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11 Success for People with Print Disabilities: The Marrakesh Treaty

Abstract: On June 27, 2013, Member States of the World Intellectual Property Organization (WIPO) adopted the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled. It is the first WIPO treaty to focus on user rights, and the first copyright treaty to include a clear human rights perspective. Its overarching objective is to increase the availability of reading material to over 300 million people around the world with print disabilities, and in terms of take-up by Member States, it is WIPO's fastest moving and most popular treaty. It constitutes a major success for libraries that played a leading role in treaty negotiations at WIPO, and are key to its successful implementation at national level. The treaty provides an opportunity for libraries of all types to boost services to people with print disabilities, helping libraries to better fulfil their public service mission of making knowledge and information available to everyone on an equal and inclusive basis.

Keywords: Libraries and people with print disabilities; Libraries and blind people; People with visual disabilities

Introduction

Marrakesh Treaty Quick Facts

- The [Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled](#) is administered by the [World Intellectual Property Organization](#) (WIPO) at its headquarters in Geneva.
- It is available in six official United Nations (UN) languages: Arabic, Chinese, English, French, Russian and Spanish, and in four formats including [Braille](#) and Digital Accessible Information System (DAISY).
- It was adopted by WIPO Member States on June 27 2013, and entered into force on September 30 2016, after Canada became the twentieth state to deposit its instrument of accession in June of that year.
- It is the first WIPO treaty to focus on user rights and the first copyright treaty to include a clear human rights perspective.

- The Marrakesh Treaty is WIPO’s fastest moving and most popular treaty in terms of take-up by Member States, reaching the milestone of 100 countries in October 2020.
- It constitutes a major success for the global library community that played a leading role in successful treaty negotiations at WIPO.

On June 27 2013, Member States of the World Intellectual Property Organization (WIPO) adopted the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled [hereinafter Marrakesh Treaty] (WIPO 2013a). It is the first WIPO treaty to focus on user rights, and the first copyright treaty to include a clear human rights perspective. Its overarching objective is to increase the availability of reading material to over 300 million people around the world with print disabilities. Despite important technological advances, the overwhelming majority of copyright-protected works is still unavailable in formats that are accessible to readers with print disabilities. According to estimates by the [World Blind Union](#) (WBU), only around five percent of all printed material is available in accessible formats, with an even lower figure in low- and medium-income countries (Pescod 2009). The problem, known as the book famine, is partly due to obstacles created by copyright law. The Marrakesh Treaty seeks to remove these obstacles by introducing mandatory limitations and exceptions (L&Es) to copyright that permit the reproduction and distribution of accessible format copies, and that allow for cross-border sharing of accessible material.

The proposal for a treaty relating to L&Es for visually impaired persons was introduced at WIPO in 2009 by Brazil, Ecuador and Paraguay (WIPO SCCR 2009). It initially faced strong opposition from rightsholders and industrialised countries, including the US and the EU. A coalition of civil society organisations, led by the WBU and [Knowledge Ecology International](#) (KEI), mobilized to support the proponents of the treaty; libraries and their representative bodies, including the International Federation of Library Associations and Institutions (IFLA) and [Electronic Information for Libraries](#) (EIFL), played a key role in the coalition. After nearly five years of negotiations, the Marrakesh Treaty was successfully adopted by WIPO Member States in 2013.

The Marrakesh Treaty provides an opportunity for libraries of all types to boost services to people with print disabilities, helping them to better fulfil their public service mission of making knowledge and information available to everyone on an equal and inclusive basis. Libraries are key to positive national implementation of the Marrakesh Treaty. This chapter tells the story of how success was achieved. The need for an international treaty for the benefit of people with print disabilities is outlined with discussion of the challenges posed by the copyright

system for people with disabilities and libraries that serve them. An overview of the negotiations at WIPO that led to adoption of the Marrakesh Treaty is provided, including the role of the library community.

The next section presents the Marrakesh Treaty and its key provisions, paying special attention to practical provisions that facilitate the work of libraries, and how they apply in national law. Examples of practical implementation by libraries to inspire and encourage wide take-up of the treaty are highlighted. In the final section and conclusion, an outlook on other international copyright instruments that might be necessary to support the work of libraries is described along with how the Marrakesh Treaty advances the international copyright system towards achieving these goals.

Copyright and Access to Protected Works for People with Print Disabilities

Copyright law may impede the provision of books and other printed materials in accessible formats, such as braille, large print and audio and, as a result, create a barrier to access to knowledge for people with print disabilities. At the same time, access to culture and education are fundamental to the full societal participation of and enjoyment of human rights by persons with disabilities (Sunder 2012). This section describes why the commercial book market was unable to provide sufficient access to printed works for persons with disabilities, and why international copyright law reform was necessary to address the deficiency.

The term “print disability” refers to “a difficulty or inability to read printed material” (Vision Australia n.d.). In addition to blindness and visual disabilities, the concept encompasses cognitive, developmental, learning and perceptual disabilities that make it difficult to read standard print. It also extends to physical disabilities that prevent an individual from holding or manipulating printed material. Accessible formats include braille, audio, large print and digital accessible formats, such as [DAISY](#) which stands for Digital Accessible Information System and is the original digital talking book standard (DAISY Consortium n.d.). With only around five per cent of printed material available globally in accessible formats, the commercial book market was not serving the needs of people with print disabilities. Traditionally, production of accessible versions of printed material can entail significant extra costs. Further, a variety of different accessible formats might be needed by readers, depending on the nature of the disability. The market for accessible versions is usually small and therefore not profitable enough to justify the extra costs of production.

Digital technologies offer a promising solution as publishers are encouraged to produce born accessible digital publications through the adoption of standards, such as [EPUB](#), the leading mainstream ebook standard with built-in accessibility standards. In the future, the ambition of same book, same day for newly published material in print and accessible formats might be realised, at latest.

But until this day arrives, the production of works in accessible formats is mainly organised outside the commercial marketplace by the non-profit sector including libraries, blind people's organisations and charitable groups. To provide services in an effective and resource-efficient manner, copyright exceptions are required. Otherwise, the entity, such as a library, must obtain a licence. If no licence is readily available, the library must ask each publisher for permission for each title. The process can take weeks or months, and sometimes it is not possible to obtain permission at all. When a blind person cannot read a book in the same way as their sighted peers, because it is not available to purchase or to borrow from the library, it raises fundamental issues of equality of access.

In addition to placing a heavy administrative burden on organisations that operate on tight budgets and are financed through public means or charitable donations, lack of exceptions prevents libraries and other organisations from sharing their accessible copies with other libraries, or directly with print-disabled people, in other countries. In practice, it means that specialist agencies in different countries that share a common language often have to transcribe the same book many times, creating needless duplication of effort. For example, according to the World Blind Union (2010), when *Harry Potter and the Chamber of Secrets*, Book 2, by J.K. Rowling, was published in 1999, organisations in different English-speaking countries produced five separate national braille master files and eight separate national DAISY audio masters. If the files could have been shared, duplication would have been avoided and savings in financial and production costs enabled a further four braille and seven DAISY audio titles to be created and shared with people in other countries. Even in high-income countries, resources for production are scarce. In developing countries, where the majority of people with print disabilities live and the need is greatest, the available resources are far fewer.

Copyright presents three main obstacles. First, the making of a copy in an accessible format, such as braille, could infringe the reproduction right. Second, the distribution of the accessible copy could infringe the distribution or making available to the public right. Third, the cross-border exchange of the accessible copy could infringe the importation or exportation right. Overcoming the copyright obstacle requires exceptions. In 2007, WIPO commissioned a *Study on Copyright Limitations and Exceptions for the Visually Impaired* (Sullivan 2007). The

library community contributed to the study that analysed exceptions in national copyright laws for visually impaired people and included case studies on libraries from Canada, Chile, Germany, Kenya, Lesotho, Mozambique, Netherlands, New Zealand, Russia and the US. It identified 57 countries with exceptions for the benefit of people with print disabilities. Over 130 countries, mostly in the developing world, in which the majority of print disabled people live, had no such exceptions. Further, in the 57 countries with provisions, the scope and application of the exceptions varied considerably. For example, there were different definitions of disability, and a wide range of conditions under which the exception might be used. The existing exceptions mostly did not explicitly permit the import or export of accessible format copies (Sullivan 2007).

To address copyright obstacles, an international solution was needed. The Marrakesh Treaty requires ratifying countries to adopt copyright exceptions that allow the making of accessible format copies, the domestic distribution of accessible format copies, the sending of accessible format copies to another country, export, and the receiving of accessible format copies from another country, import. This means, for example, that libraries can pool their accessible resources within a country, or with other Marrakesh countries in the region or around the world, saving time, money and considerable effort. The production of works can be coordinated to reduce duplication, especially among countries that share a common language or where there is a large diaspora of people who speak another language. It also frees up human and financial resources to create more accessible titles, benefiting people with print disabilities everywhere.

Access to culture and education are key to the societal inclusion of persons with disabilities. Ensuring inclusion is not just a copyright issue, but also a human rights issue. The Marrakesh Treaty builds on a number of prior international agreements, including the UN [Convention on the Rights of Persons with Disabilities](#) (CRPD) adopted in 2006 in which Article 30: Participation in Cultural Life, Recreation, Leisure and Sport, stipulates that “States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities,” including “access to cultural materials in accessible formats” (UN Department of Economic and Social Affairs. n.d.). By introducing mandatory exceptions for the benefit of persons with print disabilities, and by enabling the cross-border transfer of accessible format copies, it helps to fulfil the goal of universal access to information, the right to education and the right to participate in cultural life on an equal basis with others.

Libraries and Marrakesh Treaty Negotiations

Taking into account the entire historical context, the story of the Marrakesh Treaty has been more than 35 years in the making. When the treaty was adopted by WIPO Member States on June 27 2013, to observers it was seen as nothing short of a miracle (Saez 2013b). This section provides an overview of the process from the beginning to the adoption of the Marrakesh Treaty, and the role of the international library community throughout the process. Dreyling (2020) provides a more detailed account of the negotiations.

In 1977, the World Council for the Welfare of the Blind with the support of Brazil, first raised the issue at WIPO and UNESCO that led to the convening of a joint Working Group to consider the use of exceptions in international copyright conventions. IFLA was represented on the Working Group that adopted model L&Es for the benefit of persons who are blind or visually disabled (WIPO 1982). However, the models turned out to have little or no practical effect on L&Es in national copyright laws.

During the 1990s, the global political environment in the area of intellectual property (IP) underwent significant changes. The adoption of the [Agreement on Trade-Related Aspects of Intellectual Property Rights](#) [hereinafter TRIPS] (World Trade Organization n.d.) in 1994, as part of the agreement establishing the [World Trade Organization](#), made the adoption of strict levels of IP protection at national level a pre-condition for participation in the global trading system. The IP protections strongly benefited industrialised countries that were pursuing similar policies in other global fora, such as WIPO. In response, some developing countries started to speak out against what they saw as the negative impact of the global IP system on development, and to look at ways of curbing the ratcheting-up of global IP rules by developed countries.

As a consequence of the developments, a global civil society movement emerged on [access to knowledge](#) (A2K) that identified WIPO, in particular, as an important forum in need of change (Franz 2010). Library organisations played a prominent role in the A2K movement. In 2000, IFLA and the WBU met the WIPO Secretariat in Geneva to discuss the potential for widening access to accessible format material. At the IFLA World Library and Information Congress (WLIC) in 2001, IFLA and WBU called for an international treaty for persons who are blind and visually impaired, followed in 2004 by a joint policy statement (Policy Position Agreed by the World Blind Union (WBU), the DAISY Consortium and IFLA Libraries for the Blind Section 2004).

IFLA and EIFL were active in the global coalition that produced a draft Treaty on Access to Knowledge and Technology (CPTech 2005b) with provisions in favour of persons with disabilities, as well as libraries, education and other public inter-

est purposes. In 2004, the A2K coalition issued the Geneva Declaration on the Future of the World Intellectual Property Organization (CPTech 2005a). The declaration called on WIPO to take a more balanced view of the social costs and benefits of IP protection, and to abandon the one size fits all approach that embraced the highest levels of IP protection for every country regardless of their socio-economic circumstances.

The Geneva Declaration kickstarted a discussion among WIPO Member States, which eventually led to the adoption of a [Development Agenda](#) by WIPO in 2007 (WIPO n.d.). The Development Agenda seeks to ensure that the needs of developing countries for a balanced IP system form an integral part of WIPO's work. It contains 45 recommendations covering norm-setting, flexibilities, public policy and the public domain, among other issues. The Development Agenda opened the door for the introduction of the topic of L&Es in the [Standing Committee on Copyright and Related Rights](#) (SCCR). In 2008, L&Es were formally established on the agenda of SCCR (New 2008).

The Development Agenda facilitated a dialogue on copyright reform between the A2K movement and certain developing countries. While the initial idea of an international treaty for the benefit of visually disabled persons originated with WBU and other civil society organisations, it was taken forward at WIPO by countries from the Global South. A large number of developing countries including Brazil, Ecuador, India, and Nigeria played leading roles in the negotiations.

In May 2009, Brazil, Ecuador and Paraguay formally introduced a proposal at SCCR for a treaty relating to L&Es for persons who are blind and visually impaired, based on a text prepared by WBU (WIPO SCCR 2009). The proposal set out possible ways to facilitate and enhance access to protected works, and according to the proponents, would support an earlier proposal calling on the committee to engage in concrete work on L&Es (WIPO SCCR 2008). It would also contribute to the broader aims of the Development Agenda, particularly those related to norm-setting.

The treaty proposal gained strong support from a coalition of civil society organisations, led by the WBU and the KEI. Over 30 representatives from five library organisations, IFLA, EIFL, the [Library Copyright Alliance](#) (LCA), the [Canadian Library Association](#) (CLA), and the [Deutscher Bibliotheksverband/German Library Association](#) (DBV), participated in many formal and informal negotiation meetings over the next five years. Library representatives delivered dozens of oral and written statements, and actively engaged with government delegates to ensure that the voices of libraries were heard.

At the same time, there was strong opposition to the proposal from rights-holders. Opposition centred around two main issues. First, publishers argued that the right of beneficiaries to make accessible format works, without having

to ask permission, could conflict with the commercial exploitation of published works, and harm the emerging ebook market. Further, the digital works might leak into the general market leading to piracy and potential abuse. Publishers warned that mandatory exceptions could prevent the development of a market for accessible formats.

Second, rightsholders expressed the fear that an international instrument on limitations and exceptions was a slippery slope towards similar work in other areas, such as libraries and archives. According to this view, it would represent a weakening of the international IP system law as a whole. A treaty with a focus on user rights, even if narrowly construed, could serve as a dangerous precedent not only in copyright, but also in the area of patents. The argument was also advanced *inter alia* by the Motion Picture Association of America (Kind 2013). In 2013, the [Intellectual Property Owners Association](#) in a letter to the US Patent and Trademark Office warned that a treaty “could set a dangerous precedent for other areas of IP law, particularly patent law” (Love 2013). Rightsholders believed that the only instruments adopted at international level should focus on standards of copyright protection, and that the adoption of exceptions should be left to the national level.

The major industrialised countries, home to powerful rightsholder industries, also rejected the idea of a legally binding instrument for persons with print disabilities (Mara 2010). In 2010, the US (WIPO SCCR 2010a) and the EU (WIPO SCCR 2010b) submitted two counter proposals to the proposal sponsored by Brazil, Ecuador and Paraguay. The counter-proposals were based on voluntary licensing schemes, instead of mandatory exceptions and they supported the establishment of a WIPO Stakeholders’ Platform to facilitate arrangements to secure access for disabled persons to protected works.

The Stakeholders’ Platform comprised representatives of rightsholder organisations, the visually impaired sector and the WIPO Secretariat. WBU actively participated as part of a twin-track approach to improve collaboration and to support negotiation of a binding agreement at SCCR. In October 2010, the Stakeholders’ Platform launched a new project, the Trusted Intermediary Global Accessible Resources (TIGAR) project, to enable publishers to make their titles more easily available to so-called trusted intermediaries (WIPO 2010b).

However, in February 2011, WBU decided to suspend its participation in TIGAR, pending agreement at SCCR on a proper binding legal framework. According to the WBU, the TIGAR project was being erroneously portrayed by some organisations as an alternative to the underpinning legal framework needed to guarantee equal access to information, and being called for at SCCR (Hammerstein 2011). In other words, publishers saw the Stakeholders’ Platform as an alternative to, and not a stepping stone towards, a binding legal instrument. The deci-

sion by the WBU to move away from the Stakeholders' Platform was an important moment that focused attention firmly back to negotiations at SCCR (Saez 2011).

To help break the continued opposition by the US and the EU at the SCCR, treaty advocates turned to the domestic scene. In the US, groups highlighted the discrepancy between the US position at WIPO and US copyright law, in particular the 1996 [Chafee Amendment](#) 17 U.S.C. § 121 that allows the making of accessible format copies by certain organisations. They also lobbied the administration of President Obama, who had entered the White House in January 2009, to support work on this compelling issue. In December 2009, the US announced its commitment to a “more thoughtful, reflective and modulated IP policy that protects the interests of IP holders and creators while serving the interests of civil society” and greatly changed the dynamic of the discussions at WIPO in a positive way (Mara 2009).

In Europe, civil society groups focused their advocacy on the European Parliament to put pressure on the European Commission, which had the negotiating mandate at WIPO. The [European Blind Union](#) (EBU) worked closely with members of the European Parliament who summoned the then-Commissioner for Internal Market and Services, Michel Barnier, to Parliament for questioning about the position of the Commission at WIPO. After Barnier's appearance, the European Parliament adopted a resolution in support of an international treaty that influenced the Commission to relax its position (European Parliament 2012; New 2011).

With the EU and the US eventually on board for a treaty, SCCR got down to the business of text-based negotiations examining critical issues, formulating definitions, and determining the scope of the exceptions and conditions of cross-border exchange. Finally, in December 2012, the WIPO General Assembly agreed to convene a diplomatic conference in Marrakesh, Morocco from 17–28 June 2013 (WIPO General Assembly 2013). A diplomatic conference is a specially convened event to negotiate the final stages of a treaty.

Many important matters including definitions, cross-border exchange and technological protection measures, were still to be resolved at the start of the diplomatic conference in Marrakesh. Negotiators had to work long hours and late nights throughout the eleven days of the conference to reach final agreement on the text (Saez 2013a). After a marathon conference attended by over 400 government officials and around 50 NGOs, fifty-one countries signed the treaty in Marrakesh on 28 June 2013. It was the largest number of countries ever to sign a WIPO-administered treaty immediately upon adoption. By signing the treaty, Member States expressed a political intention to support the treaty.

Overall, the result met the key demands set by the WBU. It also gave libraries a key role in the successful implementation of a landmark treaty, and a new

opportunity to help end the book famine. And when music legend Stevie Wonder made good on a promise to travel to Marrakesh to play for government negotiators if the treaty was adopted, it became the first WIPO conference to feature dancing in the aisles! An American singer, songwriter and record producer, Stevie Wonder had become blind in early childhood and experienced first-hand the lack of availability of sheet music in accessible formats (Hanson 2016). Wonder had spoken out on numerous occasions in favour of a treaty for persons with print disabilities, including at the WIPO Assemblies in 2010 (WIPO 2010a). The lyrics to Stevie's hit record *Signed, Sealed, Delivered* had never seemed so apt as on that historic night in Marrakesh (Saez 2013c; WIPO 2013b).

A Provision-by-Provision Analysis of the Treaty Text

This section provides a brief summary of the Marrakesh Treaty as a whole, and an analysis of the key provisions that concern the work of libraries. A detailed analysis of the treaty is available in Helfer, Land, Okediji and Reichman (2017). The Marrakesh Treaty contains a preamble, 22 articles and 13 agreed statements. The Preamble defines, in general terms, the purpose and shared objectives of WIPO Member States in concluding the treaty. The Articles set out the substance of the agreement. Articles 1 – 7 contain definitions, L&Es regarding accessible format copies and cross-border exchange, and obligations concerning technological measures. Articles 8–12 deal with respect for privacy, cooperation to facilitate cross-border exchange, general principles on national implementation, and general obligations on L&Es. Articles 13–22 are administrative clauses, such as eligibility for becoming party to the treaty, entry into force, and deposit of the treaty at WIPO. The agreed statements set out an agreed, common understanding among Member States to provide clarity to particular articles in the treaty, especially points of contention during the negotiations.

Preamble

The preamble establishes the core principles that underpin the treaty. It is essential to understanding the context of the treaty, and to supporting interpretation of individual provisions. For example, the opening paragraph contains an express reference to two widely adopted human rights treaties, the [UN Declaration of Human Rights](#) and the [UN Convention on the Rights of Persons with Disabilities](#), placing human rights objectives, non-discrimination and equal opportunities

at the centre of the treaty. The preamble also recognizes the need to maintain a balance between the protection of the rights of authors and the larger public interest, particularly education, research and access to information, and highlights that such a balance must facilitate effective and timely access to works for the benefit of persons with print disabilities.

Definitions

Articles 2 and 3 set out the definitions.

Authorized Entities

From a practical point of view, the most important provision of the treaty for libraries is the definition of “authorized entity” because it defines the organisation that makes and distributes the accessible format copies, and under what conditions. Article 2(c) defines an authorized entity as “an entity that is authorized or recognized by the government to provide education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis. It also includes a government institution or a non-profit organisation that provides the same services to beneficiary persons as one of its primary activities or institutional obligations”. Thus, both a specialized agency providing services to blind people, such as a talking books library, and a general service library, such as an academic or public library that provides the same services to all its users regardless of disability, would constitute an authorized entity.

In addition, the library or other authorized entity “establishes and follows its own practices” to ascertain that the recipients are *bona fide* beneficiary persons, to limit the distribution of accessible format copies to beneficiary persons or other authorized entities, to discourage the reproduction and distribution of unauthorized copies, and to maintain due care, and records of, the handling of accessible copies. Any library or institution that meets the broad criteria set out in Article 2(c) qualifies as an authorized entity. To ensure that the accessible copies are used for *bona fide* purposes, the treaty provides that the authorized entity can establish its own practices in this regard. Importantly, the treaty does not contemplate rules being established for it by the government, nor an approval process or registration requirement. Note that the definition of authorized entity also includes for-profit entities using public funds to provide services on a non-profit basis to people with print disabilities.

Beneficiary Person

The treaty includes a broad definition of “beneficiary person”, the type of person the treaty is intended to benefit. There are three groups of beneficiaries:

- People who are blind
- People who have a visual impairment that prevents them from reading printed works, and people who have a perceptual impairment, such as dyslexia that makes it hard to learn to read, write and spell correctly, and
- People with a physical disability that prevents them from holding or turning the pages of a book.

Although the treaty is directed towards people with print disabilities, Article 12(2) confirms the important point that it does not prevent the adoption of copyright exceptions for the benefit of people with other disabilities.

Types of Works

The treaty applies to published literary and artistic works in the form of text, notation or illustrations, including in audio form, such as audio books. Significantly, audio-visual works such as films do not fall within the definition of works, although textual works embedded in audiovisual works, for example educational multimedia DVDs, would appear to be covered.

Accessible Format Copy

Article 2(b) describes an “accessible format copy” as a copy of a work in a form which gives a beneficiary person “access as feasibly and comfortably as a person without visual impairment or other print disability”.

Limitations and Exceptions, Cross-border Exchange and Technological Measures

The substantive core of the treaty is contained in Articles 4 through 7.

Article 4 Mandatory Provisions – National Law Limitations and Exceptions

The following provisions concern the making of accessible format copies, and must be implemented by countries that join the Marrakesh Treaty. Article 4(1) requires countries to provide in their national law an exception to the right of reproduction, distribution, and making available to the public “to facilitate the availability of works in accessible format copies for beneficiary persons.” The limitation or exception should permit the changes that are needed to make the work accessible in the alternative format. In addition, countries may provide for an exception to the right of public performance, such as for the public reading of a poem or a play.

Countries have significant flexibility in how they can meet the obligation in Article 4(1). An example of one way to comply is set out in Article 4(2) whereby an authorized entity would be permitted to make an accessible format copy, or to obtain an accessible format copy from another authorized entity, and to supply the copy directly to a beneficiary person by any means under the following conditions:

- The authorized entity has lawful access to the work
- The conversion does not introduce changes other than those needed to make the work accessible
- The copies are supplied for the exclusive use of beneficiary persons, and
- The activity is undertaken on a non-profit basis.

Additionally and importantly, the beneficiary person or someone acting on their behalf, such as a family member or a librarian, can also make an accessible format copy for the use of the beneficiary person. Alternatively, Article 4(3) sets out that a country can also fulfil Article 4(1) by providing other limitations or exceptions in national copyright law.

Article 4 Optional Provisions – Commercial Availability and Remuneration

Articles 4(4) and 4(5) are optional provisions that, if implemented into national law, would restrict the freedoms allowed to libraries under the treaty. The international library community strongly opposes the introduction of these optional provisions into national law. Article 4(4) allows a country to confine the exceptions to works that are not available on the commercial market under reasonable terms for beneficiary persons in that market, nor in the particular format required by the beneficiary. Therefore, before a library could make an accessible copy, it would have to conduct a search each time to check whether the requested

work is commercially available in the format required by that particular person. As it would be difficult to ascertain with certainty whether a work is available in the format needed and at a reasonable cost for beneficiary persons, especially in cross-border situations, the practical effect would be to render the exception almost unworkable. It would delay the making of the accessible copy, and many libraries do not have the staff or resources to undertake such checks on a case-by-case basis. The level of risk, an assessment of the likelihood of the institution being sued by the copyright owner in the event that an accessible format copy of a commercially available work is made, might also mean that the library declines to offer the service at all. Of course, if an accessible format copy is available on the commercial market, as a practical matter, a library can always in any case decide to purchase such a copy. Making an accessible copy costs money in terms of staffing, time and equipment and a library will choose the most cost-effective and efficient option available.

Article 4(5) provides the option to subject the exceptions to remuneration: the payment of a fee to the rightsholder. For published works in library collections, the rightsholder is usually the publisher. In other words, a country could adopt a statutory licence rather than an absolute exception. This provision, like Article 4(4) discussed above, would also have a chilling effect on the making of accessible copies, especially for libraries in low-income countries with limited book budgets. It is important to note: the work has already been purchased or otherwise lawfully obtained by the library; the accessible copy is made for the sole purpose of providing equal access to the work; the making of accessible copies incurs costs to the library; and the activity is undertaken on a non-profit basis. Significantly, Articles 4(4) and 4(5) cater to the small number of countries with such provisions already in their national laws. The international library community believes, however, that the provisions should not be used as a model in other countries as there would be a negative impact on the number of accessible titles available. Libraries should oppose the inclusion of the optional provisions in implementing national law.

Article 5 Cross-border Exchange of Accessible Format Copies: Export

Article 5(1) provides that a country must permit an authorized entity to send or export an accessible format copy made under an exception to an authorized entity in another country, or directly to a beneficiary person in another country. As with Article 4, Article 5 provides countries with flexibility on how to implement the obligation. An example of one way to comply with Article 5(1) is set out in Article 5(2), which stipulates that the domestic copyright law of the sending

country must allow an authorized entity to distribute the accessible format copy to a beneficiary person, and to an authorized entity in another country, under the condition that the authorized entity meets the test of good faith, whereby the authorized entity does not know or have reasonable grounds to know that the accessible format copy would be used by other than beneficiary persons. The authorized entity may decide whether “to apply further measures,” in addition to those it employs in the domestic context, to confirm the beneficiary status of a person it is serving in another country.

Article 6 Cross-border Exchange of Accessible Format Copies: Import

Article 6 is the matching bookend to Article 5. Just as Article 5 obligates countries to permit authorized entities to send accessible format copies to authorized entities or beneficiary persons in other countries, Article 6 obligates countries to allow authorized entities or beneficiary persons to receive or import accessible format copies from other countries.

Importantly, Article 6 stipulates that the obligation to import applies only to the extent that the national law of a country would permit an authorized entity or a beneficiary person to make an accessible format copy. Accordingly, if a country’s national law permits authorized entities, but not beneficiary persons, to make accessible format copies, that country would be required to permit only authorized entities to import accessible format copies. Therefore, to ensure that an authorized entity in one country can supply accessible copies directly to a beneficiary person in a second country, the copyright law in the second country should have an exception that allows beneficiary persons, and not just authorized entities, to make accessible format copies.

Article 7 Obligations Concerning Technological Measures

Article 7 provides that a technological protection measure, such as a copy or access control, cannot prevent a beneficiary person from enjoying the exceptions provided under the treaty, even when a country prohibits the circumvention of technological protection measures in its general copyright legislation. In such cases, the country must adopt a mechanism such as an exception to the circumvention prohibition to permit an authorized entity, for example, to make an accessible format copy. Other mechanisms, for example, requiring the rightsholder to provide the authorized entity with a key to open the digital lock, would appear to satisfy Article 7.

Respect for Privacy, Facilitating Cross-border Exchange, General Principles and Obligations on National Implementation

Article 8 Respect for Privacy

Article 8 provides that countries “shall endeavour to protect the privacy of beneficiary persons on an equal basis with others”. Libraries believe strongly in protecting the privacy of all those who use their services, including the right to read anonymously. In many countries, libraries are subject to laws on data protection. Implementation of the treaty should not interfere with the privacy of beneficiary persons, for example, in distribution mechanisms for accessible formats.

Article 9 Cooperation to Facilitate Cross-Border Exchange

Article 9 contains provisions designed to facilitate cross-border exchanges, such as the voluntary sharing of information to assist authorized entities in identifying one another. Under Article 9(2), countries agree to assist their authorized entities in making information available concerning their practices relating to accessible format copies, but it is important to note that authorized entities are not required to disclose the information. Presumably assistance could take the form of a website hosted by a country or the provision of additional funding to authorized entities.

Article 10 General Principles on Implementation

Article 10 underscores the considerable flexibility countries have in how they implement the treaty within their own legal systems and practices. Countries may fulfil their rights and obligations under the treaty in a variety of ways through specific limitations or exceptions, fair practices, dealings or uses, or a combination thereof.

Article 11 General Obligations on Limitations and Exceptions

Article 11, on the other hand, stresses that the L&Es in the treaty must be interpreted within the confines of the so-called three-step test. The three-step test, as set out in several major intellectual property agreements, subjects L&Es to three conditions that the reproduction of the works applies in certain special cases, does not conflict with a normal exploitation of the work and does not unrea-

sonably prejudice the legitimate interests of the author. Therefore the minimum standards for exceptions created by the treaty should be understood as falling within the ambit of the three-step test. However, some developing countries are not bound by the three-step test because they are not members of certain international copyright treaties for example, the [Berne Convention](#), TRIPS or the [WIPO Copyright Treaty](#), or are classified by the UN as [least developed countries](#) (LDCs), and not subject to the TRIPS agreement provisions on copyright until 1 July 2034 at least (EIFL 2021). Developed countries wanted to ensure that in such a situation, an authorized entity does not redistribute imported works to other countries, without having to adhere to the framework of the three-step test. For this reason, Article 5(4) provides that a receiving country that does not have three-step test obligations will ensure that an imported work is used only within that country's jurisdiction, and may not be re-exported, unless the making of an accessible copy is made subject to the three-step test.

Article 12 Other Limitations and Exceptions

Article 12 affirms that countries may implement other exceptions in national law for the benefit of persons with print disabilities, taking into account a country's economic, social and cultural needs, in particular the special needs of least-developed countries. It also affirms that the treaty is without prejudice to L&Es for persons with other disabilities provided by national law.

Implementation of the Treaty into National Law

When a country formally joins the Marrakesh Treaty, by depositing its instrument of accession or ratification at WIPO, the treaty enters into force in that country after three months. The next important step is for the treaty to be incorporated into national law, usually by amending the domestic Copyright Act to comply with the treaty's provisions (Band and Cox 2020). In some countries, the act of ratifying an international treaty means that the treaty has direct effect without the need for implementing legislation. In such cases, libraries in principle might start using the treaty immediately. For public awareness, it might be useful in such situations for the treaty to be expressly referenced, or otherwise recognized in national law or regulations. Libraries are central to the success of the Marrakesh Treaty, and have a key role in its successful implementation. For this reason, the library community should engage with policymakers to ensure the best results when the treaty is domesticated.

To comply with the Marrakesh Treaty, two main obligations are required to be fulfilled at national level. The first obligation is to provide for an exception or limitation in copyright law to allow authorized entities and beneficiaries, as defined in the treaty, to make and distribute accessible format copies for persons with a print disability. The second obligation is to allow the exchange across borders of those accessible copies. In incorporating the obligations into national law, governments nevertheless have several policy choices to make in the treaty. The best policy choices are those that are consistent with the spirit of the treaty as set out in the preamble: to enhance the human rights of people with print disabilities by facilitating access to reading material in accessible formats. In practical terms, it means that national implementation should not impose new barriers or introduce unnecessary costs on libraries striving to provide accessible materials. The following recommendations are made for national implementation:

- No registration requirements or additional record-keeping for libraries using Marrakesh rights. Article 2(c) establishes that any non-profit library providing the same services to beneficiaries under its institutional obligations qualifies as an authorized entity, and that it may follow its own record-keeping practices.
Example: Libraries in Australia, Japan and Uruguay are not subject to any such restrictions (IFLA 2020).
- Do not subject the making of an accessible format copy to a commercial availability test, or payment of remuneration. Articles 4(4) and 4(5) in the treaty are optional provisions, and if implemented into national law, would restrict the freedoms allowed under the treaty.
Example: These restrictions do not apply in France, Spain and the US
- Do not allow the exceptions to be overridden by terms in e-resource licences. It is implicit in the treaty that countries have the freedom to regulate the relationship between exceptions and contracts. The right to read for persons with print disabilities should apply regardless of the format of the material.
Example: The EU Marrakesh Treaty Directive (Directive (EU) 2017/1564 2017) ensures that the exception cannot be overridden by contract in its 27 Member States.
- Do not discriminate against people with other disabilities, such as deaf people. Article 12 permits the retention and expansion of exceptions protecting persons with disabilities other than those mandated by the treaty, who are also prevented from accessing works to substantially the same degree as a person without the disability.
Example: The exceptions in Argentina, Australia and India apply to all disabilities.

Best Case Examples of Practical Implementation by Libraries

Arguably, the most important step is practical implementation of the Marrakesh Treaty, that is, when libraries make practical use of the treaty to increase access to reading material for readers with print disabilities. Since the treaty entered into force at a global level, libraries have actively engaged in initiatives to put the treaty into practice. For example, librarians are learning about their new rights and responsibilities under the treaty, undertaking surveys to identify user needs, agreeing on metadata standards for increased discoverability, creating federated catalogues and developing accessible digital library systems. As a result, a variety of practical approaches has been adopted. Some book exchanges operate on an informal basis between libraries in response to individual reader requests; some initiatives focus on regional cooperation serving common language needs; and other new services are global in ambition.

There are no right or wrong approaches. Every initiative is commendable, and each contributes towards the development of a sustainable global network providing top quality accessible resources to readers, collectively bringing the Marrakesh Treaty goal of ending the book famine closer. Below are some examples from various countries around the world to help inspire and inform the library community.

Accessible Books Consortium

The [Accessible Books Consortium](#) (ABC) is a public-private partnership led by WIPO. The ABC Global Book Service is an online catalogue that allows eligible participating libraries and organisations serving people who are print disabled to easily obtain the accessible content they need. Over 635,000 accessible, digital books in 80 languages can be transferred across borders by a secure, automated mechanism (Accessible Books Consortium n.d.).

Austria

In 2020, the [Literaturservice für blinde und sehbeeinträchtigte Menschen/Literature Service for Blind and Visually Impaired People](#) at the Universitätsbibliothek Wien/University of Vienna Library decided to make bibliographic data on its accessible collection visible to all in the online catalogue. Now eligible students

at other European institutions, as well as colleagues in other libraries in Austria, can quickly check if an accessible title is available in the University of Vienna Library, and the item can be requested. In addition, every book is undergoing a quality re-check by specialist librarians to ensure the best reading experience. While the number of titles in the catalogue is small, the number and usage is expected to increase as more titles become visible, and the initiative spreads to other libraries. The Marrakesh Treaty entered into force in Austria on January 1, 2019.

Canada and Kyrgyzstan

In April 2018, the first international book transfer took place between Canada and Kyrgyzstan. The [library](#) at the [Американский университет в Центральной Азии/American University of Central Asia](#) (АУЦА/AUCA) in Bishkek, Kyrgyz Republic requested a business studies title for an MBA student from the [library at the University of Toronto Scarborough](#), whose librarians arranged for the printed book to be converted into an accessible digital format. The DAISY, Braille and epub files were delivered using [Dropbox](#), an online file transfer service. The exchange was designed in cooperation with the DAISY Consortium to demonstrate how straightforward international exchange of accessible books can be, once a country has ratified and implemented the Marrakesh Treaty (EIFL 2018). As the 20th signatory, Canada's accession brought the Marrakesh Treaty into force on September 30, 2016. The Marrakesh Treaty entered into force in Kyrgyzstan on August 15, 2017.

India

[Bookshare India](#) is a global online library of accessible ebooks for people with print disabilities (Sugamya Pustakalaya n.d.). Since India joined the Marrakesh Treaty, Bookshare India was able to offer over 100,000 titles to Bookshare members in India under the global copyright exception, and has teamed up with the [DAISY Forum of India](#) to establish a joint catalogue. Over [675,000 titles](#) are available to readers in 17 languages including Hindi, Marathi, and Tamil. The Marrakesh Treaty entered into force in India on September 30, 2016.

Japan

In November 2019, the 国立国会図書館, Kokuritsu Kokkai Toshokan/National Diet Library (NDL) in Japan launched an international service that offers accessible works in DAISY, Braille, and other text-based formats to persons with print disabilities and eligible institutions as stipulated by the Marrakesh Treaty (National Diet Library 2019a). Persons with print disabilities [outside Japan](#) (National Diet Library 2019b) can use the service that, in addition to works produced by NDL, contains works produced by other libraries and collected by the NDL. Information in English is available for the process for use outside Japan. In addition, NDL partners with the ABC Global Book Service that initially made available over 1,500 mainly academic titles, and that number is expected to increase over time. The service is also available for use by people [within Japan](#) (National Diet Library 2019c). The Marrakesh Treaty entered into force in Japan on January 1, 2019.

Poland and Lithuania

In October 2019, the first cross-border exchange of accessible books took place between Poland and Lithuania. The Książnica Podlaska im. Łukasza Górnickiego/Łukasz Górnicki Podlasie Library in Białystok, the largest public library in north-east Poland, provided sixteen titles to the [Lietuvos akluju biblioteka/Lithuanian Library for the Blind](#) (LLB), which needed material in the Polish language. In 2020, LLB reciprocated by transferring two requested titles from Lithuanian authors, in the English language, to Poland. Metadata for cataloguing was agreed between the two libraries, and the transfers were made using WeTransfer, an online file transfer service. There are plans to exchange more titles in the future (EIFL 2019). The Marrakesh Treaty entered into force in Poland and Lithuania on January 1, 2019.

Spain

In October 2019, [Organización Nacional de Ciegos Españoles/ONCE](#), the national organisation of blind people in Spain, launched a new digital library service granting access to its collection through its [Bibliographic Service \(SBO\)](#) and Digital Library (BDO) to authorized entities in [Marrakesh-ready countries around the world](#). The first book to be sent to another library was *El amor en los tiempos del cólera/Love in the time of cholera* by Gabriel García Márquez. From ONCE's holdings of more than 60,000 audio-books, ready-to-print Braille files and music

scores, the world's largest quality collection of accessible books in Spanish, 325 titles have been distributed to nine countries in Asia, America, and Europe, according to ONCE (personal communication October 2020). In addition, ONCE now has access to 54 libraries in 42 countries with combined holdings of 643,000 titles in 76 languages. By April 2021, over 200 titles from 15 different authorized entities, including popular titles and classics in English and French, have been obtained from abroad by ONCE, while ONCE sent over 560 titles to 14 authorized entities. The Marrakesh Treaty entered into force in Spain on January 1, 2019.

Conclusion and Future Outlook

This chapter has provided an account of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, including its genesis, key provisions, and best practices in terms of implementation, with special reference to libraries. The Marrakesh Treaty addresses a real need and its adoption in 2013 by WIPO Member States constitutes a major success for the community of persons with print disabilities, as well as for libraries that provide information services to the community. The more countries that implement the Marrakesh Treaty into national law and the more libraries that start using the treaty, the more people with print disabilities around the globe will benefit.

Two policy recommendations are suggested for the future. First, while the Marrakesh Treaty goes a long way in improving societal participation of people with print disabilities, copyright barriers for persons with other disabilities, such as deaf people, remain. The issue remains on the agenda of the WIPO SCCR. However, as of 2021, the issue has not advanced. WIPO Member States should urgently take steps to address the needs of persons with other disabilities, and should adopt an international instrument for their benefit. The Marrakesh Treaty provides a useful template for how this could be done.

Second, the Marrakesh Treaty demonstrates that treaties focusing on user rights can be enormously successful. In 2018, WIPO's Director-General called it "the fastest moving of the WIPO treaties, not only in the past year, but most probably in the history of the Organization" (Gurry 2018). As Helfer, Land and Okediji (2020, 340) argue, "the broader and more transparent consultations involved in adopting exceptions for the print disabled [...] provide a potential roadmap for other treaty implementation efforts that better realise the welfare objectives that are intrinsic to both the intellectual property and human rights regimes". L&Es for the benefit of libraries, archives and museums, as well as for education

and research, continue to be discussed at WIPO SCCR. The negotiations should continue in good faith and on the basis of empirical evidence, in consultation with beneficiary organisations and other stakeholders. The Marrakesh Treaty has shown that a well-designed treaty focusing on user rights can successfully co-exist with authors' rights and a prosperous publishing industry for the benefit of all.

References

- Accessible Books Consortium. n.d. "Accessible Books Consortium (ABC)." <https://www.accessiblebooksconsortium.org/portal/en/index.html>.
- Band, Jonathan, and Krista Cox. 2020. *National Implementations of the Marrakesh Treaty by Countries that Have Ratified or Acceded to the Treaty*. Washington, DC: Association of Research Libraries. <https://www.arl.org/wp-content/uploads/2020/06/2020.06.26-MarrakeshTreaty.pdf>.
- CPTech. 2005a. "Geneva Declaration on the Future of the World Intellectual Property Organization." <http://www.cptech.org/ip/wipo/futureofwipodeclaration.pdf>.
- CPTech. 2005b. "Treaty on Access to Knowledge." Draft May 9. http://www.cptech.org/a2k/a2k_treaty_may9.pdf.
- DAISY Consortium. n.d. "The DAISY Consortium." <https://daisy.org/>.
- Directive (EU) 2017/1564 of the European Parliament and of the Council of 13 September 2017 on Certain Permitted Uses of Certain Works and Other Subject Matter Protected by Copyright and Related Rights for the Benefit of Persons Who Are Blind, Visually Impaired or Otherwise Print-disabled and Amending Directive 2001/29/EC on the Harmonisation of Certain Aspects of Copyright and Related Rights in the Information Society 2017. *Official Journal of the European Union* L 242/6 (20.9.2017). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017L1564>.
- Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the Accessibility Requirements for Products and Services (Text with EEA relevance). 2019. PE/81/2018/REV/1 OJ L 151, 7.6.2019, p. 70–115. <https://eur-lex.europa.eu/eli/dir/2019/882/oj>.
- Dreyling, Justus. 2020. "Regulatory Reform Under Conditions of Regime Complexity: Weak Actors and Institutional Opportunity Structures in the Global Governance of Intellectual Property." PhD diss., Freie Universität Berlin. <https://refubium.fu-berlin.de/handle/fub188/27462>.
- Electronic Information for Libraries (EIFL). 2018. "Marrakesh Treaty: History Is Made in Kyrgyzstan." *News*, April 24, 2018. <https://www.eifl.net/news/marrakesh-treaty-history-made-kyrgyzstan>.
- Electronic Information for Libraries (EIFL). 2019. "Marrakesh Treaty: Getting Down to Business." *News*, October 11, 2019. <https://www.eifl.net/news/marrakesh-treaty-getting-down-business>.
- Electronic Information for Libraries (EIFL). 2021. "EIFL Welcomes WTO Decision on Trips Waiver Request: Members of the World Trade Organization (WTO) Agree to a Request by Least Developed Countries (LDCs) to Extend International Trade Law Measures Which Reduce

- Burdens on the Poorest Countries.” *News*, August 18, 2021. <https://www.eifl.net/news/eifl-welcomes-wto-decision-trips-waiver-request>.
- European Parliament. 2012. “European Parliament Resolution on Petition 0924/2011 by Dan Pescod (British), on Behalf of European Blind Union (EBU)/Royal National Institute of Blind People (RNIB), on Access by Blind People to Books and other Printed Products (2011/2894(RSP)).” B7-0062/2012 (February 10, 2012). https://www.europarl.europa.eu/doceo/document/B-7-2012-0062_EN.pdf.
- Franz, Vera. 2010. “Back to Balance: Limitations and Exceptions to Copyright.” In *Access to Knowledge in the Age of Intellectual Property*, edited by Gaëlle Krikorian and Amy Kapczynski, 517–30. New York: Zone Books.
- Gurry, Francis. 2018. “2018 Address of the Director General WIPO Assemblies – September 24 to October 2, 2018” *World Intellectual Property Organization (WIPO) Directors-General Speeches*. https://www.wipo.int/about-wipo/en/dg_gurry/speeches/a_58_dg_speech.html.
- Hammerstein, David. 2011. “World Blind Union Suspends Participation in Stakeholders Platform, Demands Treaty.” *TransAtlantic Consumer Dialogue IP Policy Committee Blog*. February 27, 2011. <http://tacd-ip.org/archives/312>.
- Hanson, John. 2016. “Stevie Wonder, Braille, and Accessibility.” *Library of Congress NLS Music Notes Blog*. March 17, 2016. <https://blogs.loc.gov/nls-music-notes/2016/03/stevie-wonder-braille-and-accessibility/>.
- Helfer, Laurence R., Molly K. Land, and Ruth L. Okediji. 2020. “Copyright Exceptions Across Borders: Implementing the Marrakesh Treaty.” *European Intellectual Property Review* 42, no. 6: 332–340. Available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3807368.
- Helfer, Laurence R., Molly K. Land, Ruth L. Okediji, and Jerome H. Reichman. 2017. *The World Blind Union Guide to the Marrakesh Treaty Facilitating Access to Books for Print-Disabled Individuals*. Oxford: Oxford University Press.
- International Federation of Library Associations and Institutions (IFLA). 2020. “Marrakesh Treaty Implementation: December 2020.” <https://repository.ifla.org/handle/123456789/1215>.
- Kind, Kimberly. 2013. “Filmmakers’ Group Tries to Reshape Treaty that Would Benefit the Blind.” *The Washington Post*, June 22, 2013. https://www.washingtonpost.com/politics/filmmakers-group-tries-to-reshape-treaty-that-would-benefit-the-blind/2013/06/22/f98e6130-d761-11e2-9df4-895344c13c30_story.html.
- Love, James. 2013. “Intellectual Property Owners Association (IPO) Calls WIPO Treaty for Blind ‘Dangerous Precedent for Other Areas of IP Law’.” May 7, 2013. <https://www.keionline.org/22188>.
- Mara, Kaitlin. 2009. “Big Step Forward on Treaty for the Visually Impaired at WIPO.” *Intellectual Property Watch*, December 22, 2009. <https://www.ip-watch.org/2009/12/22/big-step-forward-on-treaty-for-the-visually-impaired-at-wipo/>.
- Mara, Kaitlin. 2010. “WIPO Copyright Committee In Fight To Overcome Differences On Exceptions, Limitations.” *Intellectual Property Watch*, November 12, 2010. <https://www.ip-watch.org/2010/11/12/wipo-copyright-committee-in-fight-to-overcome-differences-on-exceptions-limitations/>.
- National Diet Library/国立国会図書館/ Kokuritsu Kokkai Toshokan, Japan. 2019a. “International Book Data Services Launched under the Marrakesh Treaty.” November 19, 2019. <https://www.ndl.go.jp/en/news/fy2019/marrakesh.html>.

- National Diet Library/国立国会図書館/ Kokuritsu Kokkai Toshokan, Japan. 2019b. “How to Use Data for Persons with Print Disabilities – Guide for Individuals and Institutions Outside Japan.” https://www.ndl.go.jp/en/support/marrakesh_ex.html.
- National Diet Library/国立国会図書館/ Kokuritsu Kokkai Toshokan, Japan. 2019c. “How to Obtain Data Produced by Institutions Outside Japan for Persons with Print Disabilities – Guide for Individuals and Libraries in Japan.” https://www.ndl.go.jp/en/support/marrakesh_im.html.
- New, William. 2008. “WIPO Committee Advances Agenda On Copyright Exceptions, Broadcasting.” *Intellectual Property Watch*, November 9, 2008. <https://www.ip-watch.org/2008/11/09/wipo-committee-advances-agenda-on-exceptions-to-copyright-broadcasting/>.
- New, William. 2011. “Parliament Committee Urges EU Commission To Support Print Disabilities Treaty.” *Intellectual Property Watch*, October 5, 2011. <https://www.ip-watch.org/2011/10/05/parliament-committee-urges-eu-commission-to-support-print-disabilities-treaty/>.
- ONCE. n.d. “Marrakesh Treaty.” *ONCE International*. <https://www.once.es/internacional/tratado-de-marrakech/marrakesh-treaty>.
- Pescod, Dan. 2009. “The ‘Right to Read’ – Why a WIPO Treaty for Print Disabled People?” *KEStudies: A Multidisciplinary Open Journal*. 3: April. <https://www.kestudies.org/the-right-to-read-why-a-wipo-treaty-for-print-disabled-people/>.
- “Policy Position Agreed by the World Blind Union (WBU), the DAISY Consortium and IFLA Libraries for the Blind Section (LBS).” 2004. https://web.archive.org/web/20061007003621/http://www.euroblind.org/fichiersGB/joint_policy.htm.
- Saez, Catherine. 2011. “World Blind Union Won’t Be Sidetracked In Quest For Treaty On Reading Access.” *Intellectual Property Watch*, March 10, 2011. <https://www.ip-watch.org/2011/03/10/world-blind-union-won%E2%80%99t-be-sidetracked-from-quest-for-treaty-on-reading-access/>.
- Saez, Catherine. 2013a. “Last Drafting Effort On WIPO Treaty For The Blind Before Diplomatic Conference.” *Intellectual Property Watch*, April 17, 2013. <https://www.ip-watch.org/2013/04/17/last-drafting-effort-on-blind-treaty-before-diplomatic-conference/>.
- Saez, Catherine. 2013b. “Miracle In Marrakesh: ‘Historic’ Treaty For Visually Impaired Agreed.” *Intellectual Property Watch*, June 26, 2013. <https://www.ip-watch.org/2013/06/26/miracle-in-marrakesh-historic-treaty-for-visually-impaired-agreed/>.
- Saez, Catherine. 2013c. “Stevie Wonder In Marrakesh: Today Is A Very Good Day, Now Go Ratify The Treaty!” *Intellectual Property Watch*, June 28, 2013. <https://www.ip-watch.org/2013/06/28/stevie-wonder-in-marrakesh-today-is-a-very-good-day-now-go-ratify-the-treaty/>.
- Sugamya Pustakalaya/सुगम्य पुस्तकालय. n.d. “India’s Largest Library for Blind & Print Disabled People.” <https://library.daisyindia.org/NALP/welcomeLink.action>.
- Sullivan, Judith. 2007. *Study on Copyright Exceptions and Limitations for the Visually Impaired*. Standing Committee on Copyright and Related Rights Fifteenth Session Geneva, September 11 to 13, 2006. SCCR/15/7. February 20, 2007. Geneva: WIPO. www.wipo.int/meetings/en/doc_details.jsp?doc_id=75696; https://www.wipo.int/edocs/mdocs/copyright/en/sccr_15/sccr_15_7.pdf.
- Sunder, Madhavi. 2012. *From Goods to a Good Life: Intellectual Property and Global Justice*. New Haven, CT and London: Yale University Press. Available at Georgetown Law

- Faculty Publications and Other Works. 2363. <https://scholarship.law.georgetown.edu/facpub/2363>.
- UN Department of Economic and Social Affairs. Disability. n.d. "Convention on the Rights of Persons with Disabilities (CRPD). Article 30 – Participation in Cultural Life, Recreation, Leisure and Sport." <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-30-participation-in-cultural-life-recreation-leisure-and-sport.html>.
- US Chamber of Commerce. Global Innovation Policy Center. 2009. "Big Step Forward on Treaty for the Visually Impaired at WIPO." <https://www.theglobalipcenter.com/big-step-forward-treaty-visually-impaired-wipo/>.
- Vision Australia. n.d. "What is Print Disability." <https://www.visionaustralia.org/services/print-accessibility/what-is-print-disability>.
- World Blind Union. 2010. "Paper by the World Blind Union on a WIPO Treaty for Improved Access for Blind, Visually Impaired and other Reading Disabled Persons: [Presented at] Committee on the Rights of Disabilities Day of General Discussion on 'The Right to Accessibility'." October 7, 2010. https://www2.ohchr.org/SPdocs/CRPD/DGD7102010/submissions/WBU_II.doc.
- World Intellectual Property Organization (WIPO). n.d. "Development Agenda for WIPO." <https://www.wipo.int/ip-development/en/agenda/>.
- World Intellectual Property Organization (WIPO). 1982. "Working Group on Access by the Visually and Auditory Handicapped to Material Reproducing Works Protected by Copyright: Report Conference." Unesco/WIPO/WGH/1/3, CPY.82/Conf.603/Col.3. January 3. <https://unesdoc.unesco.org/ark:/48223/pf0000053955.locale=en>.
- World Intellectual Property Organization (WIPO). 2010a. "Pop Legend Calls for Action." December 2010. https://www.wipo.int/wipo_magazine/en/2010/06/article_0005.html.
- World Intellectual Property Organization (WIPO). 2010b. "Stakeholders' Platform Launches Project to Facilitate Access by VIPs to Published Works." October 23, 2010. https://www.wipo.int/pressroom/en/articles/2010/article_0043.html.
- World Intellectual Property Organization (WIPO). 2013a. "Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled." <https://www.wipo.int/treaties/en/ip/marrakesh/>; <https://www.wipo.int/publications/en/details.jsp?id=382&plang=EN>.
- World Intellectual Property Organization (WIPO). 2013b. "Signed, Sealed, Delivered." June 28, 2013. https://www.wipo.int/pressroom/en/news/2014/news_0008.html.
- World Intellectual Property Organization (WIPO). General Assembly. 2013. "Forty-Second (22nd Extraordinary) Session Geneva, December 17 to 18, 2012 Report." O/GA/42/3. May 13, 2013. https://www.wipo.int/edocs/mdocs/govbody/en/wo_ga_42/wo_ga_42_3.pdf.
- World Intellectual Property Organization (WIPO). Standing Committee on Copyright and Related Rights (SCCR). 2008. "Proposal by Brazil, Chile, Nicaragua and Uruguay for Work Related to Exceptions and Limitations." Sixteenth Session Geneva, March 10 to 12, 2008. SCCR/16/2. July 17, 2008. https://www.wipo.int/edocs/mdocs/copyright/en/sccr_16/sccr_16_2.pdf.
- World Intellectual Property Organization (WIPO). Standing Committee on Copyright and Related Rights (SCCR). 2009. "Proposal by Brazil, Ecuador and Paraguay, Relating to Limitations and Exceptions: Treaty Proposed by The World Blind Union (WBU)." Eighteenth Session Geneva, May 25 to 29, 2009. SCCR/18/5. https://www.wipo.int/edocs/mdocs/copyright/en/sccr_18/sccr_18_5.pdf.

- World Intellectual Property Organization (WIPO). Standing Committee on Copyright and Related Rights (SCCR). 2010a. “Draft Consensus Instrument Proposal by the Delegation of the United States of America.” Twentieth Session Geneva, June 21 to 24, 2010. SCCR/20/10. June 10, 2010. https://www.wipo.int/edocs/mdocs/copyright/en/sccr_20/sccr_20_10.pdf
- World Intellectual Property Organization (WIPO). Standing Committee on Copyright and Related Rights (SCCR). 2010b. “Draft Joint Recommendation Concerning the Improved Access to Works Protected by Copyright for Persons with a Print Disability.” Twentieth Session Geneva, June 21 to 24, 2010. SCCR/20/12. June 17, 2010. http://www.wipo.int/edocs/mdocs/copyright/en/sccr_20/sccr_20_12.pdf.
- World Intellectual Property Organization (WIPO). Standing Committee on Copyright and Related Rights (SCCR). 2010c. “Draft WIPO Treaty on Exceptions and Limitations for the Disabled, Educational and Research Institutions, Libraries and Archive Centers Proposal by the African Group.” Twentieth Session Geneva, June 21–24, 2010. SCCR/20/11. https://www.wipo.int/edocs/mdocs/copyright/en/sccr_20/sccr_20_11.doc.
- World Trade Organization. n.d. *Agreement on Trade-Related Aspects of Intellectual Property Rights (as amended on 23 January 2017)*. The TRIPS Agreement is Annex 1C of the Marrakesh Agreement Establishing the World Trade Organization, signed in Marrakesh, Morocco on 15 April 1994. https://www.wto.org/english/docs_e/legal_e/31bis_trips_01_e.htm.