



The International Bureau of the World Intellectual Property Organization (WIPO) presents its compliments to the United Nations High Commissioner for Human Rights (OHCHR) and has the honor to refer to its Note Verbale dated August 5, 2010 (Ref. CM/SL/is) requesting WIPO to send any relevant information on its initiatives to support the implementation of the Convention on the Rights of Persons with Disabilities in view of the study that the OHCHR is preparing following the Human Rights Council resolution 13/11.

The International Bureau of WIPO is pleased to attach a note on WIPO's work related to the Convention on the Rights of Persons with Disabilities.

September 29, 2010



## **WIPO'S RECENT WORK RELATING TO THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES**

### **A. WIPO VISUALLY IMPAIRED PERSONS (VIP) INITIATIVE**

1. The Standing Committee on Copyright and Related Rights (SCCR) of the World Intellectual Property Organization (WIPO), the main technical body that examines matters of substantive law or harmonization in the field of copyright and related rights, decided to focus its work on facilitating the access of the blind, visually impaired and other people with print disabilities (VIPs) to copyright-protected works. This subject, as well as broader questions of limitations and exceptions to copyright law as they relate to other persons with disabilities, libraries, archives and educational activities is at the heart of the current Agenda of the SCCR.
2. According to the World Health Organization<sup>1</sup> (WHO) there are around 314 million blind persons and visually impaired persons in the world, and more than 90% of them are resident in low-income developing countries. A WIPO survey<sup>2</sup> published in 2006 showed that the copyright laws of only 57 countries (out of 184 WIPO Member States) contain specific provisions to assist VIPs. The survey also highlighted a lack of clarity as to whether distribution rights permit the movement between countries of copies of works in accessible formats. It is considered that, without contravening the legitimate interests of rightholders, greater quantities of copyright-protected material - both analog and digital - could be made available in accessible formats and disseminated across multiple jurisdictions in a timely way, to enhance opportunities for the literacy, independence and productivity of VIPs.

#### *Stakeholders' Platform*

3. In November 2008 the SCCR acknowledged the special needs of VIPs and stressed the importance of dealing without delay on the possible ways and means of facilitating and

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<sup>1</sup> <http://www.who.int/mediacentre/factsheets/fs282/en/index.html>

<sup>2</sup> Study on Copyright Limitations and Exceptions for the Visually Impaired (SCCR/15/7) available at [http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=75696](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=75696)



enhancing access to protected works, against the background of an analysis of limitations and exceptions, including the establishment of a Stakeholders' Platform at WIPO.

4. In January and April 2009, WIPO facilitated two meetings of a Stakeholders' Platform between rightholders and representatives from the visually impaired sector in order to explore how best to increase the access of VIPs to published works in a reasonable time frame. The participants identified a set of elements, which could form the focus of a WIPO-led process involving multiple public and private sector stakeholders. These included consideration of: an enabling legal regime such as rights licensing schemes, exceptions or best practices in national legislations; technological tools for the conversion of works; issues of formats, standards and interoperability; development concerns; creating and disseminating information materials and training modules; and assessment of particular challenges posed by the digital environment. In this connection, the role of trusted intermediaries, technology and capacity building, identified as towering components and complements of an enabling legal regime, are being considered by working subgroups of the Platform in order to identify practical solutions.
5. More meetings of the Platform have been held since then with the participation of stakeholders from developing countries from different regions. Interim Reports have been presented to WIPO's Member States at the SCCR sessions to provide an update of the work carried out by the Platform<sup>3</sup>. Member States have continuously encouraged the WIPO Secretariat to continue the work of the Platform.
6. The Platform encompasses three working subgroups, namely on trusted intermediaries, technology and capacity building. One of the major achievements of the Platform so far has been the preparation of a Pilot Project of Trusted Intermediaries to facilitate the cross-border transfer of copyrighted works in accessible formats among various national institutions serving the blind and visually impaired community.

#### *International enabling legal regime*

7. During the 18<sup>th</sup> SCCR session held in 2009, a proposal of a draft treaty on the visually impaired persons and for other people with reading disabilities was put forward by the Delegations of Brazil, Ecuador and Paraguay. These Delegations indicated that the text of the draft treaty, prepared by the World Blind Union (WBU), was meant to serve as a basis to begin the discussions about establishing a multilateral legal framework in the field of limitations and exceptions for the benefit of VIPs.
8. According to the Delegations' statements, the draft treaty was proposed due to various reasons: firstly, the fundamental consensus in the international community on the need to guarantee for the VIPs the right to participate in cultural life of the community, to enjoy the arts and to share in scientific advancement, based on the Universal Declaration of Human Rights of 1948 and the Convention on the Rights of Persons with Disabilities. Secondly, as indicated above, a number of national laws with varying levels of specificity already foresee exceptions and limitations for the benefit of the visually impaired. In their view, some countries, namely the developed countries, have considerable experience in applying those exceptions, including relevant case law and practical experience in their implementation. Thirdly, after years of international negotiations, the international copyright system has achieved a degree of conceptual maturity to develop a concrete and precise instrument to address the needs of the visually impaired.

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<sup>3</sup> Stakeholder's Platform Interim Reports can be found at:  
<http://www.visionip.org/stakeholders/en/documentation.html>



9. Three additional proposals in relation to limitations and exceptions were tabled by the African Group (Draft WIPO Treaty on Exceptions and Limitations for the Disabled, Educational and Research Institutions, Libraries and Archive Centers), the European Union (Draft Joint Recommendation concerning the improved access to works protected by copyright for persons with a print disability) and the United States of America (Draft Proposal for a Consensus Instrument) during the 20<sup>th</sup> SCCR session held in June 2010. All of these proposals aim at creating an enabling legal environment for better access to copyright-protected works for reading impaired persons. WIPO's firm commitment to accessibility issues was further demonstrated by the fact that the SCCRs deliberations were transcribed and transmitted in real time captioning to allow the hearing impaired to follow the deliberations. This was the first time such a service has been made available at WIPO.
10. WIPO also launched an on-line forum to broaden awareness and stimulate debate on the above proposals and the issue of the VIPs and copyright matters in general.

#### *The way forward*

11. It is important to note that, on the one hand, WIPO Member States as well as rightholders and VIP representatives have fully agreed that discussions on the international and national enabling legal regime, including copyright limitations and exceptions as well as licensing issues, should be dealt with within the framework of the SCCR. On the other hand, as one recognized challenge of the Stakeholders' Platform is to achieve concrete progress within an adequate time frame while dealing with numerous technical complexities.
12. The Stakeholders' Platform and the proposed draft treaty are complementary initiatives and are proceeding in parallel. The aim of the first is to put into place operational and practical arrangements within the context of the second, or of whatever enabling legal framework will exist in the future at the national or international level to facilitate the access to published works for the VIPs. The role of the WIPO Secretariat in this respect is to facilitate a process which will produce the most adequate solutions based on the decision of Member States.
13. WIPO has launched a dedicated website as a platform for attracting support, exchanging views and disseminating information to all interested parties regarding the various activities encompassed in what is called the WIPO VIP Initiative ([www.visionip.org](http://www.visionip.org)). Moreover, WIPO has developed a number of activities to foster the understanding, in practical terms, on how the intellectual property system can best meet the needs of VIPs by improving timely access to copyright-protected content<sup>4</sup>, in accordance with the United Nations Convention on the Rights of Persons with Disabilities.

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[http://www.wipo.int/meetings/en/2009/vip\\_ge/](http://www.wipo.int/meetings/en/2009/vip_ge/)  
[http://www.wipo.int/pressroom/en/articles/2009/article\\_0048.htm](http://www.wipo.int/pressroom/en/articles/2009/article_0048.htm)  
[http://www.wipo.int/pressroom/en/articles/2009/article\\_0055.html](http://www.wipo.int/pressroom/en/articles/2009/article_0055.html)  
[http://www.wipo.int/pressroom/en/articles/2010/article\\_0001.html](http://www.wipo.int/pressroom/en/articles/2010/article_0001.html)



B. WEB ACCESSIBILITY

15. In February 2010, WIPO organized the second workshop<sup>5</sup> to promote awareness about accessibility for people with disabilities and to encourage webmasters within the United Nations system and other inter-governmental organizations to implement principles of accessibility in their daily work.

C. ACCESSIBILITY IN THE WIPO CAMPUS

16. In addition to the initiatives outlined above, WIPO is also taking steps<sup>6</sup> to improve the accessibility to its campus by employees, delegates and visitors. Its existing buildings will be the subject of an audit by specialized architects and other specialists before infrastructure work (more or less significant depending on the age of the various buildings) can be initiated and planned through several biennia. Its new building, which will be occupied in 2011 will comply with the latest physical access requirements under the local laws and regulations. The latter will also apply to WIPO's future new conference hall, whose construction is expected to start in 2011, and in which a number of specific features aimed at facilitating access by persons with disabilities (either delegates, speakers, interpreters, staff or visitors) were included from the very first stages of designing the hall and surrounding facilities.

[End of Note]

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<sup>5</sup> [http://www.wipo.int/meetings/en/2010/wipo\\_itu\\_wai/](http://www.wipo.int/meetings/en/2010/wipo_itu_wai/)

<sup>6</sup> See for example WIPO Progress Report to the WIPO Assemblies (A/48/17) at [http://www.wipo.int/edocs/mdocs/govbody/en/a\\_48/a\\_48\\_17.pdf](http://www.wipo.int/edocs/mdocs/govbody/en/a_48/a_48_17.pdf)