

Assistant Secretary Singh's Testimony
at the Senate Foreign Relations Committee Hearing on
the Marrakesh Treaty to Facilitate Access to Published Works for Persons
Who Are Blind, Visually Impaired, or Otherwise Print Disabled

April 18, 2018, 10:30 a.m., Dirksen Senate Office Building, Room 419

(5 minutes)

Thank you, Chairman Corker, Ranking Member Menendez, and members of the Committee. I am pleased to appear before you today to testify in support of the Marrakesh Treaty.

I would like to begin today by saying a few words about the importance of the Marrakesh Treaty. Today, there is a shortage of print materials formatted to be accessible for the many millions of people around the world, including Americans at home and abroad, who are blind, visually impaired, or who have other disabilities that prevent them from reading standard formats.

Less than 10 percent of books published worldwide every year are available in braille, large print, or accessible digital files, according to figures compiled by the World Intellectual Property Organization. This lack of resources creates a deficit of information, culture, and education for persons with what are known as “print disabilities.”

The Marrakesh Treaty addresses the gap in access to print materials for these persons by providing, with appropriate safeguards, that copyright restrictions should not impede the creation and distribution of copies of published works in specialized formats accessible to individuals who are blind, visually impaired, or with other print disabilities. It also fosters the cross-border exchange of such accessible format copies internationally.

I would now like to say a bit about the history of the Treaty and what accession would mean in terms of U.S. law.

The United States was actively involved in the preparatory work for the treaty over a number of years and played a leadership role at the Diplomatic Conference in the successful negotiation of the treaty, culminating with its adoption by consensus, on June 27, 2013 in Marrakesh, Morocco, at a gathering of 600 representatives from World Intellectual Property Organization (WIPO) member states.

This achievement was a tribute to the sustained commitment, effort and engagement of a number of U.S. federal agencies as well as stakeholders from the private and non-profit sectors. In particular, the U.S. Patent and Trademark Office led the U.S. negotiating team, assisted and joined by experts from the U.S. Copyright Office, the Office of the United States Trade Representative, the Department of State, the Department of Justice, the Department of Education, and the Institute of Museum and Library Services.

Our negotiators consulted closely throughout with U.S. stakeholders representing intellectual property rights-holders, blind and other individuals with print disabilities, libraries, and other organizations that play a vital role in distributing copies of accessible format materials. Many of them were in Marrakesh when the Treaty was finalized, and it is a pleasure to see a number of them here in the room today.

The United States signed the Marrakesh Treaty in October 2013 and, in February 2016, it was transmitted by the White House to the Senate for its advice and consent to ratification. The Treaty entered into force on September 30, 2016 when Canada became the 20th nation to ratify. Today, 35 countries have ratified or

acceded to the Treaty. But none has the range of print materials that the United States has.

The Marrakesh Treaty contains two principal obligations. First, it requires parties to provide exceptions in their national copyright laws for the creation and distribution of accessible format copies for persons with print disabilities. Second, it requires parties to allow the cross-border dissemination of accessible format copies, increasing the number of accessible works available in each country, including the United States.

The provisions of the Treaty keep the scope of the required exception within the parameters of existing international copyright agreements and are generally compatible with existing U.S. law. The Treaty requires other countries to adopt exceptions modeled closely on exceptions already found in U.S. law. Since 1996, section 121 of the Copyright Act (the Chafee amendment) has provided a copyright exception that permits authorized entities, such as libraries, to reproduce and distribute accessible format copies to persons who are blind or visually impaired.

This Treaty is seen as critical to providing access to learning by the blind community and individuals with other print disabilities worldwide. Ratification by the United States of the Marrakesh Treaty, together with enactment of implementing legislation that has been proposed, will have a significantly positive effect. It will allow Americans who are blind or visually impaired or with other print disabilities to access an estimated 350,000 additional works that they currently cannot read.

We are all happy to see this Treaty moving forward. Thank you for the opportunity to present the Administration's views on the Marrakesh Treaty to you today.