

Supporting Ukrainian Refugees with Print Disabilities

Information for EU Libraries Providing Accessible Reading Materials

Legal framework: Ukraine and the EU

The Marrakesh Treaty for persons with print disabilities provides an excellent international legal framework that allows the making and distribution of accessible format copies for people with print disabilities, and the sharing of accessible books across national borders.

While Ukraine has not yet joined the Marrakesh Treaty, Ukraine's Copyright Act (2018) allows the making of accessible format copies for non-commercial purposes. It appears to allow the sending of the accessible format copy to another country, such as an EU member state¹.

The European Union implemented the Marrakesh Treaty in 2018. Implementation is regulated in two ways: a Directive that allows for the creation and circulation of accessible format copies within the EU, and a Regulation on cross-border exchange of accessible format copies from EU member states to non-EU countries that have joined Marrakesh².

Thus if the national copyright law allows the import of an accessible copy, a library or other authorized entity in an EU member state can do with that copy whatever its law allows. For example, it may provide a copy to a beneficiary person within the country, or to a library in another EU member state. It can also obtain copies from libraries in other EU countries.

Example: EU member state - Lithuania

As noted above, the Ukrainian copyright law allows an accessible format copy to be exported, for example, by a library or disability organization to an authorized entity in another country, such as Lithuania, an EU member state. Similarly, it is lawful under Lithuanian law for a library or disability organization to import an accessible format copy from Ukraine.

Article 15(1)(5) of the Lithuanian copyright act sets out that distribution of works to the public is an exclusive right, and that importation is a form of distribution. However, the import of single digital works not intended for general distribution would appear to be allowed³.

At this point, the Marrakesh Treaty framework would kick in. Lithuania amended its copyright act in 2018 to implement the Marrakesh Treaty, as per EU legislation. In accordance with the EU Directive, Article 25(2) permits a library or other authorized entity to share a lawfully acquired accessible copy with libraries in all 27 EU member states, as well as directly with print disabled persons in these countries. In accordance with the EU Regulation, Article 25(6) allows accessible copies to be sent to non-EU countries that have joined the treaty. Thus a library or other authorized entity in Lithuania could forward copies of an accessible format copy it received from Ukraine to authorized entities and Ukrainians with print disabilities in Marrakesh countries throughout the world.

Case study: How the Lithuanian Library for the Blind is supporting Ukrainian refugees

Lithuania is currently home to over 60,000 people who have fled Ukraine since the start of the Russian invasion. Through cooperation with Ukrainian disability organizations, the Lithuanian Library for the Blind (LAB) has obtained books in Ukrainian for children and teenagers (currently about 200 audio books in mp3 format, and 100 Braille books in print and electronic braille format).

The books are available to beneficiaries through the online library, known as ELVIS (<https://elvislab.lt/>).

Librarians at LAB created catalogue records for the books, including metadata and other descriptors to enable integration of the titles into other online catalogues and to increase discoverability and use of the materials. In this way, libraries in other countries, such as Poland, Czech Republic and Germany, can more easily avail of the resources to support Ukrainians with print disabilities during the refugee crisis.

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Background

Since the start of the war in Ukraine in February 2022, over six million people have crossed the Ukrainian border seeking safety, protection and assistance in more than 40 countries⁴. The majority are women and children. Now teachers all over Europe are working to integrate Ukrainian children into local schools with emergency language, learning and curriculum supports.

About 10% of Ukrainians who have made their way into the European Union (EU) have a disability⁵, and they face additional obstacles. For those who are blind and visually impaired, reading material in accessible formats is critical in areas such as health care, housing and social welfare, and education.

Accessible materials in the Ukrainian language play a crucial role in supporting displaced children and young people with reading disabilities caused, for example, by blindness, low vision, dyslexia and autism. Libraries in the EU are seeking to quickly provide children's books and other materials in accessible formats to cater for this emergency need.

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Information on the Marrakesh Treaty

"The Marrakesh Treaty has a clear humanitarian and social development dimension and its main goal is to create a set of mandatory limitations and exceptions for the benefit of the blind, visually impaired, and otherwise print disabled (VIPs)".

Learn more: <https://www.wipo.int/treaties/en/ip/marrakesh/>

For an up-to-date list of countries that have joined the Marrakesh Treaty: <https://bit.ly/MarrakeshTreatyCountryList>

For information on national implementations of the Marrakesh Treaty, see ARL compilation of legal provisions that implement the treaty's requirements in Marrakesh countries, <https://www.arl.org/national-implementations-marrakesh/>

For information on specific library rights as implemented under the treaty in each country, see IFLA Marrakesh Monitoring Report (January 2022), <https://repository.ifla.org/handle/123456789/1861>

¹ [Law on Copyright and Related Rights](#) Paragraph 6 of the first part of Article 21 as amended by Law No. 927VIII (92719) dated 25.12.2015 and Law No. 2581-VIII of 02.10.2018

² [Directive \(EU\) 2017/1564](#) on permitted uses of certain works protected by copyright for the benefit of persons who are blind, visually impaired or otherwise print-disabled; [Regulation \(EU\) 2017/1563](#) on the cross-border exchange between EU and non-EU countries of accessible format copies of certain works for the benefit of persons who are blind, visually impaired or otherwise print-disabled

³ Other EU countries wishing to obtain accessible copies from Ukraine (a non-Marrakesh country) should check their law to ensure that the importing of a single lawfully made copy is allowed. Where the exporting country is party to the Marrakesh Treaty, this step is not necessary.

⁴ <https://data.unhcr.org/en/situations/ukraine>

⁵ https://www.europarl.europa.eu/doceo/document/E-9-2022-001648_EN.html

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