind Union – international binding legislation**



The process

- **Exceptions and limitations were not in WIPO's agenda.**
- **1981 – WIPO and UNESCO set up working group to study problems for VIP accessing print.**
- **2001 – WBU and IFLA Libraries for the Blind present a paper in Boston stressing WIPO's role.**
- **2002 – WBU asks WIPO to study the topic.**
- **2003 – WIPO Meeting on Digital Content for VIP.**
- **2006 – WIPO presents the Sullivan's Report.**
- **2006 – UN CRPD.**
- **2009 – WBU presents draft treaty proposal at WIPO SCCR.**



The instrument

- **Marrakesh Treaty – 27 June 2013.**
- **The only IP-related legislation DRAFTED by consumers, AIMED at consumers, DRIVEN by consumers.**
- **Exceptions in IP treaties are the “exception”, not the rule.**
- **Made “Exceptions and Limitations” part of SCCR’s agenda in 2009, and it’s still there...**
- **20 ratifications needed – 67 signatory member states.**
- **WBU “Ratification Campaign” – to have the treaty in place by the end of 2015.**



The benefit

- **“Beneficiary persons” are any person that can’t read standard print, not only VIPs (dyslexia).**
- **Include an exception in national law to produce and distribute accessible format copies.**
- **“Authorized entities” can be any institution that provides services to VIPs on a non-profit basis.**
- **Both “authorized entities” and individuals can import from other Contracting Party.**
- **“Authorized entities” can export to other entities and individuals in other Contracting Party.**
- **Technical Protection Measures (TPMs) cannot prevent from enjoying the limitations/exceptions.**



The role of libraries

- Any type of library can be an “authorized entity”.
- Specialized libraries (“libraries for the blind”) are libraries and production centres.
- Developed countries have institutions of and for the blind. They serve 10% of VIP population worldwide.
- 255 million VIPs in developing countries have very few or none services – no domestic production of accessible books.
- Specialized libraries were left alone in this huge task of accessible book production and distribution.
- Technologies and international legislation allow other libraries to *join the club*.



- **Specialized libraries benefit from national exceptions that limit this service to domestic distribution by said specialized libraries.**
- **Other libraries wanted to help – now they can!**

How?

- **Push for ratification in your country.**
- **Serve VIPs and increase the impact on your area of influence.**
- **Search and discovery networks.**
- **Add your accessible materials to these networks.**
- **Import and export accessible format copies in various languages.**

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Fulfil libraries' mission of “**social inclusion**” and serve all users regardless of their ability (IFLA)

Ensure right to seek, receive and impart information **on an equal basis** with others (UN CRPD)

Comply with IFLA's **article 10** from the draft WIPO treaty for libraries

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The Marrakesh Treaty is not only a **treaty *by and for* persons with print disabilities** – it is also a treaty **for libraries, for societies**, to help them become **more inclusive and fair**.

It is the first international legal instrument, sanctioned by a UN agency, that can **help the UN Convention on the Rights of Persons with Disabilities to carry out part of its purpose**, to promote **respect for the inherent dignity** of persons with a print disability.

Thank you!

Questions?



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