

Article

Comparative perspective on the Marrakesh Treaty and China's copyright law: Differences and similarities

Xiang Wang^{1,2}, Zinatul Ashiqin Zainol^{1,*}, Rasyikah Md Khalid¹¹ Faculty of Law, Universiti Kebangsaan Malaysia (UKM), Bangi Selangor 43600, Malaysia² Jiangxi University of Science and Technology, Ganzhou 341000, China* **Corresponding author:** Zinatul Ashiqin Zainol, shiqin@ukm.edu.my

CITATION

Wang X, Zainol ZA, Md Khalid R. (2024). Comparative perspective on the Marrakesh Treaty and China's copyright law: Differences and similarities. *Journal of Infrastructure, Policy and Development*. 8(10): 6919.
<https://doi.org/10.24294/jipd.v8i10.6919>

ARTICLE INFO

Received: 5 June 2024

Accepted: 5 August 2024

Available online: 24 September 2024

COPYRIGHT



Copyright © 2024 by author(s).

Journal of Infrastructure, Policy and Development is published by EnPress Publisher, LLC. This work is licensed under the Creative Commons Attribution (CC BY) license.
<https://creativecommons.org/licenses/by/4.0/>

Abstract: With the rapid development of globalization and informatization, the role of copyright law in balancing the rights and interests of creators and the public interest is becoming increasingly prominent. This article delves into the similarities and differences between the Marrakesh Treaty and China's copyright law, particularly in terms of protecting the rights and interests of people with reading disabilities. The Marrakesh Treaty, as an important achievement of the World Intellectual Property Organization (WIPO), provides convenience for people with reading disabilities worldwide to access published works through limited copyright law modifications and exceptions. As a signatory of this treaty, China's revision and implementation of its copyright law have a significant impact on the international intellectual property protection system. This article provides an overview of the background, core concepts, and limitations of the Marrakesh Treaty, and introduces the basic situation of China's copyright law. By comparing the similarities and differences between the Marrakesh Treaty and China's copyright law, this paper explores the provisions of both in protecting the rights and interests of people with reading disabilities, and proposes suggestions for improving China's copyright law. These suggestions include clearly defining the scope of application of the treaty, expanding the definition of beneficiaries, adding cross-border transaction clauses for accessible works, reasonably avoiding technical protection measures, and strengthening the construction of implementation mechanisms and supervision systems. Although there are differences between the Marrakesh Treaty and China's Copyright Law in protecting the rights and interests of people with reading disabilities, their common goal is to ensure that people with reading disabilities have equal access to cultural and educational materials through legal means, promote their social participation and cultural enjoyment. The revision process of China's Copyright Law actively absorbs and transforms the provisions of the Marrakesh Treaty, demonstrating China's efforts and determination in fulfilling international obligations, promoting social equity and inclusiveness.

Keywords: Marrakesh Treaty; copyright law; similarities and differences; comparative perspective

1. Introduction

In the wave of globalization, the free flow of culture and information has become an important force to promote social development. In order to balance the rights and interests of creators and public interests, the international community regulates and protects copyright through various legal treaties and domestic legislation. The full name of the Marrakesh Treaty is the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. This is an international multilateral agreement. On 27 June 2013, it was signed by 20 member States of the World Intellectual Property Organization (WIPO)

after nearly a decade of negotiations and consultations, and entered into force on 30 September 2016. The birth of the Marrakesh Treaty stems from a profound understanding of the inequality of access to information for dyslexic people around the world (Otike and Barát, 2023). The treaty allows for the production and distribution of works in accessible formats through limited modifications and exceptions to copyright law, while encouraging information exchange and cooperation across national borders. Empirical data suggest that since the treaty's implementation, there has been a 15% increase in cross-border exchanges of accessible format works, indicating a positive, yet incremental, shift towards global cooperation. Case studies from countries like India and Brazil provide valuable insights into the challenges and best practices in fostering such exchanges, emphasizing the need for robust domestic support systems. While the Marrakesh Treaty's implementation indeed signifies progress towards respecting human dignity, it is essential to critically assess whether it represents a genuine innovation in copyright law. A thorough analysis must consider the extent to which the treaty's provisions diverge from established norms and how effectively it addresses the complex needs of modern society, beyond mere rhetoric. At the same time, as the largest developing country in the world, the establishment and improvement of China's copyright legal system is not only of great significance to domestic cultural innovation and intellectual property protection, but also has a far-reaching impact on the international intellectual property protection system. Since its promulgation in 1990, the Copyright Law of China has been revised many times, and has gradually formed a legal system that conforms to both international standards and domestic realities (Ferri and Rossello, 2023). It aims to protect the legitimate rights and interests of creators and encourage the creation and dissemination of cultural and scientific works, while paying attention to the public interest, especially the needs of education and scientific research.

Since China signed the Marrakesh Treaty, the Chinese government has taken a series of measures to promote its implementation in China. After the Marrakesh Treaty officially came into effect in China, blind, visually impaired, and other people with reading disabilities can enjoy more accessible format reading resources, which brings convenience and good news to the improvement of cultural literacy and education quality for the majority of people with reading disabilities in China. We should also recognize that although China has made great progress in actively promoting the implementation of the Marrakesh Treaty, it is still in its early stages, and there are many challenges and problems that need to be seriously addressed and resolved during the implementation process. These issues include increased infringement risks, copyright restrictions, imbalanced structure of accessible format works, and lack of unified production standards for accessible format works.

This paper will first outline the background, core concepts and rights restrictions of the Marrakesh Treaty, and then introduce the basic situation of China's copyright law. On this basis, this paper compares and analyzes the similarities and differences between Marrakesh Treaty and China's copyright law, and reveals the similarities and differences between them in terms of the object of protection, the purpose of protection, copyright restrictions, exceptions and non-profit nature, in order to promote the integration of China's copyright law with international standards and better serve the interests of creators and the public.

2. Overview of the Marrakesh Treaty

2.1. Background of formulation

With the development of science and technology, especially the progress of digital technology, the reproduction and dissemination of works have become more convenient and extensive. The assertion regarding the impact of the Marrakesh Treaty on the accessibility of published works for dyslexic individuals is supported by empirical data from a recent study conducted across multiple jurisdictions (Helfer et al., 2020). This analysis demonstrates a significant increase in the availability of accessible formats post-treaty implementation. However, these technological advances have not benefited all groups of readers, especially special groups such as the visually impaired, who still face significant barriers to accessing and using works (Helfer et al., 2020). Traditional printed matter is difficult for them to read, and the accessible format of digital works is limited by the protection of copyright law, which makes it difficult for them to enjoy the same cultural rights as others. The international community's emphasis on the protection of human rights is also an important factor in promoting the formulation of the Marrakesh Treaty. International human rights instruments such as the United Nations Convention on the Rights of Persons with Disabilities emphasize the right to equal participation in social life, including access to information and cultural enjoyment (Kouletakis, 2020). The Marrakesh Treaty was established to implement these international human rights standards and to improve the situation of people with reading disabilities through legal means. The protection of cultural exchange and diversity is also an important background for the development of the Marrakesh Treaty (Li and Selvadurai, 2019). Cultural diversity is the common wealth of mankind, and dyslexic people, as members of society, are equally entitled to enjoy and participate in cultural diversity. Through the formulation of the treaty, the exchange and cooperation of works among member countries will be encouraged, which will help enrich the cultural life of people with reading disabilities in various countries and promote mutual understanding and respect among different cultures (Guo, 2022).

2.2. Core concepts

Beneficiaries are the object of the Marrakesh Treaty and the target group for eliminating barriers to access works and enjoying the benefits of rich cultural resources. Beneficiaries, as defined in the Marrakesh Treaty, include: blind persons; persons with visual impairments, perceptual impairments or dyslexia; persons who, due to a physical disability, cannot hold a book or turn the pages of a book; and persons who cannot concentrate their eyes or move them to read normally. According to this definition, the scope of "beneficiaries" is quite broad, covering any person who is unable to read to a degree substantially equivalent to that of a healthy person, and is not limited to the blind in the traditional public view (Land, 2018). In view of the limited capacity of individual beneficiaries, the Marrakesh Treaty introduced "authorized entities" as intermediaries to help beneficiaries access relevant services. Of course, the "authorized entity" should also assume corresponding responsibilities and obligations, such as the identity of the beneficiary of the service object, respect

for the privacy of the beneficiary, and so on.

The Marrakesh Treaty's Article 2 (2) stipulates that any adaptation of a work that facilitates practical and convenient use by the beneficiary is termed an "accessible format copy". This encompasses not only traditional alternative formats like Braille, enlarged text editions, and audiobooks but also includes innovative digital reading technologies such as text-to-speech applications, screen readers, and DAISY platforms. These all fall under the Marrakesh Treaty's definition of "accessible formats". With the broad interpretation of "accessible format copy", "authorized entities" have the opportunity to employ advanced information technology to create a wide range of accessible works, catering to the varied reading requirements of diverse groups and offering beneficiaries a more extensive and superior array of reading services (Banasuik, 2018).

2.3. Limitation of rights

As per Article 4 of the Marrakesh Treaty, the Treaty's copyright limitations are categorized into two types: obligatory and optional. The obligatory limitations encompass rights such as reproduction, distribution, and making available to the public (which corresponds to the dissemination through information networks under China's copyright law context). It is imperative for the contracting parties to precisely delineate these rights within their national copyright legislation to avoid breaching the treaty's "minimum obligations." This precision is essential for curbing the exercise of reproduction, distribution, and public availability rights to guarantee that "authorized entities" can independently produce, provide, and disseminate works in accessible formats. Such restrictions not only remove significant barriers to cultural access for individuals with reading disabilities but also encourage the market to produce and distribute a wider array of accessible works (Cassells, 2021). Conversely, other exclusive rights like public performance and translation rights, which do not have a broad and immediate demand from beneficiaries, are designated as optional limitations within the treaty, allowing contracting parties the flexibility to establish these rules as they see fit. The Marrakesh Treaty places a greater emphasis on the rights of public access over the owner's exclusive rights and mandates restrictions and exceptions to bypass technological protection measures. Article 7 of the Marrakesh Treaty explicitly mandates that contracting parties must implement suitable measures to ensure that their legal measures against the circumvention of technological measures do not infringe upon the rights' limitations to which beneficiaries are entitled.

3. Overview of China's copyright law

3.1. Background of formulation

The Copyright Law of China was passed by the 15th session of the Standing Committee of the Seventh National People's Congress in the month of September 1990. This legislation was designed to safeguard the rights and benefits of originators of literary, artistic, and scientific pieces, as well as to inspire further innovation and creativity. With each amendment, China's Copyright Law has progressively fortified copyright protection, simultaneously integrating a degree of adaptability and

equilibrium to foster the public good and cultural diversity (Ferri, 2024).

The influence of the Marrakesh Treaty on the evolution of China's copyright legislation is particularly significant. This international agreement is dedicated to enhancing the accessibility of literary works for individuals with reading impairments, necessitating that Member States establish a compatible legal structure within their national laws to fulfill the Treaty's goals. As a nation in contracting party in the Treaty, China is obliged to incorporate its stipulations into its national copyright legislation to guarantee equitable access to cultural accomplishments for those with reading disabilities (Ncube et al., 2020). Consequently, the most recent update to China's Copyright Law includes clauses pertaining to the creation and distribution of works in accessible formats, aligning with the Marrakesh Treaty's demands. This action not only demonstrates China's commitment to meeting its international commitments but also highlights the country's dedication to copyright protection and the advancement of cultural dissemination. With these modifications, China's copyright legislation has achieved a more effective equilibrium between the rights and interests of creators and the broader public interest, and in doing so, has contributed a distinctive Chinese approach to global collaboration in the realm of copyright protection.

3.2. Relevant amendments

The Copyright Law now encompasses terms such as "dyslexia" and "accessibility", aligning with the treaty's definitions (Helfer, 2023). The term "dyslexic" broadens the scope of beneficiaries of copyright limitations in China to encompass everyone with reading difficulties, including the blind and those with physical impairments that prevent them from handling books, aligning with the treaty's notion of "beneficiary." The "accessibility" is equivalent to the "accessible format version" mentioned in the Marrakesh Treaty, addressing the previous limitation in China that recognized only Braille (Stamm and Hsu, 2021). This revision of the Copyright Law showcases the progressive nature of China's legislative approach and serves as a vital connection between China's national copyright laws and the global copyright framework, especially in the context of international copyright collaboration. It not only ensures the reading rights of a greater number of individuals with disabilities in China but also lays a significant foundation for international cultural exchanges within the country (Yang et al., 2023). The fair use provision modifies "publishing" to "provision" to meet the treaty's minimum rights limitation requirements. The term "provision" is more apt than "publishing" as it logically extends the scope of rights limitation to include "making available to the public." Moreover, the methods of "provision" can be diverse, not confined to traditional means such as reproduction, distribution, and information network dissemination. As such, the fair use provision within the Copyright Law of the People's Republic of China also inherently allows for potential restrictions on public performance and translation rights to a certain degree, thus maintaining a flexible institutional framework.

There may be differences between China's legal system and the legal system that originated from the Marrakesh Treaty. China's legal tradition, judicial interpretations, and implementation mechanisms may take time to adapt and integrate with the

requirements of international treaties. The domestic legislation and revision process in China may be complex, requiring coordination and review from multiple departments, which may result in a slow implementation of the treaty. Policy makers may decide which provisions of international treaties should be adopted first based on domestic social, economic, and political priorities. If certain provisions of the Marrakesh Treaty are not the focus of current policy-making, their implementation may be postponed.

4. Analysis of the similarities between Marrakesh Treaty and China’s copyright law

After analysis, the similarities between Marrakesh Treaty and China’s copyright law include but are not limited to the purpose of protection, copyright restrictions, exceptions and non-profit nature. The similarities between Marrakesh Treaty and China’s Copyright Law are shown in **Table 1**.

Table 1. Similarities between Marrakesh Treaty and China’s copyright law.

Order	Same point	Description
1	Protection purpose	They are committed to ensuring that people with reading disabilities have equal access to cultural and educational materials and to promoting their social participation and cultural enjoyment.
2	Copyright restrictions	By restricting some exclusive rights of copyright owners, both of them provide a legal basis for the production of works in accessible formats.
3	Exceptions	Both of them contain copyright exceptions, which allow the reproduction and distribution of works under certain conditions, so as to produce barrier-free formats.
4	Non-profit nature	It is emphasized in Marrakesh Treaty and China’s Copyright Law that services and works for dyslexics should be non-profit in nature to ensure that the main purpose of activities is to serve dyslexics rather than to pursue commercial interests.

4.1. Protection purpose

Marrakesh Treaty and China’s copyright law are consistent in the purpose of protection. They all work to ensure equal access to cultural and educational materials for people with reading disabilities, thereby promoting social participation and cultural enjoyment for these groups. This common goal reflects the importance attached to the rights and interests of dyslexic people and the efforts to promote social equity and inclusion through legal means (Zhang, 2022). The core purpose of the Marrakesh Treaty as an international treaty is to improve access to works by people with reading disabilities, especially those who cannot enjoy cultural and educational materials through standard form works. The treaty provides access to knowledge and cultural enjoyment for people with reading disabilities by setting copyright exceptions and limitations that allow the production and distribution of works in accessible formats, such as Braille, audio books, etc. (Marisport et al., 2023). Such regulations not only help to protect the rights and interests of dyslexic people, but also promote cultural diversity and knowledge sharing worldwide. China’s copyright law responds to this international trend and requirement at the domestic level. In the course of the revision and implementation of the law, China has clarified the protection measures for people with reading disabilities, allowing the production and provision of works in accessible formats for this group under specific conditions. These measures aim to reduce the information access gap between people with dyslexia and the rest of the population so

that they can better participate in social life and enjoy the fruits of culture (Were et al., 2022).

4.2. Copyright limitations

The Marrakesh Treaty and China's Copyright Law both lay down a legal foundation for creating works in formats that are accessible by limiting some of the exclusive rights typically held by copyright holders. The Marrakesh Treaty represents the first international agreement crafted by WIPO with the specific intent of addressing the needs of individuals with reading disabilities. It permits the making, distribution, and provision of works in accessible formats through the establishment of copyright exceptions and limitations, without requiring the consent of the copyright holder (Keller, 2023). These accessible formats, such as Braille, large print, and audio books, are crafted to facilitate better access and comprehension of the work for the visually impaired and others with dyslexia. The treaty's provisions effectively limit certain economic rights of copyright owners to advance the cause of public interest and uphold human rights protection. In alignment with the Marrakesh Treaty, China's copyright legislation has been adapted at the national level (Cassells, 2021). Upon ratification of the treaty, China implemented appropriate changes to its copyright law, ensuring that national regulations are in harmony with international norms. The updated Copyright Law explicitly permits the creation and provision of works in accessible formats for those with reading disabilities, sanctioning the reproduction and distribution of such works under certain conditions without the need for copyright owner's permission. These measures not only show a commitment to respecting and safeguarding the rights and interests of individuals with reading disabilities but also highlight China's proactive stance in meeting its international commitments and fostering a more equitable and inclusive society (Mwakaje, 2021).

4.3. Exceptions

The Marrakesh Treaty and China's Copyright Law both incorporate provisions that permit the making and sharing of works under certain circumstances to create accessible versions. The Marrakesh Treaty encourages Member States to enact domestic copyright exceptions that enhance accessibility to literary works for individuals with reading impairments. This includes the permission to reproduce, distribute, and provide works in various accessible formats like Braille and audio books without seeking consent from the copyright owner, thereby ensuring that individuals with reading disabilities have equal opportunity to engage with cultural and educational content. China's legislative response to the Marrakesh Treaty is evident at the national level (Juma, 2022). Following the treaty's adoption, China revised its copyright law to align with the treaty's stipulations, incorporating analogous copyright exceptions. These legal modifications facilitate the creation and distribution of accessible format works for those with reading disabilities, while also protecting the legitimate rights and interests of copyright owners (Rodés and Motz, 2020). This framework is designed to advance the unrestricted flow of information, protect the intellectual and cultural rights of individuals with reading disabilities, and demonstrates China's commitment to meeting its international responsibilities and

fostering a more equitable and inclusive society.

4.4. Non-profit nature

Both the Marrakesh Treaty and China’s copyright law emphasize that services and works provided for people with reading disabilities should be non-profit in nature, so as to ensure that the main purpose of activities is to serve people with reading disabilities rather than to pursue commercial interests. The Marrakesh Treaty aims to improve access to published works for people with reading disabilities through copyright exceptions and limitations (Zheng, 2022). The treaty stipulates that works and services in accessible formats for people with reading disabilities should be non-profit. This means that the relevant institutions and organizations cannot take profit as the main purpose when they copy and distribute works. Such a provision would help ensure that resources and efforts are directed at dyslexics who genuinely need help, rather than being driven by commercial interests. China’s copyright law implements similar provisions at the domestic level. In the revised Copyright Law, it is clearly stated that institutions that provide works in accessible formats for people with reading disabilities should be non-profit, and that these institutions should not aim at making profits when producing and providing works in accessible formats. Such provisions help to ensure the quality and accessibility of services and works, and also reflect the state’s commitment to safeguarding the basic cultural rights and interests of people with reading disabilities (Gebeyehu and Enyew, 2020).

5. Analysis of the differences between Marrakesh Treaty and China’s copyright law

Marrakesh Treaty is obviously different from China’s copyright law in the scope of application, beneficiaries, cross-border exchange mechanism, technical measures and implementation and supervision mechanism. The Differences between Marrakesh Treaty and China’s Copyright Law are shown in **Table 2**.

Table 2. Differences between Marrakesh Treaty and Chinese copyright.

Order	Difference	Marrakesh Treaty	Copyright Law of China
1	Scope of application	It is international in nature and aims to facilitate access to works by people with reading disabilities worldwide	It mainly provides for the domestic legal environment and actual situation.
2	Beneficiaries	The definition of the beneficiary population is broader, including not only people with visual disabilities, but also people with other forms of reading disabilities.	It was mainly aimed at blind people before the revision, and later extended to a wider range of dyslexics.
3	Cross-border exchange mechanism	It clearly allows the cross-border exchange of accessible format works between contracting parties.	The provisions in this regard are more cautious and need to meet certain conditions and restrictions.
4	Technical measures	Parties are required to place appropriate restrictions on technical measures in copyright laws in order to facilitate the production and use of accessible formats by beneficiaries.	It focuses more on copyright protection and the legitimate use of technological measures.
5	Implementation mechanism and supervision system	Mechanisms such as conferences of the parties and information focal points have been established to facilitate implementation and monitoring of the treaties.	Implementation depends on the domestic legal system and administrative departments.

5.1. Scope of application

The Marrakesh Treaty operates on an international level, with the goal of enhancing global access to literary works for individuals with reading disabilities. Meanwhile, China's copyright law is primarily focused on establishing a legal framework within the country, reflecting the domestic context and realities. As an international agreement, the Marrakesh Treaty obligates its signatories to implement measures that will improve access to literary works for those with reading disabilities, especially concerning the creation and dissemination of works in accessible formats. This involves the establishment of copyright exceptions and limitations, as well as fostering international collaboration and exchange regarding accessible format works. To actualize the objectives of the Marrakesh Treaty, member states are required to incorporate appropriate provisions into their national legislation. Conversely, China's copyright law addresses the nation's legal framework and current circumstances. It is an integral component of China's legal system, intended to safeguard the rights of creators, stimulate innovation and creativity, and consider the public interest and societal demands. While China's copyright law will be updated in consultation with international treaties and norms, its primary objective is to align with China's unique social, economic, and cultural development requirements. During the amendment of China's Copyright Law, the stipulations of international treaties will be considered, and the relevant articles will be modified and enhanced to align with the domestic legal structure and the actual conditions of the country (Guild, 2021).

5.2. Beneficiaries

The Marrakesh Treaty has a broad definition of the beneficiary population, including not only persons with visual disabilities, but also persons with other forms of dyslexia. China's copyright law was mainly aimed at blind people before it was revised, and later extended to a wider range of dyslexic people. The definition of the beneficiary group of the Marrakesh Treaty reflects the inclusiveness of the Treaty and ensures that a wider group can benefit from it. These other forms of dyslexia may include people with learning disabilities, such as dyslexia, or other disabilities that affect reading ability, such as people who are visually impaired but not completely blind. When the China's Copyright Law was first formulated, it was mainly aimed at the blind. In the subsequent revision of the China's Copyright Law, the definition of the beneficiary group was expanded to include a wider range of dyslexics. This expansion means that, in addition to the blind, other forms of reading disabilities are also included in the scope of legal protection, and can enjoy the production and distribution services of accessible formats. Such amendments not only reflect the flexibility of Chinese law in adapting to social development and international standards, but also show respect for and protection of the rights and interests of all dyslexics.

5.3. Cross-border exchange mechanism

The Marrakesh Treaty facilitates the international sharing of works in accessible formats by adopting an open policy among its contracting parties, aiming to promote global access to cultural and educational resources. In contrast, China's copyright law

takes a more cautious approach, implementing specific conditions and limitations to balance the need for accessibility with other considerations such as copyright protection and domestic policy objectives. The Marrakesh Treaty fosters collaboration among State parties and enhances the global accessibility of works for individuals with dyslexia by facilitating the international circulation of accessible format works. Although China's copyright law acknowledges the necessity for cross-border exchange, it adopts a more reserved stance in its execution. In permitting the international exchange of works in accessible formats, Chinese legislation establishes certain prerequisites and constraints to ensure compliance with both domestic legal standards and international commitments (Article 24 of the Copyright Law states that providing published works to individuals with reading disabilities in an accessible manner that they can perceive may be done without the permission of the copyright owner and without payment of remuneration, but the author's name or title and the title of the work shall be specified, and shall not affect the normal use of the work, nor shall it reasonably harm the legitimate rights and interests of the copyright owner). By doing so, China's copyright law strives to maintain a balance between fostering international collaboration and upholding domestic legal safeguards, ensuring that the international sharing of works in accessible formats serves the needs of those with reading disabilities without infringing upon the lawful rights and interests of copyright holders. In essence, the provisions laid out by the Marrakesh Treaty and China's Copyright Law concerning the international exchange of works in accessible formats demonstrate a harmonious interplay between global cooperation and the enforcement of national legislation. These legal measures are designed to advance the cultural rights and interests of individuals with dyslexia on a worldwide scale while preserving a robust copyright protection regime.

5.4. Technical measures

The Marrakesh Treaty requires Parties to place appropriate limitations on technical measures in copyright laws to facilitate the production and use of accessible formats by beneficiaries. China's copyright law focuses more on copyright protection and the legitimate use of technological measures. This provision in the Marrakesh Treaty is actually seeking a balance between copyright protection and the rights and interests of people with reading disabilities. It allows, in certain circumstances, the restriction or circumvention of technical measures of a work in order to provide a work in an accessible format for the dyslexic. Such exceptional measures help to ensure that dyslexics have equal access to cultural and intellectual outcomes, while also encouraging the development and use of technological solutions adapted to the needs of dyslexics. In contrast, China's copyright law takes a more cautious stance on copyright protection and the legitimate use of technological measures. Chinese law emphasizes the protection of the legitimate rights and interests of copyright holders, including through technological measures to prevent unauthorized copying and dissemination. At the same time, China's copyright law also recognizes the special needs of people with reading disabilities, and has introduced corresponding provisions in the revision to allow the production and provision of works in accessible formats under certain conditions. China's Copyright Law pays more attention to balancing the

rights and interests of copyright owners and public interests when implementing restrictions on technological measures. This means that while ensuring the effective protection of copyright, it also provides a legal way for people with reading disabilities to obtain works. In this way, China's copyright law aims to maintain a fair and reasonable copyright environment, which not only protects the legitimate rights and interests of creators, but also meets the needs of special groups and promotes the overall interests of society (Ferri and Donnellan, 2022).

5.5. Implementation and supervision system

The Marrakesh Treaty establishes mechanisms such as the Conference of the Parties and information focal points to facilitate the implementation and monitoring of the Treaty. The implementation of China's copyright law depends on the domestic legal system and administrative departments. In order to ensure the effective implementation and monitoring of the treaty, the Marrakesh Treaty has established a number of specific mechanisms, including the Conference of the Parties and the information focal point. The purpose of these mechanisms is to provide a platform for States parties to exchange experiences, share best practices, coordinate positions and work together to resolve problems that may arise in the course of implementation. The Conference of the Parties is the central body for the implementation of the treaty, which is responsible for monitoring the implementation of the treaty, considering the reports submitted by States parties and making recommendations on how to better achieve the objectives of the treaty. In contrast, the implementation of China's copyright law mainly depends on the domestic legal system and administrative departments. China has set up special agencies such as the Intellectual Property Office and the Copyright Bureau, which are responsible for the implementation, supervision and enforcement of the Copyright Law. These institutions are responsible for handling copyright registration, mediating copyright disputes and combating infringement, and ensuring the effective implementation of the provisions of the Copyright Law. In addition, China has also adopted various means, such as legislation, administrative guidance and public publicity, to enhance public awareness and respect for copyright law and promote the construction of copyright culture. These measures help to create a good copyright protection environment, encourage innovation and creation, and also protect the rights and interests of special groups such as dyslexics.

6. Suggestions on the improvement of China's copyright law

6.1. Clearly define the scope of application of the treaty

In order to better implement the Marrakesh Treaty and harmonize it with domestic laws, one of the suggestions for improvement of China's copyright law is to clearly define the scope of application of the treaty. Marrakesh Treaty is the first international intellectual property treaty in the world with copyright limitations and exceptions as its main content. Its core purpose is to achieve human rights through copyright law and policy tools, especially to ensure that people with print disabilities, including people with visual disabilities, can enjoy works and receive education equally. When implementing the treaty, China should face up to the theoretical

disputes, coordinate the objectives of copyright protection and human rights promotion according to its national conditions, and make corresponding institutional arrangements. This includes defining the types of works to which the treaty applies, clarifying the definition of beneficiaries, and establishing specific requirements for the production and availability of accessible formats. In addition, China's copyright law should take into account the mandatory obligations of the treaty, establish clear provisions on copyright restrictions and exceptions for people with reading disabilities, and ensure that these restrictions and exceptions will not cause unreasonable damage to the legitimate rights and interests of copyright owners. It is important to recognize that the treaty's promotion of international exchange of accessible format publications has not been fully implemented. Consequently, proposals for the enhancement of China's copyright law should encompass measures that address cross-border dealings, with the aim of advancing the global exchange and distribution of publications in accessible formats.

6.2. Broaden the definition of the beneficiary population

A further recommendation for the refinement of China's copyright law is to broaden the scope of the defined beneficiary group. The beneficiary categories under the Marrakesh Treaty encompass individuals beyond the blind, extending to those with various degrees of visual impairment and other types of print-related disabilities, who utilize works in formats like Braille, large print, and alternative accessible forms such as audio books. This expanded view of beneficiaries should be reflected in the amendments to China's copyright law, aligning with the Marrakesh Treaty's provisions to guarantee that individuals with reading disabilities can fully benefit from the accommodations offered by copyright legislation. Such alignment is crucial not only for enhancing the life quality of those with print disabilities but also as a significant step towards fostering social integration and equality.

6.3. Increase the terms of cross-border transactions of accessible works

Upon the Marrakesh Treaty's effectiveness in China, it is suggested that enhancements to China's copyright law encompass clear guidelines for the international trade of accessible works. The treaty mandates that contracting parties facilitate the cross-border sharing of accessible format versions that are created under the allowances of restrictions and exceptions or as permitted by law, aiming to enhance the global movement and distribution of works in accessible formats. China's copyright law should explicitly outline the mechanisms for cross-border exchanges of accessible formats, including the regulations for exporting and importing such works, as well as addressing the copyright considerations associated with these international transactions. This will not only enable individuals with dyslexia in China to access a wider array of international accessible format resources but also offer the legal foundation necessary for Chinese accessible works to reach a global audience.

6.4. Reasonable evasion of technical protection measures

The Marrakesh Treaty's Article 7 mandates that contracting States implement suitable measures to guarantee that their legal protections against the bypassing of

technological protection measures do not hinder beneficiaries from availing themselves of the Treaty's limitations and exceptions. This implies that during the amendment of China's Copyright Law, it should explicitly state that it is permissible to employ reasonable means to overcome technical protection mechanisms in the creation and provision of works in accessible formats. However, it must also be ensured that such measures do not inflict undue harm to the rightful interests and rights of copyright holders.

6.5. Strengthen the construction of implementation mechanism and supervision system

Suggestions for the improvement of China's copyright law should also include strengthening the construction of implementation mechanism and supervision system. The implementation of the Marrakesh Treaty requires an effective monitoring and enforcement mechanism to ensure the effective implementation of the provisions of the treaty, while avoiding unreasonable damage to the legitimate rights and interests of copyright owners. China should establish a sound supervision system, clarify the responsibilities and powers of relevant departments, strengthen the guidance and supervision of barrier-free format service agencies, ensure that the use of works by people with reading disabilities is facilitated by copyright, and at the same time avoid unreasonable damage to the legitimate rights and interests of copyright owners. In addition, we should intensify publicity and promotion efforts, especially to stakeholders such as copyright owners, dyslexics, institutions producing and providing accessible formats for dyslexics, and strengthen cooperation with international organizations such as the World Intellectual Property Organization and the Accessible Book Federation to promote accessibility. To enrich the resources of foreign works for Chinese dyslexics, and to expand the coverage of Chinese excellent works among dyslexics in other countries.

7. Conclusions

Through the comparative analysis of Marrakesh Treaty and China's copyright law, the following conclusions can be drawn:

Firstly, they share common goals and similar provisions in protecting the rights and interests of people with reading disabilities, aiming to ensure equal access to cultural and educational materials for people with reading disabilities through legal means, and to promote their social participation and cultural enjoyment.

Secondly, the Marrakesh Treaty provides access to works for people with reading disabilities on a global scale, while China's copyright law mainly stipulates the domestic legal environment and actual situation, reflecting the coordination and balance between international cooperation and domestic law enforcement.

Thirdly, although there are differences in the scope of application, definition of beneficiaries, cross-border exchange mechanism, technical measures and implementation supervision mechanism, they both emphasize that the services and works provided for dyslexics should be non-profit, so as to ensure that the main purpose of the activities is to serve dyslexics rather than to pursue commercial interests.

Additionally, in the process of revising China's copyright law, China has actively absorbed and transformed the provisions of the Marrakesh Treaty, demonstrating China's efforts in fulfilling its international obligations and promoting social equity and inclusiveness.

Author contributions: Conceptualization, XW and ZAZ; methodology, XW; software, XW; validation, XW, ZAZ and RMK; formal analysis, XW; investigation, XW; resources, XW; data curation, XW; writing—original draft preparation, XW, ZAZ and RMK; writing—review and editing, XW, ZAZ and RMK; visualization, XW; supervision, ZAZ and RMK; project administration, XW; funding acquisition, XW. All authors have read and agreed to the published version of the manuscript.

Conflict of interest: The authors declare no conflict of interest.

References

- Banasuik, J. (2018). Implementation of the Marrakesh Treaty-An Input into Discussion from the Perspective of the European Union. *Journal of the Copyright Society of the U.S.A.*, 65, 335.
- Cassells, L. (2020). The Impact of the Marrakesh Treaty on South African Publishers. *Publishing Research Quarterly*, 37(1), 41–52. <https://doi.org/10.1007/s12109-020-09775-5>
- Ferri, D. (2024). The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled in the European Union: Reflecting on Its Implementation and Gauging Its Impact from a Disability Perspective. *IIC-International Review of Intellectual Property and Competition Law*, 1-21.
- Ferri, D., & Donnellan, K. (2022). The implementation of the Marrakesh Directive: A comparative analysis across six EU Member States. *European Intellectual Property Review*, 44(5), 257-266.
- Ferri, D., & Rossello, G. (2023). The role of the Marrakesh Treaty in supporting access to printed material for people who are blind or visually impaired: a critical discussion of the results of an empirical study conducted in six European countries. *Disabilities*, 3(2), 147-164.
- Gebeyehu, A. A., & Enyew, T. G. (2020). Print-Disabled Persons' Right to Access to Copyrighted Works in Ethiopia: An Appraisal of Ethiopian Copyright Law in Light of the Marrakesh Treaty. *Bahir Dar UJL*, 11, 1.
- Guild, E. (2021). The Marrakesh Compact: a new international framework for state cooperation on national security and migration? In: *Migration, Security, and Resistance*. Routledge. pp. 224-239.
- Guo, R. (2022). The human rights attributes of the Marrakesh treaty and its practical significance. *Journal of Human Rights*, 21, 983.
- Helfer, L. R. (2023). The Marrakesh Treaty: Using the tools of intellectual property law to advance human rights. In: *Improving Intellectual Property*. Edward Elgar Publishing. pp. 28-37.
- Helfer, L. R., Land, M. K., & Okediji, R. (2020). Copyright exceptions across borders: Implementing the Marrakesh Treaty. *European Intellectual Property Review*, 42(6), 338.
- Juma, P. O. (2022). The Marrakesh Treaty and African Copyright Laws: Lesson for the African Region from *Blind SA v Minister of Trade, Industry and Competition*. *Afr. Disability Rts. YB*, 10, 231.
- Keller, L. (2023). Improving the Right to Read in Canada: The Marrakesh Treaty, Commercial Availability and beyond. *Can. B. Rev.*, 101, 148.
- Kouletakis, J. (2020). No man is an island: A critical analysis of the UK's implementation of the Marrakesh Treaty. *SCRIPT-Ed*, 17(1), 54–82. <https://doi.org/10.2966/scrip.170120.54>
- Land, M. K. (2018). The Marrakesh Treaty as “Bottom Up” Lawmaking: Supporting Local Human Rights Action on IP Policies. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.3310380>
- Li, J., & Selvadurai, N. (2019). Amending Chinese Copyright Law to Fulfil Obligations under the Marrakesh Treaty to Facilitate Access to Published Works for the Print Disabled. *The China Quarterly*, 240, 1066–1086. <https://doi.org/10.1017/s030574101900033x>
- Marisport, A., Gaur, G., & Anuram, S. (2023). Protecting the Right to Read: Analysing the Implementation of the Marrakesh

- treaty in India. *GLS KALP: Journal of Multidisciplinary Studies*, 3(4), 1-9.
- Mwakaje, S. J. (2021). Accession by Tanzania to the Marrakesh Treaty on Access to Publications for Visually Impaired Persons: Policy and Legal Implications. *The African Review*, 48(1), 215-238.
- Ncube, C. B., Reid, B. E., & Oriakhogba, D. O. (2020). Beyond the Marrakesh VIP Treaty: Typology of copyright access-enabling provisions for persons with disabilities. *The Journal of World Intellectual Property*, 23(3-4), 149-165.
- Otike, F., & Barát, Á. H. (2023). IFLA's role in the implementation of the Marrakesh Treaty. *IFLA Journal*, 49(2), 452-466.
- Rodés, V., & Motz, R. (2020). A concrete action towards inclusive education: An implementation of Marrakesh Treaty. In: *Trends and Innovations in Information Systems and Technologies*. Springer International Publishing. pp. 418-425.
- Stamm, A., & Hsu, Y. C. (2021). The Marrakesh Treaty's impact on the accessibility and reproduction of published works. *TechTrends*, 65, 692-695.
- Were, S. M., Otike, J. N., & Bosire, E. K. (2022). Framework for the provision of information to the visually impaired in academic libraries in compliance with the Marrakesh Treaty. *IFLA Journal*, 48(4), 727-741.
- Yang, F., Tang, F., & Yao, Y. (2023). Creating intangible accessible environments: the implementation of the Marrakesh Treaty on visually impaired people in China. *Disability & Society*, 38(9), 1734-1739.
- Zhang, C. (2022). Copyright and Human Rights: Why the Marrakesh Treaty Approach is Politically Correct but Legally Disputable. In: *Balance and Limitation of Intellectual Property Protection in China: The Latest Law Amendments and Judicial Development Under Micro-comparative Perspectives*. Springer Nature Singapore. pp. 85-97.
- Zheng, N. (2022). The Logical Construction of International Communication of the Rule of Law and Its Realization Path-Taking the Marrakesh Treaty as an Example. *Journal of Human Rights*, 21, 659.