

EIFL Information Note

The Marrakesh Treaty for Persons with Print Disabilities Has Direct Effect In Armenia

The Republic of Armenia acceded to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Disabled in 2022. Although the Armenian Law on Copyright and Related Rights (2006) has not been amended to domesticate the Treaty, libraries in Armenia nonetheless can make and supply accessible format copies to people with print disabilities. This is because under the Constitution of the Republic of Armenia¹, international treaties ratified by the Republic have direct effect. Under article 5(3) of the Constitution, when there is a conflict between the laws enacted by Parliament and an international treaty ratified by the Republic, the norms of the treaty shall apply. Thus, the exclusive rights given by the Copyright Act to authors must yield to the exceptions required under the Marrakesh Treaty.²

The Marrakesh Treaty is sufficiently detailed to provide libraries in Armenia with guidance concerning permissible conduct.

Article 2 contains definitions for the works within the scope of the Treaty, the accessible format copies that the Treaty allows to be made and distributed, and the entities authorized by the Treaty to make accessible format copies (which includes libraries that provide services to people with print disabilities).

Article 3 defines the universe of people with print disabilities who can receive the accessible format copies made by the authorized entities.

Article 4 provides that authorized entities must be permitted to make accessible format copies and supply them to people with print disabilities.

¹ <https://www.wipo.int/wipolex/en/legislation/details/16747>

² Similarly, under Article 21(4) of the Law of the Republic of Armenia on Legal Acts, “international treaties ratified by the National Assembly of the Republic of Armenia or approved by the President of the Republic of Armenia shall have the legal effect of a legal act of the body that ratifies or approves them.[...] If international treaties approved by the President of the Republic of Armenia prescribe norms other than those provided for by other legal acts, the norms of the approved treaties shall apply.” Article 21 edited by HO-35-N of 25 December 2006. *See also* Mher Ashakysan, *Universal Jurisdiction: A Primer with a Note on Armenia*, <https://law.aua.am/universal-jurisdiction-a-primer-with-a-note-on-armenia/>

Article 5 allows the export of accessible format copies, while Article 6 allows the import of accessible format copies.

Accordingly, libraries in Armenia can begin to make and supply accessible format copies to people with print disabilities consistent with the Treaty. For more detail about what activities are permitted, libraries should consult with the [text](#) of the Treaty as well as EIFL's [Getting Started](#) guide, which explains the Treaty's provisions.

While libraries may begin these activities without the adoption of a specific amendment to the Armenian copyright act, organizations representing libraries and people with print disabilities should still consider advocating for such a specific amendment. This would enable the crafting of an approach that is tailored uniquely to Armenia, and would provide libraries and other entities that provide services to people with print disabilities additional comfort when making and supplying accessible format copies.

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