

Mr Jo Johnson MP, Minister of State for Universities, Science, Research and Innovation
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cc:

Ms Penny Mordaunt MP, Minister of State for Disabled People, Health and Work
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Ms Angela Constance MSP, Cabinet Secretary for Communities, Social Security and Equalities
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Dr Ros Lynch, Director of Copyright and Enforcement, Intellectual Property Office
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15 March 2017

Dear Mr Johnson

We are writing to you regarding the EU's implementation of the [Marrakesh Treaty](#) to **facilitate access to published works for persons who are blind, visually impaired or otherwise print disabled** which entered into force on 30 September 2016. The Treaty allows print disabled people to make accessible copies of books and other publications, or for "authorised entities" such as libraries to do so on their behalf, including supplying accessible copies between authorised entities across borders, without having to seek a rightholder's permission and with no mandatory requirement to pay compensation. The Treaty's goal is to resolve the problem of people with print disabilities only having access to less than 7% of all the books on the market.

A strong supporter of the Treaty during the WIPO negotiations, the UK was among the first signatories at the end of the Marrakesh diplomatic conference on 27 June 2013. The CJEU's [Opinion A-3/15](#) of 14 February last has made clear that the EU has competence to ratify the Treaty on behalf of all Member States. Given the progress made by the European Parliament and the Council, it is likely that the Marrakesh Directive will be implemented in the UK and the Regulation will also apply before the UK exits the EU.

We are very concerned that some amendments proposed by European Parliament Committees and by certain Member States in Council, including the UK, are seeking to introduce changes to the ratifying legislation that could seriously undermine the Treaty's objectives. If barriers not mandated by the Treaty are imposed, i.e. obligations to pay compensation to rightholders (which seems inappropriate since the need for the Treaty stems from market failure and it already protects rightholder interests), or to check for commercially available copies of books in the required format (impossible when working with countries with poor market information) before making or sharing accessible format copies, or cumbersome reporting burdens, the ability of authorised entities to serve print disabled people will be significantly diminished by costs and bureaucracy.

We ask you to take a strong position in favour of fairness and the human rights of print disabled people by making it as simple as possible for libraries and other authorised entities to help visually impaired people to at last have equal access to publications in a way that actually works for them. We also ask you to call on your colleagues in Council to respect the [Agreed Statements to the Treaty](#), as well as the *UN Convention on the*

Rights of Persons with Disabilities, to which the UK is a contracting party. Libraries and others should not face more regulation when serving print disabled people compared to serving anyone else. Requiring authorised entities to be formally registered will discourage participation, limiting the size of the network available to provide access to the Treaty's benefits and is contrary to the spirit of the Agreed Statement concerning Article 9. A strong network of libraries and other authorised entities supporting the print disabled community, is essential for a meaningful delivery of the Treaty's provisions to its intended beneficiaries.

We are happy to provide further information about these proposals. Please send your reply to Yvonne Morris, Secretary, Libraries and Archives Copyright Alliance (LACA) at yvonne.morris@cilip.org.uk

Yours sincerely

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