

## **Treaty for Visually Impaired Persons (TVI) and treaty proposal on Copyright Limitations and Exceptions for Libraries and Archives (Tlib): implications for the Developing World**

**Denise Rosemary Nicholson**

Scholarly Communications and Copyright Services Office  
University of the Witwatersrand  
Johannesburg, South Africa



Copyright © 2013 by **Denise Rosemary Nicholson**. This work is made available under the terms of the Creative Commons Attribution 3.0 Unported License:

<http://creativecommons.org/licenses/by/3.0/>

---

### **Abstract:**

*Access to knowledge is the key to socio-economic development in all countries around the world. Without access to information for personal, educational, social, business, political and many other reasons, individuals would not develop or advance beyond their current situations. Unfortunately, for too many people in the developing world, especially persons with sensory disabilities, access to knowledge is an unattainable goal. Their socio-economic circumstances restrict or prevent them from participating in civic, democratic or political activities, and the development process in their countries. Because they do not have access to necessary information to enable them to exercise their basic human rights, they cannot participate equally with those who are privileged to enjoy such rights. Their difficult socio-economic circumstances are exacerbated by draconian copyright laws, which block or seriously restrict access to knowledge. This paper discusses current copyright trends, human rights aspects and the implications of two treaties for the developing world, namely, the 'Treaty for the Blind, Visually Impaired and Other Reading Disabled Persons' (TVI), now called the 'Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled' and the 'Treaty Proposal on Copyright Limitations and Exceptions for Libraries and Archives' (TLIB).*

**Keywords:** access to knowledge; blind; visually impaired; Marrakesh Treaty; Treaty for Libraries and Archives; WIPO

---

### **International Copyright Trends**

The needs and economic aspirations of large multinational corporations, publishing, software and entertainment industries have for years been carefully incorporated in copyright regimes, tailor-made at the international level through conventions and treaties which, until recently, excluded information users' rights. In the Berne Convention, administered by the World Intellectual Property Organization (WIPO), and the Trade Related Aspects of Intellectual

Property Agreement (TRIPS), administered by the World Trade Organization (WTO), authors' rights were specifically identified, articulated, mandated and entrenched in copyright law. However, limitations and exceptions to these rights to facilitate access to information were general, ambiguous and discretionary, without any real force in the absence of state action (Okediji, 2006). As a result, the balance in copyright between the rights of authors and the rights of users has become skewed. Information-users, particularly in developing<sup>i</sup> and least developing countries<sup>ii</sup>, have borne the brunt of this strong bias in favour of rightsowners. Key stakeholders such as librarians, archivists, researchers, educators and persons with disabilities were previously excluded from the legislative process at international, regional and national levels. This resulted in them having to accept copyright laws that benefited net exporters of intellectual property, rather than addressing their own domestic conditions.

### **Copyright and Human Rights**

For the most part, human rights issues have inadvertently been omitted or purposely excluded from copyright law. The balance in copyright has therefore been compromised. The focus has been on protection and economic profits, rather than human needs and aspirations.

It is the relentless pursuit of profits and the closing of the information commons that is forcing readers, patients, and consumers to question the international intellectual property regime and the poverties of content and access that it produces. (Baker, 2013: 11)

Without the appropriate balance between protection and access, the international copyright system not only impoverishes the global public but, ultimately, it undermines its own ability to sustain and reward the creative enterprise for the long-term future (Okediji, 2006: xii).

Apart from a statutory monopoly that protects copyright owners,

the main clash of human rights and intellectual property in general and copyright in particular manifest[s] itself in the inconsistencies between the moral and material interests of the author being the owner of the copyright and the benefits of members of public as they claim their rights in enjoying the results of cultural literary and scientific progress of the society as a whole (Ayoubi, 2011: 9).

These tensions between copyright and human rights constantly pull in opposite directions with the most impact being felt by the developing world. Rightsowners strive for more control, protection and enforcement “through restrictive copyright laws, licences and technological protection measures in the digital environment, whilst information-users endeavour to exercise their access to information rights afforded to them constitutionally and in their national legislation (Nicholson, 2012: 25).

### **Copyright and the Developing World**

Where copyright laws have been reviewed in developing countries to date, rightsowners have pressed for stricter copyright laws, with extended copyright terms, without limitations and exceptions. Through its Technical Program for developing countries, WIPO has stressed the importance of stricter intellectual property for economic growth and development, but has not highlighted the benefits of limitations and exceptions for education, libraries, research and persons with sensory disabilities to achieve those goals.

Even though many developing countries have signed international intellectual property conventions and treaties, willingly or under pressure from developed countries through Free Trade Agreements and Economic Partnership Agreements, few of them have adopted

appropriate limitations and exceptions for their domestic circumstances. Many developed countries have adopted limitations and exceptions into their national laws, whilst most developing and least-developed countries have not yet done so for a number of reasons, e.g. more pressing socio-economic issues, lack of capacity and resources, political strife, or lack of political will to amend, implement and enforce new legislation.

Developing countries are net importers of intellectual property, so developed countries continue to ‘control the purse-strings’ and enforce their rules in ‘the international copyright game’.

### **Shift in WIPO’s Policies**

After civil societies petitioned for inclusion at WIPO meetings, there was a noticeable shift in WIPO’s policies and processes around 2005. Civil societies, libraries and archives, researchers and organisations serving persons with disabilities were included in WIPO’s 2006 meetings and its General Assembly.<sup>iii</sup> At the 2007 General Assembly, WIPO Member States adopted 45 recommendations of the 111 original proposals made by the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA) (WIPO, 2007). During the period 1999 to 2006, WIPO had already embarked on the following investigative studies to establish the situation in Member States with regard to limitations and exceptions affecting different user groups:-

- Exceptions and Limitations to Copyright and Neighboring Rights, 1999 (Pierre Sirinelli)
- Digital Environment, 2003 (Sam Ricketson)
- Automated Rights Management Systems, 2006 (Nic Garnett)
- Visually Impaired, 2006 (Judith Sullivan)

In 2008 and 2009, WIPO commissioned further studies on limitations and exceptions as follows:-

- Libraries and Archives, 2008 (Kenneth Crews)
- Educational Activities for Asia and Australia, 2009 (Daniel Seng)
- Educational Activities in North America, Europe, Caucasus, Central Asia and Israel, 2009 (Raquel Xalabarder)
- Educational Purposes in the Arab Countries, 2009 (Victor Nabhan)
- Educational and Research Activities in Latin America and the Caribbean, 2009 (Juan Carlos Monroy)
- Teaching in Africa, 2009 (Joseph Fometeu) (WIPO, n.d.).

These studies provide extensive and valuable information about member countries’ copyright systems and what relevant limitations and exceptions have or have not been adopted into national laws. They also show WIPO’s commitment to address some of these difficult issues and to provide empirical evidence to enable member states to make more informed decisions and policy changes at the national level (Nicholson, 2012: 48).

### **Copyright and Persons with Disabilities**

According to the World Health Organization (WHO), there are “285 million people are visually impaired worldwide: 39 million are blind and 246 have low vision. About 90% of the world’s visually impaired live in developing countries” (WHO, 2012, para. 1). The World Blind Union estimates that of the million or so books published worldwide every year, less

than five per cent are made available in formats accessible to visually impaired persons, and less than one percent in the developing world. As a result, millions of people have been deprived of access to global knowledge. As marginalized communities, they have been excluded from mainstream community life, resulting in poverty, lack of education, unemployment and dependence on others.

Research conducted by the author<sup>iv</sup> shows that out of 125 developed and developing countries' copyright laws surveyed in 2012, only 70 of them have some limitations and exceptions for blind or disabled persons. These provide different levels of access and use variant terminology.

Of the African countries reviewed, only four have included some provisions for persons with sensory disabilities into their national copyright law. Cameroon, Nigeria and Rwanda have exceptions for blind persons only. Malawi's proposed Copyright Amendment Bill (2010) provides for blind persons but it has not yet been passed. Uganda has made provision for both groups, i.e. transcription of Braille for blind persons and sign language for Deaf persons in its Copyright legislation (Nicholson, 2012: 48).

Of the remaining 55 countries surveyed, none of them have any specific limitations and exceptions for persons with sensory disabilities.

Some of these countries do, however, have limitations relating to 'fair use' or 'fair dealing', or exceptions relating to certain permitted acts, such as private reproduction, translation (mainly through licensing options), adaptation, arrangement and/or other transformation of a work, or parallel importation, which could possibly be applied to persons with sensory disabilities too. They may also have other laws or regulations that influence or impact upon their copyright legislation. The context, circumstances and merits of each situation would, however, need to be examined before a visually or hearing impaired person could engage in any of these abovementioned acts (Nicholson, 2012: 48).

This research shows that there are no standard copyright limitations and exceptions addressing persons with sensory disabilities. For blind persons, even 'fair use' or 'fair dealing' provisions cannot be exercised, because of other restrictions that create access barriers, such as the making of adaptations, format-shifting, technological protection measures and licensing. Also, cross-border sharing of accessible material from one country to another is not permitted due to the territorial nature of copyright law.

### **The Road to Marrakesh**

In October 2008, the World Blind Union submitted to WIPO the proposal for a Treaty for Improved Access for Blind, Visually Impaired and Other Reading Disabled Persons ('TVI')<sup>v</sup>, which was formally introduced at the May 2009 WIPO Standing Committee on Copyright and Related Matters' (SCCR) meeting by Brazil, Ecuador and Paraguay. After several years of debate about this treaty and much opposition from some developed countries, there was finally a major breakthrough on 27 June 2013 at the WIPO Diplomatic Conference in Marrakesh, Morocco. The said proposed treaty was adopted by Member States and renamed the 'Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled'.<sup>vi</sup>

The Marrakesh Treaty will forever be remembered as the first WIPO treaty that reaffirms exceptions and limitations in the copyright regime, but also as a means to end the book famine that has long plagued people with visual impairment and print disabilities." (South Africa. Dept. of Women, Children and People with Disabilities, 2013: 2).

“This is the first treaty administered by WIPO that focuses on user rights, and the first treaty at WIPO that focuses on the human right ‘to participate in the cultural life of the community’” (Knowledge Ecology International, 2013, para 1). Its preamble recalls “the principles of non-discrimination, equal opportunity, accessibility, and full and effective participation and inclusion in society, proclaimed in the Universal Declaration of Human Rights and the United Nations Convention on the Rights of Persons with Disabilities” (International Centre for Trade and Sustainable Development, 2013, para 14).

WIPO’s Director-General Francis Gurry described this treaty as “a victory for the blind, visually impaired and print disabled, but also for the multilateral system” (UN News Centre, 2013, para 3).

### **Implications and Practical Benefits of the ‘Marrakesh Treaty’**

The Marrakesh Treaty specifically calls on Member States to establish exceptions and limitations to copyright holders’ exclusive rights in their national laws to allow for the unauthorised creation of accessible formats (e.g. Braille, audio and large print). It does not, however, exclude the possibility of individual States requiring the payment of reasonable royalties to copyright holders for conversion of their works to accessible formats.

The treaty provides for the free flow of accessible copies for use by persons with visual disabilities domestically, regionally and/or internationally, i.e. countries are obliged to allow the cross-border export of works to persons with visual disabilities in accessible formats. There is a proviso, though, that

export of accessible format copies or re-export of such copies received from abroad is only permissible under exceptions from exclusive rights recognised under the WIPO Copyright Treaty or meeting an equivalent standard under the new Marrakesh treaty (SAMRO, 2013, para 7).

A further proviso is that

any cross-border exchange or domestic use must take place through authorised entities which will have to meet certain accountability and transparency requirements. The work may also not be altered or used outside of the envisaged scope, aimed at protecting the integrity of the copyright-protected work (SAMRO, 2013, para 7).

The treaty also ensures rightowners that “the system will not expose their published works to misuse or distribution to anyone other than the intended beneficiaries” (UN News Centre, 2013, para 3).

An important feature of the treaty and implication for access to knowledge is that it calls on States’ parties to undertake efforts to ensure that technological protection measures (TPMs) do not block or hinder the flexibilities granted to the treaty’s beneficiaries (Benedict, 2013).

The most admirable implication of this treaty for the developing world is that it will restore dignity, self-esteem and independence to millions of blind and visually-impaired persons, who have been the victims of discriminatory copyright laws and practices that have created barriers to accessing knowledge. This treaty will raise their status from ‘charity cases’ or marginalised and generally unemployed communities to equal citizens with equal rights. It will provide better opportunities to access information to enable them to exercise other human rights which have to date been prejudiced or violated, because of their lack of access to information and knowledge.

It is indeed disturbing that millions of people have for so long been the victims of discriminatory legislation that has impeded their personal and socio-economic development. It is hoped that the Marrakesh Treaty, once implemented and adopted in national laws, will change this situation forever.

On a practical level, here are some of the benefits of this treaty for blind and visually impaired persons:-

- Blind students will now be able to have their textbooks and study material converted (including orphan works<sup>vii</sup>) into an accessible format at the earliest opportunity, without having to pay high copyright fees and endure the tedious process of copyright clearances. Having information in an accessible format can be the difference between success and failure (Nicholson, 2006).
- The availability of audio books is increasing but still falls well behind that of traditionally published titles (Nicholson, 2006). This means there is usually a delay before persons with visual disabilities can read bestsellers and other popular material. The treaty will allow accessible versions to be made by authorised entities soon after they are published in print.
- Blind and low vision persons will now be able to convert documents, training manuals, books and journal articles and other information to develop skills for employment purposes, or to advance their studies for better opportunities. This will empower them to participate fully in mainstream community life.
- The treaty will vastly expand access to works for persons who share a common language. It will allow authorised entities such as libraries and non-governmental organisations in a developed country, e.g. France, Spain, Portugal, the Arab countries, and the UK (or any other English-speaking country), to send accessible format books directly to authorised entities or blind individuals in developing countries in Africa, South America and other parts of the world, where these languages are also spoken. “In some countries of the former Soviet states, for instance, blind schoolchildren still have no modern books, and rely instead on ancient Braille textbooks printed in Russia during the socialist period” (eIFL, 2013, para 4). This treaty will enable blind persons who are refugees, emigrants and/or part of indigenous communities to read in their own cultural languages and to access more reading material through cross-border sharing of accessible material.
- Prior to the Marrakesh Treaty, cross-border sharing of works in accessible formats has been illegal. This has resulted in huge collections of accessible books being trapped behind national borders, excluding blind and visually impaired persons in developing countries from benefiting from those works. As a result, the same books have had to be converted into an accessible format in each country where a blind person required it. This resulted in duplication of costs and effort. Very often it was too expensive or took so long to produce that blind and visually impaired persons were deprived of that knowledge at the time they needed it, or they were forced to use outdated material. Now cross-border shipment will be legal, cost-effective and with little administrative burden (Natsis, 2013).
- Currently, digital rights management with technological protection measures lock up information on e-books (e.g. Kindle or iBooks) by blocking text-to-speech software. This treaty allows these digital locks to be opened or decoded, without permission from rights-holders. It also allows a work to be printed in Braille

without permission. This is a positive and practical solution to a long-standing problem, where blind persons, even though they had paid for their e-books, could not circumvent these protection measures for access purposes, without copyright clearance.

The world must celebrate the ‘miracle at Marrakesh’ and ensure that its impact changes lives quickly and effectively, particularly in the developing world.

Empowering the blind, or visually impaired persons, is vital for raising their economic and social status. It becomes, therefore, a shared responsibility to help making such empowerment succeed for the benefit in particular of the many groups in society that have a stake in this process. Policymakers are called to adopt a pragmatic approach; service providers, an effective implementation; and the labour market, to remove all forms of discrimination (The Holy See, 2013, para 14).

Although Member states have committed to this treaty, it does not mean that they all will sign or ratify it. Some may believe that their national laws already meet the criteria. Others may boycott or delay signing the treaty because of pressure from their intellectual property industries. Some may have the will to ratify the treaty but may not have the resources to amend their national laws or enforce the provisions of the treaty.

The Marrakech experience however underscored the urgent need for the United Nations system, through the Committee on the Rights of Persons with Disabilities to establish a tracking system for all international treaties which have the potential to impact either positively or negatively on the rights of persons with disabilities. Undoubtedly, this will enable the UN to issue advisories to States Parties regarding upcoming negotiations, in addition to guiding negotiations within the context of the Convention. Marrakech also highlighted the importance of the voice of persons with disabilities in negotiation processes. Strong and informed voices require an investment by States Parties in the empowerment of persons with disabilities (Permanent Mission of South Africa, 2013: 3).

Hopefully, this Treaty is the beginning of an era in which international copyright law will again accord the public interest its legitimate place, advancing human rights, personal development, and the progress of open societies (Franz, 2013, para 7).

### **Copyright Limitations and Exceptions for Libraries and Archives Treaty Proposal**

The 2008 WIPO Study of Limitations and Exceptions for Libraries and Archives by Kenneth Crews studied the statutes of 149 of the 184 WIPO Member States and found that

libraries and archives work under a patchwork of provisions that differ in scope and effect from country to country. Established in the print era, these provisions increasingly fail to address the legal and policy challenges of the global digital environment (IFLA Copyright Issues for Libraries, 2013, para 3).

Out of the 149 countries, Crews found that 21 countries have no library or archives exceptions; 27 countries only have a general exception (IFLA, Copyright Issues for Libraries, 2013).

This study provided valuable information for librarians, copyright specialists, the World Blind Union, and representatives of other civil society organisations who met in London in 2009 to develop a set of principles for international norm setting. This resulted in the Treaty Proposal on Copyright Limitations and Exceptions for Libraries and Archives (‘TLIB’) being drafted and tabled at WIPO’s SCCR meeting in November 2011<sup>viii</sup>.

According to the International Federation of Library Associations and Institutions (IFLA), these are some of the major issues that need to be addressed by the proposed Treaty:<sup>-ix</sup>

- The absence in many countries of exceptions to copyright for core activities, like lending, preservation, and inter-library document supply, means that documentary heritage will disappear and may not be available to future generations.
- Exceptions to copyright which enabled libraries and archives to preserve and make available works in the print era have not been updated to the digital age, particularly with respect to digital archiving and virtual learning environments.
- Licences imposed by rightholders on libraries for access to electronic resources often override limitations and exceptions to copyright designed to support education, learning and creativity.
- Prohibitions to circumvent Technological Protection Measures (TPM) to preserve, and enable permitted use of lawfully acquired digital content, are hampering research, and leading to an incomplete cultural, scientific and historical record. The Internet offers new opportunities for information and communication. Established practices of resource-sharing among libraries to advance knowledge are increasingly cross-border and multi-jurisdictional. Unless this is reflected in copyright laws, education will be impaired, especially harmful for developing countries and for those living in rural or remote areas. (IFLA, Frequently Asked Questions, 2013, para 3).

### **Implications of the Treaty for Libraries and Archives (TLIB) for the Developing World**

This treaty proposes the highest level of access for library and archive users within the framework of international copyright treaties, conventions and the Berne 3-step test. It will have very positive implications for library users around the world, and particularly in the developing world, where the cost of books, journals and other reading material is prohibitively expensive. Most developing countries have adopted few, if any appropriate limitations and exceptions for their domestic circumstances. Libraries are often the only source of information for many people in developing countries.

This treaty will empower libraries to enhance their services to facilitate access to information to all patrons, including persons with sensory disabilities. It will remove current barriers which prevent libraries from carrying out their statutory mandates to serve the public. It will enable them to provide lending and document delivery services, preserve cultural heritage and library collections for perpetuity. Many libraries in developing countries do not have the resources to engage in conversion projects so a large part of their collections has become obsolete and inaccessible. This treaty will allow libraries to convert analogue material to digital formats for access and preservation purposes. Archives will be able to enhance their services to information-users too. In essence, this treaty will increase the knowledge base for people around the world, but in particular, it will facilitate access to information-starved communities in the developing world.

### **Conclusion**

The way treaties are implemented at the national level is as important as how they are negotiated at the international level. As soon as the Marrakesh Treaty comes into effect, Member States will need to focus on ratification and implementation at the national level.



It is important that they also continue to support and eventually adopt the Treaty for Libraries and Archives, as well as the Africa Group's Treaty which also includes research and education. With these treaties in place, there will be infinite possibilities for information users and libraries.

#### Notes:

- 
- <sup>i</sup> List of developing countries - <http://www.isi-web.org/component/content/article/5-root/root/81-developing>
- <sup>ii</sup> List of least-developed countries - [http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/org7\\_e.htm](http://www.wto.org/english/thewto_e/whatis_e/tif_e/org7_e.htm).
- <sup>iii</sup> The author was the first librarian from a developing country to attend the WIPO General Assembly in Geneva in 2006, when she presented a statement for IFLA on 'Libraries and the Development Agenda'.
- <sup>iv</sup> Nicholson DR (2012). Accommodating Persons with Sensory Disabilities in South African Law. [Masters Dissertation] <http://wiredspace.wits.ac.za/handle/10539/12525>.
- <sup>v</sup> The original text of TVI can be found at [http://www.keionline.org/misc-docs/tvi/tvi\\_en\\_pdf.pdf](http://www.keionline.org/misc-docs/tvi/tvi_en_pdf.pdf).
- <sup>vi</sup> Marrakesh is also spelt Marrakech. This treaty does not have any limitations and exceptions for persons with hearing disabilities. Full text of treaty available at: [http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=241683](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=241683).
- <sup>vii</sup> Works whose rightsowners are unknown or untraceable.
- <sup>viii</sup> Version 4.1 (1<sup>st</sup> version). Current version (4.3) under discussion at WIPO at: <http://www.ifla.org/node/5858>.

---

## References:

- Ayoubi L (2011) *Human Rights Perspectives on Access of the Blind, Visually Impaired and Other Reading Disabled Persons to Copyrighted Materials*. Available at: <http://dx.doi.org/10.2139/ssrn.1927825>.
- Baker BK (2013) Challenges Facing a Proposed WIPO Treaty for Persons who are Blind or Print Disabled. *Northeastern University School of Law Research Paper*: 142. Available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2267915](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2267915)
- Benedict A (2013) *Public Citizen welcomes the Marrakesh Treaty for the Blind*. Available at: <http://www.citizenvox.org/2013/07/08/public-citizen-welcomes-the-marrakesh-treaty-for-the-blind>.
- eIFL. (2013) *Why a WIPO Treaty for Persons with Print Disabilities can change lives: DAISY readers in Mongolia a legal right - now copyright law must play its part*. Available at: <http://www.eifl.net/why-wipo-vip-treaty-can-change-lives-mongolia>.
- Franz V (2013) *The Miracle in Marrakesh: Copyright Reform to End the "Book Famine"*. Available at: <http://www.opensocietyfoundations.org/voices/miracle-marrakesh-copyright-reform-end-book-famine>.
- IFLA. (2013). *Copyright Issues for Libraries*. Available at: <http://www.ifla.org/copyright-issues-for-libraries>.
- IFLA. (2013) *Frequently Asked Questions*. Available at: <http://www.ifla.org/node/5857>.
- International Centre for Trade and Sustainable Development. (2013). *Bridges Weekly: WIPO Adopts Treaty for Visually Impaired in Marrakesh*. Available at: <http://ictsd.org/i/trade-and-sustainable-development-agenda/171506>.
- Knowledge Ecology International. (2013) *KEI (press) statement on adoption of Marrakesh Treaty for Blind*. Available at: <http://keionline.org/node/1767>.
- Natsis Y (2013) *Simple introduction to the Marrakesh Treaty for Visually Impaired*. Available at: <http://tacd-ip.org/archives/1047>.
- Nicholson DR (2012) 'Accommodating Persons with Sensory Disabilities in South African Copyright Law'. Masters dissertation, University of the Witwatersrand, Johannesburg. Available at: <http://wiredspace.wits.ac.za/handle/10539/12525>.
- Nicholson DR (2006) *Copyright - Are people with sensory-disabilities getting a fair deal?* Available at: <http://pcf4.dec.uwi.edu/viewabstract.php?id=379>.
- Okediji RK (2006) The International Copyright System: Limitations, Exceptions and Public Interest Considerations for Developing Countries. *UNCTAD - ICTSD Project on IPRs and Sustainable Development Serie*: 8 (15). Available at: [http://unctad.org/en/Docs/iteipc200610\\_en.pdf](http://unctad.org/en/Docs/iteipc200610_en.pdf) .
- Permanent Mission of South Africa. (2013) 'Statement by Ms .Hendrietta Ipeleng Bogopane-Zulu, Deputy Minister of Women, Children and People with Disabilities of the Republic of South Africa to the 6<sup>th</sup> Session of the Conference of States Parties to the Convention on the Rights of Persons

---

with Disabilities, United Nations, New York, 17 July 2013'. Available at:  
[http://papersmart.unmeetings.org/media/3639498/statement\\_by\\_south\\_africa\\_agenda\\_item\\_5a.pdf](http://papersmart.unmeetings.org/media/3639498/statement_by_south_africa_agenda_item_5a.pdf).

SAMRO. (2013) *DALRO's Response to the Signing of the Marrakesh Treaty on 27 June 2013*. Available at: <http://www.samro.org.za/node/10778>.

South Africa. Dept. of Women, Children and People with Disabilities. (2013) 'Final South African Closing Statement at the Diplomatic Conference to Conclude a Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons and Persons with Print Disabilities' [Presented by SA Ambassador at WIPO Diplomatic Conference in Marrakesh, Morocco on 28 June 2013].

The Holy See. (2013) *Intervention of the Holy See: WIPO Diplomatic Conference on a Treaty for the Blind*. Available at: <http://kethe.holyionline.org/node/1752>.

UN News Centre. (2013) *UN forum adopts historic treaty to expand access to books for visually impaired*. Available at: <http://www.un.org/apps/news/story.asp?NewsID=45292>.

WIPO. (n.d.) *Limitations and Exceptions*. Available at:  
<http://www.wipo.int/copyright/en/limitations>.

WIPO. (2007) *The 45 Adopted Recommendations under the WIPO Development Agenda*. Available at:  
<http://www.wipo.int/ip-development/en/agenda/recommendations.html>.

WHO. (2012) *Visual impairment and blindness. WHO Fact Sheet 282*. Available at:  
<http://www.who.int/mediacentre/factsheets/fs282/en>.

---

**About the author:** Denise Rosemary Nicholson is the Scholarly Communications Librarian at the University of the Witwatersrand, Johannesburg, South Africa. She has a BA Higher Diploma in Library Science from the University of South Africa and LLM from the University of the Witwatersrand, Johannesburg, South Africa. Her role is to provide a specialist scholarly communication, copyright management and advisory service to staff and students at her institution; to ensure compliance with copyright legislation, policies and procedures; and to engage in national and international initiatives/projects relating to copyright and access to knowledge issues. She is a member of the IFLA CLM and its Advisory Board as well as its workgroup working on a Treaty for Libraries and Archives. She is also a members of international, regional and local committees/initiatives working on copyright and access issues, particularly for developing countries. She is a strong promoter of Open Access and leads the institutional repository team at her institution. She has published articles, book chapters, blog items and 'Copyright & A2K Issues' newsletters, and has presented at many conferences around the world. Contact: Scholarly Communication and Copyright Services Office, University of the Witwatersrand, Johannesburg, Private Bag X1, WITS, 2050, South Africa. Tel. +27 11 7171929, Fax. +27 11 7171946: Email – [denise.nicholson@wits.ac.za](mailto:denise.nicholson@wits.ac.za)

Paper will be presented at the CLM Session on 22 August 2013 at the IFLA World Library and Information Congress in Singapore. (17-23 August 2013).

---