

**Sub-Regional Meeting for ASEAN Countries on the Marrakesh Treaty and the Production
and Exchange of Accessible Books**

by

the World Intellectual Property Organization (WIPO)

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The History and Relevance of the Marrakesh Treaty

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Limitations and exceptions of Copyright for VIPs

- International Copyright Conventions do not mention about copyright exceptions for blind (eg. Berne, WCT and TRIPS)
- WIPO Report on Limitations and exceptions for VIPs (2006) by Judith Sullivan
- About 70 member states of WIPO introduced exceptions for blind in their domestic law;
- The Copyright (Amendment) Act, 2012-
 1. exceptions for physically disabled for non-profit -section 52 (1)(zb)
 2. compulsory licence for physically disabled for profit -section 31B

Justification for WIPO Treaty

- to remove 'Book famine'
- Access to knowledge & right to read
- Millennium Development Goals
- UDHR & UN Convention on Rights of Persons with Disabilities
- Lack of minimum standards
- Lack of harmonization
- Territoriality of copyright law
- cross border change of accessible formats

Benefits for the Blind

- Availability of accessible formats/ books
- Cross border exchange of formats
- educational institutes/libraries can supply accessible formats to blind students
- Exceptions to accessible formats will not be treated as infringement of copyright

Background - 1

- 18th SCCR of WIPO held from 25 to 29 May, 2009 at Geneva, Switzerland
- a proposal for consideration of a WIPO Treaty for Visually Impaired Persons on Exceptions of Copyright was submitted by Brazil, Ecuador and Paraguay on behalf of the World Blind Union (WBU)
- a legally binding Treaty to set forth minimum standards
- to facilitate cross-border exchange of accessible formats

Background - 2

20th SCCR held in June 2010 three (3) other proposals

- “Draft Consensus Instrument-Proposal by the Delegation of the United States of America(SCCR/20/10)”;
- “Draft WIPO Treaty on Exceptions and Limitations for the Disabled, Educational and Research Institutions, Libraries and Archive Centers- Proposal by the African Group (SCCR/20/11)” and
- “Draft Joint Recommendation concerning the improved access to works protected by copyright for persons with a print disability- Proposal by the Delegation of the European Union (SCCR/20/12)”
- 22nd SCCR held from 15th to 24th June 2011 at Geneva, three additional days were dedicated for consolidated text.
- 24th SCCR held from 16 to 25 July, 2012 the European Union and the USA for the first time agreed to support a binding treaty.
- 25th SCCR held from 19-23 November, 2012 to place the final legal text.
- The Extraordinary WIPO General Assembly held at Geneva from 17 to 18, December 2012 decided to convene a Diplomatic Conference

THANKS