

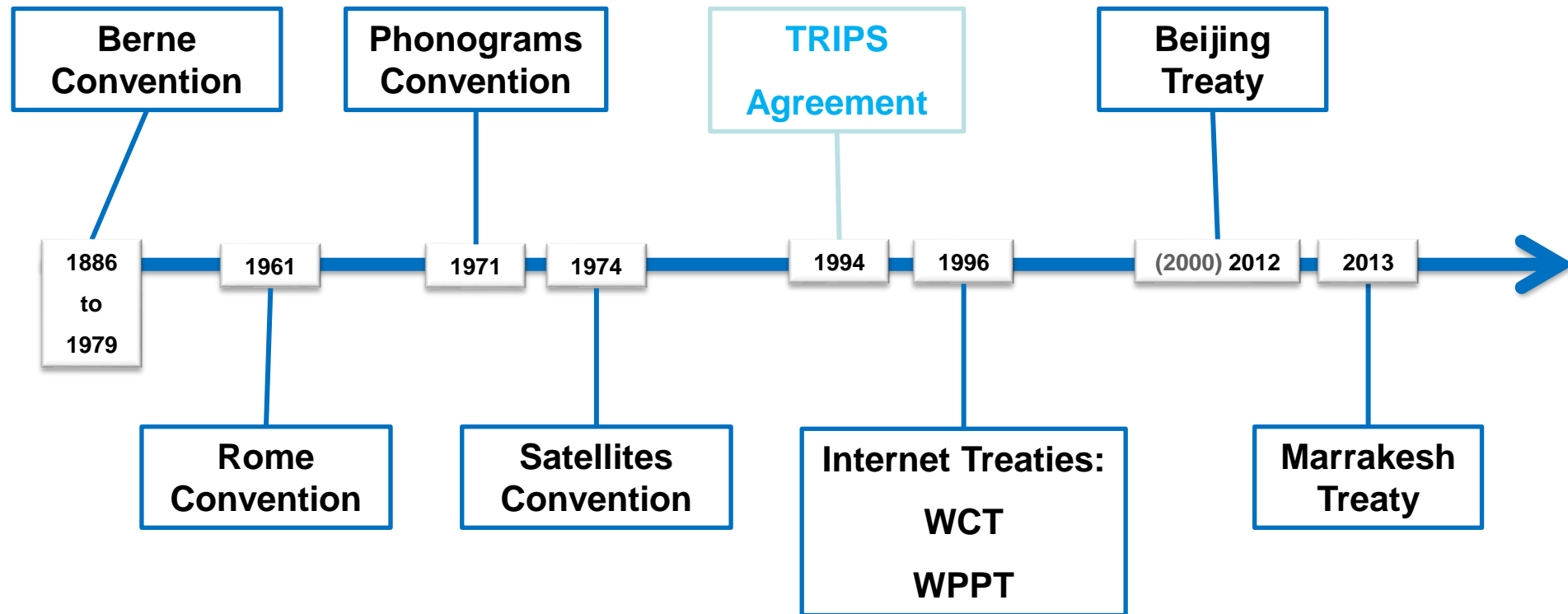


The Marrakesh Treaty

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WIPO BCC Advanced
Copyright Training Course
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International Copyright Framework



Membership of Certain Copyright and Related Rights Treaties

■ Marrakesh Treaty (2013):

- 80/193 members, covering 106 Member States (EU joined as a bloc)
- The **Marrakesh Treaty** is the fastest growing WIPO treaty in the modern era; it now covers over 100 contracting parties in record time

Limitations and Exceptions

Rationale: need to balance the rights of authors of creative works and the public interest, by allowing some uses of copyrighted material to be exempted from the requirement to seek authorization from the author or right-holder or to pay royalties.

Three–Step Test

Exceptions and limitations are permissible:

- (1) In certain special cases;
- (2) If the act does not conflict with normal exploitation of the work; and
- (3) Does not unreasonably prejudice the legitimate interest of the author

Source: WTO “Irish Music” case:

http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds160_e.htm

Marrakesh Treaty



The Book Famine: The Facts



**285 Million
Persons Who
Are Blind and
Visually
Impaired in
the World**

57 out of 191
national laws
with exceptions
in 2013

At best, <10% of
printed materials
in accessible
formats in 2020

90% of VIPs in
developing
countries



Diplomatic Conference to Conclude a Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities

Marrakesh, June 17 to 28, 2013



MVT Core Principles

- Limitations and exceptions treaty
- Two overarching requirements:
 - Requires parties to adopt national law limitations and exceptions to facilitate access to formats of works accessible to persons who are blind, visually impaired, and print disabled
 - Provides for the cross-border transfer of accessible-format works in order to increase efficiency and avoid duplication of effort

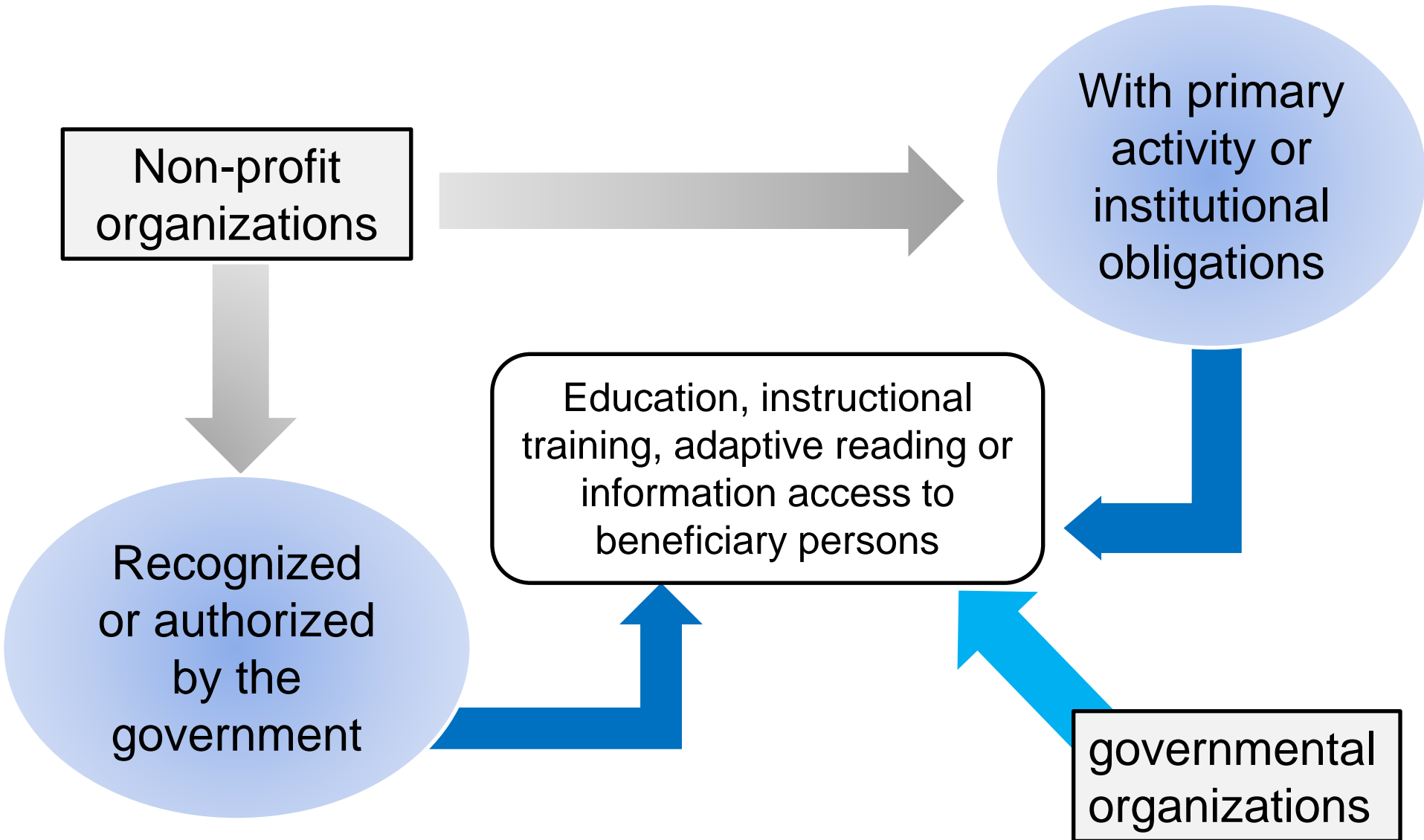
MVT Definitions (Article 2)

- “works” is based on the concept of literary and artistic works as defined in the Berne Convention for the Protection of Literary and Artistic Works, limited to text and/or illustration forms. There is an agreed statement making it clear that e-books are included.
- “accessible format copy” is defined with reference to the functional activities that can be carried out by beneficiaries and refers to “*permit[ting] the person to have access as feasibly and comfortably as a person without visual impairment or other print disability*”. Copies made according to this definition may only be used by beneficiaries.

MVT Definitions (Article 2) (cont.)

- “authorized entity” is a broad definition that encompasses many non-profit and government entities, whether they are specifically authorized by the government or “recognized” by the government (including through receiving funds) as entities that provide many functions including education and information access. Authorized entities must establish and follow their own practices in several areas, including establishing “*that the persons it serves are beneficiary persons*”, providing services only to those persons, discouraging unauthorized uses of copies, and maintaining “*due care*” in handling copies of works.

The Authorized Entities (Article 2(c))



MVT Definitions (Article 3)

- “Beneficiary Persons” – This definition was given its own article in order to emphasize its importance.
- Beneficiaries are those persons who:
 - are blind
 - cannot read a printed book due to physical disability.
 - have “*a visual impairment or perceptual or reading disability which cannot be improved to give visual function substantially equivalent*” to persons without these conditions.

Other Key MVT Provisions

- Article 4 – National Law Limitations and Exceptions Regarding Accessible Format Copies
- Article 5 – Cross-Border Exchange of Accessible Format Copies
- Article 7 – Obligations Concerning Technological Measures
- Article 11 – General Obligations on Limitations and Exceptions (includes Three-Step Test)

Stevie Wonder Calls on Member States to Join Treaty



Marrakesh Assembly

- Treaty entered into force on September 30, 2016 with 20 Contracting Parties
- 79 members and lots of momentum
- WBU and other stakeholder participation
- Accessible Books Consortium (ABC)

Marrakesh Implementation

- Marrakesh Secretariat activities:
 - Regional MVT programs for copyright officials
 - Starting regional workshops on implementation with stakeholder organizations
 - Legislative assistance to Member States
 - Information access point on MVT
- Linked with the WIPO Accessible Books Consortium (ABC)



Thank you!

www.wipo.int/copyright

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