



## ISSUE BRIEF

### Marrakesh Treaty: Background and Ratification Status

The World Intellectual Property Organization (WIPO) Marrakesh Treaty to Facilitate Access to Published Works for Persons Who are Blind, Visually Impaired, or Otherwise Print Disabled, also known as the “Marrakesh Treaty” or “Treaty for the Blind,” was a significant achievement as the first WIPO treaty dedicated to limitations and exceptions, focusing on the rights of users rather than increasing the rights of rightholders. Thirteen countries have ratified the treaty.

The treaty sets forth minimum standards for limitations and exceptions designed to facilitate access to accessible formatted works for persons who are blind, visually impaired or otherwise print disabled. Importantly, it would also permit cross-border sharing of these accessible format works, allowing countries to avoid unnecessary duplication of efforts in the creation of accessible format works and also facilitate the importation of works in other languages. For example, a popular title would not have to be created in an accessible format work in the United States, then again in Canada, then again in the United Kingdom, and so forth. It could be created in one English speaking country then shared for the benefit of persons who are visually impaired in other English speaking countries. Persons in the United States could also benefit from this treaty through the importation of accessible format works in languages other than English, either to benefit those residing in the United States whose native language is not English, or to benefit those who are learning a foreign language.

Signing the treaty signals that a country agrees with the treaty and essentially constitutes an endorsement of the instrument. While it does not create binding legal obligations to adhere to the requirements of the treaty, it does oblige the signatory from undermining the treaty’s objectives. The US delegation signed the treaty at the adoption and signing ceremony in June 2013. Countries that have signed still need to ratify the treaty in order to be bound by it, and twenty ratifications are required before the Marrakesh Treaty will enter into force.

The US delegation is now considering what if any changes to US law are required in order to transmit the treaty to the US Senate for consideration and ratification. Throughout the treaty negotiation process, the US delegation (the US delegation was led by Justin Hughes, PTO) stated that no changes to US law were required. Recommending changes to the Copyright Act, section 121 in particular, would be deeply contentious and could delay and indeed, derail ratification of the treaty. The US delegation should not propose any changes other than technical, narrowly crafted changes to US law when it transmits the treaty package to the US Senate for ratification.