



Submission on the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (The Marrakesh Treaty)

17 February 2016

1. The Office of the Ombudsman strongly supports New Zealand acceding to the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled.
2. We congratulate the MBIE Team who produced the discussion document for their clear and comprehensive summary of the issues relating to New Zealand accession to the Marrakesh Treaty and for recognising the importance of access to cross-border accessible published works for people who are blind, visually impaired or otherwise print disabled.
3. The Office of the Ombudsman plays a significant role in New Zealand’s disability sector, handling disability-related complaints and enquiries about the administrative acts and decisions of central and local government agencies, and through our monitoring role as part of the Independent Monitoring Mechanism (IMM) under the United Nations Convention on the Rights of Persons with Disabilities (the Convention).
4. We draw MBIE’s attention to the United Nations Committee on the Rights of Persons with Disabilities concluding observations on the Marrakesh Treaty:

“The Committee is concerned that the State party has not yet ratified the World Intellectual Property Organization Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, which allows access to published material to blind persons, persons with visual impairments or persons who have other difficulties in accessing printed materials.

The Committee recommends that the State party take all appropriate steps to speedily ratify the Marrakesh Treaty.”
5. We agree with MBIE in supporting Option 3 in the discussion document: that New Zealand join the Marrakesh Treaty and make the necessary amendments to align with obligations under the Marrakesh Treaty; facilitate cross-border exchange of published works in formats accessible to persons with a print disability; and consider other changes to improve the operation of the exception within the framework allowed for by the Treaty.

6. We agree with the proposal put forward in the discussion document to allow persons with a print disability to reformat works for themselves. This would increase the number of works available to those doing the reformatting and remove any doubts over the legality of such reformatting. We understand that persons with a print disability who engage in reformatting would have to register as having a print disability with an authorised entity in their own country, to permit cross-border movement of materials reformatted by individuals.

Conclusion

The Office of the Ombudsman strongly supports New Zealand acceding to the Marrakesh Treaty to increase publish works to persons who are print disabled.