

# **The Role of Authorized Entities before and after Marrakesh Treaty implementation**

Presentation to

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

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# Background

- **2008** first draft of proposed treaty text by representatives of National Federation of the Blind, USA, the World Blind Union (WBU) and others
- **2013** Marrakesh Treaty, adopted by WIPO Member States - represented first time binding international accord exclusively addresses issues faced by persons who are blind or otherwise print-disabled
- **2016** Treaty came into force triggered by ratification by twentieth country
- **Now**...focus on getting *all* nations to ratify Treaty and implement provisions in domestic law

# Authorized Entity – Definition

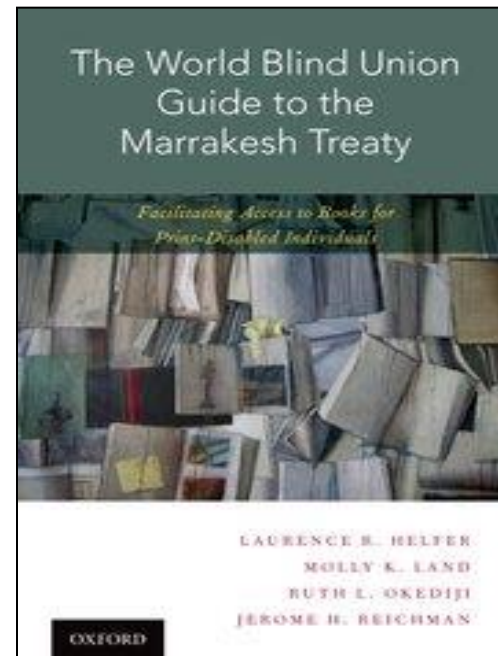
Marrakesh Treaty defines AE as:

- Entity authorized or recognized by government to provide education, instructional training, adaptive reading or information access to ‘beneficiary persons’ on a non-profit basis
- Also includes government institutions or non-profit organizations that provide same services to beneficiary persons
- Treaty does not prescribe approval process to qualify as Authorized Entity. Organization simply has to meet these criteria

# Road to national ratification of the Marrakesh Treaty

*The World Blind Union Guide to the Marrakesh Treaty* notes that **governments ‘will face a variety of legal and policy choices as they decide how to incorporate the Marrakesh Treaty into their national legal systems.** These choices will determine whether the treaty realises its overarching objectives’

*Guide* provides specific legal and policy recommendations for implementing its provisions in national copyright law



# What is required in national law?

- Countries **must provide in domestic copyright law for a limitation or exception** to the right to reproduce published works in alternative formats, make them available to persons with print disabilities, and allow for export and import of accessible format copies
- Such limitation or exception in national copyright law may allow that *Authorized Entities* are permitted to:
  - *produce* these accessible format copies without the authorization of the rightsholder
  - *obtain* accessible format copies from another Authorized Entity and
  - *supply* those copies to beneficiary persons by any means

# Role for AEs in support of national ratification

Advocacy with lawmakers – Sample of successful approach

- *Understand* current domestic law provisions and provisions of Treaty – what needs to change
- *Engage* with consumer organizations interested in advocating with government on their own behalf
- *Promote* Treaty aspiration – to help end the ‘global book famine’ worldwide for people with print disabilities – with national government policy advisors and legislators
- *Explain* how print-disabled citizens and print-disabled community worldwide will benefit from national copyright law aligned with Treaty principles
- *Provide* input to draft legislation, as requested

# Benefits of Treaty

- ✓ Increases **quantity and selection** of accessible published works available to blind or otherwise print-disabled readers
- ✓ Improves **speed and ease** with which new titles published in other countries can be made available
- ✓ Provides opportunity for **more format choices** (braille, narrated audio, e-text...)
- ✓ Facilitates ability to **support language diversity** of print-disabled population
- ✓ Avoids costly **duplication of production effort**



# Role for AEs in implementing Treaty provisions

Once Treaty ratified domestically and instruments of ratification deposited with WIPO, **AE positioned to implement** Treaty provisions in support of its goal

- Consider whether **need for further government involvement** to ensure the goal of the Treaty is advanced nationally
- Produce and deliver **published works in accessible formats** to support education, employment, leisure reading and full social inclusion of persons with print disabilities
- Consider **options to facilitate exchange of accessible formats** with other AEs worldwide
- Determine **with whom to exchange accessible formats** to enhance ability to support reading needs of your print-disabled community

# Marrakesh Treaty...*Real impact!*

- National ratification of Marrakesh Treaty offers the potential for truly equitable access to literacy for persons with print disabilities at home and worldwide
- Authorized Entities have the opportunity to play a significant role in **advocating for ratification** and thereafter for **putting the Treaty provisions into operation**



# The Role of Authorized Entities before and after Marrakesh Treaty implementation

Thank you!

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