

Marrakesh Treaty Implementation

August 2019 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?
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 under discussion ²	Yes	Yes	Unclear (yes)	Unclear	Unclear	Yes	Yes

² Relevant reforms are currently under discussion in Parliament

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Australia	Ratified, national law amended	Yes	Yes	Yes ³	Yes	Yes	Yes	Yes
Austria	EU ratified, national law adopted	No	No	Yes	Yes	Yes	Yes	Yes ⁴
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

³ 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.

⁴ 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 ⁵	Unclear (yes)	Unclear (yes)	Unclear (yes)	Unclear (yes)	Unclear (yes)	Unclear (yes)	No
Bulgaria*	EU ratified, national law adopted	Yes	Yes	Yes	No	Yes	Yes	Yes
Burkina Faso	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear

⁵ Legislation due shortly.

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Cabo Verde*	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Canada*⁶	Ratified, national law amended ⁷	Unclear (yes) ⁸	Unclear (yes) ⁹	No	Yes	Unclear (yes) ¹⁰	Yes	No
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

⁶ Canada has been involved in cross-border exchanges of work under the Marrakesh Treaty – a direct exchange with Kyrgyzstan.

⁷ 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.

⁸ See footnote 6.

⁹ See footnote 6.

¹⁰ See footnote 6.

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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
Denmark	EU ratified, national law adopted	Yes	No	Unclear	Unclear	Unclear	Unclear	Unclear
Dominican Republic	Ratified, no national reform	Unclear (yes)	Unclear (yes)	Unclear (yes)	Unclear	Unclear	Unclear	Yes

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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 ¹¹	Yes	Yes	Yes	Yes	Yes	Yes	No
Finland	EU ratified, national law adopted	Yes	No ¹²	Yes	Yes	No ¹³	Yes	No ¹⁴

¹¹ The amended Copyright Act came into force on November 28, 2018.

¹² No, if a beneficiary person will have a permanent copy of an audio book.

¹³ 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.

¹⁴ 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.

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France	EU ratified, national law adopted ¹⁵	Yes	Yes	Yes	No	No	Yes	Yes
Germany*	EU ratified, national law adopted	No	No	Yes	No	No	Yes	Yes
Ghana	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	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

¹⁵ It had been subject to infringement proceedings.

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Honduras	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Hungary*	EU ratified, national law adopted	Yes	Yes	Unclear	Unclear	Unclear	Unclear	Unclear
Iceland	EU (EEA) ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
India	Ratified, no national reform	No	No	Unclear	No ¹⁶	Unclear	Yes	Yes

¹⁶ The beneficiary or authorised entity must apply to the copyright board for the right to do this.

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Ireland	EU ratified, national law adopted ¹⁷	Yes	Yes	Yes	Yes	Yes	Yes	Yes
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

¹⁷ The relevant bill is published here: <https://dbe.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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Kenya	Ratified, no national reform ¹⁸	Unclear (yes)	Unclear (yes)	Unclear (yes)	Unclear (yes)	Unclear (good)	Unclear (yes)	Unclear (bad)
Kiribati*	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Korea	Ratified, no national reform	Yes ¹⁹	Yes	Unclear	Unclear (yes)	Unclear	Unclear	No
Kyrgyzstan²⁰	Ratified, national law amended	Yes	Yes	Unclear (yes)	Good	Yes	Yes	No

¹⁸ 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

¹⁹ But only Braille.

²⁰ Kyrgyzstan has been involved in a direct exchange of works under the Treaty with Canada.

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Latvia	EU ratified, national law adopted ²¹	Yes	Yes	Yes	Yes ²²	Yes	Yes	Yes
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 ²³

²¹ The Marrakesh provisions entered into force in Latvia on the 13 December 2018.

²² 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”.

²³ For people with a hearing impairment.

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Lithuania	EU ratified, national law adopted ²⁴	Yes	Yes	Yes	Yes ²⁵	No	Yes	Yes ²⁶
Luxembourg	EU ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Malawi	Ratified, national law amended	Yes ²⁷	Yes ²⁸	No	Unclear	Unclear	Yes	Unclear
Mali	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear

²⁴ The national law has been approved by the Parliament, and now Presidential signature is required.

²⁵ 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.

²⁶ 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.

²⁷ The law as it stands does not mention remuneration.

²⁸ Limited: audiovisual works can only be lent, not distributed.

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Malta*	EU ratified, national law adopted	Unclear ²⁹	Unclear ³⁰	Yes	Yes	Yes	Yes	No
Marshall Islands*	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Mexico	Ratified, national law amended ³¹	Yes	Yes	Yes	No	Yes	Yes	Unclear (yes)
Moldova	Ratified, no national reform	Yes	Yes	Unclear	Unclear	Unclear	Yes	Yes

²⁹ The law maintains the option of setting up a compensation scheme, if it appears that there is prejudice to the interests of authors

³⁰ See above

³¹ 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.

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Mongolia	Ratified, no national reform	Unclear (yes)	Unclear (yes)	No	Unclear	Unclear	Unclear	Yes ³²
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
New Zealand*	Ratified, national law adopted	Yes	Yes	Yes	Yes ³³	No	Yes	No
Nigeria	Ratified, national law under discussion	Yes	Yes	Unclear (yes)	Unclear	Unclear	Unclear (yes)	Unclear (yes)

³² For people with a hearing impairment.

³³ 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.

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North Korea	Ratified, no national reform	Unclear (yes)	Unclear (yes)	Unclear (yes)	Unclear	Unclear	No	No
Norway	National law under discussion ³⁴	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

³⁴ 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 year-end 2019.

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Philippines	Ratified, no national reform ³⁵	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Poland	EU ratified, national law adopted	Yes	Yes	Yes	Yes	No	Unclear	Unclear (no)
Portugal	EU ratified, national law adopted	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Qatar	Ratified, no national reform ³⁶	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Romania*	EU ratified, national law adopted	Yes	Yes	Unclear	Unclear	Unclear	Unclear	Unclear

³⁵ The Treaty will enter into force in the Republic of the Philippines on March 18, 2019.

³⁶ 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 ³⁷	Yes ³⁸	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
Singapore	Ratified, national law amended	Yes ³⁹	Yes ⁴⁰	No	Yes	Unclear	Unclear (yes)	No

³⁷ Lending only, not distribution

³⁸ Lending only, not distribution

³⁹ Rightholders can ask for payment, but there is no automatic obligation to pay.

⁴⁰ 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 ⁴¹	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

⁴¹ The existing exception only applies if the relevant work is not available in the desired form. However this will most likely changed in the current reform.

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Switzerland	Not yet ratified, national law under discussion	No	No	Unclear	Unclear	No	Unclear	Unclear
Thailand*	Ratified, national law amended	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Tajikistan*	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
Tunisia	Ratified, no national reform	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear
UAE (United Arab Emirates)	Ratified, national law under discussion	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear

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Uganda	Ratified, no national reform	Yes ⁴²	No	Unclear ⁴³	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

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.

⁴² Braille.

⁴³ Fair dealing.

- 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 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.
- *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.