

MICHEL BARNIER

Membre de la Commission européenne

Brussels, **2 MARS 2011**
Kj/sd D (2011)

Dear Mr Pescod,

I would like to thank you for your letter of 13 January 2011.

Please allow me to put forward the fact that the possibility of introducing exceptions to copyright has been an integral part of international copyright law since the end of the 19th century via the Berne Convention. It is true that only 57 countries out of the 164 members of the Berne Convention have introduced appropriate exceptions for the benefit of persons with a print disability although some are in the process of doing so now (as India, Chile or Jamaica).


A new Treaty is only legally binding on those countries that sign up to it and all more recent WIPO Treaties have a considerably lower rate of ratification (from 26 to 88 countries). On the other hand, as explained in the WIPO plenary at the last Standing Committee, a Joint Recommendation would be binding on all Berne Convention members as it would constitute an authoritative interpretation of the Berne Convention. The approval of a Joint Recommendation would be less complicated than a Treaty and could be achieved in a considerably shorter time frame.

Furthermore, the EU Joint Recommendation allows for the export to a destination country where there is no exception in place in its copyright law. The fact that we propose to use the services of Trusted Intermediaries is to guarantee right holders that their work arrives at the special destination and will not be accessible to the public at large without due authorisation or appropriate remuneration to the authors.

Finally, I remain convinced that with open and constructive discussions which include all stakeholders and take into consideration the possibilities already offered by international law; a suitable solution will be found. Negotiations in WIPO can also surely allow for the modification of certain accompanying measures or procedures which may seem too complex or cumbersome.

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It is indeed important that persons with print disabilities enjoy the same possibility to read for pleasure or study, while ensuring that creators are rewarded for their often considerable achievements.

Yours sincerely, 



Michel Barnier