

WIPO Regional Workshop on the Beijing and Marrakesh Treaties

Tbilisi, May 28-29, 2015

Topic 5: The Role of Authorized Entities

Sania Battalova

Vice-president of Kyrgyz Libraries Information Consortium (KLIC)

Bishkek, Kyrgyzstan and the International Federation of Library Associations and Institutions (IFLA)



Kyrgyz Libraries Information Consortium (KLIC)

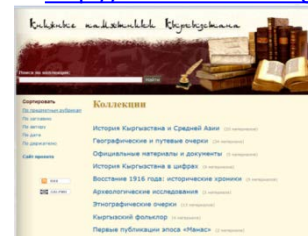
- Established in 2002
- More than 90 academic, public and special libraries are members

Main Goal: to provide people in Kyrgyzstan
with wide and open access to information and knowledge

Kyrgyz Libraries Information Consortium (KLIC)

- Supports the public mission of libraries - a social institution that supports the right of every person to have access to information.
- Represents the interests of the library community and library users in Kyrgyzstan to expand rights and freedoms of library users to access knowledge and information, especially in the digital environment.
- Develops resources e.g. Open archives, Digital collections of rare books.
- Partners with EIFL (Electronic Information for Libraries), an international NGO, to license access to commercial e-resources, to develop policies on Open Access, and to advocate for fair national copyright laws and international treaties that support libraries.

<http://rarebooks.net.kg>



<http://krad.bik.org.kg/>

Libraries serving persons with print disabilities

Special, public libraries and academic libraries

For example:

- Republic Library for Blind and Deaf People in Bishkek
- Users: **4,500**
- Collection: 9,500 titles in Braille & large print; 8,000 in audio format (MP3 and tapes)
- Collection growth: 200 new titles added each year. Limited to literature in Kyrgyz language
- City and rural public libraries
- **Academic library example that serves blind students?**





Libraries serving persons with print disabilities

**But there are problems
producing accessible formats and cross-border exchange**

For example in Lithuania:

- Books in Polish and Russian are in demand, especially among senior readers of the Lithuanian Library for the Blind. But accessible materials from libraries in Warsaw and Moscow cannot be exchanged, due to copyright restrictions.
- Emigrants from Lithuania with a visual disability who live in Ireland, Norway and Germany & other countries would like reading material in Lithuanian that could be provided via Elvis, the digital talking books service, if copyright permitted.



Libraries serving persons with print disabilities

In Mongolia:

- In 2010, DAISY Talking Books Service launched by Ulaanbaatar Public Library (UPL) and Mongolian National Federation of the Blind (MNFB). Since 2012, blind people have the legal right to be issued with a free DAISY talking book player.
- But digitizing textbooks for blind children is a big problem, as publishers do not give their permission. So blind children have no modern books in DAISY format, only very old Braille books in Russian.



Libraries and the Marrakesh Treaty

- IFLA and EIFL supported negotiations over 5 years at WIPO and participated in the Diplomatic Conference in Marrakesh.
- To complete the work at WIPO and to fulfill the promise of the universal right to read for persons with print disabilities, libraries support ratification of the treaty and implementation into national law.
- KLIC, in cooperation with EIFL, promotes the Treaty's ideas and principles to remove legal barriers to making and distributing copies of printed works in formats accessible to print disabled people.
- In Kyrgyzstan, KLIC is one of the initiators to encourage ratification of the Treaty and its subsequent implementation into national law.

The benefits of the Marrakesh Treaty

- By growing their collections of accessible format materials, libraries throughout the world will be able to better serve persons with print disabilities.
- Increases study, education and employment options.
- Empowers persons with print disabilities to participate fully in the social, cultural and educational life of the community.
- Ensures rights to freedom of access to information in accordance with the UN Convention on the Rights of Persons with Disabilities.

Libraries and the Marrakesh Treaty

Libraries are key to the success of the treaty for two main reasons:

- Throughout the world, libraries are one of the primary source of Braille, audio, large print and digital format materials for blind and visually impaired people.
- Only blind people's organizations, libraries and other so-called "authorized entities" can send accessible format copies to other countries.

Key provisions for libraries

Definition of «authorized entity»

- One of the most important provisions for libraries is the definition of “authorized entity” that defines the organization which makes and distributes the accessible format copies, and conditions they follow.
- Thus any library, e.g. academic, public, special, 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 authorized entity establishes its *own* practices in this regard.
- It is important to note that the Treaty neither contemplates rules nor an approval process being established for it by the government.

Key provisions for libraries

Mandatory exceptions

- allows the creation & distribution of accessible format works -Art 4(1)
- permits a library or other authorized entity to send an accessible format copy to another country - Art 5(1)
- allows an authorized entity or beneficiary person to receive an accessible format copy from another country - Art 6
- ensures a technological protection measure (TPM) cannot prevent enjoyment of the exceptions - Art 7

Key provisions for libraries

Maximize the benefits of the treaty - do not add restrictions 1/2

Non-commercial availability - Art 4(4)

Recommendation: do not confine exceptions to out-of-commerce works. Why?

- Practical effect would render exceptions almost unworkable, and risky for the institution.
- Very difficult for a library or other authorized entity to ascertain with certainty if a work is available in a particular format at a reasonable cost, especially in cross-border situations.
- Delays making the copy, resource intensive to check on a case-by-case basis.
- If a work is available for purchase, the library can always decide to buy it in any case. (Producing accessible formats is expensive).

Key provisions for libraries

Maximize the benefits of the treaty - do not add restrictions 2/2

Subject to remuneration - Art 4(5)

Recommendation: do not subject the exceptions to remuneration.

Why?

- Chilling effect on making of accessible copies, especially in low-income countries.
- The original work has already been paid for, the accessible format copy is made for the sole purpose of providing equal access to the work, and the activity is undertaken on a non-profit basis.
- No double payment (once to purchase, and twice to make the accessible format copy).

Key provisions for libraries

Other recommendations 1/2

No override by licence terms (contract)

- It is implicit in the Treaty that countries have the freedom to regulate the relationship with contracts *vis a vis* exceptions.
- As access to digital resources is governed by licence, exceptions provided for under the Treaty should be protected from override.

Copyright and related rights - Agreed statement to Art 10(2)

- Countries should ensure that exceptions apply to copyright and related rights.
- This is because text-based works that contain embedded material, such as sound recordings or artistic performances, may be subject to related rights.

Key provisions for libraries

Other recommendations 2/2

Respect for privacy - Art 8

- Libraries strongly believe in protecting the privacy of everyone who uses its services, that includes the right to read anonymously.
- The Treaty should not interfere with the privacy of beneficiary persons e.g. in distribution mechanisms for accessible formats.

Protection for persons with disabilities not mandated by the Treaty - Art 12(2)

- Granting of rights to persons with disabilities not mandated by the Treaty e.g. a deaf person who relies on subtitling or captioning for communication and interaction, are not restricted
- Countries should avail of this flexibility to support universal equality.
- Libraries such as Republic Library for Blind and Deaf People in Bishkek could then serve all of its users equally, regardless of disability.

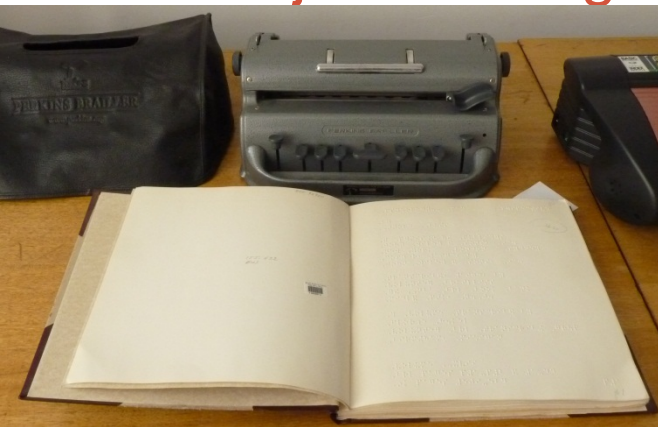
Let's complete the work!

☰ **Adoption:** the international legal framework is in place

Ratification: next we need the Treaty to enter into force (8 countries have ratified, 12 more needed)

Implementation: then we need national laws that make full use of the treaty for the benefit of persons with print disabilities.

Objective: to get books into the hands of blind people



Further reading

The Marrakesh Treaty: an EIFL Guide for Libraries

<http://www.eifl.net/resources/marrakesh-treaty-eifl-guide-libraries>

THE MARRAKESH TREATY: AN EIFL GUIDE FOR LIBRARIES

December 2014



©WIP O 2013. Photo: Awate Scene / Hicham Rachid

In June 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".

The goal of the treaty is to end the book famine – the fact that only about 7% of published books are made available globally in accessible formats, such as Braille, audio and large print, and DAISY¹ formats. In the developing world, the figure is less than 1%. This situation is partly due to barriers created by copyright law, barriers that the treaty seeks to remove.

For this reason, EIFL supported negotiations over five years at WIPO, and participated in the Diplomatic Conference that led to the adoption of the treaty in Marrakesh. With examples from EIFL partner countries, Lesotho, Lithuania and Mongolia, delegates heard how a WIPO treaty for persons with print disabilities can really change lives.

МАРРАКЕШСКИЙ ДОГОВОР: РУКОВОДСТВО EIFL ДЛЯ
БИБЛИОТЕК

<http://www.eifl.net/resources/marrakesh-treaty-eifl-guide-libraries-russian>

МАРРАКЕШСКИЙ ДОГОВОР: РУКОВОДСТВО EIFL ДЛЯ БИБЛИОТЕК

Ноябрь 2014 года



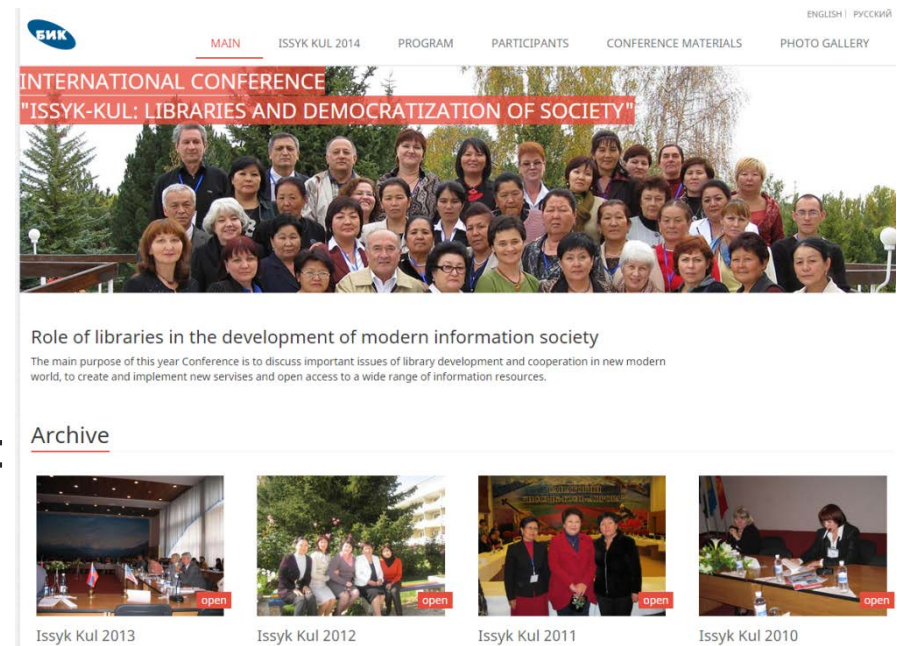
© 2013 ВИСИС Фото: Аватэцэны / Ничап Рачид

В июне 2013 года государства-члены Всемирной организации интеллектуальной собственности (ВОИС) приняли Марракешский договор об облегчении доступа слепых и лиц с нарушениями зрения или иными ограниченными способностями воспринимать печатную информацию к опубликованному произведению.

Цель договора – покончить с «книжным голодом», с тем фактом, что только около 7% опубликованных книг доступны во всем мире в доступных форматах, таких как система Брайля, аудиокниги и книги с крупным шрифтом, формат ЦИУС (Цифровая доступная информационная система)¹. В развивающихся странах данный показатель составляет менее 1%. Такая ситуация сложилась в некоторой степени в связи с барьерами, создаваемыми авторским правом, барьерами, которые договор стремится устранить.

International conference «Libraries and Democratization of Society» – 2015

- Conference dates: October 1 – 5, 2015
- Venue: Kyrgyz Republic, Issyk-kul lake, Aurora resort
- Round table - «Copyright: Libraries, Authorities and Users - Realities and Challenges of XXI Century»
- Information about the conference:
• <http://conference.bik.org/kg/>



The screenshot shows the website for the International Conference "Issyk-Kul: Libraries and Democratization of Society". The page features a navigation menu with links for MAIN, ISSYK KUL 2014, PROGRAM, PARTICIPANTS, CONFERENCE MATERIALS, and PHOTO GALLERY. A large group photo of conference attendees is displayed, with the text "INTERNATIONAL CONFERENCE 'ISSYK-KUL: LIBRARIES AND DEMOCRATIZATION OF SOCIETY'" overlaid. Below the photo, the title "Role of libraries in the development of modern information society" is shown, followed by a brief description of the conference's purpose. An "Archive" section at the bottom contains four thumbnail images of previous conferences from 2010 to 2013, each with an "open" button.

ENGLISH | РУССКИЙ

MAIN ISSYK KUL 2014 PROGRAM PARTICIPANTS CONFERENCE MATERIALS PHOTO GALLERY

INTERNATIONAL CONFERENCE
"ISSYK-KUL: LIBRARIES AND DEMOCRATIZATION OF SOCIETY"

Role of libraries in the development of modern information society
The main purpose of this year Conference is to discuss important issues of library development and cooperation in new modern world, to create and implement new services and open access to a wide range of information resources.

Archive

Issyk Kul 2013 Issyk Kul 2012 Issyk Kul 2011 Issyk Kul 2010

Contact Information

- Kyrgyz Libraries Information Consortium (KLIC)
Website - <http://bik.org.kg/>
- Sania Battalova, Vice-president
Email: sbattalova@gmail.com

Thank you!

The screenshot displays the website's header with the BIK logo and the text 'KYRGYZSTAN LIBRARY INFORMATION CONSORTIUM'. Below the header is a navigation menu with links for 'Русский', 'English', 'News', 'KLIC - 10 years', 'About Consortium', 'Activity', 'eIFL Project', 'Projects', 'Partners', 'Members', 'Resources', and 'Contacts'. The main content area is titled 'News' and lists several news items with their dates and titles in Russian. A search bar is located below the navigation menu. On the right side, there is an RSS feed icon and a calendar for the month of April 2015.

News

- April 13, 2015
Предложения и дополнения к Закону "О библиотечном деле"
- February 2, 2015
On January 22, 2015 a meeting between the heads of leading libraries of Kyrgyzstan and Springer representative Mr. Seymour Rasulov (Dubai, UAE) was held.
- October 10, 2014
PlumX Вебинар от компании EBSCO Information Services 15 октября 2014 г.
- May 27, 2014
Библиотечно-информационный консорциум Кыргызстана сердечно поздравляет коллег с профессиональным праздником - Днем библиотек!
- December 2, 2013
A practical training workshop "Development of virtual library services: implementation of SubjectsPlus in the libraries practices" took place at the Library of the Kyrgyz State Technical University on November 26, 2013
- August 27, 2013
The 14th International conference "Issyk-Kul 2013: Libraries and Democratization of Society" will take place on October 1-5, 2013 at "Issyk-Kul Aurora" resort on the shore of the Issyk-Kul Lake
- August 13, 2013
The Mortenson Center Associates Program announces 2014 Summer Associates Program
- May 8, 2013
The Results of the Round Table dedicated to the World Book and Copyright Day
- March 28, 2013
The agenda of the report and election meeting of the KLIC Association
- March 26, 2013