

WIPO SCCR 20

Comparison of proposals to address needs of people with disabilities – 22 June 2010

Short title	BEPM/WBU Treaty	US draft consensus	EU joint Recommendation	African Group Treaty
1. Formal name	Proposal By Brazil, Ecuador And Paraguay, Relating To Limitations And Exceptions: Treaty Proposed by The World Blind Union (WBU)	Draft Consensus Instrument: Proposal by the Delegation of the United States of America	Draft Joint Recommendation concerning the improved access to works protected by copyright for persons with a print disability. Proposal by the Delegation of the European Union	Draft WIPO Treaty on Exceptions and Limitations for the Disabled, Educational and Research Institutions, Libraries and Archive Centers Proposal by the African Group
2. WIPO citation	SCCR/18/5	SCCR/20/10	SCCR/20/12	SCCR/20/11
3. Date submitted	May 25, 2009	June 10, 2010	June 17, 2010	June 15, 2010
4. Beneficiaries	A person who is blind, has a visual impairment which cannot be improved by the use of corrective lenses to give visual function substantially equivalent to that of a person who has no visual impairment and so is unable to access any copyright work to substantially the same degree as a person without a disability, and a person with any other disability who, due to that disability, need an accessible format . . . in order to access a copyright work to substantially the same degree as a person without a disability.	Person with print disability, defined as somebody who is blind, has a visual impairment or a perceptual or reading disability which cannot be improved by the use of corrective lenses 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 degree as a person without an impairment or disability; or a person who has an orthopedic- or neuromuscular-based physical disability that prohibits manipulation and use of standard print	Person with a print disability, defined as somebody who is blind, or who has an impairment of visual function which cannot be improved, by the use of corrective lenses, to a level that would normally be acceptable for reading without a special level or kind of light; or who is dyslexic; or who is unable, through physical disability, to hold or manipulate a book; or who is unable, through physical disability, to focus or move his eyes to the extent that would normally be acceptable for reading; and whose disability results in an inability to read commercially available standard editions of works; and who can be helped to read by	For the purposes of this Treaty, a disabled person means any person suffering from visual impairment or a physical, mental, sensory or cognitive incapacity. Contracting Parties shall extend the provisions of this Treaty to persons with any other disability who, due to that disability, need an accessible format . . . in order to access a copyright work to substantially the same degree as a person without a disability.

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		materials.	reformatting the content (but, does not require the text itself to be re-written in simpler terms to facilitate comprehension).	
5. Type of Works	‘Work’ means any work of a type in which copyright could subsist whether or not such protection is provided by national laws or was provided but has expired, and includes literary, dramatic, musical and artistic works, databases and films. The provisions of the treaty shall apply <i>mutatis mutandis</i> to non-copyrighted elements of databases.	Published works	Works published in print	“Work” means any original or derived production of an artistic, literary, dramatic, musical or scientific type, regardless of the mode, format or form of expression, which could be protected by copyright, or related rights, even if such protection has expired.
6. Covered Formats	<p>‘Accessible format’ means an alternative manner or form which gives a visually impaired person or reading disabled person access to the work, including to permit a person with a visual impairment to have access as flexibly and comfortably as a person without a visual impairment.</p> <p>‘Accessible formats’ shall include, but not be limited to, large print, with different typefaces and sizes all being permitted according to need, Braille, audio recordings, digital copies compatible with screen readers or refreshable Braille and audiovisual works with audio description. It shall also be understood that whether a format is accessible or not will vary</p>	<p>“special format version of a work”</p> <p>For the purposes of this [consensus instrument], a “special format version of a work” means Braille, audio, or digital text which is exclusively for use by persons with print disabilities, such exclusivity being inherent to the format, through technical means, or through exclusive distribution by trusted intermediaries.</p>	<p>"Work in an accessible format" is the term used to describe a printed work the format of which is modified prior to publication or afterwards so that a person with a print disability can have access to that work at the time of or after publication. Any work which is to be modified into an accessible format must be lawfully acquired and the reformatting must respect the integrity of the original work.</p>	<p>“Accessible format” means an alternative manner or form which gives a person suffering from a disability listed in . . . this Treaty access to the work, as flexibly and comfortably as a person without a disability.</p> <p>“Accessible formats” shall include, but not be limited to, large print, with different typefaces and sizes all being permitted according to need, Braille, audio recordings, digital copies compatible with screen readers or refreshable Braille and audiovisual works with audio description.</p>

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	depending on the purpose for which the work is to be used and so, for example, an audio recording of a book without indexing may be accessible for a visually impaired person listening for pleasure but not where a visually impaired person needs access for the purposes of study.			
7. Export and import of works under copyright limitations and exceptions	<p>Export and import is allowed provided that both exporting and importing countries have exceptions.</p> <p>Export to any person or organization is allowed. The person or organisation wishing to undertake any activity must have “lawful access to that work or a copy of that work.”</p>	<p>Export and import allowed to trusted intermediaries in another Member pursuant to an exception, limitation, or other special provision of the Member’s copyright law for the benefit of persons with print disabilities.</p> <p>For Braille, if a country has a national exception, limitation, or other special provision of the Member’s copyright law for the benefit of persons with print disabilities, for the reproduction and distribution, the country should allow them to be imported and exported freely.</p> <p>Members may chose to limit the operation of this principle to published works which, in the applicable special format, cannot be otherwise obtained in the country of importation within a reasonable time and</p>	<p>Export is permitted for physical copies of works, if both countries have exceptions.</p> <p>A copy of the work in an accessible format may not be directly distributed to a person with a print disability resident in the latter Member State but must be distributed through a Trusted Intermediary established for that Member State.</p> <p>Exports under exceptions for works online can only be available online if both countries have an exception, through a Trusted Intermediary established for that purpose for the Member State where the person with a print disability resides.</p> <p>The recommendation is not of application to the extent that there are sufficient and adequate market solutions for persons with a print disability.</p>	<p>Export and import is allowed provided that both exporting and importing countries have exceptions.</p> <p>Export to any person or organization is allowed. The person or organisation wishing to undertake any activity must have “lawful access to that work or a copy of that work.”</p>

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		at a reasonable price.		
8. Minimum national domestic exceptions	<p>(a) It shall be permitted without the authorisation of the owner of copyright to make an accessible format of a work, supply that accessible format, or copies of that format, to a . . . person [with disabilities] by any means, including by non-commercial lending or by electronic communication by wire or wireless means, and undertake any intermediate steps to achieve these objectives, when all of the following conditions are met:</p> <p>1.the person or organisation wishing to undertake any activity under this provision has lawful access to that work or a copy of that work;</p> <p>2.the work is converted to an accessible format, which may include any means needed to navigate information in the accessible format, but does not introduce changes other than those needed to make the work accessible to a [person with disabilities].</p> <p>3.copies of the work are supplied exclusively to be used by . . . persons [with disabilities]; and</p> <p>4.the activity is undertaken on a</p>	None.	<p>Member States should provide in their national copyright law for an exception to the right of reproduction, the right of distribution and the right of making the work available to the public, as defined in article 8 of the WCT, for the benefit of persons with a print disability. The exception should cover uses that are directly related to the print disability to the extent required by the specific print disability and that are of a non-commercial nature.</p> <p>Such exception may only be applied in certain special cases which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the rightholder.</p>	<p>(a) It shall be permitted without the authorization of the owner of copyright to make an accessible format of a work, supply that accessible format, or copies of that format, to disabled persons by any means, including by non-commercial lending or electronic communication by wire or wireless means, without the authorization of the owner of copyright, and undertake any other intermediate steps to achieve these objectives, when all of the following conditions are met:</p> <p>1. the person or organization wishing to undertake any activity under this provision has lawful access to that work or a copy of that work;</p> <p>2. the work is converted to an accessible format, which may include any means needed to navigate information in the accessible format, but does not introduce changes other than those needed to make the work accessible to disabled persons;</p> <p>3. copies of the work are supplied exclusively to be used by disabled persons;</p> <p>4. the activity is undertaken on a</p>

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	<p>non-profit basis.</p> <p>(b) A [person with disabilities] to whom a work is communicated by wire or wireless means as a result of activity under paragraph (a) shall be permitted without the authorisation of the owner of copyright to copy the work exclusively for his or her own personal use. This provision is without prejudice to any other limitations and exceptions that a person is able to enjoy.</p> <p>(c) The rights under paragraph (a) shall also be available to for profit-entities and shall be extended to permit commercial rental of copies in an accessible format, if any of the following conditions are met:</p> <p>1.the activity is undertaken on a for-profit basis, but only to the extent that those uses fall within the normal exceptions and limitations to exclusive rights that are permitted without remuneration to the owners of copyright;</p> <p>2.the activity is undertaken by a for-profit entity on a non-profit basis, only to extend access to works to the visually impaired on an equal basis with others; or</p> <p>3.the work or copy of the work that is to be made into an accessible</p>			<p>non-profit basis;</p> <p>5. the owner of the right is recognized as such.</p> <p>(b) A disabled person to whom a work is communicated by wire or wireless means as a result of activity under paragraph (a) shall be permitted without the authorization of the owner of copyright to copy the work exclusively for his or her own personal use. This provision shall be without prejudice to any other limitations and exceptions that the person in question is able to enjoy.</p> <p>(c) The rights under paragraph (a) shall also be available to for profit-entities and shall be extended to permit commercial rental of copies in an accessible format, if any of the following conditions are met:</p> <p>1. the activity is undertaken on a for-profit basis, but only to the extent that those uses fall within the normal exceptions and limitations to exclusive rights that are permitted without remuneration to the owners of copyright;</p> <p>2. the activity is undertaken by a for-profit entity on a non-profit basis, only to extend access to works to disabled persons; or</p>

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	<p>format is not reasonably available in an identical or largely equivalent format enabling access for the [person with disabilities], and the entity providing this accessible format gives notice to the owner of copyright of such use and adequate remuneration to copyright owners is available.</p> <p><i>Note: Countries can opt out of commercial use exception.</i></p>			<p>3. the work or copy of the work that is to be made into an accessible format is not reasonably available in an identical or largely equivalent format enabling access for disabled persons, and the entity providing this accessible format gives notice to the owner of copyright of such use and adequate remuneration for copyright owners is available.</p>
9. Restricted exception when commercial alternative is available.	<p>Restriction applies to for-profit commercial use exceptions. When work is “is not reasonably available in an identical or largely equivalent format enabling access for disabled persons.”</p>	<p>“Members may chose to limit the operation of this principle to published works which, in the applicable special format, cannot be otherwise obtained in the country of importation within a reasonable time and at a reasonable price.”</p>	<p>“The recommendation is not of application to the extent that there are sufficient and adequate market solutions for persons with a print disability.”</p>	<p>Restriction applies to for-profit commercial use exceptions. When work is “is not reasonably available in an identical or largely equivalent format enabling access for disabled persons.”</p>
10. Remuneration	<p>None for non-profit use and non-commercial use.</p> <p>Remuneration is available for for-profit commercial use`</p> <p><i>Remuneration for Commercial Exploitation of Works.</i></p> <p>(a) Contracting Parties shall ensure that there is a mechanism for determining the level of adequate remuneration to be paid to the owner of copyright in the absence of voluntary agreement. In determining adequate</p>	<p>The U.S. Proposal does not directly mention remuneration. The U.S. Definition for a trusted intermediary references by footnote “provisions in Argentine, Australian, and US law as well as the description of a ‘trusted intermediary’ in the WIPO Trusted Intermediary Guidelines.” The WIPO Trusted Intermediary guidelines say the following</p>	<p>Member States may ensure that the rights holders receive an adequate remuneration for the use of their works covered by the exception. This claim may be exercised through a collective management society.</p>	<p>None for non-profit and non-commercial use.</p> <p>Remuneration is available for for-profit commercial use`</p> <p>Remuneration for commercial exploitation of works</p> <p>(a) Contracting Parties shall ensure that there is a mechanism for determining the level of adequate remuneration to be paid to the owner of copyright in the absence of voluntary agreement. In determining adequate</p>

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	<p>remuneration, the following principles shall be followed:</p> <p>(b) Right owners shall be entitled to remuneration that is reasonable for normal commercial licensing of works, regarding the terms normally associated with the country, population and purposes for which the work is used, subject to the requirements of (c);</p> <p>(c) In developing countries, remuneration should also take into consideration the need to ensure that works are accessible and available at prices that are affordable, taking into account disparities of incomes for persons who are visually impaired;</p> <p>(d) It shall be a matter of national law to determine if remuneration under (a) is waived for works in certain formats, such as Braille, or for certain qualified entities; and</p> <p>(e) Persons who distribute works across borders will have the option of registration for remuneration payments in a single country, if the mechanism for remuneration in the country meets the requirements of this Treaty, and addresses the legitimate concerns of the copyright owners in terms of transparency, and remuneration is considered reasonable either for a global license for works that are</p>	<p>regarding remuneration:</p> <p>“Remuneration will be decided by the rightsholder or its designated representative, aiming at modest or zero remuneration. The rights owner will consider zero remuneration as a default.”</p>		<p>remuneration, the following principles shall be observed:</p> <p>(b) Right owners shall be entitled to remuneration that is reasonable for normal commercial licensing of works, regarding the terms normally associated with the country, population and purposes for which the work is used, subject to the requirements of paragraph (c) below;</p> <p>(c) In developing countries, remuneration should also take into consideration the need to ensure that works are accessible and available at prices that are affordable, taking into account disparities in income levels for the beneficiaries of the exceptions and limitations;</p> <p>(d) It shall be a matter of national law to determine if remuneration under (a) is waived for the works covered by the exception;</p> <p>(e) Persons who distribute works across borders shall have the option of registration for remuneration payments in a single country, if the mechanisms for remuneration meet the requirements of this Treaty and address the legitimate concerns of the copyright owners in terms of transparency, and remuneration is</p>

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	distributed globally, or for a license to use works in specific countries, calibrated for the countries, users and purposes for which works are used.			considered reasonable either for a global license for works that are distributed globally, or for a license to use works in specific countries, calibrated for the countries, users and purposes of such use.
11. Trusted intermediaries	Not discussed	Mandatory for all formats except Braille	Mandatory	Not discussed
12. Requirements to qualify as trusted intermediary	Not part of proposal	<p>For the purposes of this [consensus instrument], a “trusted intermediary” means a governmental agency or a non-profit entity with legal personality that has as a primary mission to assist persons with print disabilities by providing them with services relating to education, training, adaptive reading, or information access. A trusted intermediary maintains policies and procedures to establish the eligibility of the persons with print disabilities that it serves.</p> <p>A trusted intermediary is an institution that has the trust of both persons with print disabilities and copyright rights holders. If the trusted intermediary is a nation-wide network of organizations, then all organizations,</p>	<p>“Trusted Intermediary” is an approved institution whose activities must have the consent of both, persons with a print disability and rights holders such as publishers. Trusted Intermediaries facilitate the production of works in accessible formats, and/or their cross border transfer in a controlled manner.</p> <p>Trusted Intermediaries should fulfill the following conditions:</p> <ul style="list-style-type: none"> – they operate on a not-for-profit basis; – they register the persons with a print disability they serve; – they provide specialized services relating to training, education, or adaptive reading or information access needs of persons with a print disability; – they maintain policies and 	Not part of proposal

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		<p>institutions, and entities that participate in the network must adhere to these characteristics.</p> <p>In a footnote, the US say is definition "is inspired by existing provisions in Argentine, Australian, and US law as well as the description of a 'trusted intermediary' in the WIPO Trusted Intermediary Guidelines."</p> <p>Note: the WIPO Trusted Intermediary Guidelines (see Appendix) were developed in the context of voluntary licensing of works.</p>	<p>procedures to establish the bona fide nature of persons with print disabilities that they serve;</p> <p>– they maintain policies and procedures to ensure full and complete compliance with copyright and data protection laws.</p> <p>If the Trusted Intermediary is a nation-wide network of organizations, all organizations which are members of this network must fulfill all of the above-mentioned conditions.</p>	
13. Standards for prices available from commercial sources	<p>Only relevant to for-profit commercial exceptions</p> <p>For developed economies, the work must be accessible and available at a similar or lower price than the price of the work available to persons who are not visually impaired; and</p> <p>For developing countries, the work must be accessible and available at prices that are affordable, taking into account disparities of incomes for persons who are visually impaired.</p>	<p>"Members may chose to limit the operation of this principle to published works which, in the applicable special format, cannot be otherwise obtained in the country of importation within a reasonable time and at a reasonable price."</p> <p>For the purposes of this [consensus instrument], in determining if a special format copy of a work is available at a "reasonable price," the special format copy of the work should be available at a similar or lower</p>	<p>"no appropriate commercial product on offer"</p> <p>"sufficient and adequate market solutions for persons with a print disability"</p>	<p>Only relevant to for-profit commercial exceptions.</p> <p>For developed economies, the work must be accessible and available at a similar or lower price than the price of the work available to persons who are not visually impaired; and</p> <p>For developing countries, the work must be accessible and available at prices that are affordable, taking into account disparities of incomes for persons who are visually impaired.</p>

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		price than the price of the work available to persons without print disabilities in that market.		
14. Notification to right-holders	<p>In cases involving for profit commercial use, reasonable efforts should be made to provide notice to the owner of a work protected by copyright. Such notice shall include the following:</p> <ol style="list-style-type: none"> 1. the name, postal address and relevant telecommunications contact information for the party exercising their rights to reproduce and distribute works; 2. the nature of the use of the work, including the countries where the work is distributed and the terms under which the works are distributed; and 3. information regarding the right of copyright owners to obtain remuneration for the use of the work, or to challenge the use, on the grounds that the uses are not sufficiently restricted to persons who are visually impaired, or that the work is in fact reasonably available in an identical or largely equivalent form enabling its perception by the visually impaired. 	No requirement	<p>Notice to rights holders regarding the use of their works</p> <p>In cases involving the reproduction, distribution and the making available to the public, as defined in Article 8 of the WCT, of works in an accessible format for the benefit of persons with a print disability under Articles 4 and 5, the Trusted Intermediaries should provide notice within a reasonable time to the rights holders or to the collective management societies prior to any use of the work. Such notice shall include the following:</p> <ol style="list-style-type: none"> i) the name, postal address and relevant telecommunications contact information of the party reproducing, distributing and making available to the public works; ii) the nature of the use of the works, including the countries where the work is to be distributed and made available to the public and the terms under which the work is to be distributed and made available to 	<p>In cases involving for profit commercial use, reasonable efforts should be made to provide notice to the owner of a work protected by copyright. Such notice shall include the following:</p> <ol style="list-style-type: none"> 1. the name, postal address and relevant telecommunications contact information for the party exercising their rights to reproduce and distribute works; 2. the nature of the use of the work, including the countries where the work is distributed and the terms under which the works are distributed; and 3. information regarding the right of copyright owners to obtain remuneration for the use of the work, or to challenge the use, on the grounds that the uses are not sufficiently restricted to persons who are visually impaired, or that the work is in fact reasonably available in an identical or largely equivalent form enabling its perception by the visually impaired.

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			the public; and iii) information regarding his/her right to challenge the use, on the grounds that the uses are not sufficiently restricted to persons with a print disability, or that the use conflicts with a normal exploitation of the work or prejudices his/her legitimate interests.	
15. Three step test		<i>Emphasizing</i> the importance, vitality, and flexibility of the three-step test for limitations and exceptions established in Article 9(2) of the Berne Convention and in Article 10 of the WIPO Copyright Treaty;	Such exception may only be applied in certain special cases which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the rightholder.	
16. Allows commercial/profit use	Yes, under limited circumstances and with possible reservation	Not allowed	Not allowed	Yes, under limited circumstances and with possible reservation
17. Circumvention of TPMs and DRMs	Contracting parties shall ensure that beneficiaries of the exception . . . have the means to enjoy the exception where technological protection measures have been applied to a work, including when necessary the right to circumvent the technological protection measure so as to render the work accessible.	No mention	No mention	Contracting parties shall ensure that beneficiaries of the exceptions and limitations . . . have the means to enjoy the exception where technical protection measures have been applied to a work, including when necessary the right to circumvent the technical protection measure so as to make the work accessible.
18. Address relationship with	Any contractual provisions contrary to the exception shall be null and	No mention	No mention	(a) Any contractual provisions which provide exemptions from the

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contract law	void.			<p>application of the limitations and exceptions listed in Article 2 shall be null and void.</p> <p>(b) This Treaty shall not apply retroactively to contractual relationships entered into prior to the entry into force of the said Treaty.</p> <p>(c) The effects of the principle referred to in paragraph (a) shall apply as of the date of entry into force of this Treaty.</p>
19. Exceptions for non-copyrighted elements of databases	The provisions of this treaty shall apply <i>mutatis mutandis</i> to non-copyrighted elements of databases.	No mention	No mention	The provisions of this treaty shall apply <i>mutatis mutandis</i> to non-copyrighted elements of databases.
20. Orphan Works	<p><i>Orphaned Works</i></p> <p>(a) It shall be a matter for national law to determine if certain commercial use of works for which the author or copyright owner cannot be identified or who do not respond to notices require payment of remuneration.</p> <p>(b) In cases where right owners cannot be identified or do not respond to notices, liability for uses of works shall not exceed 24 months from the date of use.</p>			<p>Orphaned works</p> <p>(a) It shall be a matter for national law to determine whether certain commercial uses of works for which the author or copyright owner cannot be identified or who do not respond to notices require payment of remuneration.</p> <p>(b) In cases where right owners cannot be identified or do not respond to notices, liability for uses of works shall not exceed 24 months from the date of use.</p>
21. Privacy	Respect for Privacy	No mention	Trusted intermediaries must "maintain policies and	Respect for privacy

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	In implementing this Treaty, Contracting Parties shall protect the privacy of persons who are visually impaired on an equal basis with others. (from Article 22 of the Convention on the Rights of Persons with Disabilities).		procedures to ensure full and complete compliance with . . . data protection laws.”	In implementing this Treaty, Contracting Parties shall protect the privacy of the beneficiaries, in particular that of persons who are visually impaired, on an equal basis with all others.
22. Moral Rights	<p>Acknowledgment and Moral Rights</p> <p>(a) Where a work or copy of a work is supplied . . . mention shall be made of the source, and of the name of the author as it appears on the work or copy of the work that the person or organisation. . . has lawful access to.</p> <p>(b) Use . . . shall be without prejudice to the exercise of moral rights.</p>		Any work which is to be modified into an accessible format must be lawfully acquired and the reformatting must respect the integrity of the original work.	<p>“Copyright” means all economic and moral rights that an author has in his works.</p> <p>Recognition and moral right</p> <p>(a) When a work or copy of a work is supplied to the beneficiaries . . . mention shall be made of the source, and of the name of the author as it appears on the work or copy of the work to which the person or organization . . . has lawful access.</p> <p>(b) Use . . . shall be without prejudice to the exercise of moral rights.</p>
23. Related Rights	References to ‘copyright’ include copyright and any relevant rights related to copyright that are provided by a Contracting Party in compliance with the Rome Convention, the TRIPS Agreement, the WPPT or otherwise, and references to the ‘owner of copyright’ and ‘author’ shall be construed accordingly.	Not mentioned	Not mentioned	<p><i>Limitations and exceptions to neighboring rights</i></p> <p>Rights recognized for the performer, the producer of phonograms or videograms and sound or audiovisual broadcasting bodies shall be subject to the same exceptions and limitations to exclusive copyright provided for in</p>

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				Articles 5, 6, 7 and 8.
24. Legal Effect/ Form	<p>Binding treaty.</p> <p>“Contracting Parties agree that, to the extent that this Treaty applies to literary and artistic works as defined in the Berne Convention, it is a special agreement within the meaning of Article 20 of that Convention, as regards Contracting Parties that are member countries of the Union established by that Convention.”</p>	<p>Joint recommendation to the Assembly of the Berne Union, the Assembly of the WIPO Copyright Treaty, and the General Assembly of the World Intellectual Property Organization (WIPO).</p>	<p>Joint recommendation of the International Union for the Protection of Literary and Artistic Works (Berne Union) Assembly, the WIPO Copyright Treaty (WCT) Assembly, and the General Assembly of the World Intellectual Property Organization (WIPO)</p>	<p>Binding treaty</p> <p>“Contracting Parties agree that, to the extent that this Treaty applies to literary and artistic works as defined in the Berne Convention, it is a special agreement within the meaning of Article 20 of that Convention, as regards Contracting Parties that are member countries of the Union established by that Convention.”</p>
25. Catalogue / Database of Accessible Works	<p>(a) WIPO shall create a database that is accessible through the Internet and other means that will allow copyright owners to voluntarily identify works for purposes of facilitating the notices obligations in Article 9 of this Treaty, and to provide information regarding the availability of a work in forms enabling its perception by the visually impaired.</p> <p>(b) After consultation with publishers and visually impaired persons, WIPO should ensure that the database includes a standard machine readable code to uniquely identify works registered in the database. This code shall be suitable for use in published works in a variety of formats.</p>		<p><i>Development of an online International accessible works service</i></p> <p>Member States should encourage the establishment of an online international catalogue listing accessible works.</p>	<p>(a) WIPO shall create a database that is accessible through the Internet and other means that will allow copyright owners to identify works voluntarily for purposes of facilitating compliance with the notices obligations in Article 16 of this Treaty, and to provide information regarding the availability of a work in forms enabling its perception by disabled persons.</p> <p>(b) After consultation with publishers and stakeholders, WIPO should ensure that the database includes a standard machine readable code to identify uniquely works registered in the database. This code shall be suitable for use for published</p>

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				works in a variety of formats.
26. Creates institution	<p>Yes, to enhance, modify or monitor implementation of treaty.</p> <p><i>Conference of Parties</i></p> <p>(a) A Conference of Parties shall be established among the Contracting Parties. The Conference of Parties shall be the plenary and supreme body of this Treaty.</p> <p>(b) The Conference of Parties shall meet in ordinary session every five years. It may meet in extraordinary session if it so decides or upon request to that effect from at least one-quarter of the Parties.</p> <p>(c) The Conference of Parties shall adopt its own rules of procedure.</p> <p>(d) The functions of the Conference of Parties shall be, inter alia:</p> <ol style="list-style-type: none"> 1. to consider possible measures to enhance the implementation or modify the provisions of this Treaty, including the development of optional protocols; and 2. to take whatever other measures it may consider necessary to further the objectives of this Treaty. 	No	No	<p>Yes, to enhance, modify or monitor implementation of treaty.</p> <p>Conference of the Parties</p> <p>(a) A Conference of Parties shall be established among the States Parties to this Treaty. The Conference of Parties shall be the plenary and supreme body of this Treaty.</p> <p>(b) The Conference of Parties shall meet in ordinary session once every five years. It may meet in extraordinary session if it so decides or upon request to that effect from at least one-quarter of the Parties.</p> <p>(c) The Conference of Parties shall adopt its own rules of procedure.</p> <p>(d) The functions of the Conference of Parties shall be, inter alia:</p> <ol style="list-style-type: none"> 1. to consider possible measures to enhance the implementation or modify the provisions of this Treaty, including the development of optional protocols; and 2. to take whatever other measures it may consider necessary to further the objectives

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				of this Treaty.
27. Timetable	Proposal in SCCR/20/9. Calls for diplomatic convention in Spring 2012.	No	No	No
28. Monitoring and Implementation	Every three years WIPO shall solicit voluntary contributions from Contracting Parties and other possible donors in order to finance one or more studies of the implementation of this Treaty.			Every three years WIPO shall solicit voluntary contributions from Contracting Parties and other possible donors in order to finance one or more studies of the implementation of this Treaty.
29. Possibility of Optional protocols	Contracting Parties shall have the right to propose optional protocols for this Treaty, to address measures such as: harmonized obligations or offers to promote standards, interoperability requirements, or regulatory measures to enhance access to works and communications; collaborative funding to support the digitalization and distribution of works; and, or other measures that are necessary to achieve greater equality of access to knowledge and communications.	No	No	Contracting Parties shall have the right to propose optional protocols for this Treaty, to address measures such as: harmonized obligations or offers to promote standards, interoperability requirements, or regulatory measures to enhance access to works and communications; joint funding to support the digitalization and distribution of works; or other measures that are necessary to achieve greater equality of access to knowledge and communications.
30. Who can become a party			"Member State" means a State member of the Berne Convention for the Protection of Literary and Artistic Works and /or a Contracting Party of the	Any State member of WIPO may become party to this Treaty

Short title	BEPM/WBU Treaty	US draft consensus	EU joint Recommendation	African Group Treaty
			<p>WCT and the WIPO.</p> <p>[Text makes references to right of reproduction, the right of distribution and the right of making the work available to the public, as defined in article 8 of the WCT.]</p>	