

The Marrakesh Treaty and stories of librarians in Latin America

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Abstract:

The Marrakesh Treaty is not yet ratified in some countries in Latin America, either is implemented; but it is amazing how we can plan and execute actions to write in scientific journals, teach and learn in virtual courses, edit Wikipedia together and the most important thing: enhance an active and vibrant community of librarians. This article shows the experience of three librarians who didn't meet each other face to face yet; but they have understood from their different latitudes the importance of access to information for people with disabilities and the Marrakesh Treaty. That's why they work together on Internet to promote it, from Colombia, Argentina and The Netherlands.

Keywords: Marrakesh Treaty - Latin America - Wikipedia - Community - Disability

An introduction

David and Leonardo are “The Ramírez Bros.”. They were born in Colombia. Currently David is part of the IFLA Leadership Program, and recently moves to The Netherlands. Leonardo is based on Bogotá, Colombia, and is one of the leaders of the *#BibliotecariosAlSenado* movement, which seeks to achieve flexibilities to copyright for libraries, archives and museums (Ramírez-Ordóñez, 2018). Virginia lives in Mar del Plata, Argentina. She is a project manager in the Ibero-American Network of Experts on the Convention on the Rights of Persons with Disabilities (Red CDPD, 2014), and tries to make visible the importance of the Marrakesh Treaty in her country. Between Mar del Plata and Bogotá, there are about 5,036 km of air

distance. From the Netherlands to Bogotá, 8,879 km. There are many kilometres to be able to say that the three of them work together, and yet they do it. The Internet in this context reduces gaps and enables three people in three different countries to discuss, learn and build on a more inclusive society.

Here we show how it's possible to build a better world collaboratively, but also that librarians are real engines for change in Latin America, and throughout the world. It is, before librarian, person, and when people do things for people, great results are possible. Common interests can unite people more than geography.

Journal articles

David and Virginia are part of the Copyright Network for Latin America and the Caribbean (REDLACDA in Spanish). They constantly talk about different topics, but a recurring issue is access to information in the context of copyright and related rights. In this framework, together with other colleagues, they have thought about the implications of the Marrakesh Treaty in Latin America, and the need to be able to write about it. The collaborative work methodology invites all people who are part of the Copyright Network for LAC to join them to learn, explain and share experiences. Some talks on the Marrakesh Treaty (Organización Mundial de la Propiedad Intelectual, 2013) produced a paper for the Latin American Journal on Disability, Society and Human Rights (Simón & Ramírez-Ordoñez, 2018).

The challenge of collaborative writing also became mutual learning about the intellectual property systems in the two countries: Colombia and Argentina. In Argentina it has acceded and ratified the Marrakesh Treaty, and it's waiting its implementation. Colombia signed the Treaty, but it hasn't been ratified yet. However, in recent months there were updates to the copyright law in both countries, and librarians must engage in this process.

Advocacy for the access to information

In Argentina, a federal debate has been opened through the digital platform *Justicia2020* of the Human Rights Ministry of the Nation (Ministerio de Justicia y Derechos Humanos, Presidencia de la Nación de la República Argentina, 2018), where it has been possible to discuss the modifications to the Intellectual Property Law No. 11723 (Congreso de la Nación Argentina, 1933). In this context we can request the implementation of copyright exceptions for people with disabilities that allow the implementation of the Marrakesh Treaty, among other flexibilities that libraries need. Currently the debate is closed, but the library community is ready to start a new debate.

In Colombia, after pressure from the civil society, there were public hearings in the Congress of the Republic, where the library field had become a valid interlocutor, and using the *#BibliotecariosAlSenado* campaign, more librarians become part of the advocacy process. After some debates, the implementation of the Marrakesh Treaty was suspended by request of the civil associations of people with disabilities. The librarians are waiting to the implementation to see how libraries can be part of this.

Education, community and Wikipedia

During March and April 2018, some Copyright Network participants offered a virtual course on access to information for people with disabilities (Simón, Ramírez-Ordoñez, Maura

Tejeda, & Campos Sánchez, 2018). This course was possible thanks to the support of the National Council of Scientific and Technical Research of Argentina (CAICYT, the acronyms in Spanish), who provided their institutional and technical support through their training area. This course was offered by teachers from Peru, Colombia and Argentina, in order to provide an approach to the topic of access to information for people with disabilities and study the Marrakesh Treaty in libraries, its challenges and perspectives in four modules, one per week.

The course was free in two ways: the students didn't pay and the contents were published in public domain. We work on: evolution of the concept of disability through disability models, Convention on Rights of Persons with Disabilities, copyright and the Marrakesh Treaty, damage to the life project and the presentation of resources and applications of access to information for people with different disabilities. The students and even some teachers were very involved in the “gift” that this course offered to Internet: an edit-a-thon in Spanish Wikipedia's article on Marrakesh Treaty (Wikipedia, s/f).

We created a public Zotero Group to share our bibliography (Ramirez-Ordoñez, 2017) to write in community, share readings and generate a commonwealth. About the experience in Wikipedia, we work to contribute by adding information about a topic that goes unnoticed by those who do not have any type of disability that makes it difficult to access reading and there was a short article in Spanish. One of the most popular websites on Internet can be a very good platform to explain to others what is the Marrakesh Treaty, how does it work and in which countries is available the exchange of documents

Tema	Comenzado por	Réplicas	Último mensaje
Grupo 4	 María Ayelén Dehaes	0	María Ayelén Dehaes
cional (es) ▾			David Ramírez-Ordóñez 
Grupo 9	 Ana Laura Peña Aguilar	7	sáb, 14 de abr de 2018, 18:18 Ana Laura Peña Aguilar
TODOS LOS GRUPOS	 alicia angela lopez	26	mié, 11 de abr de 2018, 14:50 María Ayelén Dehaes
Grupo 3	 Maria Felicia Chamorro Cristaldo	18	mar, 10 de abr de 2018, 18:15 María Cecilia Corda
Grupo 4 Wikipedia	 Clara Delia Flohr Romero	16	mar, 10 de abr de 2018, 11:47 David Ramírez-Ordóñez
Grupo 10	 Miguel Sanzberro Garcia	20	mar, 10 de abr de 2018, 03:32 David Ramírez-Ordóñez
Grupo 1	 mileide abrego	14	mar, 10 de abr de 2018, 03:24 Paola Banegas
Grupo 6	 alicia angela lopez	34	lun, 9 de abr de 2018, 20:23 natalia eugenia ithurrart
Grupo 2	 Angelica Bautista Alonso	9	lun, 9 de abr de 2018, 20:16 Angelica Bautista Alonso
Grupo 5	 Alfredo Walter Garcia	2	lun, 9 de abr de 2018, 16:48 Matias Luis Gauna Gonzalez
Adopción del artículo de Wikipedia del Tratado de Marrakech	 Maria Felicia Chamorro Cristaldo	0	dom, 8 de abr de 2018, 21:59 María Felicia Chamorro Cristaldo
Grupo 3: Tema para trabajar Tratado de Marrakech	 Juan Carlos Constanzo	7	sáb, 7 de abr de 2018, 18:53 David Ramírez-Ordóñez
Grupo 7	 Andrea Paola Lucero	11	vie, 6 de abr de 2018, 12:31 Virginia Inés Simón
Grupo 1	 Viviana Appella	5	jue, 5 de abr de 2018, 10:38 David Ramírez-Ordóñez
			mié, 4 de abr de 2018, 16:38

Ilustración 1: Forum to organize the class edit-a-thon in the Marrakesh Treaty article in Wikipedia. Mainly Argentinian participants. This image shows the different groups created in the Moodle class (10 in total) and the number of comments do specific debates (26 comments the top in one debate). It shows too the name of the last person who commented and the date.

In the edit-a-thon the students recognized themselves within the disability models, a very organic way to understand about what we are talking about. Not being able to write or express their ideas in the wiki language forced them to create collaborations to achieve the challenge of update the Wikipedia article.

Wikipedia allowed transformations to generate accessible formats. This means that if someone, an institution or a group of people want to create an accessible encyclopedia or text, they can use Wikipedia and adapt the text or images. There is still information missing and librarians can get involved in this kind of project to give access to information. This can open a new landscape to attend other disabilities from the librarian field, for example the deaf community. Do librarians study sign language, do they know Braille? Are all libraries and librarians ready to deal with the different barriers to accessing information? What about cognitive barriers?

The Wikipedia article can help to give information to decision-makers and to newcomers to this issue. Maintain a clear and complete article can be a way to advocate for access to information and engage other communities, like wikipedians. Leonardo use this article in the #1Bib1Ref campaign to edit and teach to students in schools in Colombia how to make good references. Nowadays the German and Spanish articles about the Marrakesh Treaty are the most complete encyclopedia information in the free encyclopedia of Internet.



Ilustración 2: #1Bib1Ref Workshop flyer in Bogotá, Colombia. Date, place and topic of the workshop, and a brief description of the event: The University Library of Universidad Santo Tomás invites to participate in the first #1Bib1Ref Wikipedia workshop (One librarian, one reference).

Understanding the Crews report on copyright

We create as well a data visualization to understand the Crews report on limitations and exceptions for copyright about libraries and archives (Ramirez-Ordoñez & Simón, 2018). This research shows the EIFL check list for basic activities of libraries (2016) to compare the copyright law of Latin American countries mentioned in the Crews report (2017), reflecting the status of exceptions and limitations in detail. About exceptions for people with disabilities, we found that from the 2 possible exceptions of the EIFL list, none of the countries has all of them.

Only Nicaragua, Cuba, Jamaica and French Guiana has just one. It means that our region need to update the national copyright law to give a legal framework to attend people with disabilities.



Ilustración 3: Limitations and exceptions to copyright for people with disabilities. Available on <http://micros.nomono.co/copyright-lac/en/discapacidades/> Map of the Latin American countries marked in red if there isn't exceptions and limitations for people with disabilities. The countries with all the exceptions should be in white, but the absence of this color shows that there is a lack of laws in our region.

The Marrakesh Treaty Observatory in Latin America

The Marrakesh Treaty Observatory is a working sub-group of the CDPD Network, formed by researchers, professionals, civil society organizations, and decision makers: people with experience in issues of intellectual property, disability and Human Rights. The Observatory seeks to establish a space for permanent monitoring of the Marrakesh Treaty to facilitate access to published works for blind people; with visual disability or with other difficulties to access the printed text in Latin America.

The Observatory advocates for debate and dissemination of information, but at the same time constitutes itself as an entity specialized in the topic, to incorporate the principles of the Marrakesh Treaty in all the countries in Latin America, enabling people with disabilities or difficulty to accessing conventional reading, exercise and fully enjoy all the rights inherent in their human condition, understanding that the right of access to information is a gateway to other Human Rights. In this Observatory is particular the participation of librarians. It seeks to raise awareness about the importance of libraries as authorized entities.

Status of the Marrakesh Treaty in Latin America

If we analyze the total of countries that have signed the TM over the total of countries belonging to Latin America and the Caribbean, there is a great debt with respect to the commitment of the States on access to information for people with disabilities. Out of a total of 20 countries that make up Latin America, 16 have signed the Marrakesh Treaty: Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, Paraguay, Peru, Dominican Republic, Uruguay. The number seems encouraging, however, the situation becomes alarming when the level of signature, adhesion, ratification and implementation by each country is detailed. Only 13 have adhered or ratified. Since the entry into force in each country, to date, only one country in all of Latin America has implemented it: Uruguay.

Country	Signature	Ratification	Into force	Implementation
Argentina	May 21, 2014	April 1, 2015	September 30, 2016	Not yet
Brazil	June 28, 2013	December 11, 2015	September 30, 2016	Not yet
Chile	June 28, 2013	May 10, 2016	September 30, 2016	Not yet
Colombia	June 28, 2013			Not yet
Costa Rica	June 28, 2013	October 9, 2017	January 9, 2018	Not yet
Ecuador	May 8, 2014	June 29, 2016	September 30, 2016	Not yet
El Salvador	October 11, 2013	October 1, 2014	September 30, 2016	Not yet
Guatemala	June 2, 2014	June 29, 2016	September 30, 2016	Not yet
Haiti	June 28, 2013			Not yet
Honduras		March 29, 2017 (They join in)	June 29, 2017	Not yet
Mexico	June 25, 2014	June 29, 2015	September 30, 2016	Not yet

Country	Signature	Ratification	Into force	Implementation
Panama	June 28, 2013	February 10, 2017	May 10, 2017	Not yet
Paraguay	June 28, 2013	January 20, 2015	September 30, 2016	Not yet
Peru	June 28, 2013	February 2, 2016	September 30, 2016	Not yet
Dominican Republic	June 28, 2013			Not yet
Uruguay	June 28, 2013	December 1, 2014	September 30, 2016	October 16, 2017

Table 1: Countries, signatures, ratification, into force and implementation

While this paper is being finalized, the Congress of the Argentine Nation has presented for its treatment and session, the Implementation Project of the Marrakesh Treaty, through the modification of some articles of the Intellectual Property Law No. 11723 on the exceptions to copyright for people with disabilities, necessary for the application of the Treaty. It is a strong desire that at the moment of sharing this presentation, the implementation of the TM in Argentina is a fact.

Next steps

Librarians in Latin America are learning and defending the Marrakesh Treaty. The collaborative work through different activities such as those mentioned it was possible. This can be replicated in many other libraries in Latin America and the world. The knowledge and appropriation of the Marrakesh Treaty is a powerful tool of access to information to achieve the United Nations' Sustainable Development Goals, making librarians playing an important role of this story, as agents for change.

These three librarians believe that it is possible to copy, adapt and enhance this model to become heroes in our communities. Libraries are people, working to get closer to equality. If we didn't born with super powers - as Superman - (Tarantino, 2004), the librarians can use their sophisticated tools - as Batman - and the Marrakesh Treaty is that tool. A bridge of access to information, to such a big amount of rights. The librarians using the Marrakesh Treaty can contribute to guarantee the full exercise of rights of persons with disabilities, the exercise of dignity, independence and a more diverse and cosmopolitan world (Appiah, 2007).

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