

Marrakesh Treaty Implementation

March 2020 Update

The chart below is an updated version of previous [monitoring reports](#). Where a country has been updated or added since the last report, this is indicated with an asterisk.

Information is sourced from contacts with library associations and associations representing people with print disabilities¹.

In many cases, legislation is still under discussion, and so this document should only be taken as a starting point for further investigation.

For clarification on the terminology and questions used, see the information at the bottom of the document.

Corrections, clarifications and improvements are highly welcome – please feel free to send them to camille.francoise@ifla.org.

¹ Please note that print disabilities should be understood as defined in the Marrakesh Treaty, i.e. being blind, having a visual impairment or reading disability which cannot be improved to give visual function substantially equivalent to that of a person who has no such impairment or disability and so is unable to read printed works to substantially the same extent as a person without an impairment or disability, or being otherwise unable, through physical disability, to hold or manipulate a book or to focus or move the eyes to the extent that would be normally acceptable for reading.

Country	Status	Can libraries use Marrakesh rights without paying remuneration (books)?	Can libraries use Marrakesh rights without paying remuneration for audio-books?	Can libraries use Marrakesh rights without needing to check on commercial availability?	Can libraries use Marrakesh rights without a registration obligation?	Can libraries use Marrakesh rights without additional record-keeping requirements?	Can libraries use exceptions to serve people with dyslexia included?	Are people with other disabilities included?
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Afghanistan	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Azerbaijan	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Argentina*	Ratified, national law adopted ²	Yes	Yes	No ³	No ⁴	Unclear	Yes	Yes

² Agreed in July 2019 as S1762/18: <https://www.senado.gov.ar/parlamentario/comisiones/verExp/1762.18/S/PL>

³ In the bill, works which have been originally published in accessible formats are not covered by the exceptions, if used as they are. However, if further changes are necessary, the exceptions again apply.

⁴ The Authority responsible for applying the law is required to 'get to know' authorised entities. AEs are obliged to share their catalogues, but are freer in direct distribution to entities.

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Australia	Ratified, national law amended	Yes	Yes	Yes ⁵	Yes	Yes	Yes	Yes
Austria	EU ratified, national law adopted	No	No	Yes	Yes	Yes	Yes	Yes ⁶
Belize	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Belgium	EU ratified, national law adopted	Yes	Yes	Yes	Yes	Yes	Yes	Yes

⁵ Yes, but with incentives provided to do so. There isn't a strict requirement to check commercial availability. One of the two exceptions, the one for institutions, includes no fairness test but a commercial availability check. The other one, a fair dealing, has no commercial availability test, but requires you to do a fairness assessment which is likely to involve a commercial availability test (as part of weighing up the "impact on the market" factor). So technically you don't have to do one, as long as your use is fair, but in reality, it's very likely that one will always be done. On the plus side, if you think your use is fair, you can still do it even if the material is commercially available.

⁶ Yes, but only as concerns some provisions

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Bolivia	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Botswana	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Brazil*	Ratified, national law under discussion ⁷	Unclear (yes)	No					
Bulgaria	EU ratified, national law adopted	Yes	Yes	Yes	No	Yes	Yes	Yes

⁷ Discussions about regulation are ongoing. There is no remuneration obligation in the current drafts, and efforts to remove commercial availability tests. However, there are tough rules about registration and oversight, and rightholders are still arguing strongly for commercial availability tests.

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Burkina Faso	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Cabo Verde	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Canada⁸	Ratified, national law amended ⁹	Unclear (yes) ¹⁰	Unclear (yes) ¹¹	No	Yes	Unclear (yes) ¹²	Yes	No

⁸ Canada has been involved in cross-border exchanges of work under the Marrakesh Treaty – a direct exchange with Kyrgyzstan.

⁹ While legislation has been passed, and further discussions are currently not underway or scheduled, a regulation enacting some of the provisions regarding supplementary remuneration and annual reports are possible. The Standing Committee on Industry, Science and Technology has recently [reported](#) on the Statutory Review of the Copyright Act and pointed out the lack of increase of works in accessible formats since the ratification of Marrakesh. It recommends that this is monitored on an annual basis.

¹⁰ See footnote 6.

¹¹ See footnote 6.

¹² See footnote 6.

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Chile	Ratified, no national reform	Unclear (yes)	Unclear (yes)	Unclear (yes)	Unclear	Unclear	Yes	Yes
Cook Islands	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Costa Rica	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Croatia	EU ratified, national law adopted	Yes	Yes	Yes	Yes	Yes	Yes	No
Cyprus	EU ratified, transposed	Yes	Yes	Yes	No	Yes	Yes	Yes
Czech Republic	EU ratified, national law amended	Yes	Yes	Yes	Yes	Yes	Yes	Yes

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Denmark*	EU ratified, national law adopted	Yes	Not yet clarified	Yes	Yes	Yes	Yes	Yes
Dominican Republic	Ratified, no national reform	Unclear (yes)	Unclear (yes)	Unclear (yes)	Unclear	Unclear	Unclear	Yes
Ecuador	Ratified, national law amended	Unclear (yes)	Unclear (yes)	Unclear (yes)	Yes	Unclear	Yes	Yes
El Salvador	Ratified, no national reform	Yes	Yes	Unclear (yes)	Unclear	Unclear	Unclear (yes)	Yes
Estonia	EU ratified, national law adopted ¹³	Yes	Yes	Yes	Yes	Yes	Yes	No

¹³ The amended Copyright Act came into force on November 28, 2018.

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Finland	EU ratified, national law adopted	Yes	No ¹⁴	Yes	Yes	No ¹⁵	Yes	No ¹⁶
France	EU ratified, national law adopted ¹⁷	Yes	Yes	Yes	No	No	Yes	Yes
Germany	EU ratified, national law adopted	No	No	Yes	No	No	Yes	Yes

¹⁴ No, if a beneficiary person will have a permanent copy of an audio book.

¹⁵ Apart from the European Directive's record-keeping requirements, the Finnish Copyright Act says that authorised entities operating in Finland should give their name and contact information to the Ministry of Education and Culture and so that the ministry can report to the European Commission.

¹⁶ However, there is another piece of legislation in Finland concerning the production of copies for persons with hearing impairments, but that does not cover cross-border exchange of material.

¹⁷ It had been subject to infringement proceedings.

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Ghana	Ratified, no national reform	Unclear						
Greece	EU ratified, national law under discussion	No	No	Unclear	Unclear	Unclear	Unclear	Unclear
Guatemala	Ratified, national law amended	Yes	Unclear	Unclear	No	Unclear	Yes	No
Honduras	Ratified, no national reform	Unclear						
Hungary	EU ratified, national law adopted	Yes	Yes	Unclear	Unclear	Unclear	Unclear	Unclear

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Iceland	EU (EEA) ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
India	Ratified, no national reform	No	No	Unclear	No ¹⁸	Unclear	Yes	Yes
Indonesia*	Ratified, no national reform	Yes	Yes	Yes	Unclear	Unclear	No	No
Ireland	EU ratified, national law adopted ¹⁹	Yes	Yes	Yes	Yes	Yes	Yes	Yes

¹⁸ The beneficiary or authorised entity must apply to the copyright board for the right to do this.

¹⁹ The relevant bill is published here: <https://dbei.gov.ie/en/What-We-Do/Innovation-Research-Development/Intellectual-Property/Copyright/Copyright-and-Other-Intellectual-Property-Law-Provisions-Bill-2018/>

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Israel	Ratified, national law amended	Yes	Yes	No	Yes	Unclear (yes)	Unclear (yes)	Yes
Italy	EU ratified, national law adopted	Yes	Yes	Unclear	No	Unclear	Unclear	Unclear
Japan	Ratified, national law amended	Yes	Yes	No	Yes	Yes	Yes	No
Jordan	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Kenya	Ratified, no national reform ²⁰	Unclear (yes)	Unclear (yes)	Unclear (yes)	Unclear (yes)	Unclear (good)	Unclear (yes)	Unclear (bad)

²⁰ Treaties are self-executing in Kenya. Given that no memorandum has been submitted to WIPO giving notification of recourse to Articles concerning remuneration or commercial availability, we should assume that

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Kiribati	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Korea	Ratified, no national reform	Yes ²¹	Yes	Unclear	Unclear (yes)	Unclear	Unclear	No
Kyrgyzstan²²	Ratified, national law amended	Yes	Yes	Unclear (yes)	Good	Yes	Yes	No
Latvia	EU ratified, national law adopted ²³	Yes	Yes	Yes	Yes ²⁴	Yes	Yes	Yes

²¹ But only Braille.

²² Kyrgyzstan has been involved in a direct exchange of works under the Treaty with Canada.

²³ The Marrakesh provisions entered into force in Latvia on the 13 December 2018.

²⁴ However, not all libraries are considered authorised entities, only “an institution the performance of which is not profit-making and which provides education or access to information for persons who are blind or with other reading difficulties”.

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Lesotho	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Liberia	Ratified, national law amended	Unclear (yes)	Unclear (yes)	No	Unclear	Unclear	Yes	Yes ²⁵
Lithuania	EU ratified, national law adopted ²⁶	Yes	Yes	Yes	Yes ²⁷	No	Yes	Yes ²⁸
Luxembourg*	EU ratified, no national reform ²⁹	Yes	Yes	Yes	Unclear	Unclear	Yes	Yes

²⁵ For people with a hearing impairment.

²⁶ The national law has been approved by the Parliament, and now Presidential signature is required.

²⁷ Publishers should be registered at the Ministry of Culture of the Republic of Lithuania (LRKM), the institution authorized by the state, and the customers should register at the libraries by providing the documents evidencing their disability.

²⁸ People with other disabilities are included as well: physical disability (immobility of hands or head, etc.); comprehension disability, problems related to old age (dementia), autism spectrum disorder, dyslexia.

²⁹ Luxembourg's existing copyright law does allow for an exception for people with visual or auditory disabilities

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Malawi	Ratified, national law amended	Yes ³⁰	Yes ³¹	No	Unclear	Unclear	Yes	Unclear
Mali	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Malta	EU ratified, national law adopted	Unclear ³²	Unclear ³³	Yes	Yes	Yes	Yes	No
Marshall Islands	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear

³⁰ The law as it stands does not mention remuneration.

³¹ Limited: audiovisual works can only be lent, not distributed.

³² The law maintains the option of setting up a compensation scheme, if it appears that there is prejudice to the interests of authors

³³ See above

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Mexico	Ratified, national law amended ³⁴	Yes	Yes	Yes	No	Yes	Yes	Unclear (yes)
Moldova	Ratified, no national reform	Yes	Yes	Unclear	Unclear	Unclear	Yes	Yes
Mongolia	Ratified, no national reform	Unclear (yes)	Unclear (yes)	No	Unclear	Unclear	Unclear	Yes ³⁵
Morocco	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Netherlands	EU ratified, national law adopted	Yes	Yes	Yes	Yes	Yes	Yes	No

³⁴ International law is self-executing, and so where the Treaty is clear, beneficiaries and libraries can already draw on the rights. However, there are currently legal amendments under discussion.

³⁵ For people with a hearing impairment.

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New Zealand*	Ratified, national law adopted ³⁶	Yes	Yes	Yes	Yes ³⁷	No	Yes	No
Nicaragua*	Ratified, no national reform ³⁸	Yes	Yes	Yes	Unclear	Unclear	Unclear	No
Nigeria	Ratified, national law under discussion	Yes	Yes	Unclear (yes)	Unclear	Unclear	Unclear (yes)	Unclear (yes)
North Korea	Ratified, no national reform	Unclear (yes)	Unclear (yes)	Unclear (yes)	Unclear	Unclear	No	No

³⁶ Copyright (Marrakesh Treaty Implementation) Amendment Act 2019, <http://www.legislation.govt.nz/act/public/2019/0043/latest/whole.html>. Also applies to Tokelau

³⁷ However, the current draft indicates that notice has to be given to the Ministry before undertaking any activities as an authorised entity for the first time.

³⁸ Nicaragua's 1999 copyright law (article 34) allows for copying for people with blindness http://www.sice.oas.org/int_prop/nat_leg/Nicaragua/L312.asp#CVSS

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Norway	National law under discussion ³⁹	Yes	Yes	Yes	Yes	Unclear	Yes	Unclear
Panama	Ratified, no national reform	Yes	Yes	Unclear (yes)	Unclear	Unclear	Unclear	No
Paraguay	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Peru	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Philippines	Ratified, no national reform ⁴⁰	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear

³⁹ Given that Norway is not a member of the European Union, but a member of the European Economic Area, there will be a separate processing, including consultation rounds - before the final draft will be submitted to the Norwegian Parliament. The new estimated implementation in Norway is in the second half of 2020.

⁴⁰ The Treaty will enter into force in the Republic of the Philippines on March 18, 2019.

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Poland	EU ratified, national law adopted	Yes	Yes	Yes	Yes	No	Unclear	Unclear (no)
Portugal	EU ratified, national law adopted	Unclear						
Qatar	Ratified, no national reform ⁴¹	Unclear						
Romania	EU ratified, national law adopted	Yes	Yes	Unclear	Unclear	Unclear	Unclear	Unclear

⁴¹ No amendment has been needed for the implementation of the Treaty as in Qatar ratification of a Treaty has direct effect. Entry into force of the provisions will be on January 24, 2019.

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Russia	Ratified, national law amended	Yes ⁴²	Yes ⁴³	Unclear (yes)	No	Unclear	Unclear (no)	No
Saint Vincent	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Saudi Arabia	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Serbia*	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Singapore	Ratified, national law amended	Yes ⁴⁴	Yes ⁴⁵	No	Yes	Unclear	Unclear (yes)	No

⁴² Lending only, not distribution

⁴³ Lending only, not distribution

⁴⁴ Rightholders can ask for payment, but there is no automatic obligation to pay.

⁴⁵ See footnote 36.

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Slovakia	EU ratified, national law adopted	Yes	Yes	Unclear	Yes	Unclear	Unclear	Unclear
Slovenia	EU ratified, national law under discussion	Yes	Yes	No ⁴⁶	Yes	Yes	Yes	Yes
Spain	EU ratified, national law adopted	Yes	Yes	Yes	Yes	No	Yes	No
Sri Lanka	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Sweden	EU ratified, national law adopted	Yes	Yes	Yes	Yes	Yes	Yes	Unclear

⁴⁶ The existing exception only applies if the relevant work is not available in the desired form. However this will most likely be changed in the current reform.

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Switzerland*	Ratified, national law under discussion	No	No	Yes	Unclear	No	Yes	Yes ⁴⁷
Thailand*	Ratified, national law amended	Unclear						
Tajikistan	Ratified, no national reform	Unclear						
Trinidad and Tobago*	Ratified, national reform under discussion ⁴⁸	Unclear						

⁴⁷ Broader 'sensory deficiencies' are covered by Article 24a of the Federal Copyright Act: <https://www.admin.ch/opc/fr/classified-compilation/19920251/>

⁴⁸ Texts that we have seen are relatively positive, although focus only on people with print disabilities, and may lead to additional record keeping requirements. We have shared feedback with local contacts

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UAE (United Arab Emirates)	Ratified, national law under discussion	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Uganda	Ratified, no national reform	Yes ⁴⁹	No	Unclear ⁵⁰	Unclear	Unclear	No	Unclear
United Kingdom	EU ratified, national law adopted	Yes	Yes	Yes	Yes	Yes	Yes	Yes
United States	Ratified, national law amended	Yes	Yes	Yes	Yes	Yes	Yes	No
Uruguay	Ratified, national law amended	Yes	Yes	Yes	Yes	Yes	Yes	No

⁴⁹ Braille.

⁵⁰ Fair dealing.

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Zimbabwe*	Ratified, no national law	Unclear						
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Under “status”:

- Ratified, national law under discussion: the Marrakesh Treaty has been ratified (or acceded to), but the process of amending national law is ongoing.
- Ratified, national law amended: the Marrakesh Treaty has been ratified, and national laws amended in response.
- Ratified, no national reform: the Marrakesh Treaty has been ratified, but we are not aware of efforts to amend national laws in order to comply. Compliance might be the case in countries where the Treaty provisions have direct effect after ratification.
- EU ratified, under discussion: Under the terms of the EU legislation on Marrakesh, EU Member States have until 11 October to bring their legislation into line with the rules set out in European law. For countries marked in this way, this process has not yet been completed.
- EU ratified, transposed: the country has successfully updated its national law in order to comply with the EU legislation on Marrakesh
- EU ratified, no national reform: the country has not initiated legislative changes to its national law.
- Not yet ratified, national law under discussion: the country has not ratified the treaty but has initiated legislative changes to its national law.

Criteria:

- *Can libraries use Marrakesh rights without paying remuneration (books)?* The Marrakesh Treaty leaves open the possibility for Member States to oblige beneficiaries and/or authorised entities such as libraries to make payments to rightholders when making or sharing

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accessible copies of books. We believe that such an obligation is counter-productive – it is directly harmful to beneficiaries, and risks drawing resources away from services to beneficiaries in the case of authorised entities.

- *Can libraries use Marrakesh rights without paying remuneration for audio-books?* As above but relating to audio-books. The current market situation for audiobooks means that some countries treat them differently to normal books. We believe, again, that payments will draw resources away from other uses.
- *Can libraries use Marrakesh rights without needing to check on commercial availability?* The Marrakesh Treaty leaves the possibility to oblige beneficiaries and authorised entities to check whether an accessible format copy of a book is available on the market before making and/or sharing a copy. Such a provision adds an extra bureaucratic step and may make using Marrakesh impossible in countries where it is difficult to be 100% sure about the availability of a book or not. Where a book is easily available in an accessible format, libraries and others are also likely to acquire this, rather than go to the expense of creating copies.
- *Can libraries use Marrakesh rights without a registration obligation?* The agreed statement on Article 9 of the Treaty underlines that there should be no obligation on authorised entities to register or seek special permission before they can make use of provisions under Marrakesh. However, many countries seek to impose such controls. This adds bureaucracy, and in many cases may reduce the number of libraries stepping forwards.
- *Can libraries use Marrakesh rights without additional record-keeping requirements?* The Treaty asks for authorised entities (libraries) to keep records and information about how they are preventing illicit use of works but does not oblige annual reporting or impose detailed requirements. However, some countries risk doing this, again taking time away from providing services.
- *Can libraries use exceptions to serve people with dyslexia included?* The refers to whether national laws – in line with the Marrakesh Treaty – extend the scope of beneficiaries to people with dyslexia.

Country	Status	Can libraries use Marrakesh rights without paying remuneration (books)?	Can libraries use Marrakesh rights without paying remuneration for audio-books?	Can libraries use Marrakesh rights without needing to check on commercial availability?	Can libraries use Marrakesh rights without a registration obligation?	Can libraries use Marrakesh rights without additional record-keeping requirements?	Can libraries use exceptions to serve people with dyslexia included?	Are people with other disabilities included?
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- *Are people with other disabilities included?* While not included in the Treaty, it is possible for Member States to extend possibilities to benefit from the Treaty to people with other disabilities. This is an issue currently on the agenda at the World Intellectual Property Organisation.