



MARRAKESH TREATY: A 5-STEP CSO ACTION GUIDE

**with Insights from
Seeding the “Miracle of Marrakesh:”
The Journey of Malaysia’s
Accession to the Marrakesh Treaty ~
Civil Society Organization Perspective**

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Genesis: How this document was born ...

This document owes its existence to the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) for its timely support of the National Council for the Blind, Malaysia (NCBM) that enabled pioneer efforts in Malaysia focusing on disability-inclusive digital accessibility: a combination of research, training and policy advocacy.

NCBM places on record its appreciation not only of the overall support of Dr Srinivas Tata, Director, and Ms Cai Cai, Chief, Gender Equality and Social Inclusion (GESIS) Section, Social Development Division, ESCAP, but also of the challenging ideas proposed and technical guidance extended by GESIS Team members directly working with counterparts in the NCBM project, under the umbrella ESCAP Project on Protecting and Empowering Persons with Disabilities in the Context of the COVID-19 pandemic:

Ms Li Stephanie Choo (from 2020 until relocation in August 2021, as Social Affairs Officer, to the ESCAP Subregional Office for South and South-West Asia);
Mr Zian Cao.

It was the suggestion of Ms Stephanie Choo and Mr Zian Cao that this document be prepared as a project deliverable.

The National Council for the Blind, Malaysia (NCBM) was the only civil society organization (CSO) in Malaysia that has been actively involved, from 2015 onwards, in dialogue with the the Intellectual Property Corporation (MyIPO), Ministry of Domestic Trade and Consumer Affairs, Government of Malaysia.

NCBM is grateful to the Government of Malaysia and to MyIPO, in particular, for ensuring that Malaysia is now a State party to the Marrakesh Treaty.

This document draws from the reflections and insights of Mr Moses Choo of the National Council for the Blind, Malaysia (NCBM), with supplementary updates by Mr Wong Yoon Loong, the incumbent Executive Director of NCBM.

Mr Moses Choo left a private sector position to join NCBM in 2002. He served NCBM as its Executive Director from 2013 until his voluntary retirement in 2021. Mr Moses Choo continues to contribute to NCBM as its Senior ICT Expert.

Mr Moses Choo served (2016-2021) as a member of the National Council for Persons with Disabilities, established under the Persons with Disabilities Act, 2008.

To the credit of the Government of Malaysia, it appointed Mr Wong Yoon Loong as a member of the National Council for Persons with Disabilities when Mr Moses Choo concluded his term of office in the National Council. That appointment enabled a smooth transition and continuity of efforts made on behalf of the Blind community, including in advocacy for Malaysia's accession to the Marrakesh Treaty.

Authored for the National Council for the Blind, Malaysia (NCBM), and the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), June 2022, by:

Moses Choo
Yoon Loong Wong
Yuenwah San

Citation:

Moses Choo, Yoon Loong Wong and Yuenwah San (2002). MARRAKESH TREATY: A 5-STEP CSO ACTION GUIDE with Insights from Seeding the "Miracle of Marrakesh:" The Journey of Malaysia's Accession to the Marrakesh Treaty ~ Civil Society Organization Perspective. NCBM, Kuala Lumpur.

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I. MARRAKESH TREATY: A 5-STEP CSO ACTION GUIDE

This guide summarizes five broad-brush steps for civil society (CSO) engagement with Government towards access to / ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (Marrakesh Treaty).

This guide draws from a distillation of CSO reflections on the Malaysian journey undertaken. It is shared for reference by sister CSOs in other Asia-Pacific countries that might be considering engagement with their respective Governments, towards encouraging accession or ratification.

The more countries that formally join the Marrakesh Treaty family, the more meaningful and useful would be the true unifying, global significance of the “Miracle of Marrakesh”¹ for ending the book famine that Blind persons and persons with other print disabilities face.

A. Self-empowerment with knowledge and skills:

In the past nine years since the adoption of the Marrakech Treaty, a wealth of resources has been produced and are available online.

A list of resources is contained in Annex 1.

The resources made available by the World Blind Union(WBU) are invaluable.

The first step is to acquire a basic understanding of the Marrakesh Treaty and how others have gone about preparing themselves for effective advocacy and promoting it.

At the same time, it is necessary to build knowledge and skills for using information and communication technology (ICT), as well as other types of assistive technology that strengthen the empowerment of persons with print disabilities.²

B. Identify and reach out to key Government entity and other key partner(s) for dialogue on the Marrakesh Treaty

The national intellectual property office is the custodian of national copyright law. Initiate formal contact with that office.

¹ The “Miracle of Marrakesh” is a term used by Maryanne Diamond to refer to the adoption of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (Marrakech Treaty), in her talk at a local Tedx event when she was Chair, International Disability Alliance (2014-2016). <https://www.youtube.com/watch?v=KM0UdZEnAVI>.

² World Health Organization and the United Nations Children’s Fund (UNICEF) (2022). Global report on assistive technology. <https://apps.who.int/iris/handle/10665/354357>.

Embark on regular long-term, follow-up to build mutual understanding. Stand ever ready to support that office with information that would enable it to discharge its duties.

Explore contact with the National Library.

If it is already a member of the International Federation of Library Associations (IFLA), it would have been alerted to a practical guide for enabling “staff in libraries of all types to take the final, practical steps to deliver materials into the hands of print-disabled readers.”³

If not, initiate dialogue with the National Library and draw its attention to that guide and other resources on the Marrakesh Treaty.

C. Consider establishing/strengthening contact with allies in the Marrakesh Treaty family

If contact has not yet been initiated, it may be helpful to establish contact with allies who are knowledgeable on the nuances and details of the Marrakesh Treaty, with a view to building a small support network for technical guidance and practical problem-solving advice, to supplement self-study of online resources.

D. Prepare for the long haul.

It may take some years to reach accession or ratification.

Be aware of the timeframe that other CSOs have experienced in their implementation journeys in other countries.

Persevere, despite any momentary setbacks that invariably occur along the way.

There is a lot of preparatory work that needs to be undertaken.

When one door shuts, open another and continue on other work.

Continue to consult and keep communication channels open, whatever else might happen.

E. Engage with potential beneficiaries: raise awareness, build capabilities in using smart technology and software

It is critical to maintain close contact with people in the community who will benefit from the Marrakesh Treaty: the beneficiaries.

Over time, with knowledge, skills and experience built, recipients of benefits could become important actors in their own right – for awareness raising, in policy

³ Jessica Coates, *et. al.* (2018). Getting Started: Implementing the Marrakesh Treaty for persons with print disabilities: a practical guide. IFLA-WBU-eifl-CARL/ABRC-University of Toronto Scarborough.

making, in advocacy, in executing programmes, in giving constructive feedback for strengthening national and local initiatives.

Keep constituents informed and, as appropriate, engaged in the Marrakesh Treaty journey.

Seize opportunities to inform, update, encourage and help build capabilities in the use of smart Braille display and a range of assistive technology and software as they appear, in addition to computers, tablets and mobile phones.

Encourage discussion groups and sharing of information and ideas.

This step, as detailed above, is a financially cost-effective, people-centred mode of local community empowerment that could help prepare persons with print disabilities to know their rights:

1. As spelled out in the Convention on the Rights of Persons with Disabilities, in the Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific, and the Beijing Declaration, including the Action Plan to Accelerate the Implementation of the Incheon Strategy (that includes reference to the Sustainable Development Goals and Targets);
2. In anticipation of Marrakesh Treaty accession or ratification, and for effective use of knowledge and learning materials that can eventually be accessed (without having to pay access charges) via the World Intellectual Property Organization’s Accessible Books Consortium.

II. Policy Framework

The Incheon Strategy⁴ to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific (hereinafter referred to as the Incheon Strategy) is the policy framework for the Asian and Pacific Decade of Persons with Disabilities, 2013-2022. It was adopted on 2 November 2012 by the High-level Intergovernmental Meeting on the Final Review of the Implementation of the Asian and Pacific Decade of Disabled Persons, 2003-2012, held in Incheon, Republic of Korea. Thus, it *preceded* the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (hereinafter referred to as the Marrakesh Treaty) that was adopted in 2013.

The High-level Intergovernmental Meeting on the Midpoint Review of the Asian and Pacific Decade of Persons with Disabilities, 2013–2022, held in Beijing from 27 November to 1 December 2017, adopted the Beijing Declaration, including the Action Plan to Accelerate the Implementation of the Incheon Strategy, which makes two references to the Marrakesh Treaty, in a preambular paragraph and in an operative paragraph:

Preambular paragraph 6

Recognizing the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled,⁵ adopted on 27 June 2013, in which opportunities were enhanced for persons with print disabilities to access printed books in accessible formats,

V. Advancing the implementation of Incheon Strategy, in particular through the Beijing Declaration and Action Plan

ACTION TO BE TAKEN BY GOVERNMENTS

Cross-reference to:

INCHEON STRATEGY GOAL 3 ENHANCE ACCESS TO THE PHYSICAL ENVIRONMENT, PUBLIC TRANSPORTATION, KNOWLEDGE, INFORMATION AND COMMUNICATION

IN SUPPORT OF SUSTAINABLE DEVELOPMENT GOALS

9 Industry, Innovation and Infrastructure, TARGET 9.1

11 Sustainable Cities and Communities, TARGETS 11.1, 11.2, 11.7

16 Peace, Justice and Strong Institutions, Target 16.10

⁴ <<https://www.unescap.org/sites/default/d8files/knowledge-products/Incheon%20Strategy-Beijing%20Action%20Plan.pdf>>

<<https://www.unescap.org/resources/escap-resolutions-asian-and-pacific-decade-persons-disabilities-2013-2022.>>

⁵ <www.wipo.int/wipolex/en/details.jsp?id=13169>

Means of Implementation 4.A, 9.C

SENDAI FRAMEWORK FOR DISASTER RISK REDUCTION, 2015–2030
Paragraphs 7, 19, 30, 32 and 36

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES
Articles 9, 21

Operative paragraph 12

Governments should:

(f) Actively consider ratifying and implementing the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, and amending copyright laws to allow the conversion of published materials into accessible formats for persons with print disabilities and the international exchange of the converted materials without the need for permission from copyright owners.

III. Malaysian CSO Journey

Malaysia, like much of Asia-Pacific, is expected to witness a **growing number of Blind and otherwise print-disabled persons** in the coming decades. The ageing population, growing “at an unprecedented pace,” is likely to further increase the number of older persons with vision impairment and print disabilities. non-communicable diseases that can cause print disabilities are on the rise in Malaysia, as elsewhere in the region.⁶

A. Print disability

Print disability can be caused by visual disabilities such as blindness and low vision, developmental and learning disabilities, such as dyslexia and autism, or physical disabilities, such as Parkinson’s disease and paralysis. Persons with print disabilities cannot obtain information effectively from print materials in the conventional way – for example, they may not be able to read the text, hold a book or turn pages. Therefore, they require accessible formats.⁷

B. Book famine

The term “**book famine**” refers to the fact that less than 10 per cent of published works, such as books and educational materials in developed countries, and less than 1 per cent in developing countries,⁸ were produced in accessible formats, such as Braille, large print or audio.

C. Copyright restrictions and resource waste

Since there are countries that have made many books accessible, producing the same book all over again is wasteful and exacerbates the needless duplication of content. Some refer to this as the “Harry Potter” effect, whereby many blindness agencies had to produce their own accessible versions of the Harry Potter books, even though it was known that they were already available elsewhere.⁹ International copyright restrictions prevented the easy, cross-border exchange of accessible content.

The system (that needs to be changed) first makes less than 10 per cent of content accessible; then, it causes the needless duplication of that same 10 per cent, thus squandering valuable and scarce resources which are used to transcribe the content

⁶ UNDP-World Blind Union-eifl (2017). Issue Brief for Asia-Pacific: The Marrakesh Treaty to facilitate access to published works for persons with print disabilities for inclusive, equitable and sustainable development, December 2017 (pdf).

⁷ UNDP-World Blind Union-eifl (2017). *Ibid.*.

⁸ The International Agency for the Prevention of Blindness (2017). “Ending the book famine: The Marrakesh Treaty.” (18.05.2017) <<https://www.iapb.org/news/ending-the-book-famine-the-marrakesh-treaty/>>.

⁹ Neil Jarvis (2015). “National Implementation of the MVT: Perspective of the Blind, Visually Impaired, or Otherwise Print Disabled,” presented at the Regional Workshop on the Opportunities and Challenges in the Implementation of the Beijing and Marrakesh Treaties, 27-29 April 2015, Singapore. < https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=305080>

into accessible formats. The scarce resources are derived from funds often referred to as the “charity dollar;” in specific cases, the funding is from the Government and therefore is tax-payer money.¹⁰

In Malaysia, even best-sellers in the Malaysian book market are not made accessible for persons with print disabilities. Regarding books made accessible in a year, the number falls far short of meeting the needs of Blind persons. Malaysia is not alone in this situation.

Thus far, most Malaysian **publishers** have tended to be conservative and unwilling to share their data. Without their cooperation, it becomes necessary to create a book from the very beginning.

D. High production costs

Such conversion requires a high level of skills. The process is labour-intensive and tedious. This translates into **high production costs**.

This means typing the text from scratch, checking for errors and missing text, formatting it into Braille, checking again for errors, including Braille formatting errors and then only proceeding to Braille the text. This process requires the work of two or three persons. Depending on the thickness of the book, on average, the time required to have a book Brailled may take about three months.

In the case of a book that contains diagrams that need to be drawn, the number involved in producing that book in Braille format could increase to five or even six persons, with the production time extended to about six months. The salaries to be covered amount to a prohibitive barrier for any CSO that depends on its own ability to mobilize funds.

For example, the production of the Braille version of a maths text book for a Blind student in Form 5¹¹ costs about RM150,000.00¹² for just the first copy. Each subsequent Braille book may cost another RM150.00 to print, depending on the number of volumes. An average maths book for Form 5 in Braille format is about eight volumes.

E. Lack of dedicated skilled personnel

While the best way to run a Braille press is to employ a dedicated team for this, most civil society organizations (CSOs) have only a very small number of staff members in

¹⁰ Neil Jarvis, *Ibid.*.

¹¹ Final year of secondary school in Malaysia for those not proceeding to pre-university entrance exam preparatory class.

¹² Equivalent to USD34,141.35 at the Malaysian Ringgit-US Dollar exchange rate on 11 June 2022, 07:09 hrs, source: <<https://myr.currencyrate.today/convert/amount-150000-to-usd.html>>.

their Braille production section. All the NCBM team members have other duties, besides Braille production work.

F. Lack of funds

In Malaysia, one issue faced is the lack of funds for covering the costs of converting books from print to Braille format.

G. Outdated titles

Existing libraries of accessible books are limited in size and relevance for Blind learners today. The catalogues consist of many outdated titles donated by libraries overseas that no longer wanted them.

H. Book famine: implications for progress

Thus, the lack of accessible reading materials affects Blind persons and persons with other print disabilities. This impedes access, on an equal basis with other learners, to education and training, with serious implications for gainful employment.

The 'book famine' can exclude persons with print disabilities from access to education, employment, health care, culture, or participation in just about any aspect of political, economic and social activities. Legal obstacles in copyright law for the creation and distribution of published works in accessible formats and their cross-border exchange have contributed to the 'book famine' for persons with print disabilities. For example, an accessible format copy of a popular book produced for persons with print disabilities in Country A could not be shared with print disabled persons, Blind people's organizations or libraries in Country B, due to the lack of an international copyright framework that would allow its exchange between the countries.¹³

The electronic revolution of recent years has had a major impact on tackling the book famine. However, mere availability in electronic format does not guarantee that a book will also be accessible. Despite the progress made to date, it is estimated that, over 90 per cent¹⁴ of books cannot be accessed by Blind persons and persons with other print disabilities. Only about 7 per cent¹⁵ of published works are made available globally in accessible formats, such as Braille, audio and large print and digital format.

I. Turning the tide, the "Marrakesh Miracle"

¹³ UNDP-World Blind Union-eifl (2017). *Ibid.*.

¹⁴ World Blind Union. "Marrakech Treaty Ratification and Implementation Campaign" <<https://worldblindunion.org/programs/marrakesh-treaty/>>.

¹⁵ eifl "Call on Asia-Pacific Region: Join Marrakesh Treaty" (posted 30 November 2017) <https://www.eifl.net/news/call-asia-pacific-region-join-marrakesh-treaty/>

Working with the World Intellectual Property Organization (WIPO), the World Blind Union (WBU) led the international campaign to develop an international treaty to tackle the book famine: the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (Marrakech Treaty).

Despite setbacks, the Treaty text was adopted on 27 June 2013.

On 30 June 2016, it achieved the deposit of 20 instruments of ratification or accession by eligible parties needed for entry into force.

The Treaty entered into force three months later on 30 September 2016.

On 28 June 2013, the following seven ESCAP member States were the first signatories to the Marrakesh Treaty: Afghanistan, Cambodia, China, Democratic People's Republic of Korea, Mongolia and Nepal. In that same year, two more ESCAP member States, Indonesia (24 September 2013) and Turkey (1 November 2013), joined as signatories.

India was the first country in the world to ratify the Marrakesh Treaty (24 June 2014). Singapore was the first ASEAN Member State to accede to the Marrakesh Treaty (30 March 2015). Australia was the first ESCAP member State in the Pacific to ratify the Marrakesh Treaty (10 December 2015). For the Central Asian Republics, Kyrgyzstan was the first to accede to the Marrakesh Treaty (15 May 2017). The WIPO website¹⁶ contains the list of countries that have ratified the Treaty, with dates of signature and ratification and coming in force.

A number of countries around the world have, in recent times, enacted legislation which have provided for exceptions to be made to their respective national copyright laws.

The Marrakesh Treaty is the second international treaty that specifically deals with the rights of persons with disabilities, the first being the Convention on the Rights of Persons with Disabilities (hereinafter referred to as the Convention). A short summary of the objectives, key elements and significant benefits of the Marrakesh Treaty is contained in Annex 2.

The Marrakesh Treaty has been specifically designed to tackle the book famine problem. The Accessible Book Consortium (ABC) Global Book Service (formerly known as the TIGAR Service) is an online catalogue that allows participating libraries for Blind persons and organizations serving people who are print-disabled, known as authorized entities, to obtain easily the accessible content that they need. The Service, a major pillar of the ABC, supports at a practical level the goals of the

¹⁶ Marrakech Treaty accessed 11 June 2022:

<https://wipolex.wipo.int/en/treaties/ShowResults?start_year=ANY&end_year=ANY&search_wh at=C&code=ALL&treaty_id=843>.

Marrakesh Treaty.¹⁷ It has over 730,000 titles in 80 languages¹⁸ in a range of accessible formats. There is no fee or financial contribution to use the ABC Global Book Service.

With its key partners, WIPO launched ABC in June 2014, to boost the number of books in formats that are accessible for persons worldwide who are “blind, visually impaired or otherwise print disabled.”¹⁹ The ABC Advisory Board of 15 entities includes, in addition to WIPO, the Government of Australia, Blind Citizens of New Zealand, DAISY Consortium, International Council for Education of People with Visual Impairment, International Publishers Association, and the WBU.

The Marrakesh Treaty represents a massive step forward for everyone with print disabilities. For reaping the benefits from fulfilling its true potential, it is important for many more countries to join in ratifying the Marrakesh Treaty. This calls for awareness raising endeavours directed at concerned Government entities responsible for copyright legislation, national publishers, libraries, organizations of Blind persons, and organizations providing support services to Blind persons.

J. Convention on the Rights of Persons with Disabilities

The Marrakech Treaty will be helpful for implementing articles of the Convention. It is expected to achieve this by removing the copyright law barriers to accessible information and culture. In this regard, of particular relevance are the following Articles of the Convention:

- Article 9: Accessibility;
- Article 21: Freedom of expression and opinion, and access to information;
- Article 30: Participation in cultural life, recreation, leisure and sport

K. Persons with Disabilities Act, 2008, Malaysia

Malaysia’s Persons with Disabilities Act, 2008²⁰ was gazetted on 24 January 2008, shortly before the entry into force, on 3 May 2008, of the Convention on the Rights of Persons with Disabilities. Malaysia ratified the Convention on 19 July 2010.

Article 30, Persons with Disabilities Act, 2008 (Act 685), stipulates the following:

¹⁷ ABC Global Book Service: <<https://www.accessiblebooksconsortium.org/globalbooks/en/>>

¹⁸ *Ibid.* Accessed on 9 June 2022.

¹⁹ Then ABC secretariat is located at WIPO Headquarters in Geneva, Switzerland. It has an advisory board that provides technical expertise, ensures transparency and efficient communication with the stakeholder community <<https://www.accessiblebooksconsortium.org/about/en/>>.

²⁰ <<https://www.kpwkm.gov.my/kpwkm/uploads/files/Dokumen/Akta/Akta%20685%20-%20Akta%20Orang%20Kurang%20Upaya%202008.pdf>>

30. (1) Persons with disabilities shall have the right to access to information, communication and technology on equal basis with persons without disabilities.

(2) The Government and the provider of information, communication and technology shall in order to enable persons with disabilities to have such access, provide the information, communication and technology in accessible formats and technologies appropriate to different kind of disabilities in a timely manner and without additional cost.

(3) The Government and the private sector shall accept and facilitate the use of Malaysia Sign Language, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official transactions.

L. Marrakech Treaty: Government intent

In Malaysia, the Government has worked on the necessary legislative amendments since 2018. Further to the Persons with Disabilities Act, 2008, demonstration of Government intent to make progress is evidenced by the National Seminar on the Implementation of the Marrakech Treaty.²¹ The National Seminar was organized by the Intellectual Property Corporation (MyIPO), Ministry of Domestic Trade and Consumer Affairs, in collaboration with the World Intellectual Property Organization (WIPO) and the International Federation of Library Associations (IFLA). It was held in Kuala Lumpur on 28 August 2018.²²

The National Seminar was organized to broaden understanding on key issues concerning the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (Marrakech Treaty), as a preparation for Malaysia to accede to the Treaty. That the National Seminar was organized underscored Government recognition that acceding to the Marrakesh Treaty would complement Malaysia's commitment to the Convention on the Rights of Persons with Disabilities (CRPD) in promoting and protecting the human rights of persons with disabilities.

“Ensuring that visually-impaired persons have sustainable access to published works on the same terms as sighted persons is an important milestone toward realizing the

²¹ National Seminar on the Implementation of Marrakech Treaty in Malaysia, 28 August 2018, Programme: <<https://www.myipo.gov.my/en/national-seminar-on-the-implementation-of-the-marrakesh-treaty/>>

²² National Seminar on the Implementation of Marrakech Treaty in Malaysia, 28 August 2018, Programme: <<http://www.ppm55.org/wp-content/uploads/2018/08/REV-1-Provisional-Programme-August-282018.pdf>>

vision of a world towards inclusivity, in which all persons can participate fully and equally in the political, economic, and cultural life of society.”

Mr. Azahar Razab, Assistant Director-General, MyIPO,
Opening speech,
National Seminar on the Implementation of the Marrakech Treaty, 2018

As NCBM has long been an active WBU member, it was in receipt of many reminders to take action to ensure the success of the Marrakesh Treaty for the benefit of the Blind community.

Furthermore, supported by the Marrakesh Treaty and related initiatives such as the ABC Global Book Service of the Accessible Books Consortium, trusted organizations, such as NCBM, will be better placed to help distribute accessible content, including across international borders. There is no need to re-produce in Malaysia books that have already been produced elsewhere.

Below are some noteworthy highlights in Malaysia’s journey to accession.

Prior to 2015

Malaysia benefitted from the DAISY Consortium’s²³ DAISY for All Project. Under the Project, 10 Malaysian staff members (five women and five men from NCBM member organizations, and the Division of Special Education, Ministry of Education) who were involved in the production of Braille and Talking Books were trained in the following:

1. Direct audio recording in DAISY format.
2. Text and audio synchronization in DAISY format.
3. Conversion from analog to DAISY format.

Following the DAISY format training, results included the following:

- The National Library of Malaysia,²⁴ located in Kuala Lumpur and established under the National Library Act 1972, produced 10 titles in DAISY Format²⁵ for

²³ The **DAISY Consortium**, recipient of eight awards (as of 13 June 2022), was formed in May 1996 by talking book libraries to lead the worldwide transition from analog to Digital Talking Books. DAISY “works closely with technology companies and standards agencies to ensure that the reading and publishing technology of tomorrow provides an accessible future for all.” <<https://daisy.org/>>. DAISY leads the development of software used around the world in the creation, conversion and validation of accessible publications. <<https://daisy.org/activities/>>.

²⁴ National Library of Malaysia <https://en.wikipedia.org/wiki/National_Library_of_Malaysia>.

²⁵ The **DAISY Format** is a digital book format designed to be a complete audio substitute for print material and is specifically designed for use by people with print disabilities, including blindness, impaired vision, and dyslexia. Based on the MP3 and XML formats, the DAISY Format has advanced navigation features, in addition to those of a traditional audio book. <<https://daisy.org/info-help/glossary/>>.

its collection. Those who produced the 10 titles had been trained to manage that production through the intermediation of NCBM.

- NCBM provided financial support for the conversion to DAISY format of the entire Talking Book collection of the St. Nicholas Home for the Blind, a major training centre for Blind persons to acquire skills in ICT (six vocational training programmes are offered).
- A staff member of NCBM joined the international team organized by the DAISY Consortium in conducting training in Bangladesh.

There were some drawbacks. Among users, the level of technical skills was low; many users preferred the simple MP3 formats. Furthermore, there was no Malay text-to-speech facility at that time to support Malay text. Frequent staff turnover also undermined follow-up to the training.

February 2015

As a first step, NCBM sent a letter dated **26 February 2015** to MYIPO. NCBM was given an appointment to present its case.

"I vividly remember the day of our meeting with MyIPO. I went with Wong and Chin. We were standing on the LRT Platform of Bangsar Station wondering where to go. We finally decided to follow the tactile guide blocks and found ourselves in the office of MyIPO.

It was a memorable day when we introduced the Marrakesh Treaty to the Director and secured his commitment to pursue this matter."

Moses Choo, Immediate Past Executive Director, NCBM

April 2015

The Regional Workshop on the Opportunities and Challenges in the Implementation of the Beijing and Marrakesh Treaties, held during 27-29 April 2015 in Singapore, was coorganized by the Government of Singapore via its Ministry of Foreign Affairs and the Intellectual Property Office of Singapore, and WIPO. The participants included 24 ESCAP members.²⁶

The WBU representative, Mr Neil Jarvis, presented on the perspectives of Blind persons. Mr Jarvis is appreciated for his contributions to active campaigning for ratification of the Marrakesh Treaty in New Zealand and Asia-Pacific.²⁷

In this important Regional Workshop, Malaysia was represented by: Mr Zulkarnain MUHAMMAD, Assistant Director General, Intellectual Property Corporation of Malaysia; and Mr Mohamed Fairuz MOHD. PILUS, Director, Copyright Division,

²⁶ WIPO/REG/CR/SIN/15/INF/2. ORIGINAL: ENGLISH. DATE: APRIL, 2015

²⁷ Neil Jarvis was General Manager, Strategic Relations, Blind Low Vision New Zealand, <<https://blindlowvision.org.nz/community/farewell-neil-jarvis/>>.

Intellectual Property Corporation. It became evident later that both Malaysia's representatives in the Workshop had indeed taken note of the WBU presentation.

September 2015

In September 2015, NCBM received a call from MyIPO. The call acknowledged the NCBM letter of 26 February 2015 and initiated a series of meetings in which NCBM continuously stressed the importance of why Malaysia must be a party to the Marrakesh Treaty.

NCBM maintained frequent and regular contact with MyIPO officials on the progress of this matter. Over time, NCBM developed good understanding and collaboration with MyIPO officials.

At the working level, one MyIPO official, in particular, stands out in the recollection of the then Executive Director, NCBM: Mr Mohd. SYAUFIQ bin Abdul Latif, Intellectual Property Officer, Copyright Division, who maintained contact with the immediate Past Executive Director of NCBM and subsequently, from January 2021, with his successor. NCBM appreciated the critical value of that continuity in the journey to Malaysia's accession.

During NCBM meetings with MyIPO, it was clarified to NCBM that, even as early as 2012, Malaysia's Copyright act had been modified, to support the work of enabling copyrighted work to be translated into an accessible format for use by Blind persons. The text of the 2012 amendment is as follow:

LAWS OF MALAYSIA
COPYRIGHT ACT 1987
Act 332²⁸ (1.12.1987)

Excerpt:

PART III NATURE AND DURATION OF COPYRIGHT

13. Nature of copyright in literary, musical or artistic works, films and sound recordings.

13 (2) Notwithstanding subsection (1) the right of control under that subsection does not include the right to control

- (a) ...;
- ...
- (g) ...;

²⁸ <<https://www.myipo.gov.my/wp-content/uploads/2016/08/Copyright-Act-1987-Act-332.pdf>>

(gg) the making of a sound recording of a broadcast, or a literary, dramatic or musical work, sound recording or a film included in the broadcast insofar as it consists of sounds if such sound recording of a broadcast is for the private and domestic use of the person by whom the sound recording is made;

(ggg) the making of a film of a broadcast, or a literary, artistic, dramatic or musical work or a film included in the broadcast insofar as it consists of visual images if such making of a film of the broadcast is for the private and domestic use of the person by whom the film is made;

(gggg) the making and issuing of copies of any work into a format to cater for the special needs of people who are visually or hearing impaired and the issuing of such copies to the public by non-profit making bodies or institutions and on such terms as the Minister may determine;

(h) ...;

...;

(p)

MyIPO highlighted to NCBM its view that the provision in (gg) was more than what was contained in the Marrakesh Treaty. According to (gg), in Malaysia, sound recording of a performance, including via film, was exempted from copyright restrictions for the use of Blind persons.

Laws of Malaysia

Act A1420²⁹

Copyright (Amendment) Act 2012.

Date of publication in the *Gazette*: 9 February 2012.

An Act to amend the Copyright Act 1987 (*Act 332*).

Amendment of section 13

9. Section 13 of the principal Act is amended –

(a) ...

(b) in subsection (2)—

(i) by substituting for paragraph (a) the following paragraph:

²⁹ <<https://drive.google.com/file/d/1nt9-2BzsI2NyB2NuZGgDHUQiTAixK5OC/view>>;
<<https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/my/my081en.html>>.

“(a) the doing of any of the acts referred to in subsection (1) by way of fair dealing including for purposes of research, private study, criticism, review or the reporting of news or current events:

3

Provided that it is accompanied by an acknowledgement of the title of the work and its authorship, except connection with the reporting of news or current events by means of a sound recording, film or broadcast;”

...

(iii) by substituting for paragraph (gggg) the following paragraph: “(gggg) the making and issuing of copies of any work into a format to cater for the special needs of people who are visually or hearing impaired and the issuing of such copies to the public by non-profit making bodies or institutions and on such terms as the Minister may determine;”;

Furthermore, the spirit of Government intent may be discerned in consideration given to the purpose and character of a dealing that is for non-profit educational purposes, as in the following:

Laws of Malaysia
Act A1420
Copyright (Amendment) Act 2012
An Act to amend the Copyright Act 1987 (*Act 332*).

Amendment of section 13
9. Section 13 of the principal Act is amended –

(c) by inserting after subsection (2) the following subsection:

“(2a) For the purposes of paragraph (2)(a), in determining whether a dealing constitutes a fair dealing, the factors to be considered shall include—

(a) the purpose and character of the dealing, including whether such dealing is of a commercial nature or is for non-profit educational purposes;

(b) the nature of the copyright work;

(c) the amount and substantiality of the portion used in relation to the copyright work as a whole; and

(d) the effect of the dealing upon the potential market for or value of the copyright work.”.

NCBM expressed its appreciation to MyIPO for the amendments. It was noteworthy that the 2012 amendments protected organizations providing services to make alternative copies for local use only. Usually, the copies for local use by Blind persons were made in audio or text format and saved as electronic files.

Thus, the 2012 amendments anticipated and paved the way for the requirements of the Marrakesh Treaty, to allow the import and export of copyrighted materials and publications. In that way, Malaysia was somewhat ahead of other countries that did not even have the legal provision for allowing local circulation, and thus had more work on legislative amendments to undertake.

However, in the 2012 amendments there was no specific link with or reference to provisions as contained in the Marrakesh Treaty. Nevertheless, NCBM proceeded to further support the MyIPO endeavours, including by circulating related information on the 2012 amendments to its member organizations.

It was during the discussions with MyIPO that NCBM learnt of the impression made by the WBU presentation on the members of the Malaysian delegation who had attended the abovementioned Regional Workshop (27 -29 April 2015, Singapore).

2016

Mr Moses Choo, as the then Executive Director of NCBM, attended the World Blind Union-International Committee for Education of People with Vision Impairment (WBU-ICEVI) Joint Assembly, held in Orlando, Florida, U.S.A. during 21-24 August 2016. The Assembly aimed to improve the quality of life of Blind persons and low-vision persons by providing a common platform for advocates, innovators, consumers, and service providers to expand both intra-regional and international networks, share information and learn about new techniques and service models.³⁰

After seeing for himself an affordable electronic Braille device, he sprang into action on return to Malaysia. NCBM signed a distributor's contract with two India-based manufacturers: Orbit Research and Innovision. NCBM began introducing paperless Braille display. The introduction of this affordable, smart Braille device into Malaysia was in anticipation of Malaysia's formal association with the Marrakesh Treaty, whereby it would be more practical to have Blind people reading paperless Braille. To date, NCBM has distributed about 200 units of the Braille Display.

To make the Braille Display even more affordable, Mr Moses Choo raised funds to sponsor Blind individuals who wanted to use their own such equipment. In the NCBM scheme, a Blind person pays RM1,000 and the remaining RM2,000 would be covered through the NCBM sponsorship programme. Under this scheme, NCBM has supported 30 Blind individuals who have received their own machines. The NCBM scheme aims to encourage increased interest in reading electronic versions of Braille

³⁰ <<https://www.indexbraille.com/en-us/event/wbu-icevi-general-assembly>>

books, including eventually, read books acquired from overseas via the ABC Global Book Service.

In the meantime, further to NCBM dialogue with the Ministry of Education and demonstration of the usefulness of the smart Braille device, the Government has begun to allocate funds for buying such equipment for use by school-going Blind students.

This effort contributes to and supports at the grassroots level preparations for Malaysia's accession to the Marrakesh Treaty.

2016 -

The Minister of Women, Family and Community Development chairs the meetings of the National Council for Persons with Disabilities, *Majlis OKU*.³¹ The Secretary-General of the Ministry responsible for social welfare serves as Deputy Chairman. It is noteworthy that, in the Persons with Disabilities Act, 2008, regarding the membership of the National Council, the "Attorney General of Malaysia, or his representative" is listed immediately following the Deputy Chairman.

Following advocacy by the Immediate Past Executive Director of NCBM to include leaders of CSOs, such as organizations of persons with disabilities, in the National Council, he himself was appointed to serve as a member of the National Council, along with other CSO leaders.

During his two consecutive terms of office (2016 - 2021),³² the Immediate Past Executive Director of NCBM raised in National Council meetings the need for Malaysia to be a party to the Marrakesh Treaty. This was new to members of the National Council when it was first raised and NCBM appreciated the Chairman for her support. Further awareness raising on the Marrakesh Treaty was pursued when the National Council was chaired by the Deputy Prime Minister of Malaysia who was also the Minister of Women, Family and Community Development.

2016-2017

NCBM concentrated efforts on promoting Braille reading and the synchronization of the NCBM Braille system with Unified English Braille.³³

³¹ *Majlis OKU*: National Council under the Persons with Disabilities Act, 2008.

<<http://ilo.org/dyn/natlex/docs/ELECTRONIC/86297/117930/F139356912/MYS86297.pdf>>.

³² No meetings of the National Council were held in 2020, in the wake of the COVID-19 pandemic.

³³ Unified English Braille (UEB) was developed by the International Council on English Braille (ICEB) to unify the braille codes used in countries where English is spoken and to unify the braille symbols used in literary, mathematics and computing contexts. It was ratified in 2004 and is used in many countries. ICEB monitors the use of UEB, clarifies and reviews its symbols and rules, as necessary. <<https://iceb.org/ueb.html>>.

For Malaysia to maximize the benefits of Braille books, it was necessary to promote Braille reading and especially the internationally-recognized Unified English Braille that had been adopted by all countries in which English was widely used.

Working under the umbrella of the World Blind Union, NCBM joined the rest of the world in advocating in Malaysia for the Marrakesh Treaty.

NCBM managed to secure an appointment with MyIPO Director, Mr Encik Mohd. Fairuz, to discuss the following:

1. The Marrakesh Treaty will:
 - 1.1 Require countries which ratify the Treaty to have an exception to domestic copyright law for visually-impaired and print-disabled persons. This means that countries which ratify the Treaty must ensure that their laws allow Blind people, their representative organizations and organizations providing them with services, to produce books whose format is accessible without the need to obtain prior permission from the holder of a copyright (for example, the author or publisher).
 - 1.2 Allow for the import and export of accessible versions of books and other copyrighted works, again without copyright holder permission. This will help in:
 - (a) Avoiding the duplication of transcription efforts in different countries;
 - (b) Allowing those with larger collections of accessible books to share those collections with visually-impaired people in countries with fewer resources.
2. Only those performing the function of “authorized entities,” such as organizations of and for Blind persons, may send accessible books under the terms of the Treaty. However, the Treaty allows accessible books to be imported and/or received either by other “authorized entities” or directly by persons with visual impairment or individuals with print-disabilities.

In its Marrakesh Treaty advocacy, NCBM despatched formal communication to all content providers and Government Departments, seeking their support for the Government of Malaysia to become formally and legally associated with the Marrakesh Treaty, so that Blind persons in Malaysia would benefit from solutions to the book famine for which the Treaty was adopted, including by Malaysia.

2018-2019

The continuous discussions and engagement with MyIPO resulted in the organization, by MyIPO, of the National Seminar on the Implementation of the Marrakech Treaty, 28 August 2018, Kuala Lumpur.

The International Federation of Library Associations and Institutions (IFLA) plays an important role in matters pertaining to the Marrakesh Treaty. The IFLA World Library and Information Congress is the international flagship professional and trade event for the library and information services sector. It brings together over 3,500 participants from more than 120 countries. The IFLA World Library and Information Congress 84th IFLA General Conference and Assembly was held in Kuala Lumpur during 24-30 August 2018.

MyIPO took advantage of the presence of numerous international experts in Kuala Lumpur and organized the National Seminar two days before the closing of the IFLA event. Contributors to and participants in the substantive programme of the National Seminar included world-renowned experts, such as the following:

- Ms. Geidy Lung, Senior Counsellor, Copyright Law Division, World Intellectual Property Organization (WIPO);
- Mr Hiroshi Kawamura, Board Member and Past President, Digital Accessible Information System (DAISY) Consortium;
- Mr. Dipendra Manocha, Director, Regional Resource Centre, DAISY Consortium
- Ms. Kirsi Yläne, Accessibility Specialist, Celia Library, Finland, and
Chair of the Standing Committee of the IFLA Libraries Serving Persons with Print Disabilities Section;
- Mr. José Borghino, Secretary-General, International Publishers Association (IPA);
- Ms. Caroline Morgan, Chief Executive and Secretary-General, International Federation of Reproduction Rights Organisations;
- Ms. Victoria Owen, Member of the ABC, University of Toronto Scarborough Library, Canada.

Notable Malaysian speakers at the National Seminar included the following:

- Mr. Zulkarnain Muhammad, Deputy Director General (Strategic & Technical), Intellectual Property Corporation of Malaysia (MyIPO);
- Mr. Ishak Hamzah, President, Malaysian Books Publishers Association (MABOPA);
- Mr. Ab. Wahab Ibrahim, Department Head, National Book Council of Malaysia, Ministry of Education, Government of Malaysia;
- Mr Moses Siew Cheong Choo, Executive Director, National Council for the Blind, Malaysia (NCBM), who shared the perspectives of Blind persons.

On 29 August 2018, in immediate follow-up to the National Seminar, MyIPO convened a workshop of Malaysian stakeholders: all parties were invited to voice their respective concerns. The NCBM team participated in that workshop and in a follow-up meeting the next day, as indeed in subsequent meetings convened by MyIPO. Although there was no conclusion on the composition of the Authorized Entity, NCBM stressed the importance of having the National Library as the main coordinator, with the participation of other stakeholders, such as NCBM and other CSOs providing services to Blind persons with regard to the production and sharing of books in formats that are accessible.

2019

Throughout this year, the then Executive Director of NCBM, Mr Moses Choo, continued maintaining person-to-person informal contact with the concerned MyIPO official, Mr Mohd. SYAUFIQ bin Abdul Latif, Intellectual Property Officer, Copyright Division.

Mr Syaufiq was quietly persevering in essential documentation work for accession.

By maintaining regular contact and continuing informal discussions with Mr Syaufiq throughout the period that he was working hard on substantive preparations, Mr Moses Choo was able to share with Mr Syaufiq, as and when it was useful, insights on the needs of Blind persons, and practical issues encountered by them. Such sharing might also have been a source of moral and intellectual support in an extended, challenging process that could have caused less determined persons to give up.

The then Executive Director of NCBM undertook research into affordable assistive technology that could provide more effective support to Malaysian Blind persons, with the understanding that wider use of such technology by the Blind community would be important, especially for the day when Malaysian associated itself formally with the Marrakesh Treaty.

2020-2022

During the COVID-19 pandemic, the Government introduced lockdowns in various phases and levels and covering all or parts of the country from March 2018. The physical distancing measures were especially challenging for Blind persons. Nevertheless, NCBM persevered in maintaining close contact with MyIPO. There were many telephone consultations between NCBM and MyIPO.

In early 2020, to increase the options for Blind persons to read books using voice technology, NCBM worked with a vendor in Hong Kong, China, to build a portable e-book reader that would include a human-like voice. After much testing, the company modified the e-book reader, model EV10, and equipped it with a speech engine from Nuance called a vocalizer speech engine. To improve the relevance of the technology for Malaysians, NCBM worked with the company to localize it with a Malay voice. By August 2020, NCBM was able to offer such a speech engine to Blind persons in Malaysia for only RM180.00.

By March 2021, NCBM was ready to distribute a pocket reader that could read in English or Malay, with the capabilities of DAISY. PDF, TEXT and even Word files.

Building further on this progress, NCBM expects to be able to sell later in 2022, a new model equipped with three languages: for use in Malaysia, the model would have Malay, English and Chinese capabilities in the same e-book player.

Following the 2020 appointment of Senator Ras Adiba Radzi to represent persons with disabilities, NCBM secured her support to augment its advocacy for accession to the Marrakesh Treaty. Senator Ras Adiba supported the advocacy, including by joining an online Lunar New Year Concert (13 February 2021) and delivering a strong statement urging accelerated action towards Malaysia's accession to the Marrakesh Treaty.

NCBM, in its press statement in conjunction with Global Accessibility Awareness Day on 20 May 2021, urged the Government to accede to the Marrakesh Treaty.

At the end of October 2021, the Cabinet approved the tabling of the amendments to the Copyright Act 1987. The first reading of the amendments in Parliament was on 13 December 2021. The second reading which led to the passing of the amendments was on 15 December 2021.

The key amendments of direct relevance to Blind persons and persons with other print disabilities pertained to the following:

- Authorized entities, individuals with print disabilities or any persons acting on their behalf will be exempted from copyright infringement for making, issuing, exporting and importing copies of any work in an accessible format.

The Copyright (Amendment) Act 2022, A1645³⁴ was gazetted on 10 February 2022.

Excerpts from the Copyright (Amendment) Act 2022, A1645 are contained in Annex 3.

31 March 2022

The Intellectual Property Corporation of Malaysia (MyIPO), in a statement on the night of Thursday, 31 March 2022, informed the nation that Malaysia had deposited, at WIPO Headquarters, Geneva, the instrument of accession³⁵ to two treaties, including the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (Marrakesh Treaty).

The Treaty was signed by the Minister of Domestic Trade and Consumer Affairs, Datuk Seri Alexander Nanta Linggi, and was handed over by Malaysia's Permanent Representative to the United Nations in Geneva, Datuk Dr Ahmad Faisal Muhamad, to WIPO Director-General Daren Tang.³⁶

³⁴ <<https://www.myipo.gov.my/wp-content/uploads/2022/02/Copyright-Amendment-Act-2022-Act-A1645.pdf>>

³⁵ @WIPO <<https://twitter.com/WIPO/status/1509545105933410311?t=NPgj-aj34syy6H6ler5YsA&s=08>>.

³⁶ Malaysia Joins WIPO's Budapest and Marrakesh Treaties, 31 March 2022. <https://www.youtube.com/watch?v=SCnnTvk7PTg&list=PLsm_LOEppJazVkT-dgHlHRI9jGqlqJLBF&index=3>.

Malaysia's accession to the Marrakesh Treaty will enable Malaysians who are blind, visually-impaired or otherwise print disabled to gain access to over 730,000 books via WIPO's Accessible Books Consortium. This will "empower all Malaysians to play a full part in economic, social and cultural life."³⁷ It will contribute to Malaysia's socio-economic progress by providing exemptions on permission from copyright owners to make and distribute reading materials in accessible format for Blind persons and other persons with print disabilities.

Malaysia's accession would benefit 51,323³⁸ persons with visual impairment who are registered with the Department of Social Welfare.

M. Next steps: implementation

The National Council for the Blind, Malaysia has a clear vision for tackling the book famine faced by the Blind people of Malaysia.

The next task is for Malaysia to formalize institutional arrangements for Malaysia to have in place a strong Authorized Entity that is most likely to best serve, over the long term, the majority of users with print disabilities, including but not limited only to Blind persons.

In this regard, NCBM would continue to extend its support to MyIPO, if it decides to proceed on the following:

1. Establish the Malaysian Marrakesh Treaty Task Force.
2. Develop a roadmap: implementation of the Marrakesh Treaty in Malaysia.

N. Key elements for a roadmap: implementation of the Marrakesh Treaty in Malaysia

Some suggested elements for preparing a roadmap might include those indicated below in a skeleton outline.

Given the "Government's aspiration to transform Malaysia into a digitally-enabled and technology-driven high income nation, and a regional lead in digital economy,"³⁹ along with the skeleton roadmap outline below, a vision is proposed for consideration:

³⁷ <<https://twitter.com/WIPO/status/1509545105933410311?t=NPgj-aj34syy6H6Ier5YsA&s=08>>

³⁸ <<https://www.thestar.com.my/news/nation/2022/04/01/malaysia-accedes-to-budapest-marrakesh-treaties>>;

<<https://twitter.com/WIPO/status/1509545105933410311?t=NPgj-aj34syy6H6Ier5YsA&s=08>>

³⁹ YB Dato' Sri Mustapa bin Mohamed, Minister in the Prime Minister's Department (Economy), Preface, "Malaysia Digital Economy Blueprint." *Ibid.*.

Malaysia leads in Marrakesh Treaty implementation by 2030.

It is hoped that the private sector in Malaysia will join in complementing and reinforcing Government and CSO endeavours, so that Malaysia, through systematic and collaborative efforts, can by 2030 become an ASEAN leader in the implementation of the Marrakesh Treaty.

Roadmap: implementation of the Marrakesh Treaty in Malaysia Vision: Malaysia Leads in ASEAN Marrakesh Treaty Implementation within 8 years of Accession (by 2030)			
Results to be achieved	Timelines	Main responsible actor	Support provided by
1. Malaysia's Authorized Entity identified and appointed within 2 years of the launch of this roadmap, with technical assistance measures initiated towards strengthening it for effective management and functioning as Malaysia's designated Authorized Entity, and with review at regular intervals of its performance record, and corrective measures taken, as required.			
2. Cross-border exchange of books commenced within 4 years of launch of the roadmap.			
3. Awareness raised among key stakeholders, with:			

Roadmap: implementation of the Marrakesh Treaty in Malaysia
Vision: Malaysia Leads in ASEAN Marrakesh Treaty Implementation
within 8 years of Accession (by 2030)

Results to be achieved	Timelines	Main responsible actor	Support provided by
3.1 Stakeholder consultations held; 3.2 Issues and possible solutions for the three most pressing issues identified; 3.3 Decisions made on priority actions and sequence of workflow; 3.4 Resource availability mapped.			
4. National pool of disability-inclusive knowledge and skills created for catalyzing the following: 4.1 Within 6 years of the roadmap launch, only web developers who are fully certified, as per internationally-recognized certification, ⁴⁰ receive Government contracts for ensuring that			

⁴⁰ Free online training resources are available. For example, Section 508 training, official website of the Department of Homeland Security, US Government: <<https://www.dhs.gov/508-training>>.

Roadmap: implementation of the Marrakesh Treaty in Malaysia
Vision: Malaysia Leads in ASEAN Marrakesh Treaty Implementation
within 8 years of Accession (by 2030)

Results to be achieved	Timelines	Main responsible actor	Support provided by
<p>Malaysian Government website and other online work is fully compliant with the latest version of the Web Content Accessibility Guidelines.⁴¹</p> <p>4.2 Within 5 years of roadmap launch, Government contracts for websites specify certification in web accessibility as an essential criterion for joining in bidding for contracts involving online processes.</p> <p>4.3 Within 8 years of roadmap launch, at least 80% of Government online communication is fully accessible via websites and mobile applications (apps), including for public service announcements, emergency alerts, application forms,</p>			

⁴¹ Web Content Accessibility Guidelines (WCAG), version 2.1 as of June 2022. Created by the World Wide Web Consortium (W3C), WCAG is the benchmark for website accessibility.

Roadmap: implementation of the Marrakesh Treaty in Malaysia
Vision: Malaysia Leads in ASEAN Marrakesh Treaty Implementation
within 8 years of Accession (by 2030)

Results to be achieved	Timelines	Main responsible actor	Support provided by
<p>payments, job vacancy announcements, and policy updates, covering:</p> <ul style="list-style-type: none"> (a) Health; (b) Education; (c) Housing; (d) Transport; (e) Communications and multimedia; (f) Social protection; (g) Utilities; (h) Banking. <p>4.4 Accessible publications produced, with initial priority given to Malaysian education, vocational skills and life skills training and current affairs materials.</p> <p>4.5 Frequent and regular accessibility audits of Malaysian websites and mobile apps undertaken, including of all Government, Government-linked and Government-supported websites, mobile apps and</p>			

Roadmap: implementation of the Marrakesh Treaty in Malaysia
Vision: Malaysia Leads in ASEAN Marrakesh Treaty Implementation
within 8 years of Accession (by 2030)

Results to be achieved	Timelines	Main responsible actor	Support provided by
information transmitted via social media platforms.			
5. Funding, human, material, and institutional infrastructure resources secured for roadmap implementation.			

Annex 1: Resources on the Marrakesh Treaty

Below are suggested resources for reference.

Many of these contain further links to more useful references.

1. World Intellectual Property Organization (WIPO) TRT/MARRAKESH/001. Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled <<https://wipolex.wipo.int/en/text/301019>>.
2. The Treaty of Marrakesh explained by WBU (23 August 2013). <<https://wbuap.org/archives/695>>
3. Maryanne Diamond (6 January 2015). "An information revolution for the blind" TEDxPlaceDesNations <<https://www.youtube.com/watch?v=KM0UdZEnAVI>>.
4. WBU Marrakesh Treaty Pocket Guide: <<https://worldblindunion.org/programs/marrakesh-treaty/wbu-marrakesh-treaty-pocket-guide/>>.
5. Marrakesh Treaty Ratification and Implementation Campaign <<https://worldblindunion.org/programs/marrakesh-treaty/>>.
6. WBU Guide to the Marrakesh Treaty (available in six languages): <<https://worldblindunion.org/programs/marrakesh-treaty/wbu-guide-to-the-marrakesh-treaty-2/>>
7. UNDP (2015). WBU Asia-Pacific and the United Nations Development Program (UNDP) Bangkok Regional Hub, "Our Right to Knowledge: Legal Reviews for the Ratification of the Marrakesh Treaty for persons with print disabilities in Asia and the Pacific," launched on 3 December 2015. Available in four formats: English PDF; Electronic Braille; DAISY; Audio (MP3). <<https://www.undp.org/asia-pacific/publications/our-right-knowledge-legal-reviews-ratification-marrakesh-treaty-persons-print-disabilities-asia-and-pacific>>
8. [Press Release- AP Marrakesh 2017](#): New Issue Brief calls for greater inclusivity and access: Press Release: By the World Blind Union – Asia Pacific (WBUAP) in collaboration with The United Nations Development Programme (UNDP) and the Electronic Information for Libraries (EIFL)
9. Link: Issue Brief accessible formats: www.asia-pacific.undp.org/content/html (only available in English)
10. Other resource <[undp-rbap-2017-issue-brief-asia-pacific-marrakesh-treaty](#)>
11. UNDP in Asia and the Pacific (1 December 2020). The Right to Knowledge: Supporting Countries to Ratify the Marrakesh Treaty <<https://www.youtube.com/watch?v=Ei93aUZk9dg>>. [Advocacy video on the Marrakesh Treaty](#), designed to help increase Marrakech Treaty awareness and expedite the ratification/accession process in Cambodia and Viet Nam.
12. Launch of the ABC, accessible book consortium: <<https://www.youtube.com/watch?v=PMYjFol0BGs>>.
13. Jessica Coates, *et. al.* (2018). Getting Started: Implementing the Marrakesh Treaty for persons with print disabilities: a practical guide. IFLA-WBU-eifl-CARL/ABRC-University of Toronto Scarborough.
14. DAISY Consortium. Glossary. <<https://daisy.org/info-help/glossary/>>.

Annex 2: The Marrakesh Treaty in Brief⁴²

A. Objectives:

The main objective of the Treaty is to help end the “book famine:” the global situation whereby only a very few per cent of books published are available in accessible formats that Blind persons and other print-disabled persons can read. It does so by allowing Blind persons and organizations serving them to make and send across national borders accessible books and other copyrighted publications, without the need to ask for the (often unavailable) permission of the author, publisher or other holder of copyright.

B. Key elements:

The Treaty recognizes the following:

1. An outdated copyright law acts as a barrier to print disabled people’s access to communication, education and research and scientific knowledge; the shortage of availability of published works in accessible formats;
2. The importance of appropriate limitations and exceptions to copyright law in order to ensure published works in accessible formats;
3. The need to strike a balance between the protection of the rights of the author and larger public interest, particularly education, research and access to information.

The Treaty:

4. Defines, in a broad way, “works” (in layman’s terms “works” means books and other published material), allowing almost any published work to be transcribed into an accessible format/distributed under its terms;
5. Defines “accessible format” broadly and in a way that is helpful for Blind persons and other persons with print disabilities;
6. Defines in broad terms the organizations that can use the Treaty to make or send accessible books: “Authorized entities;”
7. Defines broadly the people whom the Treaty is designed to serve, which it terms “beneficiaries,” as including those who are Blind, visually impaired, or have a perceptual or other reading disability;
8. Allows for the exchange of accessible published works across borders from one authorized entity to another, and also from an authorized entity to an individual;
9. Does not allow authorized entities to use its provisions on a profit-making basis.

⁴² Adapted from the WBU Marrakesh Treaty Pocket Guide:
<<https://worldblindunion.org/programs/marrakesh-treaty/wbu-marrakesh-treaty-pocket-guide/>>.

C. Significant benefits:

The Treaty is expected to:

1. Help end the “book famine” that print-disabled people still face;
2. Speed up the creation and implementation of national copyright exceptions for print-disabled people in the many countries which still do not have these;
3. Allow repositories of accessible books, often housed in libraries or Blind persons’ organizations, to be shared across national borders. This is vital. At present there is duplication of effort and cost when two such organizations in different countries, but sharing the same language, both make the same book accessible. The Treaty will allow such organizations to pool resources, save money and therefore produce and share a greater number of accessible format books.

Annex 3: Copyright (Amendment) Act 2022, A1645:⁴³
Excerpts for reference regarding the provisions of the Marrakesh Treaty

Amendment of Section 3

3. Section 3 of the principal Act is amended –

- (a) by deleting the definition of “licensing body”;
- (b) by inserting after the definition of “author” the following definition: ‘

“authorized entity” means an entity prescribed by the Minister under subsection 13(2c);’;

- (c) by inserting after the definition of “performers’ right” the following definition:

‘ “person with print disability” means a person who is registered as a person with disability under the Persons with Disabilities Act 2008 [Act 685] who is –

(a) blind;

(b) visually impaired or has a perceptual or reading disability which cannot be improved to give visual function substantially equivalent to that of a person without such impairment or disability, and due to such impairment or disability is unable to read printed works to substantially the same degree as a person without such impairment or disability; or

(c) unable to hold or manipulate a book or to focus or move the eyes, to the extent that would be normally acceptable to read due to physical disability;’;

- (d) by inserting after the definition of “citizen” the following definition:
‘ “collective management organization” means a body corporate which is declared as a collective management organization under section 27A;’;
and

- (e) by inserting before the definition of “adaptation” the following definition:

“accessible format copy” means a copy of a work in an alternative manner or form which gives a person with print disability access to the work including to

⁴³ Copyright (Amendment) Act 2022, A1645 <<https://www.myipo.gov.my/wp-content/uploads/2022/03/Copyright-Amendment-Act-2022-Act-A1645.pdf>>.

permit the person with print disability to have access as feasibly and comfortably as a person without such disability for his exclusive use;’.

Amendment of section 13

4. Section 13 of the principal Act is amended –

(a) in subsection (2) –

- (i) in paragraph (gggg), by deleting the words “visually or”;
- (ii) by inserting after paragraph (gggg) the following paragraph:

“(ggggg) the making and issuing of copies of any work into an accessible format copy on such terms as the Minister may determine, by –

- (i) an authorized entity; or
 - (ii) a person with print disability or any other person acting on his behalf including his caregiver;”;
- (iii) in paragraph (p), by deleting the word “and” at the end of the paragraph;
 - (iv) in paragraph (q), by substituting for the full stop at the end of the paragraph a semi colon; and
 - (v) by inserting after paragraph (q) the following paragraphs:

“(r) the importation for the purpose of distribution or making available of copies of any work in an accessible format copy by an authorized entity, the person with print disability himself or any other person acting on his behalf including his caregiver, and on such terms as the Minister may determine; and

(s) the exportation for the purpose of distribution or making available of copies of any work in an accessible format copy by an authorized entity to a member of the Marrakesh Treaty and on such terms as the Minister may determine.”;

(b) by inserting after subsection (2A) the following subsections:

“(2B) For the purpose of paragraph 2(s), “Marrakesh Treaty” means the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled done in Marrakesh on 27 June 2013.

(2c) For the purpose of paragraphs (2)(ggggg), (r) and (s), the Minister may by order prescribe any non-profit making body or institution which provides education, instructional training, adaptive reading or information access to a person with print disability to be an authorized entity.”.

Amendment of section 16A

5. Subparagraph 16A(3)(c)(ii) of the principal Act is amended by substituting for the words “, or on behalf of, the body administering an institution assisting persons with a print disability solely for the purpose of the provision, whether by the institution or otherwise, of assistance to persons with a visual, aural, intellectual and print disability” the words “a person with print disability himself or any other person acting on his behalf including his caregiver, or an authorized entity or a non-profit making body or institution, solely for the purpose of assisting people who are hearing impaired or persons with print disability”.

Amendment of section 25

6. Section 25 of the principal Act is amended by inserting after subsection (3) the following subsection:

“(3A) Where a work is modified into an accessible format copy by an authorized entity, a person with print disability himself or any other person acting on his behalf including his caregiver, that modification shall not constitute a contravention of subsection (2) if the modification is necessary to make the work in an accessible format copy.”.

Amendment of section 36A

10. Subsection 36A(2) of the principal Act is amended –

- (a) in subparagraph (e)(iii), by deleting the word “or” at the end of the subparagraph;
- (b) in paragraph (f), by substituting for the full stop at the end of the paragraph the words “; or”; and
- (c) by inserting after paragraph (f) the following paragraph:

“(g) done by an authorized entity or a person with print disability himself or any other person acting on his behalf including his caregiver, for the exclusive use of the person with print disability, for the sole purpose of –

- (i) making and issuing copies of any work into an accessible format copy; or

- (ii) distributing or making available copies of any work in an accessible format copy.”.