

This resolution was adopted by the ALA Council on Tuesday, June 28, 2016

Resolution Urging Immediate Ratification of the Marrakesh Treaty To Facilitate Access To Published Works For Persons Who Are Blind, Visually Impaired, Or Otherwise Print Disabled

Whereas for many decades over 10 million American -- and more than 285 million other -- blind, low-vision, and print-disabled people across the globe have suffered a “book famine” in which they have been and remain unable to obtain copies of more than 95 percent of all works published globally;

Whereas this famine is primarily a function of great disparities in copyright law among the nations of the world some of which, including the United States, provide express exceptions in law (such as our “Chafee Amendment”) to allow for the copying and distribution of previously published, nondramatic literary works in accessible formats for the blind and print disabled, while two-thirds of the world’s nations provide no such exceptions and, thus, no access to printed works;

Whereas this fragmented legal landscape precludes or severely limits the cross-border exchange of a wide range of printed works between nations, further limiting the availability of such works to the print disabled in the United States and abroad;

Whereas the World Intellectual Property Organization (WIPO), meeting in diplomatic conference in Marrakesh, Morocco in June 2013, formally adopted an international instrument of agreement, now known as the “Marrakesh Treaty,” to end the global book famine by calling upon all contracting parties to adopt copyright exceptions similar to the United States’ Chafee Amendment, thereby creating an efficient global copyright regime pursuant to which each signatory nation will permit authorized entities, including libraries, to reproduce printed works in accessible formats, distribute those works to designated beneficiaries, import accessible copies, and export such copies to other nations;

Whereas for many years the American Library Association (ALA) has stood strongly and consistently in support of those US-based advocacy organizations spearheading the multi-year effort to produce the Marrakesh Treaty, including the American Council of the Blind, the American Foundation for the Blind, and the National Federation of the Blind;

Whereas ALA, in coalition with other library organizations and many civil society organizations, played a lead role in working with the United States’ delegation to negotiate and achieve conference approval of the Marrakesh Treaty, which was signed by the United States on October 2, 2013;

Whereas U.S. signature notwithstanding, to permit United States libraries and others to participate in the global system of information sharing detailed in the agreement for the direct benefit

of millions of print disabled Americans, the Marrakesh Treaty must be ratified by a two-thirds majority of the United States Senate, and legislation deemed necessary by the administration to

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implement the agreement also must be adopted by both chambers of Congress and signed by the President;

Whereas the President has formally transmitted the Marrakesh Treaty and such implementing legislation, the “Marrakesh Treaty Implementation Act of 2016,” to the United States Senate where both have been duly referred to appropriate committees of jurisdiction;

Whereas in February 2016, ALA issued a Joint Statement with fifteen fellow signatories calling upon Congress to both rapidly ratify the Marrakesh Treaty and approve the Marrakesh Treaty Implementation Act and its associated proposed legislative history text, if such legislation is considered necessary, without change whatsoever in order to avoid political controversy among stakeholder groups likely to further delay international implementation of the long-awaited and much-needed Marrakesh Treaty;

Whereas in its May 2016 Statement Supporting Ratification of the Marrakesh Treaty the International Federation of Library Associations and Institutions (of which ALA is a member), through its Section for Libraries Serving Persons with Print Disabilities, called upon effectively all members of government and civil society around the globe “to campaign for the ratification by your Government of this effective Treaty that will improve the lives of all the visually impaired and print disabled people in your country, leading to a more equitable and non-discriminatory society”;

Whereas no substantive objections have been raised publicly to either the Marrakesh Treaty or the Marrakesh Treaty Implementing Act;

Whereas the treaty currently has been signed by eighty countries and formally ratified by seventeen of the twenty nations required for it to become a fully operative global instrument; and

Whereas under such circumstances nothing should now be permitted to delay or derail the long sought relief from the book famine for the nearly 300 million people across the country and around the globe that the Marrakesh Treaty will provide once in force; now, therefore, be it

Resolved, That the American Library Association, on behalf of its members and the public interest:

1. calls upon the United States Senate and its committees of jurisdiction to immediately and concurrently take every procedural step possible to both ratify the Marrakesh Treaty and approve, with no amendment whatsoever, the Marrakesh Implementation Act and its associated legislative history text;

2. urges the House of Representatives and its committee of jurisdiction to take any and all appropriate steps to immediately expedite consideration and passage of the Marrakesh Implementation Act and its associated legislative history text in unamended form; and

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3. encourages the President to publicly speak out, on all appropriate occasions, in support of the foregoing expedited Congressional processes and rapid ratification of the Marrakesh Treaty.

Adopted by the Council of the American Library Association
Tuesday, June 28, 2016, in Orlando, Florida



Keith Michael Fiels
Executive Director and Secretary of the ALA Council