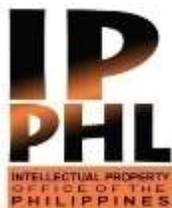


OPPORTUNITIES AND CHALLENGES IN THE IMPLEMENTATION OF THE MARRAKESH TREATY

MARRAKESH TREATY WORKSHOP
March 8, 2017
University of the Philippines BGC
32nd Street, Bonifacio Global City, Taguig

A Joint Project of



Documentation by



CONFERENCE OUTLINE

- I. National Anthem
- II. Invocation
- III. Introduction
- IV. Conference Opening Remarks
 - a. Paolo Lanteri - Legal Officer, World Intellectual Property Organization (WIPO)
 - b. Josephine Rima Santiago, LLM - Director General, Intellectual Property Office (IPO)
- V. Photo Opportunity with Dir. Gen. Santiago, Mr. Lanteri and other speakers
- VI. Conference Proper – Session 1
 - a. The Road to Marrakesh Treaty
G.R. Ragavender – Joint Secretary of DOJ India
 - b. Call to Action
Ronel Del Rio – Governor’s Advocate on Disability Affairs, Province of Batangas;
UN ESCAP Promoter
 - c. The Marrakesh Treaty
Paolo Lanteri - Legal Officer, WIPO
 - d. Open Forum
- VII. Conference Proper – Session 2 - Authorized Entities in the Philippines
 - a. National Council on Disability Affairs – Executive Director Carmen Zubiaga
 - b. National Library of the Philippines – Ms. Michelle Flor, Copyright Examiner
 - c. Open Forum

VIII. Conference Proper – Session 3

- a. Cross border exchange and Importation - G.R. Ragavender
- b. Accessible Books Consortium – Paolo Lanteri
- c. What makes publications accessible - Hiroshi Kawamura, Board Member (Former President) of the DAISY Consortium
- d. Introduction to Bookshare - Ms. Mayette Regala, Bookshare Coordinator-Philippines and Administrative Officer - Resources for the Blind

IX. Round Table Discussion

- a. Relationship of the Treaty to Philippine Law – Teddy Kahil, Secretary General, World Blind Union-Asia Pacific; Chairperson, Phil. Blind Union; Regional
- b. Role of Librarians/International Federation of Libraries and Institutions – Elvira Ramos, International Federation of Library Associations and Institutions (IFLA)
- c. IPO Philippines – Louie Calvario, Attorney VI, Office of the Director General, IPOPHL

CONFERENCE PROCEEDINGS

CONFERENCE OPENING REMARKS

PAOLO LANTERI

LEGAL OFFICER, WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

HIGHLIGHTS



- The objective of the conference is to address the crucial issue on the blind person's access to published works.
- The original idea about the Marrakesh Treaty and this event came from Resources for the Blind, Inc.
- The Marrakesh Treaty has a clear humanitarian goal and it was adopted in June 2013. It should address the book famine by making books available to the blind community.
- World Health Organization (WHO) estimates that there are 285 million persons with visual impairment, of which 39 million

are totally blind and 236 million have low vision.

- 90% of persons with visual impairment live in developing countries.
- There is a direct link between disability and poverty. Poverty also increases the risk of disability. According to the World Blind Union (WBU), less than 10% of blind children go to school. This leads to increased rate of illiteracy and sustained impoverishment among them.
- Out of all books that normal sighted people has access to, less than 7% are available to persons with visual impairment. With the current situation, more than 90% will never be accessible to blind people and this is what the Marrakesh Treaty is trying to address.
- The Marrakesh Treaty is a human rights treaty and it is fully in accordance with the principle of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). This likewise ensures independence, occupational integration and participation in the community.
- Though the Marrakesh Treaty aims to grant access to published works, we also need to take all appropriate steps to protect intellectual property.
- The Marrakesh Treaty is widely recognized in the area of intellectual property possibly because of the following factors:
 - Expression of willingness of the governments all over the world.
 - Tireless advocacy of blind community in all levels.

- Balanced compromise, collective efforts.
- End book famine, represents powerful instrument towards the objective.
- Book famine is a much more complex issue, copyright is just one factor.
- Challenges: economic and social in order to achieve achievable results
- If carefully drafted, it can perfectly promote works to blind people while respecting the legitimate and economic interest of authors.
- We need to look for new solutions that new books published in the future are made accessible.

JOSEPHINE RIMA SANTIAGO, LLM
DIRECTOR GENERAL, INTELLECTUAL PROPERTY OFFICE (IPO)

HIGHLIGHTS

- Representatives from the blind sector from different countries were grateful when the Marrakesh Treaty was enforced. Their response was overwhelming that it shows their thirst for knowledge.



- Where does the Philippines stand in relation to the Treaty? The latest information that we have is that all documents necessary were already presented by the Department of Foreign Affairs to the Office of the President and have been there for a couple of months. All we need to do is to make that big push for the signing of the treaty by the President. This does not require Senate action. DFA had disclosed that it only requires the presidential approval for the Treaty to be signed.

- We would like to believe that when the president sees the document, he will not have second thoughts because it

addresses the clamor for knowledge by a sector in the society which has not been at par with those who are not differently abled.

- We live in a different world, but with Marrakesh Treaty, we would be able to close the gap a little more. I saw that there are devices that are being used by blind, talking devices. *(referring to the devices on display at the Resources for the Blind's exhibit table)*



- With the Marrakesh Treaty, you are expanding your choices, in addition to audio. The matter of accessibility is what is going to be addressed by the Treaty.
- The world is so engrossed in using devices. Everyone is holding cellphones and not so many are reading books anymore.
- **WHY IS IPO SPONSORING THIS?** The IPO code addresses a certain need in the community and that is to balance certain rights. For those who may have little awareness of the intellectual property, it is something oppressive because it protects the generators of



these materials. But we also want to make use of the law. Certain incentives would like to share their knowledge thru books, audio-visual, music and different kinds of expressions. For the users, the law also takes care of that because if you think that there's so called right or monopoly for our rights-holder, you might ask, where does the law protect us as a public?

- The law protects this by balancing or making available to the public, resources that are otherwise protected under the law, provided for free and without liability on the part of those sectors. IPO has in some of its

provisions to make them available to a certain number of the public this kind of enjoyment or rights that are being generated by the makers.

- This principle of balancing state gives protection to literary and artistic works and other products of human intellect and these benefits the society and other sectors.
- In March 2013, the Intellectual Property code was amended. This provision which says that reproduction and distribution of published articles and materials in specialized format exclusively for persons with visual impairment shall be made on non-profit basis and should indicate copyright owner and date of publication. This does not need consent from the part of author, in preparation for the Marrakesh Treaty and for a wider dissemination of knowledge.
- There will also be optimal learning and exchanges of ideas that will be generated once the Treaty is ratified and implemented.

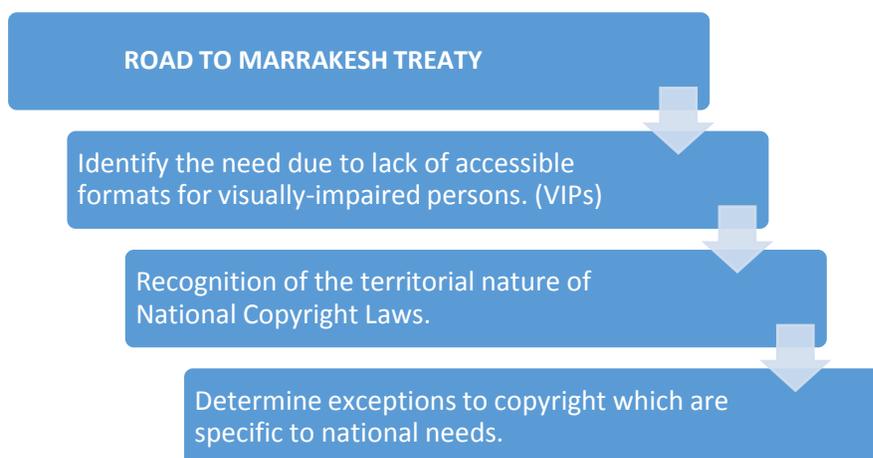


In the photo are IPO Director General Josephine Rima-Santiago and Mr. Paolo Lanteri with the other speakers.

CONFERENCE PROPER

SESSION I - Cross border exchange and importance of accessible format copies – options at national level in the Marrakesh Treaty

GR. Ragavender - Joint Secretary of the Department of Justice, India



LIMITATIONS AND EXCEPTIONS OF COPYRIGHT FOR VIPs

- International and copyright concessions do not mention copyright exceptions for the blind.
- The WIPO report on limitations and exceptions for VIPs (2006) by Judith Sullivan states that about 70 member-states of WIPO introduced exceptions for the blind in their domestic law.
- There is a felt need for international and legal instrument/treaty because of matters only international law can address.
- We need to sensitize the government officials on how to respect the right to read and gain knowledge. In 1982, we focused on blind children curriculum books that are not available in India.

JUSTIFICATION FOR WIPO TREATY

- To remove Book famine”
- Access to knowledge and right to read and knowledge.
- Millenium Development Goals
- UDHR and UN Convention on Rights of Persons with Disabilities
- Lack of minimum standards
- Lack of harmonization
- Territoriality of copyright law.
- Cross-border change of accessible formats.

In 2007, World Blind Union (WBU) adopted the development agenda. It marked a lot of changes in the WIPO intellectual property policy, especially in developing nations. Intellectual property should not be a hurdle to that. There are 285 million visually-impaired people. 80% reside in developing countries.

TREATY BENEFITS FOR THE BLIND

- Availability of accessible formats/books.
- Cross border exchange of formats.
- Educational institutes/libraries can supply accessible formats to blind students.
- Exceptions to accessible formats will not be treated as infringement of copyright.

Background 1 - 18th SCCR of WIPO held from 25 to 29 2009 at Geneva Switzerland



- A proposal for consideration of a WIPO treaty for visually impaired on exceptions of copyright was submitted by Brazil, Ecuador and Paraguay on behalf of the WBU.
- A legally binding treaty to set forth minimum standards
- Facilitate cross-border exchange of accessible formats

Background 2 – 20th SCCR held in June 2010 three (3) other proposals

- “Draft Concensus Instrument – Proposal by the Delegation of the United States of America (SCCR/2010)

Background 3 – 23rd SCCR held from 15th to 24th June 2011 at Geneva, Switzerland, three additional days were dedicated for consolidated text.

- 24th SCCR held from 16 to 25 July 2012 the European Union and the USA for the first time agreed to support a binding treaty.
- 25th SCCR held from 19-23 November , 2012 to place the final legal text
- The extraordinary WIPO General Assembly held at Geneva from 17 to 18, December 2012 decided to convene a Diplomatic Conference.
- Fortunately, it was picked by the press and put pressure on other countries to support the Treaty.

IMPLEMENTATION OF MARRAKESH TREATY

- Introduce exceptions limitations for beneficiaries as per the minimum standards recommended in the Treaty.
- Other limitations and exceptions for beneficiaries are also possible in the national interest.
- Make your beneficiaries aware of these advantages.

- Seek technological assistance from Daisy forum and others to train your libraries to make accessible format copies.
- Amending the legislation and seek necessary approval.
- Initiate process for Accession to the treaty.

Section 118 - Compulsory Licence for benefits of disabled

Any person working for the benefit of persons with disability on a profit basis or for business may apply to the Copyright Board,

- Every compulsory licence under this section shall specify:
 - the means and format of publication.
 - the period during which the compulsory licence may be exercised and
 - the case of issue of copies, the number of copies
 - providing the rate of royalty

For public performance rights and access to published copies: email raghavender@yahoo.co.uk

CALL TO ACTION

RONEL DEL RIO - Governor's Advocate on Disability Affairs, Province of Batangas; UN ESCAP Promoter

- I was born blind and studied at the Philippine National School for the Blind.
- I noticed that their school materials came very late and not updated. For example, if 1991 edition were already being used by the sighted, the blind students are using the 1978 edition.
- If you are in a rural area, the reading materials would take about 15 months to come.



- During my college days, materials were
- inaccessible. Thankfully, the evolution of technology and advocacy became more active.
- Funding should not be an excuse. According to President Duterte, we should not be dependent on international support. We can do it and we can partner with other nations. Let us stand on our own.
- The State should provide allocation and exert systemic effort. Despite the barriers, we should keep on knocking on doors.
- *(Addressed to Director General Santiago)* We are on the same world, we are just blind who needs braille and audio materials.
- Our Call to Action
 - For all players to continue to strengthen their ties with each other in order to effectively reach out to policy makers and politicians.

-
- To lobby to Department of Education (DepEd) to initiate concrete measures with the end goal of the Philippine Government ratify the treaty by the end of 2018.
 - To persuade DepEd , DICT, DOST, DSWD and NCDA to come uup with systematic approach to ensure the maximum benefits to Filipinos with visual impairment and with print disabilities.
 - For Filipino blind and their families/communities to the find the wat in realizing the goal of fully accessible Philippines at the end of 2018.
 - Invite more people to conferences, so more will also enjoy learning.
 - Encourage the Department of Education to come up with concrete measures so that the goal of this treaty and other related matters be addressed.
 - I am hoping that thru this effort, we will be able to have a reality in the Phils,
 - Let us stop receiving crumbs of the budget, let us demand with respect.
 - WE SHOULD NOT LOSE HOPE EVEN IF THERE ARE MANY BARRIERS.

MARRAKESH TREATY

Mr. Paolo Lanteri

General Clause

“Nothing in this treaty shall derogate from any obligations that Contracting Parties have to each other under any other treaties, nor shall it prejudice any rights that a Contracting Party has under any other treaties.”

Definition: Accessible format copy

- Defined with reference to the functional activities that can be carried out by beneficiaries and refers to permitting the person to have access as feasibly and comfortably as a person without visual impairment or other print disability.”
- Must respect the integrity of the work.
- Used exclusively by the beneficiary person.

Definition: Authorized entity

- Authorized or recognized by the government
- On a non-profit basis
- Serving VIP as primary activities of institutional bligations
- Duties: verify conditions for being a beneficiary 2) limit distribution to them 3. Discourage unauthorized users 4) maintain due care and keep records

Definition: Beneficiary person

- Blind
- Has a VI or perceptual reading disabiitwhich cannot be improved

Limitation and exceptions at the National Level I

- Should permit changes needed to make a work accessible by default.



- Mandatory, rights of reproduction, distribution and making available to the public, optional public performance.
- TRANSLATION IS NOT COVERED; should be in the same language unless the national law draws up an exception
- Supply to beneficiary including persons acting on her behalf, caretaker.

Limitation and exceptions at the National Level II

- Lawful access to the work
- No changes other than those needed to make the work accessible.
- Supply exclusively to be used by the beneficiary.
- Non-profit basis

Limitations and exceptions at the National level III

- Commercial availability requirement is optional. Through a notification, Member States can set the absence of availability of accessible format as a pre-condition for the limitations and exception.
- A system for remuneration is also optional.

Importation

- Within the scope of limitations and exceptions at the National Level (i.e. in cases where beneficiary persons, someone acting on her behalf or an authorized entity can make an accessible copy.
- Mandatory permit

Ratifications and Accessions

Argentina, Australia, Botswana, Brazil, Canada, Chile, Democratic People's Republic of Korea, Ecuador, El Salvador, Guatemala, India, Israel, Liberia, Mali, Mexico, Mongolia, Panama, Paraguay, Peru, Republic of Korea, Saint Vincent and the Grenadines, Singapore, Sri Lanka, Tunisia, UAE, Uruguay.

Cross border exchange

- Allows a country or authorized entity and distribute it to national group or abroad. Any country would need a book that is available in the Philippines.
- Allow importation
 1. Permit a beneficiary person, someone acting on his/her behalf or an authorized entities to import.
- Technological protection measures – digital rights management
- Ratifications and Accessions – includes 26 countries; to have a rich real flow of books around the world.

OPEN FORUM

- Question from a University faculty: I use books to prepare my class presentation and handouts, my concern: am I still covered with the treaty? (I convert books to MS Word and print parts of the book for my sighted students)



Answer: Philippines has very broad limitations and exceptions that allow this reproduction of work for educational purposes.

- Question: How about for books coming from non-member countries? Once the treaty is implemented, what kind of use will that fall within.

Answer: Need to apply the national laws for the Philippines.

- Question from Ms. Annie Rodriguez –

National Book Development Board: On the cross border aspect, what if an authorized entity outside the Philippines infringes?

Answer: On exportation, the cross border provision can be fully implemented. To be able to fully export, you need to have a sound copyright law. The treaty establish safeguards for holders to make sure that Authorized Entities serve their purpose.

AUTHORIZED ENTITIES IN THE PHILS.

Carmen Zubiaga, Executive Director, National Council on Disability Affairs (NCDA)

- **Enhancing Access to information.** NCDA leads in the policy formulation, monitoring and evaluation of benefits to sector in coordination with all government agencies, organizations and private communities, business and individuals. It is a council concerning disabled persons and an attached agency to Department of Social Welfare and Development (DSWD). The NCDA is composed of 12 national government agencies with DSWD as the chair and 6 slots reserved for Civil Society Organizations (CSO).



- The Philippines is signatory to 8 important treaties.
- NCDA was instructed to lead in all disability-related activities by formulating the decade plan of action.
- National govt agencies to implement programs and services towards the development of PWDs in accordance with Incheon strategy.
- Funds for the implementation shall be included in the annual budget appropriation.
- NCDA's thrust include: Awareness raising and sensitizing the public on disability. Inclusion of persons with disabilities in all programs and services of government and the private sector.
- Philippines Laws on Disability – has many laws but how do we translate this national policies into local level.
 1. Magna Carta of disabled persons
 - a. Rehabilitation, self-development and self-reliance of disabled persons and their integration in the mainstream society.
 - b. Rights of PWD to education, employment, health, auxiliary social services, telecoms, accessibility, civil and political rights were enumerated.
 - c. Government agencies are mandated to implement programs on disability based on their mandate.
 - d. Includes exemptions.
 2. Batas Pambansa 344 – Accessibility law. An act enhancing the mobility of PWDs by requiring buildings to install facilities and other devices. However, this is ONLY FOR PEOPLE WITH MOBILITY IMPAIRMENT. WE HAVE TO AMEND THIS LAW WHICH SHOULD BE IN HARMONY WITH NCRPD, which should include access to information, Information Technology and application of universal design in all programs, projects, built environment and product development.
 3. The NCDA Campaign
 - a. Establishment of Resource and Development Center- a 5-storey building which will be a model resource center to provide disability information and services in one roof. The LIBRARY shall include a computer center for PWDs for information and communications technology and make it a part of their livelihood.

WE HOPE TO ACHIEVE THE GOAL WE ARE SETTING IN RELATION TO THE FULFILMENT OF THE MARRAKESH TREATY.

THE ROLE OF LIBRARIES

Ms. Michelle Flor

Copyright Examiner, National Library Of The Philippines

Marrakesh Treaty

- Seeks to address the global book famine.
- Aims to allow the production and distribution of materials in accessible formats to blind, visually-impaired and otherwise print disabled persons.

Role of libraries

- Facilitate access to knowledge and info.
- Serve as repositories of library materials
- Have extensive experience in maintaining and extensive copyrighted works.
- Establish practices that would guarantee the persons being served are the beneficiaries as intended by the treaty.
 - Can produce and distribute accessible format copies without the need for the authorization of the rights holders.
 - Can also engage in the cross border exchange of accessible format copies.

National Library of the Philippines

- Repository of Filipiniana Library information sources, as well as other information.
- Provides access to the public.
- Library for the Blind section (LBS) was established in 1995 with the aim of providing opportunities for the blind and visually impaired to read, research and utilize library facilities.
- As of 2012, the LBS has approximately 1395 braille titles, 259 cassette titles.

OPEN FORUM

Question from Neil Soromon – Autism Society of the Philippines: Regarding Beneficiary persons – Autism is a spectrum but can they be qualified as beneficiaries? Answer: The treaty is quite clear by providing a broad definition.

Comments from a UP Diliman, College of Education representative: It is equally important to have a forum like this in formulating the Philippine pragmatic application of the Treaty. The terms “normal exploitation” of the work and unreasonable prejudice the work does not sound so positive.

Answer: It means using the work in the context of teaching and education; does not need the permission of the rights holders. It’s actually a formula. There are good reasons why those words were used in the Treaty. There’s a three-step test.



1. Special cases:

- Normal exploitation – does not conflict with commercial viability; if the books are not available commercially.
- There is a market failure.
- No prejudice to the interest of the right owners in terms of remuneration.

Comment: We would like to hear comments from the publishers, maybe from other countries already enforcing the treaty.

Answer: The publishers are playing an essential role to make this treaty effective. They are vastly, deeply engaged in the negotiation process of the Marrakesh treaty. The Headquarters is just a few meters away from WIPO and they are definitely being consulted through the negotiation process. They also published a guide on the Marrakesh Treaty. They must also be taken into account on how to draft the Marrakesh Treaty. Our will is to include them. Definitely they need to be invited and consulted. On commercial viability, accessible books should not be available. If the publisher is willing to make the accessible formats, they are limiting the application of those materials. If there is a business, the rights holders should be given the opportunity.

CROSS BORDER EXCHANGE AND IMPORTATION

GR. Ragavendher

Road to Marrakesh Treaty

- Territorial nature of National Copyright Laws.
- Exceptions to Copyright are specific to national needs and territorial in nature.
- Lack of accessible formats for VIPs.
- Cross border exchange of copyrighted works in accessible formats is one of the primary aims of the treaty.
- Exceptions to accessible formats when commercially available.



ARTICLE 5 (1) – Cross border exchange of Accessible Format Copies

1. Contracting parties shall provide that if an accessible format copy is made under a limitation or exception of pursuant to operation of law, that accessible format copy may be distributed or made available by an Authorized Entity to a beneficiary person or an Authorized Entity to another contracting party.

2. Domestic copyright law of a Contracting party must allow an Authorized Entity to export.

Authorized entity from another country can give copy to authorized entity in another country or directly to a beneficiary.

Authorized entity has their own by-laws, its own responsibilities and it is not spreading the piracy.

3. Provides contracting parties with flexibility on how to implement this obligation.

-
4. Agreed statement concerning Article 5(1): It is further understood that nothing in this treaty reduces or extends the scope of exclusive rights under any other treaty.

ARTICLE 5(2) Cross border exchange of Accessible Format Copies

Three—step Test – matter of legislation of the member countries; related to reproduction rights. Nothing in this article affects the determination of what constitutes an act of or an act of making available to the public.

Commercial Availability

- Commercial availability is the most controversial clause excluded.
- The main problem to be tackled is availability of technology.
- Technologically advanced developed nations have the capability to convert works into various formats, whereas, the developing nations may not have the same capabilities.
- There was a trade off to delete commercial availability under Article 5 and include limitations or exceptions to right to translation as an agreed statement.
- This is a giant step to ensuring access for beneficiaries.
- Treaty text uses the word “may” and gives an impression that this provision is non-mandatory.
- Limit cross border exchange only to books that are not commercially available in the exporting nations

ACCESSIBLE BOOKS CONSORTIUM (ABC)

Bringing Books to Persons with Print Disabilities

Mr. Paolo Lanteri

World Intellectual Property Office

ABC's Three Main Activities

- Capacity building – teaching instead of just sending the book. For educational matters, books are created locally to suit your own needs.
- ABC Book Service
- Inclusive Publishing

WHAT MAKES PUBLICATIONS ACCESSIBLE

Hiroshi Kawamura, Board Member (Former President) of the DAISY Consortium

- International standards for accessible publications
- Assistive technologies.
- Discovery of specific accessible format materials.
- Legal System.
- Human capacity development

EPUB 3.1 – checks documents if it is accessible; gives grades to the materials; it is equivalent to web accessibility.

THERE ARE MANY OBLIGATIONS OF RATIFIED PARTIES.



- Some low vision users who require specific colors, they have the right to know if the specific type of colors are compatible with the publication to follow the standard.
 - Protection of rights.

ACHIEVEMENTS OF DAISY

- Digital Accessible Information System
- Accessible Multimedia (CRPD Article 2)
- The legacy of DAISY is successfully transferred in EPUB 3.1

Daisy was invented to address the need of persons with visual impairment.

However, accessibility in reading was not entirely addressed by the Marrakesh Treaty. It did not address the sign language issue (*sign language users may find it difficult to read*).

There should be equal opportunities of access to knowledge and information:

- Visual
- Audio
- Tactile
- Sign language interpretation
- Synchronization
- Navigation
- STEM -

Innovation in Publishing

- Accessible publishing through EPUB 3.1
- Digital Rights Management issues = Protection of copyright should not prevent access (CRPD Article 30)
- Accessible publishing will find wider market for sustainable business.

INTRODUCTION TO BOOKSHARE

Ms. Mayette Regala
Bookshare Coordinator-Philippines
Administrative Officer-Resources For the Blind, Inc.

Resources for the Blind's service is to provide accessible materials. Since RBI started, we are already providing this service.

ROUND TABLE DISCUSSION



RELATIONSHIP OF THE TREATY TO PHILIPPINE LAW

Teddy Kahil
Secretary General, World Blind Union-Asia Pacific;
Chairperson, Phil. Blind Union; Regional

Article 2 of the 1987 Philippine Constitution titled: Declaration of Principles and State Policies provides under section two thereof:



1. The Philippines renounces war as an instrument of national policy. (*We are not engaging in offensive war.*)
2. Doctrine of incorporation - Adopts the generally accepted principles of international law as part of the land.
3. Increases productivity in the work environment.

Louie Calvario

IPO Philippines - Attorney VI, Office of the Director General

As an organization, we have been pushing for the accession of this treaty due to following reasons:

1. Book famine
2. Treaty will benefit the more than 3 million blind Filipinos.
3. It's already enshrined in our intellectual property code.
We are already trying to accede to this treaty even before.

Several bureaus are under the IP office. One bureau is lacking but catering to a big sector – Bureau of Copyright. Based on the clamor, there ought to be a bureau that will take care of the copyright sector. It will implement the part of then IP code – law on copyright; limitations and exceptions in favor of the visually impaired. With the establishment of the bureau, we will start crafting IRRS. But in actuality, we have already started crafting IRRS for different portions of the IP code.



ELVIRA RAMOS

International Federation of Libraries and Institutions (IFLA)



We should continue to communicate and engage others to push for the Marrakesh Treaty. Part of our services to blind people and those with visual impairment are the amendments specifically identifying the National Library of the Philippines and Library of Supreme Court of the Philippines as they may already be considered as Authorized Entities.

The Roles of Librarians

We are authorized entities and we have specialized libraries for the blind and we produce materials for the blind. According to surveys, some numbers that we have to be considerate about is the number of blind people in the country. Now, there are technologies that could assess and help these people.

Specific roles of libraries as Authorized Entities

- Establish the legitimacy of users.
- Limit distribution to legitimate users, so as not to infringe copyright of rights holders
- Discourage unauthorized activities. We have to be conscious of what are being distributed to blind users.

GR. RAGAVENDHER

Marrakesh Treaty is an important Treaty. It is a human rights treaty for all the beneficiaries.

There are flexibilities, mandatory provisions.

Surprisingly many publishers are participating in this project; actually supporting this.

What member states needs to consider:

1. Adopt the minimum standards.
2. There are flexibilities and exceptions.
3. Development is different from one country to another. It is for you to decide which is the best methodology to implement.
4. One goal: To remove the book famine.



Louie Calvario

NEXT STEP: Position paper has been submitted to DFA. No need to modify legislation. Even before we accede to the country, we can start to fill in the gaps. We did not incorporate the details in the Marrakesh Treaty which could be remedied by filling out the missing details. We need to have rules and regulations to set the parameters.

We need other organizations in crafting these regulations. We need contributions from different agencies.

Q & A

Q: If you were to give suggestions and guidelines on implementing the treaty, what would you say?

A: Teddy Kahil – WBU is actually engaging in the Marrakesh Treaty project. We will be going for an 8-day workshop in Canada. Quoting the statement from IPO, we really have to involve blind people in crafting the IRR. There is a new organization Philippine Braille Accessibility Network, where officers are coming from different clusters. We are discussing how we can convince the government on how to ratify the treaty. We are adopting some strategies.



Q: On specific implementation, if the DepEd is an authorized entity that produces accessible format copy of printed book, in the form of audio book, then we upload it on Facebook, will the uploaded copy still constitute an accessible format?

A: The authorized entity should provide the copy to beneficiary. It cannot be done through social media. There should be direct communication between authorized entity and beneficiary individual. Authorized entity need to serve only the beneficiary. This should not spread to the market.

For students abroad, it depends on where the student resides. For Philippine Schools with students in the Middle East, there should be direct communication between the Authorized Entity and beneficiaries. Due care must be exercised to prevent piracy and prevent materials from spreading to the market. Though, a lot of blind associations work on a basis of language. It's a common practice to give accessible format to students.

Q: Why have the US / EU not acceded to Marrakesh Treaty?

A. It takes time but we are well aware that, in both cases, major progress is taking place towards ratification of the Treaties. In the US, we still have to know if they are interested in engaging in this treaty, with the change of administration.

India is the first country to ratify. Change of government slowed down in the US.

Q: Anika Rodrigues from NBDB: *(Comment)* It's important for some states to set an example, encourage the stakeholders to set the example. I suggest a parallel path where beneficiaries become content creators in format that are accessible for the benefit of their own community.



What has India done to protect the publishers from piracy? Marrakesh Treaty would increase the probability of materials to cross over to commercial market. There might be unintended consequences. **Any remedies for breaches?**

A: Data are encrypted. There are safety nets even within the IP code itself.

Q: Lauro Purcil – What can we do to immediately ratify Marrakesh Treaty?



A: (Gavendher) recently WBU is trying to provide a guide to Marrakesh Treaty.

Comments from speakers:

(GR. Ragavendher) Please note that Marrakesh Treaty is a copyright treaty. Balance is there. There is protection of copyright. Human rights aspect is attached to it. There are exceptions to the beneficiaries.

(Paolo Lanteri) It cannot be a pure human rights treaty because of the context it was negotiated and crafted, it was within the copyright context. But it mentions human rights; recognizes human rights. But even institutions representing WIPO are not human rights experts.

Q: Does Marrakesh Treaty include peer-reviewed journal?

A: We are not currently producing new books for scientific purposes. Most books are entertainment and education.

Peer-reviewed articles can be accessed via MP3 format. We have some in this format to accommodate persons with visual impairment.

