

Copyright and Related Rights: Beijing and Marrakesh Treaties

The Importance of the Albanian Blind Association

Albanian society has made a lot of progress in various fields, since the social economic system changed in our country. This progress was followed by the community of blind people too, as part of this society. By overcoming some of the emerging needs of economic survival, the quality of demand has increased. They are mainly oriented in intellectual, psychic and spiritual development.

As we know, humans receive 90% of the information through viewing. The total absence of sight is a 90% denial of the information and consequently finding alternative routes to replace the lack of visibility is a necessity.

Taking information using other senses, such as touching, smelling are the most important alternatives, which need to be expanded and resized in terms of technical diversity, quality and quantity. Blind citizens as well as every other citizen want to fulfill their spiritual and intellectual needs in order to serve as much as possible their social and cultural formation, with the sole purpose to create their own undisputed personality. Lack of getting this cultural formation puts them under unequal conditions even inferior to other citizens. It is the obligation of both the state and society to place them on equal terms, giving them the chance to read all kinds of literature in accessible formats. The obligation to pay the value of intellectual work by defending copyright has created some sort of difficulty and illicit situation for the blind in the case of the return of artistic literature in accessible formats such as audio and braille.

The recent UN Convention on the Rights of People with Disabilities has brought to the attention of the public, political and institutional opinion, the situation of persons with disabilities, as well as the obligation to protect and improve their rights. As a result of Marrakesh Treaty, and because of the huge and unremitting efforts of the national organizations, in a special and continuous way, especially blind organizations, of course, having the understanding and support of WIPO has become possible that in 27 June 2013, in Marrakesh, where the parties to this organization signed a Treaty that is dedicated precisely to the objective treatment of the situation of blind people around the world, creating space and the possibility that copyright should not become a barrier to transcription in braille, audio recording of artistic literature for the needs of blind people and other accessible formats.

Of course, is essential to understand that no one can use this process for their own profit interests, as will be constituted an abuse also a clear misuse of the Copyright and legal regulation of our needs. A natural question is: What are the concrete needs of blind citizens of Albania? Blind citizens of Albania need to have access to information like others, by reading the Press, other scientific and informative materials, artistic literature , poetry, stories, novels, works of art and science. However, full or partial restriction in sight, denies them the right to be informed as a normal person does. Therefore they need to take this literature in an accessible format.

Which formats exist today and are more possible in Albania?

Most possible formats, simple and usable in mass, is audio format. Certainly, this process, not only costs a lot financially, but takes plenty of time too.

The Albanian Blind Association supported by Swiss Cooperation in Tirana, the British Embassy, but also with its own resources, was able to create a modest registration studio in 2004, which for almost 14 years served the blind community of Albania so efficiently. Today, we have been able to meet the needs of pupils and students with audio texts. We count over 3,000 titles of novels and other books recorded in our studio. Another very important thing to mention is our monthly newspaper "Drita e Zerit" ("The Light of Voice"), as a permanent body of the Association of Albanian Blind people, as well as the " Bulletin of Information ". These materials, after enrollment, may be given to a blind person, audio cassette, audio-CD or MP3. The recording of the entire literature is done by a specialized staff who has been or is part of a television or radio program whose voice is understandable, audible and loving to the audience.

The variety of literature enrolled in this study includes textbooks from primary to postgraduate, artistic, scientific, material and other fields. The selection of artistic and scientific literature is foreseen for registration by a commission where its members are famous personalities in the field of history, literature, criticism, etc. These materials are then distributed based on the relevant requirements of blind people.

The registration and dissemination of the literature is done on the basis of the respective requirements presented by the School of visually impaired people, District Education Departments or respective Universities, depending on the student's cycle and school.

Artistic and scientific literature is disseminated through the requests submitted by the branches of the association, which are then responsible for administering these titles to the readers operating in the form of a mini-library. Finally, it should be understood that the role of the Blind Association and the centers established by it with the provision of this specific service is irreplaceable. In the practice of European Balkan countries and wider, access to information is extremely special and exclusively from all governments it is left to the hands of the blind community, represented by their associations. Even Albanian blind law forces the government to forecast budgets and fund services provided by the community itself.

More importantly, this is done by Law 121/2016, ON SOCIAL CARE SERVICES IN THE REPUBLIC OF ALBANIA, according to which, all services for the disabled are transferred to the local government.

But which local institution can have professional, technical and financial capacities to produce these special services that provide access to information?

Perhaps precisely this is the reason why neighboring and European countries have handed over these very specific services to the community by funding public funds according to special norms. The ratification of the Marrakesh Treaty brings a new space and an extraordinary favor.

We propose that:

- *In the domestic law of copyright, particular attention should be paid to avoid abuses and conflicts of interest in the application of this Treaty.*
- *Particular attention should be paid to the implementation of this right by business companies that will be presented as NGOs to provide services in this field.*
- *It remains the duty of the legislature and the executive to be cautious, perhaps also by defining entities that can act in this field or by laying down detailed rules for the control and transparency of the use of the right to create this treaty.*

The Albanian Blind Association as a national and umbrella organization of around 59 local organizations is deeply interested in avoiding abuse and conflict of interests with copyright and the implementation of the Marrakesh Treaty.

All we need here is to understand that access to information and autonomy in motion are the prerequisites and conditions necessary for the protection of freedoms and the implementation of fundamental human rights in practice. It is not possible to see and evaluate this process of providing information services and accessing them as an administrative obligation, or simply as a spiritual, cultural or educational need, as in the case of people without limitation of sight.

In the case of the audio recording we would need it to be in the Daisy format and the blind people to be equipped with these special devices, especially for pupils, students, writers and intellectuals in different fields.

Another format that is used and should be further developed is Braille. For more than 17 years, the Albanian Blind Association has created its printing press in Braille, supported by various organizations, especially from Western blind associations. Brail printing is extremely costly, although the techniques and devices are completely available, printing in Braille has been very limited for financial reasons. Currently, only textbooks of compulsory education and some texts for high school students are printed in braille.

In addition, another activity associated with this printing press is the preparation in relief. Preparing in relief consists on mapping, sketches, figures, portraits, etc. What is the main purpose?

- First, expand the printing capacity by providing it with professional industrial printers as well as other accessories needed to prepare materials in relief. Increasing this capacity would create the possibility of large volume printing, but also short stencil printing, for casting uses.
- The relief sector should also be modernized in quantity and quality so that it can produce as much as possible maps, sketches, various reliefs, as well as simple daily use equipment adapted for use from blind community.

Another form of accessible format is enlarged writing. Currently there is no production line in Albania for texts or books written in large size writing format. They are tailor-made in a simple manual way, using different sizes of photocopying. It is considered less costly to use the licenses as needed, but this technique is not always possible or useful for people with limited eyesight. We think that in the future the production line for the production of written texts should be increased, as well as the institutionalization of the service for partially sighted persons.

Precisely, for all these needs, which are concrete, the ratification of Marrakesh Treaty should be made as soon as possible, because now it is a necessity of time without which it will be lacking and incomplete, the intellectual, socio-cultural formation of blind citizens, which would hinder their real integration and effective participation on equal terms with other citizens of this society. In fact, the ratification of this treaty would be nice to be done before the adoption of the copyright law, but just as the wise one says, "Better late than never".

For this we propose taking some measures:

1. The Office for the Protection of Copyright by the Institution initiates the ratification of the Treaty, as well as supporting and cooperating on a case by case basis when it deems the Association of the blind people of Albania in its efforts.
2. To request the support of the Director of WIPO to use his authority to recommend the ratification of this treaty
3. The Albanian Blind Association will continue to insist on seeking the support of international organizations and in particular the European Blind Union in order to recommend the ratification of this treaty
4. To make an amendment to the new law in accordance with the Treaty, determine the subjects authorized to transcribe or produce in accessible forms of artistic literature or of any other nature.
5. In addition to public entities to be authorized to transcribe in accessible forms of information:
 - a. Albanian Blind Association
 - b. The National Blind Library
 - c. Tiflotecnich and Blind Centers
 - d. The National Rehabilitation Center of Blind People
 - e. National Center for Restructuring of Disability
6. Supporting the National Blind Library to be established at the level of an institutional service center, in particular access to information, by taking the following measures:
 - a. Insist on the Ministry of Education to approve unified Brail writing
 - b. The Ministry of Education officially undertakes financing textbooks at all levels.
 - c. The Ministry of Culture takes over the financing of artistic literature
 - d. The Ministry of Health and Social Care undertakes to finance the administrative operation of the Library as a service center.

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