



The voice of blind and partially sighted people in Europe

## “The Marrakesh treaty as the starting point to reduce the book famine”

Grazie mille per la introduzione e la invitazione a questo seminario. Il italiano mi piace moltissimo ma il mio livello non è abbastanza buono para fare la presentazione in italiano, mi dispiace, forse, la prossima volta!

### ABOUT EBU

The **European Blind Union** is a non-governmental, non-profit-making European organization founded in 1984. One of the 6 regional bodies of the World Blind Union, it is the only organization representing the interests of blind and partially-sighted people in Europe.

EBU aims to protect and promote the interests of all blind and partially-sighted people in Europe. Its objects and powers are set out in its Constitution. EBU currently has 41 member countries, each represented by a national delegation, Italy among them. Its work is directed by an Executive Board of 13 elected members who are accountable to a General Assembly held every four years. Last one, in October in Rome.

To know more about what we do please visit our web page [www.euroblind.org](http://www.euroblind.org), you will learn and discover many things, among them, all about our campaign and update of state of art of the Marrakesh Treaty, actually, one of EBU’s priorities.

### BEFORE THE MARRAKESH TREATY

The road to Marrakesh was a long and tough one that took 4 years to travel and 26 more to pave.

At first, when the World Blind Union asked member states of the World Intellectual Property Organization (WIPO) to work on a treaty on **exceptions and limitations** was seen as unnatural by most of them. They found it hard to understand why such a treaty was necessary, and they failed to understand that **nothing** in the proposed text would harm the international copyright regime. In the final stages of the negotiation, it was hard to believe that even humorously many of them saw it as a «**treaty to protect rights holders against persons with a print disability**».

The reality is that the Marrakesh Treaty is, first of all, a **human right treaty**, because access to reading is a human right, and, in essence, this is what the treaty is all about. And second of all, it is a **copyright treaty** since it deals with **exemptions and limitations of right holders´ under a legal international import/export regime for the exchange of accessible books across borders**. Let me tell you, this is the key to the greatness of the Treaty.



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## **ADOPTION OF THE TREATY**

The treaty was adopted **on 27 June 2013** and entered into force on **30th Sept 2016**.

The **EU signed the treaty on 30 April 2014** and it took them almost as long as WIPO to agree, on two pieces of legislation: a **Directive** (2017/1564) to be applied among EU member states, and a **Regulation** (2017/1563) for the application of the Treaty between EU member states and non-EU countries. Both amended the existing legislative framework in the Union by providing for a **mandatory exception to the harmonized rights** which they will affect under the Marrakesh Treaty articles.

So far, the Treaty has been ratified by 61 countries but as the EU covers 28 the total number is 88, among them USA, Canada, Australia, Japan, most America Latina countries, Morocco, South Korea....

It has broken all records: it has been the treaty **that took the least time to negotiate and approve** (and it was 4 years ...), the one **that took the least time to enter into force** (3 years, and that required 20 ratifications, a number higher than usual), **and the one that began to be implemented faster** (almost the day after its entry into force).

Now, this treaty is the "pretty one" of the WIPO treaties, which they present with more pride and who predicts a longer and more fruitful life. WOW.... guess what?, the Marrakesh Treaty is not the end of our achievement, **is the beginning!**

## **WHAT NEXT? MORE HARD WORK TO BE DONE**

Now that the **Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled** is in place, it is our task to make sure that not only every country ratifies it, but when they do, the **national law that allows its application is respectful with the essence of the treaty** to make it practical, and **contribute to reduce the book famine that suffer more than 285 million citizens in the world**.

For doing so, the national law **should not restrict** what is clearly defined by the treaty: **works, accessible format copy, authorized entity** (art. 2) and **beneficiary** (art. 3).

The legislator needs to bear in mind that:

1. the Treaty contains many safeguards to ensure that rights holders' interests are protected and what is more, it only allows the making and sending of accessible format works **on a not-for-profit basis**, such as libraries,
2. no organization can or will use the Treaty to compete with publishers in the open market. Remember, our wish is to buy all kinds of books at the same time as those who are sighted, instead of waiting for them to become accessible, if they ever do so...,
3. a clause requiring **commercial availability** (which is not compulsory in the treaty) should be avoided, as it would undermine its use, and
4. a compulsory clause – as introduced in some countries – requiring **an official registration of authorized entities** is outside the scope of the treaty and therefore should be avoided.

Since the treaty was adopted many guides have been produced to help all stakeholders to interpret the treaty and get familiar with concepts that may be new at national level. This is crucial, many doubts will come up when writing the text of the national law, and when applying the treaty. Very briefly, those are:

- **WBU guide to the Marrakesh treaty:** the first one of all, very comprehensive.
- **WIPO guide:** It contains short, factual information on the background to the treaty, the main elements and benefits of adherence. Very helpful when advocating librarians and policy-makers.
- **International Publishers Association Guide to the Marrakesh Treaty:** very useful when advocating with governments because it will prepare you to counter the arguments that will come up during the negotiations. Unfortunately publishers arguments are not always in line with the spirit of the treaty, like their demand to register the authorized entities among others.
- **Electronic Information for Libraries guide:** The main audience are librarians and policy-makers, but it can of course be used by all advocates.
- **IFLA Marrakesh Treaty Guide:** Published in 2018 and for librarians, but IFLA has also produced a short toolkit for library associations in order to help them act against the creation of any new barriers to access to knowledge.

But this is not enough... all of this advocating is previous to the action of sharing, I mean, when **a beneficiary requests for a certain work to an authorized entity and receive it**. For doing this, many new procedures are needed to put forward, as well as, invest time and resources (economic, human and electronic) to guarantee that all who takes part of this chain in respecting the Marrakesh treaty **at all terms**.



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## THE NEAR FUTURE TO COME

This means that, since the Marrakesh Treaty entered into force in 2016 we will need to wait some more years to see its real implementation around the world. After all we have been through, I can assure you that we are very patient. In the end, **its benefits will remain forever and ever among us.**

I cannot wait for that moment to come!:

- it will be a turning point for us, blind and partially sighted around the world, like Braille system was 200 years ago.
- it will mean the exponential increase of the number of works we can access to, with an important cost savings for all those who make works in accessible format and,
- It will improve our possibilities to access to education and employment all over the world.

Libraries are our best allies from the beginning on this journey and they will always be, so on behalf of EBU I would like to thank you very much and we are at your disposal with the WBU when you may need our help or advice.

Thank you very much for your attention.