

Opening Statement - Brazil

Mr President,

It is with great satisfaction that in the name of the Head of the Brazilian Delegation, the State Minister of Culture Ms Marta Suplicy, I present our initial considerations. Firstly, I would like to thank the Kingdom of Morocco for all the hospitality when receiving us in their home. Likewise, I would like to thank the WIPO Secretariat for the work put into the organisation of this Conference.

Ladies and Gentlemen,

The Brazilian government nurtures great expectations with the results of this Conference. We have worked for the conclusion of an effective treaty in the fight against the “book famine” since 2009. As the National Secretary for the Promotion of the Rights of Persons with Disabilities, I reaffirm Brazil’s commitment to the full realisation of the rights of this group.

In 2008 Brazil ratified the United Nations Convention on the Rights of Disabled Persons. This was the first human rights treaty approved in the country with the status of a constitutional amendment.

The government of President Dilma Rousseff has given conspicuous attention to disabled persons, with an eye on the strengthening of the process of construction and consolidation of democracy in Brazil. It has privileged permanent dialogue with civil society, with the commitment to social inclusion, accessibility and recognition of the rights of the more than 45 million Brazilians with disabilities.

In 2011 we launched the National Plan of Rights of Disabled Persons entitled “Viver sem Limites” (Living without Limits) which forecasts an investment of US\$ 4 billion until 2014. The Plan gives continuity to the implementation of the UN Convention by articulating public policies on access to education, social inclusion, healthcare and accessibility.

Mr President,

Brazil’s participation in the negotiations of this treaty is therefore part of a wider context of internal and external policies of the country. Our actions result from a comprehensive coordination between several agencies of the

Federal Government which share competences on the issues of human rights, copyright and foreign affairs.

I must note that this is not the first time Brazil has acted in favour of visually impaired persons in the framework of WIPO. At the end of the 70s we were proponents of discussions on the subject. In 2009 we cosponsored, together with the Delegations of Paraguay and Ecuador, a proposal for a treaty on the topic, based on a text prepared by the World Blind Union in coordination with other non-governmental organisations and experts on copyright law.

The agreement before us is a laudable initiative that seeks to promote human rights. The statistics are alarming: less than 1% of published works in the world are available in accessible format. This is a problem that knows no borders nor disparities in development levels.

Ms and Mr Delegates,

Our agenda is extensive and we have a lot of work ahead. Although we still have important outstanding issues, we are confident. A successful outcome, however, will only be possible if we engage in a constructive and flexible manner. A deadlock or the conclusion of a treaty that does not promote a greater access to accessible formats on the ground would be of an enormous cost for Member States and for WIPO itself.

In Brazil's point of view, the treaty that is being negotiated should not expand nor reduce the obligations and rights that already exist in the international copyright system. On the contrary, the agreement has been constructed in harmony with the universally recognised right of authors over the products of their work in a balanced and socially fair manner.

We defend that this treaty be functional and operational on the ground, fulfilling in a concrete way the needs of its beneficiaries. Consequently, we are concerned with the inclusion of new conditionalities that create additional barriers to the production and circulation of works in accessible formats, especially in the context of article D.

The provision on the cross border exchange is the major added value of the present negotiations. Brazil expects to become both an importer and an exporter of accessible formats and has supported the construction of clear and

simple rules that make the work of its authorised entities feasible and facilitate the access of its nationals that will benefit from the treaty.

The possibility of direct cross border distribution to individuals is another important point that should be preserved. I recall that the direct distribution can, in certain cases, be the only source of access to works in accessible format.

Article F touches upon an equally fundamental topic that shall be dealt with by delegates over the next days. We are flexible to work on a compromise language. We recall that WIPO Member States have a recent consensus on the subject that could constitute the basis for debates on the topic.

Mr President,

In the months preceding this Conference a lot was debated about the eventual systemic impacts of this new treaty on the international intellectual property regime. Not only negotiators but also rights holders and representatives of civil society have intensely discussed the impacts of this agreement on the effective protection of the rights of authors and other intellectual property rights.

We believe that the international copyright regime is sufficiently mature, both technically and politically, to respond to the challenge of the “book famine” without implying a risk to its capacity to protect the interests of rights holders. The whole construction of this agreement has developed with great caution, restricted to the necessities of disabled persons.

More than a new international instrument, we are negotiating the establishment of a mechanism that will facilitate the production and circulation of accessible formats. For that to work, the system must be constructed coherently. We are not in a commercial negotiation, where a dynamic of bargaining is established in which countries make concessions in exchange for certain benefits. Even though this is a commercial forum, the current negotiations have a special nature. Accordingly, if the whole – that is, the final mechanism – is not coherent, instead of improving the life of disabled persons we could end up increasing legal uncertainty in the production of works in accessible format and creating obstacles to their circulation that did not exist until then.

To conclude, Mr President,

For Brazil, the results of this Conference will have an impact of conspicuous relevance in favour of the rights of disabled persons in the framework of human rights. Let it be clear for all those here present how much the application of this treaty will directly influence in the quality of life of disabled persons in facilitating the access to cultural and educational materials in accessible formats, promoting the access to information and culture, which are primordial factors for the integral formation of a human being.

In the name of the Head of the Brazilian Delegation, I wish an excellent work for all. Let us be able to achieve success in this process which represents a milestone not only for WIPO but for the whole multilateral system.