



## **One Step Forward, No Steps Back: National Ratification Needs to Respect the Objectives of the Treaty of Marrakesh**

1 September 2016

People with print disabilities have long faced the book famine – the severe shortage of books in accessible formats through commercial channels. The signing of the Treaty of Marrakesh in 2013 was a first step towards providing access to knowledge contained in books for some of the most vulnerable in society. Its entry into force on 30 September 2016 will represent another step forward.

Yet there is still a long way to go. With only twenty countries having passed ratifying legislation, a viable network to enable access has yet to be achieved. IFLA urges all WIPO Member States to ratify. In doing so, the enabling laws must take care to respect the spirit of Marrakesh.

It is critical to remember that the objective of the Treaty was to remove barriers to access; it was not designed to create new hurdles for beneficiaries and those who serve them.

While the Treaty agreed in 2013 left some room for governments to maintain pre-existing provisions in national laws, Member States did not intend that ratification would lead to new barriers. Regrettably, rightholder organisations in some countries are advocating for restrictive provisions that introduce measures such as record-keeping for accessible copies made and shared, impose royalty payments, and require a process to check the marketplace for accessible copies in an environment where no copies are available to buy or license.

Imposing record-keeping requirements would mire authorised entities in processes that will reduce the time available to serve their users and contribute further to the dearth of accessible works. In addition, record-keeping poses a serious privacy threat, risking the sharing of personal information about disability and reading choices with commercial entities and others.

The book famine exists because the market cannot supply works in accessible formats. Enforcing a check of the marketplace before proceeding with making an accessible copy only prolongs the situation that governments sought to tackle.

While the international library community welcomes the emergence of local accessible format publishing, such a restriction on the creation and sharing of accessible works will only create uncertainty at a time when clarity and rapid implementation are needed.

Moreover, it is completely contrary to the spirit of Marrakesh to require payments of remuneration to rights holders when copies are made. This action would come on top of payments made to buy the books in the first place and then to convert them to usable formats. These actions actually limit the libraries' ability to serve their users.

Similarly, obliging use of licensing solutions would drain the time and resource of authorised entities, to the expense of people who are visually impaired or print-disabled. All it would do, essentially, is reward the rightholder for doing nothing to provide accessible copies.

Achieving the outcomes sought by Marrakesh will need hard work and investment. While good law cannot in itself guarantee good results, laws that add barriers will impede access. IFLA urges governments to sign the Treaty of Marrakesh and to do so in a way that guarantees maximum access and ends the book famine.

*For more information, contact [Stephen.wyber@ifla.org](mailto:Stephen.wyber@ifla.org)*