

Authorized Entities

...in the context of the Marrakesh Treaty

Presentation to Sub-Regional
Roundtable on Copyright and
Related Rights: Marrakesh and
Beijing Treaties

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Content

- Marrakesh Treaty related provisions
- AE definition
- AE responsibilities
- AE in national law
- Options for Import/export
- Benefits of import/export

Marrakesh Treaty: Related provisions

The Treaty aspires to help end the ‘global book famine’ for people worldwide who cannot read conventional print because of a disability

- Allows the **creation and cross-border exchange of accessible format copies of published works** on a non profit basis without the permission of rights holders for the benefit of persons with print disabilities
- ‘Contracting Parties’ **provide copyright exceptions in their national laws** to facilitate the domestic availability of published works in alternative formats and for export and import across borders

Authorized Entity (AE) – What is it?

- AE is a non-profit or government agency that produces published works in alternative formats and ensures those copies are made *only* to people - ‘beneficiary persons’ - who are blind or otherwise print-disabled
- AE may receive financial support from government to provide education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis.
- No approval process provided in the Treaty to qualify as an Authorized Entity

Authorized Entity - Responsibilities

Each AE is responsible for establishing its own practices:

- to determine that the persons it serves *are* 'beneficiary persons'
- to ensure accessible format copies are made available *only* to those beneficiary persons or to other AEs
- to discourage the reproduction, distribution and making available of unauthorized copies; and
- to maintain due care in, and records of, its handling of alternative format copies, while respecting the privacy of beneficiary persons

Authorized Entities in National Law

To facilitate availability of works in accessible formats for beneficiary persons

- Parties to the Treaty **provide in domestic copyright laws** for a limitation or exception to the right to reproduce published works in alternative formats, to distribute them, make them available to persons with print disabilities, and for their export and import across borders
- Such **limitation or exception in national copyright law may allow that:**
 - **‘Authorized Entities’** are permitted to make accessible format copies of a work without the authorization of the rightsholder
 - obtain accessible format copies from another Authorized Entity, and
 - supply those copies to beneficiary persons by any means

Options for import/export

Marrakesh provides legal framework for import/export of accessible copies; each AE determines how and with whom to exchange

Some Options:

- **Bilateral** → AE contracts with AE in another country
 - Agree terms with each AE and manage multiple contracts
 - Address operational processes and technical matters associated with *each* exchange partner
 - If 'non-Marrakesh' country involved, AE must obtain title-by-title permission of rightsholder for cross-border transfer
- **In-country Consortium** or other entity representing AE → Consortium contracts with consortium in another country
 - Consortium may assume responsibility for negotiating and managing contracts with other consortia, and for managing 'non-Marrakesh' country cross-border rights clearance
- **Accessible Books Consortium (ABC)** → Single agreement with WIPO to participate in ABC Global Book Service for exchange of books among AE members worldwide

Benefits of Import/Export

...for the AE:

- **Avoids costly duplication** of production effort
- **Increases quantity** of published works in alternative formats AE can make available to its eligible users ('beneficiary persons')
- **Improves speed** with which new titles can be made available
- Facilitates ability of AE to **support language diversity** of its print-disabled population

Benefits of Import/Export

...for the beneficiary person:

- **Increases quantity, selection and timeliness** of accessible published works
- Provides **more format choices** (braille, narrated audio, e-text...)
- Provides **more language choice**
- **Ultimately...potential to provide *equitable* access to literacy for persons with print disabilities worldwide**

Authorized Entities

Thank you!

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