

Last April, the President of Brazil, Dilma Rousseff, visited the United States.

In the joint statement issued on the occasion, Presidents Rousseff and Barack Obama (quote) “reaffirmed the commitment of both countries to the conclusion of an effective international instrument in the World Intellectual Property Organization (WIPO) that ensures that copyright is not a barrier to equal access to information, culture, and education for visually impaired persons and persons with print disabilities”. (end of quote)

Together with the US, Brazil has asked for a specific agenda item at this session of the TRIPS Council to discuss the issue for two reasons.

Firstly, a briefing on the negotiations under way in WIPO is no doubt relevant to the membership of the TRIPS Council. The WTO and WIPO are the only international organizations with multilateral mandates to oversee the working of the international intellectual property system and to negotiate intellectual property issues. The work of the two organizations is by definition interlinked in the area of IP rights.

The second reason for a briefing at this stage lies in its timeliness. This is a moment when negotiations have made a good deal of progress, but further intergovernmental engagement will nonetheless be needed to complete them successfully.

Mr Chairman,

The chief aim of the instrument under negotiation at WIPO is to respond to a challenge resulting from a systemic flaw in the copyrights system. The existing legal framework has simply been unable to provide the incentives that are necessary to increase the supply of books and works in formats accessible by persons with print disabilities.

It is estimated that, even in rich countries, no more than 5% of published works are available in such formats. Clearly, this is a situation of market failure. In order to remedy that, what is being proposed in the negotiations at WIPO's Standing Committee on Copyrights and Related Rights (SCCR) is a regime of clearly circumscribed exceptions and limitations that contemplate essentially two issues: (i) the establishment of a minimum degree of harmonization of exceptions and limitations existing within national legislations; and (ii) the possibility of a trans-border flow of works in accessible format. Both issues go hand in hand. A significant increase in trans-border flows of works in accessible format depends to a large extent on progress in making national legislations compatible with that aim.

The instrument under negotiation is intended, in brief, to help meet the needs of a specific community that has been suffering from a so-called "book famine". At the same time, it is being designed to ensure a greater level of legal stability and predictability to actions undertaken within the scope of the anticipated exceptions and limitations, thereby strengthening the copyrights system.

Negotiations in WIPO's SCCR started in 2009, when a small group of Latin-American countries, including Brazil, tabled a treaty proposal drafted by the World Blind Union, the most important intergovernmental organization representing visually-impaired persons world-wide. Different proposals were later on submitted by the African Group, the European Union and the United States. All of them have represented major contributions to the process. Since 2011, negotiations have gained momentum, and a growing number of countries from various regions and at different stages of development have been working on a single draft text.

While there are points still under negotiation, progress has been steady and will hopefully make it possible for a Diplomatic Conference to be convened with the aim of concluding the negotiation of an international instrument that will benefit persons with print disabilities.

It is our hope that more countries will join our efforts and engage constructively in the negotiations.

Brazil is convinced that only a treaty that creates an effective regime will be able to provide persons with print disabilities with expanded access to education and knowledge and therefore with an adequate framework for the full enjoyment of human rights.

Thank you