

2015

Creativity and Access to Knowledge: A Social and Economic Impetus for Africa

How African Countries can take Advantage of the Marrakesh Treaty

Ms. Primah Kwagala

Program Manager, Human Rights Documentation & Advocacy

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Access to knowledge for Visually Impaired Persons in Africa

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- There are seven million visually impaired people in Africa (WHO)
- Many children in Africa are enrolled in special schools and taught only through Braille
- **Current Copyright laws provide for an exception that allows for all texts to be made accessible for the visually impaired (many only allow Braille i.e. no digital formats such as daisy), but once made, these products cannot be shared from country to country.**

Access to knowledge for Visually Impaired Persons in Africa

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- **Most translated works are in richer countries, where NGOs & Gov'ts are open to issues of IP and access to copyright works for public interest reasons.**
- **Due to strict copyright laws largely inherited from colonial regimes or copy pasted from developed countries, only 10% of all translated works for visually impaired persons make it to Africa.**
- **Libraries are OFTEN unable to make ACCESSIBLE FORMAT COPIES [several copies] of Books for visually impaired clientele due to fear to infringe copyright laws that COULD [would] otherwise be enforced by publishers and collecting societies**



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THE MARRAKESH TREATY

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- This Treaty gives us hope because it allows for cross-border sharing of materials that have been translated for the visually impaired. (Article 5 & 6 –allows supply through export & import of accessible copies directly from one authorized entity in one country to a beneficiary person in a second country)
- The Treaty makes copyright and related rights works more accessible because in Article 2 (c) makes it okay for any entity that is authorized or recognized by the government to provide education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis.

CEHURD:

Center for Health Human Rights & Development | Email: info@cehurd.org | Plot 614 Tufnell Drive, Kamwokya
P.O. Box 16617 Wandegaya-Kampala, Uganda | Tel. +256(0) 414 532283 | Mob: +256(0) 712 657974

Marrakesh Treaty Contd...

- Article 2 (C) also provides flexibility for the *'authorized entity'* to put in place its own practices to make copyright print copies available.
- The Treaty is quite significant further because it does not consider rules being created for it by the government, nor an authorization process or mechanism.

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Marrakesh Treaty...

This Treaty makes it possible to have institutions with larger collections of accessible books **to share** their collections with blind and visually impaired people in **countries with less resources, and to better serve print disabled people** in every country by *providing reading material in any language that is needed.*

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- African Countries need to take steps to ratify this treaty (This means Governments need to deposit ratification instruments with WIPO –as a way of expressing consent for the Treaty to be binding on them)
- African parliaments should present amendments to domestic copyright laws to include applicability of provisions in the Marakesh Treaty

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- Regional Laws and Policies should also incorporate this Treaty and it's Provisions as many regional policies supersede national laws and policies
 - The EAC Community, The SADC region, the Great Lakes region and Members of ARIPO can take advantage of this treaty to make accessible format copies of copyright & related rights works to print disabled persons

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NB: In ratifying and domesticating this treaty, African governments **MUST** ensure their *domestic laws allow blind people, libraries and other organizations to make accessible format copies without having to ask permission from the copyright holder* (usually the author or publisher), and to distribute the accessible copies domestically.

References

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