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Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (MVT)

Assembly

**First (1st Ordinary) Session
Geneva, October 3 to 11, 2016**

DRAFT REPORT

prepared by the Secretariat

1. The Assembly was concerned with the following items of the Consolidated Agenda (document A/56/1 Prov.6): 1, 2, 3, 4, 5, 6, 9(ii), 10, 24, 30 and 31.
2. The report on the said items, with the exception of item 24, is contained in the draft General Report (document A/56/17 Prov.6).
3. The report on item 24 is contained in the present document.
4. Minister Marcelo Calero Faria García (Brazil) was elected Chair of the Assembly.

ITEM 24 OF THE CONSOLIDATED AGENDA

MARRAKESH TREATY

5. The Director General opened Agenda Item 24 on the Marrakesh Assembly. He stated that this was the first meeting of the Marrakesh Assembly since the entry into force of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (Marrakesh Treaty) on September 30, 2016 and invited the Chair-elect of the Marrakesh Union, His Excellency, Mr. Marcelo Calero Faria Garcia, Minister for Culture of Brazil to preside.

6. The Chair stated that the Assembly was meeting for the first time as the Marrakesh Treaty Assembly and was also celebrating the entry into force of the Marrakesh Treaty. Brazil had played an active role in the entire negotiation process of the Marrakesh Treaty, as the human rights of people with disabilities had been a national priority of the country for many years. Brazil attached great importance to the Treaty as evidenced by the fact that it was the second time in Brazil's history that a treaty was incorporated in its legislation with the status of a constitutional amendment. The first was the UN Convention on the Rights of Persons with Disabilities. It was important to make sure that the legislation did not create an unfair barrier for making accessible formats available to all. By providing fair limitations or exceptions to copyright for the blind and the visually impaired, the Treaty was facilitating the distribution of works in accessible formats without curbing the legitimate rights of creators. It also allowed for the export of those accessible versions, thus enabling countries to share them and at the same time encouraging the global development of a vibrant creative sector. It prevented duplication in the production of works in accessible formats while not harming the legitimate interests of authors and rightholders. The Chair invited the Director General to deliver some remarks.

7. The Director General congratulated the Minister on his election as inaugural Chair of the Assembly and noted the large number of participants present in the room. The Marrakesh Treaty was not just one of the successes in the recent history of WIPO but one of the great successes of WIPO in its more than 130-year history. Many of the participants were also present in Marrakesh some three years ago when the Treaty had been concluded and had worked hard to reach a consensus which satisfied all interests. A good multilateral result was one where everyone was equally unhappy. In the case of the Marrakesh Treaty, a result where everyone was equally happy had been achieved which was a reasonably rare event in multilateralism. The Organization and the Member States could be very proud of the result which had been achieved. Special thanks were expressed to the initial 20 countries which constituted the first contracting parties of the Marrakesh Treaty, with specific mention of India which had led the way with the first ratification. The Latin American continent had constituted the largest number of contracting parties amongst the initial 20. Australia and Canada had been the first developed countries to join the Marrakesh Treaty. There was a need to see more countries and more States adhering to the Marrakesh Treaty to ensure that its full potential could be realized notably from those Member States that had rich collections of books in accessible formats. Gratitude was expressed to Minister Calero Faria Garcia for the role that Brazil had played as one of the sponsors of the original text introduced at the SCCR. Later on that text had become, after some negotiations, the Marrakesh Treaty itself. The important contributions of civil society were also acknowledged, including from the World Blind Union (WBU) and its other partners who had ensured the delivery of the Treaty in a relatively short time for a multinational negotiation. Many of the participants had already started to work

with the Accessible Books Consortium (ABC). A video would be played to celebrate the Marrakesh Treaty. Special thanks were expressed to the Government of Canada and the Canadian National Institute for the Blind for their contributions to this video. Many beneficiaries of the Treaty including Stevie Wonder expressed its importance to them in the video.

8. The Chair announced the beginning of the Accession Ceremony organized for the deposit of the accession instruments of Botswana and Sri Lanka.

9. The Delegations of Botswana and Sri Lanka deposited their instruments to accede to the Marrakesh Treaty.

Rules of Procedure

10. Discussions were based on document MVT/A/1/1.

11. The Chair turned to the work of the Assembly and informed the meeting that two documents were under consideration. As had been stated in the agenda, they would be addressed separately, one after the other. In relation to document MVT/A/1/1, Rules of Procedure, the Secretariat was invited to introduce the document.

12. The Secretariat explained that the proposed rules for the Marrakesh Assembly were based on the WIPO General Rules of Procedure, with a few additions made with the assistance of colleagues in the Office of Legal Counsel to add certain elements which were specified in the Marrakesh Treaty itself, as well as provisions for extraordinary sessions and for a quorum, both of which were standard for WIPO treaty assemblies. The document had been available to all Member States for some period of time.

13. The Assembly adopted, as its own Rules of Procedures, the WIPO General Rules of Procedure with Rules 7, 9, and 25 amended as provided in document MVT/A/1/1, paragraphs 8, 11, and 13, as well as with the two additional special Rules of Procedure as provided in paragraph 14 of the same document.

Status of the Marrakesh Treaty

14. Discussions were based on document MVT/A/1/2 Rev.

15. The Chair proceeded to document MVT/A/1/2 Rev., entitled Status of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled. It invited the Secretariat to introduce document MVT/A/1/2 Rev.

16. The Secretariat explained that the document officially stated that the Marrakesh Treaty had entered into force on September 30, 2016, with the addition of the 20th Member State to join that Treaty. The 20 initial members of the Marrakesh Assembly were: Argentina, Australia, Brazil, Canada, Chile, Democratic People's Republic of Korea, Ecuador, El Salvador, Guatemala, India, Israel, Mali, Mexico, Mongolia, Paraguay, Peru, Republic of Korea, Singapore, the United Arab Emirates and Uruguay. The Secretariat was also pleased to report that additional countries had continued to join the Marrakesh Treaty. Before the two that had joined that day, Saint Vincent and the Grenadines and Tunisia had also joined the Treaty. The Secretariat had continued to organize national, regional, and inter-regional events for the promotion of the Marrakesh Treaty and had also been working towards its implementation. It had also continued to provide legislative assistance activities at the national level and would continue to provide such assistance for the second year of the biennium as well as in the future. Pursuant to the Marrakesh Treaty, the Secretariat was required to provide an information access point to include, among other things, information about authorized entities. It planned to communicate with Member States after the Assembly in order to provide the information access

point starting that year. The Secretariat very much looked forward to working with the Members of the Assembly, as well as with those that planned to join, with other partners, and with various stakeholders who had been involved in the adoption of the Treaty as they all moved forward to implement it and to achieve its objectives.

17. The Delegation of India stated that the success of any norm setting process hinged on flexibilities. The Marrakesh Treaty was a symbol of the victory of flexibilities, the victory of multilateralism, and above all the victory of humanism. Flexibilities had brought smiles to the face of millions of visually impaired persons all over the world. The Marrakesh Treaty had promoted access and sharing of books in any format for the blind and visually impaired, which was expected to alleviate the book famine experienced by many of the WHO-estimated 285 million people suffering from such disabilities in the world. According to the World Health Organization (WHO), India had more than 63 million visually impaired people, of whom about 8 million were blind. The Treaty removed barriers to access, recognized the right to read, established equal opportunities and rights for blind, visually impaired and otherwise print disabled persons who had been marginalized due to lack of access to public works. India was also happy to note that the Treaty struck an appropriate balance between rights and limitations and exceptions. The Delegation was filled with pride to represent a nation which had been a leader in implementing the pact that would benefit not only India's visually impaired citizens but millions more around the world. Considering the importance of access to knowledge, especially to blind persons, the Indian parliament had approved amendments to India's copyright law, which includes very robust exceptions for physically disabled persons. The Government of India had collaborated with private local bodies to ensure better implementation of the Treaty. The core principles of India's model were demonstrated in its multi-stakeholder approach. In addition, India in collaboration with WIPO had created an online library of accessible books. Other Member States were invited to study and analyze the Indian model. The Delegation was happy to celebrate and see that the Treaty had come into force. The Marrakesh Treaty had taken the form of a beautiful butterfly that was liked by one and all.

18. The Delegation of Chile on behalf of GRULAC stated that the entry into force of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled was something to celebrate because GRULAC attached historical importance to it. In 2004, the item on limitations and exceptions was included on the SCCR agenda. Together with Brazil, Uruguay and Paraguay, the Delegation had first presented a draft on access to works in accessible formats for persons who are blind, visually impaired or otherwise print disabled. In 2016, the Treaty was a reality, to Chile's great satisfaction. Half of the countries that had already ratified the Treaty were from its region: Argentina, Brazil, Chile, Ecuador, El Salvador, Guatemala, Paraguay, Peru, Mexico, Saint Vincent and the Grenadines, and Uruguay. The Delegation hoped that success with this Treaty would be an example to enable countries to find creative ways of making progress in the implementation of the Treaty and attracting more members to it.

19. The Delegation of Australia wanted to acknowledge at the inaugural Marrakesh Treaty Assembly meeting the very special occasion of the September 30, 2016, the day of entry into force of the Marrakesh Treaty. From that day, people with print disabilities had greatly enhanced capacity to access books and other material in formats suitable to their needs. Through the work of the SCCR, governments, copyright holders and disability organizations had joined together to ensure that copyright barriers that had blocked the supply of accessible format materials could be removed. That significant achievement, however, could be enhanced by more Member States joining and implementing the Treaty. The Delegation stated that Australia had ratified the Marrakesh Treaty on December 10, 2015. Australia was pleased along with Canada to be one of the first developed countries to have done so and invited all Member States not yet party to the Marrakesh Treaty to work towards joining it, particularly in light of potential improvements to cross-border transfer of accessible books for developing countries. The Delegation was also committed to working through the WIPO Funds-in-Trust

(FIT) to promote practical initiatives to increase the global availability of books in accessible formats and operationalize the Treaty. The Delegation looked forward to continuing to work together to make the Treaty a global success.

20. The Delegation of Canada indicated that countries had a responsibility to work collaboratively to ensure that the Treaty would function well and achieve its stated objectives, as well as to assure that the network of cross-border exchanges would continue to grow. The Delegation viewed the Assembly as an opportunity to share experiences on the implementation of the Treaty in the respective jurisdictions and promote the early adoption of the Treaty to WIPO Members States. The Delegation wished to make the cross-border exchange of works a success and hoped that publishers would continue by making works accessible from the beginning.

21. The Delegation of Ecuador echoed the statement made by the Delegation of Chile on behalf of GRULAC and celebrated the entry into force of the Marrakesh Treaty on September 30, 2016. The Treaty was an international instrument that had attained a victory for multilateralism. From Ecuador's point of view, it was the proof of a trend towards a modern intellectual property system which not only looked to the rightholders but also to vulnerable groups and their rights. The entry into force of the Marrakesh Treaty was especially important because Ecuador had been one of the original proponents and was happy to have been one of the first 20 members to sign and deposit its instrument on June 29, 2016. The Delegation congratulated other States that had done the same and urged other States to present their instruments as soon as possible.

22. The Delegation of Mexico underlined that the Treaty was of the greatest importance for its country. It would benefit more than one million Mexicans, of whom more than 150,000 were under the age of 30, who had not been able to conclude their basic education because of lack of access to information and appropriate study materials. More than 285 million people were visually impaired throughout the world. The Delegation indicated that the instrument reflected the duty of States to ensure that those who had some disability would be able to have access to copyrighted works *via* accessible formats in accordance with the principles of nondiscrimination, equal opportunity, accessibility and full and effective participation in society as mentioned in the Universal Declaration of Human Rights and in the United Nations Convention on the Rights of Persons with Disabilities. The Delegation reiterated its commitment to continue to participate actively and constructively in the implementation of the Marrakesh Treaty.

23. The Delegation of the Republic of Korea, as one of the first contracting parties, welcomed the entry into force of the Treaty. It pointed out that, according to the WHO, there were an estimated 285 million blind and visually impaired people around the globe and about 90 per cent of them were living in developing countries where 65 per cent of them were aged 65 or over and 19 per cent of them were children under age 15. Those persons were the most vulnerable and marginalized people, excluded from day-to-day reading activities that persons without impairments take for granted. Unfortunately, the global community had been silent on that issue until the signing of the Marrakesh Treaty. It was very important to realize the principles and ideals engrained in the Treaty. The Delegation stated that the Republic of Korea had participated in various WIPO initiatives since 2006, through its FIT, and had the honor to announce that the Republic of Korea was funding the second phase of the ABC capacity building project. The Delegation informed the Assembly that the Republic of Korea had joined the ABC Book Service on September 30, 2016, sharing its catalog and collection of books in accessible formats with other members. The Delegation wished that more Member States would join in giving support to the ABC program so visually impaired and print disabled people in other parts of the world could freely read books and other published materials for their own educational and artistic development. ABC would succeed and more could be done if there were more support and financial resources from other Member States. The Delegation urged

Member States to pay more attention to the current needs of ABC initiatives and thanked WIPO and other participant organizations for their tireless efforts to run the ABC program smoothly.

24. The Delegation of Mongolia pointed out that the adoption and entry into force of the Marrakesh Treaty was an outstanding joint achievement reached by Member States and the Secretariat, which would bring important changes in the lives of many blind and visually impaired people around the world. The Delegation was proud that Mongolia had been one of the 20 countries that enabled the entry into force of the Marrakesh Treaty. The success of the Marrakesh Treaty had proven the potential of multilateralism. The Delegation strongly believed that that positive spirit would also facilitate Member States to reach agreement in other areas. The Delegation encouraged other Member States to join the Treaty to allow more visually impaired people better access to published works and was pleased to reiterate its active engagement in the implementation of the Treaty.

25. The Delegation of Brazil stated that in terms of accessibility, the Marrakesh Treaty was a model framework for persons with special needs because it was in the field of limitations and exceptions to intellectual property rights for the benefit of broader social objectives. Seven years ago, Brazil, Ecuador and Paraguay had presented to the SCCR the first proposal for that Treaty prepared in very close contact with national and international associations for the blind. The Delegation quoted the then-president of the Brazilian organization for the blind, Mr. Moises Bauer: "The greatest barrier for a blind person is access to books and access to culture". Since September 30, 2016, a new instrument to address that very difficult reality existed. The Marrakesh Treaty was a great victory for the multilateral system and for the international community. It was a significant step forward in realizing the human rights of persons with disabilities in line with the Convention on the Rights of Persons with Disabilities. The Delegation pointed out that the Marrakesh Treaty was a balanced instrument responding to the specific needs of persons with visual disabilities, without weakening copyright. The first step had been the entry into force of the Treaty. The second step would be to ensure that the implementation of the Treaty could be carried forward appropriately. The Delegation underlined that it would require human and financial resources and technical cooperation. WIPO needed to be ready to give technical assistance to its Member States in accordance with the provisions of the Treaty and the recommendations of the DA. Member States needed to provide financial resources and the legal framework to support the authorized entities in carrying out cross-border exchanges of works in accessible formats. The Delegation indicated that Brazil had taken on itself its international responsibility as the main provider of books in accessible formats in Portuguese and was committed to implementing the Marrakesh Treaty and to promoting it. It called upon other large providers of accessible books to share and to join the Treaty.

26. The Delegation of Paraguay stated that the implementation of the Marrakesh Treaty was part of the historic commitment that Paraguay had with respect to the rights of persons with disabilities. Paraguay was pleased to be a Contracting Party to the Treaty. It was an example of solidarity and pragmatism and showed how IP could be seen as a tool for social, economic, and cultural development. There were indeed platforms or alternatives that sought to eliminate the book famine, but the Marrakesh Treaty was the only multilateral and binding instrument that established the basis for persons who were blind or visually impaired around the world to truly benefit from accessible formats for the purposes of education, work or leisure. Paraguay had participated and continued to participate in regional and sub-regional events that looked at the practical aspects for the implementation of the Treaty. It was important that the Assembly meet regularly in order to share experiences, good practices and actions that were carried out around the world in order to ensure global impact for the international instrument. The Delegation mentioned the significant work carried out by the Secretariat, led by Mr. Francis Gurry, Director General, in that respect. The Delegation thanked WIPO for all the support received and hoped to count on the proactive role of the Secretariat for the future. Paraguay specifically requested WIPO's assistance to ensure that its national legislation became compatible with the Treaty.

But, as normative arrangements were not the only action point needed, cooperation for operational arrangements were also requested by Paraguay so that beneficiaries and interested organizations, as well as the publishing industry in Paraguay and in the region, could participate in the creation and distribution of books in accessible formats. The Delegation asked the Secretariat to map out the initiatives that could be carried out by the end of the year and to take action together with all Member States.

27. The Delegation of Uruguay supported the statement made by the Delegation of Chile on behalf of GRULAC. It was very pleased to see the first meeting of the Marrakesh Assembly, particularly when one of the members of the Delegation had been an active negotiator in the diplomatic conference of 2013. The Treaty would have great global impact for the education and work possibilities for the visually impaired. WIPO's major contribution would be to look after its correct implementation.

28. The Delegation of Botswana celebrated the coming into force of the Treaty as it coincided with the country's Independence Day on September 30, 2016. Its recent accession to the Treaty demonstrated Botswana's commitment to the participation of all people with disabilities in all sectors of the economy. The next action to be taken would be the insertion of the necessary provisions into the national law. It hoped that WIPO could help in that task as well as in encouraging other States to join the Treaty at the earliest possible date.

29. The Delegation of Chile, speaking in its national capacity, hoped that the work of the Assembly would lead other members of WIPO to join the Treaty.

30. The Delegation of Argentina supported the statement made by the Delegation of Chile on behalf of GRULAC. Argentina welcomed the coming into force of the Treaty on September 30, 2016. This was an important milestone, not just for WIPO but for millions of people that were visually impaired, who would from that point onward have easier access to accessible format books. The entry into force of the Marrakesh Treaty brought about a new stage that allowed Member States to implement its provisions. It would be absolutely necessary to ensure the effective application of the Treaty so that its objectives could be met. Argentina was ready to contribute to that process.

31. The Delegation of El Salvador welcomed the entry into force of the Marrakesh Treaty on September 30, 2016. The Treaty would facilitate access to published texts for the blind, the visually impaired and the otherwise print disabled. The entry into force of the Treaty was a significant achievement for the multilateral system and was an example of solidarity in the international community. El Salvador was the second country to deposit its instrument of ratification at WIPO and was very pleased to have contributed to its entry into force. The Delegation urged other members to join the Treaty and supported the statement made by the Delegation of Chile on behalf of GRULAC.

32. The Delegation of Guatemala supported the statement made by the Delegation of Chile on behalf of GRULAC. It shared the overwhelming joy of all present as all celebrated the entry into force of an instrument that was the culmination of years of work, effort and hope. The Delegation was delighted to be one of the countries that helped to make that a reality. A new era had dawned in the field of copyright, affording all those who had dreamed of having the opportunity to access education and culture. The Delegation attached great importance to the Treaty, not only because it was a moral imperative, but also because it was the key that would open the door to knowledge, in conditions of equality, for the more than 100,000 visually impaired people living in Guatemala. The community of visually impaired people in that country had actively worked with the Government for the continued implementation of the Treaty, which was why at that juncture, the Delegation requested the support of WIPO in the form of legislative and technical assistance in order to establish effective mechanisms that met the objectives of that Treaty. The Delegation highlighted the work of the ABC and hoped to join its

group of beneficiaries. Finally, the Delegation urged Member States to continue to work for the ratification of the Treaty and thus contribute to capacity building in this highly vulnerable sector.

33. The Delegation of Iraq congratulated the Assembly on the entry into force of the Treaty. Iraq endorsed the Treaty and would seek to ratify it.

34. The Delegation of Nigeria, speaking on behalf of the African Group, lauded the entry into force of the Treaty and extended its appreciation and congratulations to those Member States that had enabled the Treaty to enter into force. Africa was happy that with the Treaty beneficiaries in the region and around the world would no longer face barriers to access to knowledge and information in published works. The Group believed that access to knowledge and information was a critical element of human and societal development and, to paraphrase the Director General, literacy enabled people to become fully enabled economic agents. Along with Botswana, Mali and Tunisia which had already joined the Treaty, many other African countries were planning to ratify the Treaty and join the Assembly the following year.

35. The Delegation of Slovakia congratulated WIPO for the swift entry into force of the Marrakesh Treaty. It passed the floor to the Delegation of the European Union to deliver a statement on behalf of the European Union and its member states.

36. The Delegation of the European Union, speaking on behalf of the European Union and its member states, congratulated the Assembly for the entry into force of the Marrakesh Treaty on September 30, 2016, and congratulated the countries that had ratified and implemented the Treaty already. The Marrakesh Treaty would substantially change the lives of millions of visually impaired people around the world. The European Union was working to ensure that the Treaty was ratified and became part of the European Union copyright rules as soon as possible. The European Union and its member states could help to improve access to books and other print content for persons with print disabilities and contribute to the fight against the book famine. The proposals to ensure compliance of European Union legislation with the obligations in the Treaty and the functioning of exchanges within the internal market and with third countries had already been put forward by the European Commission. Discussions were taking place in the European Council and the European Parliament. That would pave the way for ratification. The European Union and its member states were looking forward to concluding that process swiftly and to joining the circle of the Marrakesh Treaty Parties.

37. The Delegation of the United States of America congratulated the Chair on his election at the inaugural meeting of the Marrakesh Assembly. It congratulated all WIPO Member States and the Secretariat for the tireless efforts that had led to the entry into force of that landmark Treaty. As President Obama had stated, the Marrakesh Treaty held the potential to open up a world of knowledge to a population that was too often shut off from it. The United States of America had played an active role in the Treaty's negotiation and was committed to joining it as a member in the near future. The President had already submitted the Treaty to the United States Senate for its consent to ratification and the Government was working to take the process forward.

38. The Delegation of Greece, on behalf of Group B, congratulated the Chair for chairing the inaugural meeting of the Assembly. Group B acknowledged that the Treaty was a legal framework for facilitating the access to published works for people with special needs. The Group welcomed the entry into force of the Marrakesh Treaty and congratulated the countries that had already ratified and implemented it.

39. The President of the Committee of the Convention on the Rights of Persons with Disabilities (CRPD) said that she was honored to be at the historic event of the first Assembly of the Marrakesh Treaty. The Committee of the CRPD was quite clear that the Marrakesh Treaty would contribute to the full inclusion of people who were visually impaired or otherwise print

disabled. It would facilitate access to education, information, culture, and also to recreation. That was why the United Nations Committee in its concluding observations had always repeated the recommendation to all 167 CRPD member states to join the Marrakesh Treaty. The CRPD was 10 years old and on that 10th anniversary she was honored to see the birth of the Marrakesh Treaty. She therefore congratulated all those who had worked on its drafting. As a person from the Latin American region, she also congratulated all the countries from that region that had contributed to the entry into force of the Marrakesh Treaty. Also, as a blind person, she felt very happy that many people like her would be able to enjoy access to literary works. She finally quoted the poet Kahlil Gibran's poem The Astronomer: "In the shadow of the temple my friend and I saw a blind man sitting alone. And my friend said, "Behold the wisest man of our land." Then I left my friend and approached the blind man and greeted him. And we conversed. After a while I said, "Forgive my question; but since when has thou been blind?" "From my birth," he answered. Said I, "And what path of wisdom followest thou?" Said he, "I am an astronomer." Then he placed his hand upon his breast saying, "I watch all these suns and moons and stars."

40. The Representative of the United Nations Children's Fund (UNICEF) congratulated all the Member States that had ratified the Marrakesh Treaty as well as the colleagues in WIPO who worked tirelessly in the area. There was an estimate of 150 million children with disabilities in the world and the majority of those children did not go to school. In those few instances where children with disabilities were in school, they did not get the opportunity to participate in education in the school on an equal basis with their peers. Among the many barriers that existed, the lack of accessible textbooks and learning materials was a key. The Representative felt that the Marrakesh Treaty had the potential to create an environment where books and learning materials were available to children with disabilities in accessible formats and, at the same time, they were available for all children. While blind and visually impaired children were going to benefit directly from the Marrakesh Treaty, the environment of accessibility could also have significant positive effects for all children with disabilities, including children who were deaf, children who had intellectual disabilities, for whom conventional printed books were also not accessible. Thus, UNICEF felt that the Treaty had the potential to create positive opportunities for all children with disabilities including children who were blind and visually impaired who would be able to participate in education, which was key to having a good future. As a blind person, it was a matter of immense joy to him to see the Marrakesh Treaty coming into force. UNICEF was working seriously to ensure that books were available to children with disabilities in accessible formats. The Representative remained committed and looked forward to working with all to assure that no child with a disability was denied the right to education or to participate in school because of the lack of accessible books and learning materials.

41. The Representative of the South Centre congratulated all Member States, particularly those who had ratified the Marrakesh Treaty, for bringing into force that ground breaking Treaty. The South Centre was committed to assisting its members and working together with WIPO and others to assist all Member States to pursue the ratification of the Treaty and its effective implementation.

42. The Representative of the WBU said that it was an important day in the life of blind people. On behalf of the 285 million blind and partially sighted people around the world, WBU wished to thank WIPO and its contracting parties for adopting a treaty that would change the lives of blind and partially sighted persons everywhere. Over the past three years WIPO had led the effort to increase the number of countries that ratified the Treaty and it had led the effort to ensure the practical implementation of the Treaty, including the establishment of the ABC. The WBU also wished to acknowledge the hard work and spirit of cooperation between and among all stakeholders, including rightholders, libraries, authorized entities and organizations representing blind and partially sighted individuals and others with print disabilities. Since the successful conclusion of the Diplomatic Conference in Marrakesh just over three years ago, over 20 countries had joined the Treaty. The Representative strongly urged all countries,

especially those that were signatories, to ratify the Treaty quickly. For the Treaty to work, it was vital that major producers of accessible works, namely the United States of America and the European Union, ratified it immediately. Without books to share, the dream of equal access remained an unfulfilled dream. The Marrakesh Treaty was much more than a treaty about books. It was an historic human rights instrument. Access to published works meant the potential for blind and partially sighted children and adults to live integrated and productive lives. At that moment, very few blind children were educated and few blind adults had jobs. The Marrakesh Treaty supported the promise of equality of opportunity enshrined in the United Nations Convention on the Rights of Persons with Disabilities and the SDGs. Earlier that week, at the UN Human Rights Council 2016 Social Forum, participants called upon all States to ratify and implement the Marrakesh Treaty as a step towards fulfilling their obligations under the Convention on the Rights of Persons with Disabilities and other human rights instruments. Participants further urged all States to expand the availability of books and other cultural materials in accessible formats including across borders, to avoid imposing financial or other burdens on beneficiaries, and to consult with print disabled individuals and their representative organizations regarding the implementation and monitoring of the Marrakesh Treaty. The Representative reiterated the WBU's sincere appreciation for the efforts of all involved in making the Marrakesh Treaty a reality and asked for their continued help in giving the Treaty life so blind and partially sighted individuals everywhere would have the ability to learn and work and live as others with dignity and self-respect.

43. The Representative of the National Federation of the Blind (NFB) stated that on that day all the participants in the Assembly came together to celebrate an historic milestone in the struggle for equal rights and equal access to the world's knowledge by blind people. They also came together to recommit themselves to all of the actions necessary to fulfill the human rights objectives that were at the core of the Marrakesh Treaty. On behalf of the members of the NFB, the oldest and largest organization of the blind in the United States of America, the Representative thanked and congratulated WIPO and each of its partners for the years of hard work to establish the Treaty and then to bring it into force. The Marrakesh Treaty had been and continued to be a priority of the NFB. Although the United States of America had a well-developed network of authorized entities providing access for blind and visually impaired persons to published works through a variety of service models, even their access to the world's knowledge was severely limited. By the best estimates, the blind of the United States of America had access to less than 10 per cent of published works. That was not equality. The Representative recognized the tremendous opportunities that would come to blind people when they had equal access to all of the world's knowledge. The NFB was firmly committed to pursuing the promise of the Marrakesh Treaty until it was reality for all blind people. To realize that promise, they needed all countries to ratify the Treaty as soon as possible. The Representative regretted that his own country, the United States of America, had not yet completed the ratification process. In that forum, he challenged the United States Senate to make swift ratification of the Marrakesh Treaty a top priority as a demonstration of support for equal rights for the blind of their nation. He also encouraged the leaders of other countries to make the Treaty a priority before the end of the year. In addition, all stakeholders had to commit to cooperation, innovation and communication to effectively accomplish global implementation of the Treaty. The NFB was committed to carrying its share of the work, and it urged its global partners to do the same. With the adoption of the Marrakesh Treaty, they had unlocked the door to the world's knowledge. On the day of the Marrakesh Assembly meeting, they opened that door for those countries that had ratified the Treaty. Next it was time for all to join in building the pathway to that door and ensuring that all of the world's print disabled were on that path. Access to the world's knowledge was a fundamental human right and the NFB thanked all those who had helped in the development of the Marrakesh Treaty and those actively working for its implementation around the world.

44. The Representative of the National Association of Blind Lawyers (NABL) of the United States of America thanked the Chair, the Director General, the Member States of the first Marrakesh General Assembly, and all other Member States and Distinguished Delegates present on that historic occasion. The Representative had the honor of wearing many hats, including in the WBU as NABL was a member, and the Representative also had the honor and privilege of serving as the WBU's representative on the board of the ABC. In addition to that, the Representative was a member of the Board of Governors of the American Bar Association, the world's largest organization of lawyers with over 400,000 members, which in 2014 passed a resolution urging the United States of America and all countries of the world to ratify the Marrakesh Treaty. The Representative went blind at the age of 10 due to a childhood virus. One of his favorite things to do was to read and it was taken away. The Representative got that ability back by learning Braille and using other alternative techniques. However, the Representative had access to very few works. When in college, the Representative wanted to major in Spanish to get a degree in the Spanish language and go into international business management. It was not possible, and the reason was the impossibility of gaining access to works in Spanish that would have been needed to complete the degree. If Marrakesh had been in force over 25 years ago, perhaps the Representative would not be a lawyer, but in international business. That story was not unique. Those were the barriers that blind people and other people with print disabilities had to face. That was why organizations for the blind had to gain ratifications of Marrakesh throughout the world. It had been announced that the first exchange under the Marrakesh Treaty between contracting parties took place between Canada and Australia as facilitated by the ABC. It should also be known that on that very same day books were exchanged in Latin America through the leadership of Tiflo Libros and Pablo Lecuona from Argentina. Institutions in those countries exchanged books with entities in other contracting parties of the Marrakesh Treaty. Those two acts were emblematic of what precisely needed to happen in the world. There was a need to have broad cooperation through WIPO's leadership and other international leadership to make sure that those books start flowing. The Treaty was only a bunch of words on a piece of paper unless that was done. So the following year, the Representative hoped for 200,000 or 2 million exchanges of accessible books across international borders. He also hoped that in 2017 the United States of America would be not only a member to the General Assembly of WIPO but also a member of the Marrakesh Assembly.

45. The Representative of the Organización Nacional de Ciegos Españoles (ONCE) stated that the national organization of Spanish blind persons was thankful and celebrating on that day. ONCE welcomed the fact that what seemed impossible, what seemed to be an unnatural request in the environment of WIPO, took the form of an international treaty that had not only been signed three years before but also came into force five days before. While those countries belonging to the European Union had to wait a few months more to fully enjoy the benefits of the Treaty, that was a wait that had nothing to do with the uncertainty of whether they were going to achieve their objective or not. The objective, the principle of it all had been achieved thanks to WIPO and the States parties that made possible the agreement on the Marrakesh Treaty as well as by the various civil society bodies with whom they had been seated in the back of the room pushing for that with all their work and conviction. There was no going back at the moment. For years when ONCE had been working on that treaty, they asked themselves many times if all that work and all those years of investment in that process were worth it, but the response had always been clear. No matter how much time it took, the Treaty when it arrived would be for all time, it would be forever and it was only a question of time until they got there. Although it was an important occasion for pupils at school and those who were looking for jobs on that very day, it was vital that everyone present and everyone involved in the Treaty keep in mind that vision of the Marrakesh Treaty being there forever, for those who would benefit today and for all younger and older generations. All shared the conviction that what they had achieved was not a solution that was vague or temporary, but clear and definitive. This conviction gave great satisfaction that they wanted to share at the first Assembly of the Marrakesh Treaty. ONCE thanked the first 20 countries to ratify the Treaty for having made

that Assembly possible and thanked all those who would come afterwards for believing in the Treaty. Independently of their position with respect to the Treaty, each delegation should be tremendously proud that day to form part of such a special and different Assembly. ONCE urged everyone to make the best of the Marrakesh Treaty and its multiple benefits because from September 30, 2016, that was a turning point for everyone.

46. The Representative of the Third World Network (TWN) congratulated the Member States who signed the Marrakesh Treaty and pointed out that it was the first time WIPO and its Member States set minimum international standards exclusively for the users of IP. For the first time WIPO had put people's interests above corporate interests. The Representative called upon the Secretariat and its Member States for the Treaty to be interpreted and implemented keeping in mind the purpose of the Treaty, facilitating access to works in accessible formats for users instead of the industries. TWN noted with concern that Article 5.4 extended the three-step test which was a barrier to the requirement. It urged Member States not to use the three-step test as a tool to prevent the cross-border transfer of works and looked forward to the implementation of the Treaty that would facilitate access to works in accessible format without any unnecessary procedural or administrative requirements. TWN hoped the rights and obligations created under the Treaty would not be neutralized through contractual restrictions. Unlike many other WIPO treaties the Marrakesh Treaty did not contain a mandatory obligation on the International Bureau to provide technical assistance, but that should not prevent the Secretariat from providing assistance as set forth in the WIPO DA. The technical assistance in that area should focus not only on the implementation of the Treaty but also on facilitating cross-border transfer and sharing information on implementation. It called on the Contracting Parties of the Treaty to give needful direction to the Secretariat.

47. Another Representative from the WBU thanked WIPO for opening up its doors in an exceptional show of institutional transparency and public participation, unequaled by any institution in Geneva. It thanked the countries that supported WBU from the beginning but also other countries and regional groups that did not, but that learned to move forward with flexibility and were able to change course when needed despite almost unbearable pressure from some special interest lobbies. They set an example for international negotiations that went up and down, that sometimes went to midnight or 1 a.m. in the morning on Friday evenings. The Marrakesh Treaty had set a marvelous precedent in international law because it uniquely combined disability rights, development goals for access to culture in the global south, access to knowledge in the digital sphere, copyright reform for users, recognition of the key intermediary role of libraries and the importance of civil society initiatives for international law making. Overall, that day was a day to express gratitude to an exceptional group of three or four key civil society campaigners around the world who worked brilliantly and tirelessly through the years through a roller coaster ride of preliminary betrayals and alliances, high hopes and bitter despairs in order to make the Treaty possible. The Marrakesh Treaty proved that positive change can be made even in giant global institutions and against great odds. In the world at that time, that was no small thing. The Representative thanked those people who really were the salt of the earth, all of those present at that moment. The Representative gave some names of persons with whom it had been a privilege to work all together for the Treaty: James Love and his wife Manon Ress, Dan Pescod, Marcos de Souza, G.R. Raghavender, Michele Woods, Pablo Lecuona, Chris and Judy Friend, Maryanne Diamond, Fred Schroeder, Ruth Okediji, and Barbara Stratton. The Representative apologized for the names not mentioned and highlighted that all these people and others working together made the Marrakesh Treaty. It had been an express going up and down into something that was much more than just an old Beatles song.

48. The Representative of the Electronic Information for Libraries (eIFL) congratulated the Member States and the Secretariat on the entry into force of the Marrakesh Treaty, as well as congratulating the WBU, Knowledge Ecology International (KEI), David Hammerstein and many others who worked tirelessly to achieve that historic treaty. eIFL undertook to support early

ratification in partner countries for two key reasons. Throughout the world, libraries were home to the largest collections of accessible materials, and only blind people's organizations, libraries and other so-called 'authorized entities' could send accessible format copies to other countries. In Nepal, a Least Developed Country, a Right to Read campaign was established with the Nepal Library and Information Consortium, the Nepal Association of the Blind and other groups and at that moment they were working collectively to encourage ratification. The Representative expressed its happiness that the Government of Nepal had welcomed the entry into force of the Treaty and hoped that ratification would be given the utmost priority by the new government. The Treaty would bring huge benefits to the lives of 40,000 school and college-age children who were blind or visually impaired in Nepal. Only 10 per cent received education, and those who did were often excluded from learning because of lack of audio and Braille books, made worse by the earthquakes in 2015. The Representative was grateful to the ABC for supporting the production of textbooks for school children. Nepal was also a multilingual nation. For English speakers, accessible books from English-speaking countries, such as Australia, Canada and Singapore could be imported. For speakers of other languages, materials could be imported from India, the first country to ratify the Treaty. eIFL was on hand to support ratification and implementation in Nepal and its other partner countries so that people with print disabilities could get access to all the books and reading materials they needed, irrespective of their location. The Representative could not imagine a life without reading, which was essential to gaining knowledge and improving literacy. Mr. Kofi Annan, former Secretary General of the UN, had said that "literacy is a bridge from misery to hope." The Representative believed that for blind and visually impaired people the Marrakesh Treaty was a way to achieve that hope.

49. The Representative of the International Federation of Library Associations (IFLA) stated that the Marrakesh Treaty would always hold a particular place in the history of international law. It was evidence that international copyright law could work in the public interest. It made a vital connection between IP law and human rights while also entering into force faster than any other WIPO copyright instrument in the previous 40 years. That was a testament to the strength of what the Member States achieved in Marrakesh in 2013. It was also a testament to the work of the WBU, KEI, David Hammerstein and of many other individuals and many NGOs to achieve agreement both at WIPO and in their capitals. The authorized entities included in the Treaty, with libraries amongst them, stood ready to turn the new possibilities into realities. It was up to WIPO's remaining 165 Member States to complete the ratification. IFLA welcomed the intention of many Member States to do so quickly. A universal implementation of the Marrakesh Treaty would put an end to the legal barriers that created the book famine. They would go from barely 270 potential book exchange partnerships between countries today to nearly 18,000. Nonetheless, good implementation relies on good law. The Treaty left some space for Contracting Parties to maintain preexisting mechanisms in order to facilitate agreement. That flexibility should be interpreted in line with the overall objective of the Treaty to broaden access rather than exploit loopholes. There should be no new barriers, either financial or in terms of time and resources, including unnecessary paperwork. It should not be forgotten that it was market failure and legal complexities that made the Marrakesh Treaty necessary. IFLA was confident that the same sense of ambition and desire to do the right thing in 2013 lived on in 2016. Those who had ratified showed the way, others were moving in the right direction. Libraries on behalf of their users looked forward to seeing the Marrakesh Treaty realize its potential.

50. The Representative of the KEI noted that it was an important achievement for WIPO to have embraced the Marrakesh Treaty and to address and correct the barriers that copyright presented for access to culture and knowledge for persons who were blind or who had other reading disabilities. The Treaty would not have happened without the longstanding advocacy of persons who were blind, including the WBU and many of its members and organizations. The period from 2008 to 2013 was particularly critical in the run-up to the Marrakesh Treaty negotiations. The Representative singled out, at the risk of excluding many, Manon Ress from

KEI for her devotion to that effort. The Representative also thanked David Hammerstein, then working for TACD, Rahul Cherian, Nirmita Narasimhan, KM Gopakumar and Pranesh Prakash from India, Judit Rius Sanjuan from Spain, Pablo Lecuona from Argentina, Jace Nair and Marcus Low from South Africa, Dan Pescod and Chris Friend from the United Kingdom, Maryanne Diamond from Australia, and Jonathan Band from the United States of America. The Representative stressed that EIFL and IFLA and its member organizations played an important role, as did the several effective advocates from the United States of America based NFB, including Scott Labarre and ACB, including Melanie Brunson and Eric Bridges, Jim Fruchterman from Bookshare, Francisco Martinez and Barbara Munoz from ONCE, and many government negotiators including Marcos Souza, Thais Mesquita and Kenneth Nobrega from Brazil, Luis Vayas from Ecuador, GR Raghavender from India, Nazrul Islam from Bangladesh, Ruth Okediji on the Nigerian delegation, Kelly Yona from Switzerland, Mokhtar Warida and Heba Mosta from Egypt, Ahlem Charikhi from Algeria, Luis Villarroel, and Vera Franz from OSF, who supported much of the advocacy by the civil society and blind groups. The Representative finally thanked Morocco for hosting the Marrakesh Diplomatic Conference in 2013.

51. The Delegation of the Democratic People's Republic of Korea stated that it was one of the first members of the Treaty. The Delegation was convinced that all Member States would make every effort to reach the objectives of the Marrakesh Treaty.

52. The Delegation of Turkey stated that a main goal of the Marrakesh Treaty was to help end the book famine faced by people who were blind, visually impaired or otherwise print disabled. Firstly, the Treaty required the Member States that ratify it to provide exceptions within domestic laws. That meant that those Member States had to ensure that their domestic laws allowed blind people and related organizations to make accessible format books without permission from the holder of copyright. In that respect, the Delegation wished to give some brief information concerning Turkish corporate law. Turkey's domestic corporate law already had an exception on that sensitive issue. According to the exception, it was permitted to reproduce or lend a single copy of scientific and literary works in written form, including school books that had been made public or published, without obtaining any permission, and without any commercial purpose, in the form of cassettes, CDs, braille, alphabet and similar formats by a person with a disability for his or her own use or by another person acting on behalf of him or her, or by educational institutions, foundations or associations providing services for the benefit of people with disabilities in the quantity required, provided that no such copies had already been produced for the use of people with disabilities. Such copies might in no way be sold, put into commercial use, used, or allowed to be used for other than their intended purpose. In addition to that provision, Turkey was very honored to announce that it was conducting its ratification process in order to expeditiously transfer the Marrakesh Treaty provisions into its domestic law. The country attached great importance to that ratification process and looked forward to cooperation with WIPO during the process of preparing the national legislation.

53. The Delegation of Sudan highlighted that 86 million people in developing countries suffered from the problems of the book famine. The country was working on ratifying the Marrakesh Treaty and supported what was stated by the Delegation of Nigeria on behalf of the African Group.

54. The Assembly took note of the information provided in document MVT/A/1/2 Rev.

Accessible Books Consortium (ABC)

55. Reference was made to document A/56/INF/8.

56. The Chair turned to the Director General to give an update on the important work that was being done by the ABC to implement the Marrakesh Treaty and its objectives, as well as to introduce a short film about the work of the ABC in India.

57. The Director General observed that a lot of delegations had spoken about the importance of practical arrangements to realize the full potential of the Marrakesh Treaty and of the importance of technical assistance. One major public-private partnership which seeks to do just that is the ABC which had already been mentioned on several occasions in the Assembly. It arose out of the SCCR and was originally formed as a stakeholders' platform before becoming the ABC in 2014. It was a partnership of all relevant stakeholders, including the WBU, the libraries serving persons who are print disabled, publishers, authors and collective management organizations. It supported, of course, the objectives of the Marrakesh Treaty and it did so through three principal activities: a book service for the international exchange of books, capacity building activities, and the promotion of accessible publishing. The Director General introduced a short video about some of the capacity building work that had been undertaken by the ABC. It was about a teenage girl called Nidhi in a village in India, who lost her sight at the age of six through an accident. Through a project sponsored by the ABC, she was able to obtain accessible textbooks and assistive technology so that she could study independently rather than having someone read to her. He explained that India was a particularly good model because of its multi-stakeholder approach, which included government ministries, non-governmental organizations and the private sector. He added that the ABC Book Service had, as had already been mentioned, already sponsored one of the first exchanges under the operation of the Marrakesh Treaty. Prior to the entry into force of the Marrakesh Treaty, the Book Service had been already working through rights clearance mechanisms to ensure the exchange of books. The Director General noted that he had already shared at the commencement of that week some of the statistics of the extraordinary number of works that had already been loaned (see document A/56/INF/8.) He stated that there was nonetheless a long way to go and those numbers needed to be augmented immensely. The video was played.

58. The Chair thanked everyone for their participation and engagement, including the Director General, the Deputy Director General for Copyright and the Creative Industries, the Director of the Copyright Law Division and the entire Secretariat for their support of the session, noting with gratitude supporting staff and the translators and interpreters that made the work possible. He stated that it had become clear for everyone that the Marrakesh Treaty would promote a balanced system of copyright and related rights. He emphasized that it was time to put its provisions into practice. To that purpose, cooperation was needed from all Member States, international organizations and civil society. Everyone had to work together to build a fair society, and to be ready to embrace diversity through universal solutions such as the Marrakesh Treaty. Each and every one had to feel part of a single species, a big family, making them more human. He believed that people with disabilities could count on everyone there. On that highlight, he concluded the Marrakesh Assembly.

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