

Cross-Border Exchange of Accessible Format Copies and the Role of Authorised Entities

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**IFRRO – The global network
for text- and image-based works**

RROs – Reproduction Rights Organisations

The global network

144 members in 79 countries

International Federation of Reproduction Rights Organisations

88 RROs

56 Creator & Publisher
bodies



IFRRO Key Activities

- Communications / Information
- Business Approaches
- Regional Development

Cooperates with

- WIPO
- UNESCO
- EU
- OAPI, ARIPO, LAS APEC, CERLALC
- CISAC, SAA, etc.
- IFLA, EBLIDA

88 RROs in 79 countries

Around the world – on all continents



ABDR | Access Copyright | AGECOP | AIDRO | AMCOS | AUTOR | B-COPY | BBDA | BECLA Bonus Presskopia | CADRA | CCC | CDR | CEDRO | CeMPro | CFC | CLA | CLASS | CLNZ | CMA | COPIBEC | Copydan Writing | CopyGhana | Copyright Agency | CopyRo – Romania | CopyRus | COSOMA | CWWCS | DALRO | DHK/CWA | DILIA ECCLA | EDISAM | FILCOLS | Fjölís | FJÖLRIT | GCA | HARR | HKRRRLS | ICLA | IPRO | IRRO | JAC | JAMCOPY | JRRC | Kopiken | Kopinor | KOPIOSTO | KOPIPOL | KOPITAN | KORRA | LATGA-A | LATREPRO | LIBRIUS | LITA | Literar-Mechana | Luxorr | MASA | NLA | NLI | NSRR | OSDEL | POLSKA KSIAZKA | ProLitteris | REPROBEL | REPRONIG | SADEL | Sámikopiiija | TTRRO | VG Bild-Kunst | VG MUSIKEDITION | VG WORT | VIETRRO | YAYBİR | YRCI | ZANA | ZARRSO | ZIMCOPY

International
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Reproduction
Rights
Organisations



The WIPO Marrakesh Treaty

An IFRRO perspective

The Marrakesh Treaty: Message

- The WIPO Diplomatic Conference concluded successfully on 28 June 2013 with the adoption of the *Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled*.
- The *overall message in this Treaty*, from IFRRO's point of view, is that *copyright is balanced* and that it can be effective in both preserving the legitimate rights of rightholders and *ensuring access to culture for a specifically defined group of users*: persons who are blind, visually impaired, or otherwise print disabled.

An Exceptional / Access Treaty

- The Treaty is an *exceptional treaty*, providing access to specifically defined beneficiaries. In IFRRO's view, it is an *access treaty* rather than an exceptions and limitations Treaty.
- The Treaty leaves it to *the individual country to decide whether* to make the exception or limitation *subject to remuneration*. It has the *flexibility* to allow countries at different speeds or stages of development to take into account the level of commercially available offerings (*cf.* Article 4).

The role of Authorised Entities

- Important role of AEs: The Treaty *reconfirms the role of Authorised Entities* as a means to facilitate access to works in accessible formats (*cf.* Article 5).
- Importance of collaboration: WIPO and its Member States are requested to accelerate the collaboration / information sharing, as *a prerequisite for international file exchange*, and provide a *point of information*, incl. discovery tools and information on accessible copies (*cf.* Article 9).
- Importance of stakeholder-developed services, in cooperation with WIPO: **TIGAR** retains its relevance, and is reconfirmed in the *Accessible Books Consortium (ABC)*, aiming at increasing the number of books in accessible formats worldwide.

Reference to “three-step test”

- Balance: The Treaty includes *many references to the “three-step test”* (and to obligations in other international treaties), providing assurance that it will be applied, *de facto*, to all files that are exchanged internationally.
- Flexibility: Even though there is no mandatory reference to “commercial availability” in the Treaty, rightholders should be able to argue that the “*commercial availability*” requirement *needs to be observed*, based on the second limb of the “three-step test” (“normal exploitation”).

“Fair practices, dealings or uses”

- Although there is a reference to “fair practices, dealings or uses” (*cf.* Article 10.3), this needs to be seen in the *specific context* of exceptions and limitations in favour of blind, visually impaired, or otherwise print disabled persons – and *subject to international obligations*.
- In this vein, IFRRO does *not* interpret this as a *general reference* to the concepts of “fair use” or “fair dealing”.

Relevance for IFRRO members

- The Treaty will not, *per se*, bring about changes. Countries in which RROs administer statutory licences in respect of accessible format copies are *allowed to maintain such arrangements*.
- IFRRO continues to *encourage RROs to respond positively to requests* from authors and publishers to facilitate the making and cross-border exchange of accessible format copies. IFRRO has developed *tools to facilitate RRO engagement*: <http://www.ifrro.org/content/access-persons-print-disabilities>

IFRRO and RRO involvement

Stakeholder-developed initiatives, supporting the objectives of the Marrakesh Treaty

Involvement: IFRRO/rightsholders

- IFRRO's CEO, *Olav Stokkmo*, on the ABC Board
- ABC – Involvement of *Jim Russel* and *Helen Bland*
- Options for collective rights management, making it easier to handle rights clearance individually:
 - Option 1: The RRO provides 'repertoire' rights to WIPO for the TIGAR Service for its member publishers that have granted appropriate rights to it.
 - Option 2: The RRO assists the Permission Clearance Coordinator (PCC) in obtaining rights for individual or specified lists of titles from its member publishers.
 - Option 3: The RRO can assist the PCC by providing contact details for its member publishers. The PCC would contact the publisher directly to seek the appropriate rights.

RRO involvement

- RROs currently involved:
 - DALRO (South Africa); Jamcopy (Jamaica); Kopinor (Norway); ProLitteris (Switzerland); CLNZ (New Zealand) + other RROs have been approached
- Two licensing options offered, by rightholders directly or via RROs (repertoire and/or case-by-case licences, depending on mandate):
 - Depending on the agreement with authors and publishers, acquiring mandates via opt-in or opt-out
- IFRRO tools established to assist:
 - ✓ Mandate for alternative format licensing
 - ✓ Print Impaired Licence
 - ✓ Annex to agreements between RROs
 - ✓ Template for seeking a licence

Thank you!

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