

Cross-Border Exchange of Accessible Format Copies

Carol Newman

Caribbean Development Representative, IFRRO, Brussels
General Manager, JAMCOPY, Kingston

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

RROs – Reproduction Rights Organisations

The global network
145 members in 80 countries

International Federation of Reproduction Rights Organisations

89 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, etc₃
- IFLA, EBLIDA



88 RROs in 80 countries, 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|
Sámikopijja | **TTRRO**| VG Bild-Kunst | VG MUSIKEDITION | VG WORT | VIETRRO| YAYBİR|
YRCI| ZANA| ZARRSO| ZIMCOPY

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 the “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 in how RROs operate.
- Countries in which RROs administer statutory licences in respect of accessible format copies are *allowed to maintain such arrangements*.
- Countries in which RROs administer voluntary licences already include allowances for the making of accessible format copies in their licences.

...Relevance for IFRRO members

- 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>

Relevance for Caribbean RRO Members of IFRRO

- RRO Licences in the Caribbean are significantly harmonised
- Licences have always included allowances for the making of accessible format copies and without remuneration

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
- JAMCOPY has an MOU with WIPO (representing Rightsholders)
 - JAMCOPY has an MOU with the National Library of Jamaica (NLJ) as the local TI

- 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

cnewman@jamcopy.com

www.ifrro.org

