

PREAMBLE

(First)

Recalling the principles of non-discrimination, equal opportunity, accessibility, and full and effective participation and inclusion in society, proclaimed in the Universal Declaration of Human Rights and the United Nations Convention on the Rights of Persons with Disabilities,

(Second)

Mindful of the challenges that are prejudicial to the complete development of persons with visual impairments/print disabilities, which limits their freedom of expression including the freedom to seek, receive and impart information and ideas of all kinds on an equal basis with others, including through all forms of communication of their choice, their enjoyment of the right to education, and the opportunity to conduct research,

(Third)

Emphasizing the importance of copyright protection as an incentive and reward for literary and artistic creations and enhancing opportunities for everyone including persons with visual impairments/print disabilities to participate in the cultural life of the community, to enjoy the arts and to share scientific progress and its benefits,

(Fourth)

Aware of the barriers of persons with visual impairments/print disabilities to access published works in achieving equal opportunities in society, and the need to both expand the number of works in accessible formats and to improve the circulation of such works,

(Fifth)

Taking into account that the majority of persons with visual impairments/print disabilities live in developing and least-developed countries,

(Sixth)

Recognizing that despite the differences in national copyright laws, the positive impact of new information and communication technologies on the lives of persons with visual impairments/print disabilities may be reinforced by an enhanced legal framework at the international level.

(Seventh)

Recognizing that many Member States have established exceptions and limitations in their national copyright laws for persons with visual impairments/print disabilities, yet there is a continuing shortage of available works in accessible format copies for such persons, and that considerable resources are required for their effort of making works accessible to these persons, and that the lack of possibilities of cross-border exchange of accessible format copies has necessitated duplication of these efforts,

(Eighth)

Recognizing both the [preference for the rightholders to make] [importance of rightholders' role in making] their works accessible to persons with visual impairments/print disabilities and [the importance of] [the need for] appropriate exceptions and limitations to make works accessible to persons with visual impairments/print disabilities, [including] [particularly] when the market is unable to provide such access.

(Ninth)

Recognizing also the need to maintain a balance between the effective protection of the rights of authors and the larger public interest, particularly education, research and access to information, and that such a balance must facilitate effective and timely access to works for the benefit of persons with visual impairments/print disabilities,

(Tenth)

[Reaffirming the obligations of Members States under the existing international treaties on the protection of copyright and the importance and flexibility of the three-step test for limitations and exceptions established in Article 9(2) of the Berne Convention and other international instruments],

(Eleventh)

Recalling the importance of the Development Agenda recommendations, adopted in 2007 by the General Assembly of the Convention Establishing the World Intellectual Property Organization (WIPO), which aim to ensure that development considerations form an integral part of the Organization's work,

(Twelfth) Proposed by the African Group

[Desiring to harmonize and enhance national laws on such limitations and exceptions through a flexible international framework, consistent with the Berne Convention, in order to facilitate access to works protected by copyright by persons with visual impairments/print disabilities.

The European Union and its Member States suggested to add a reference to “and other international conventions” after “the Berne Convention”.]