

Access to Information: The necessity of including international standards in the Federal Iraq & Iraqi Kurdistan Region Law Analytical Study On Copyright Law

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Abstract— The Iraqi Kurdistan Region (IKR) and the Federal Iraq law lack of exception and limitation regulation related to blind, visually impaired and printed disable people. This also applies to many countries' Laws and policies around the globe. Some governments are facing challenges to incorporating exceptions and limitation of the copyright law into the national regulations. The purpose of this study is to present several practical methods to overcome these challenges particularly through incorporate exceptions and limitation of the copyright law into the national and regional law according to the Marrakesh Treaty. At the same time, highlight the key benefit of exceptions and limitations in the Intellectual Property and specifically Copyright law regarding blind, visually impaired and printed disable people. Considering incorporation of international standard including Marrakesh Treaty, would enhance the benefit of blind, visually impaired and printed disable people. Finally, such studies would encourage national institutes and NGOs to promote the idea of amending the laws related to the disable people. In addition, apart from its scientific and law perspective, this study is an attempt to protect the human rights through promoting the rights of disabled people.

Keywords—Marrakesh Treaty, Iraq Kurdistan Region (IKR), exception and limitation regulation, copyright law

Introduction

Most of the modern Copyright Laws are framed with the idea to strike the balance between creators' right over their work and society's need to benefit from their work. One of the major issues of the Intellectual Property Law is its complexity and to understand when someone allowed to use others' work. The emergence of new technologies, especially internet, made many positive changes, such as encouraging new generation for more creative work. However, this could not conceal the fact of the flood of countless copies of copyrighted works made available online for free. Due to the fact that people have great access to the resources, the rights of the authors over their work become at risk and the possibility to exploit their work within the digital technology increased far beyond the printed books.

Meanwhile, the protection granted by the copyright law which prohibit the user's to illegally use the true authors' works, also to prevent the authors from manipulation over his/her work. Therefore, there was a quick need to bring the balance back between the authors work and the users. However, the main concern of this research is not to address the challenges posed by the technology on the copyright law, but it is more to explore the exceptions and limitation as an outcome to the use of online materials (printed books, sound recording, videos etc.).

"If we had a more effective copyright protection system we would have many more independent writers. Many writers who have the right to live from their writings are unable to do so because of a lack of strong copyright protection. Not only in the field of literature but also in the movie and music sectors" [1].

The main objective of this research is to consider the issues related to how to promote the exceptions and limitations in 'Kurdistan Region Author's Right and Related Rights Law No. 17 of 2013' and Iraqi Copyright Law No. 3 of 1971 Amended, without unreasonably prejudicing copyright holders.

As a result of introducing exceptions and limitations, some people who were limited from accessing copyright works due to their special circumstances (visually disable) were taken in consideration. Again, the lack of information in the online world in a specific format increased the difficulty of people with special needs.

In fact, it will be shown in this research that the 'Marrakesh Treaty to Facilitate Access to Published Works For Persons Who Are Blind, Visually Impaired, or Otherwise Printed Disabled' made a significant change to the copyright law, by awarding blind people, visually impaired or otherwise print disabled a similar right to access to copyrighted materials for free without returning to the author and enabling them to benefit from many sources available worldwide without being a case of copyright infringement.

This paper is structured in three chapters: The First Chapter introduces Intellectual Property Rights (IPR), specifically copyright.

It briefly defines the meaning of copyright and its history, also the different types of the rights protected by Copyright Law (moral and economic rights), why copyright has become an effective tool to protect right holders. The Chapter also points out the need to adopt the international standard of copyright through domesticating the international conventions into national copyright law.

The second chapter demonstrates the meaning of exceptions and limitations in general, also explains their impact on copyright law on public domain and education. Furthermore it highlights the scope of exception and limitation under the Iraqi law, and expound how the Iraqi Copyright Law did not specify in which cases exceptions can be admitted, it only gave general statement of exceptions, even after the amendment to Copyright Law by the Coalition Provisioned Authority Order Number 83, on the 29 April 2004, where its aim was to improve the Copyright Law 1971 and make its provisions more appropriate with the international standard of protection. In fact, there was no insertion of any exceptions to the law.

The third chapter provides a straightforward introduction to the Marrakesh Treaty. Around the world and in many European Countries, Copyright Law has always been regulation that restricted the distribution of copies without permission from the copyright holders, making it illegal even for people with print disabilities. Furthermore, sharing any copyrighted materials across borders is considered as infringement to copyright law, including for no personal financial gain. Follow up adopting the Marrakesh Treaty, sending and receiving books for people with printed disabilities has become legal. This exception will provide blind people an access to more sources and reading materials in any languages that is needed. The chapter will also illustrate some countries which adapted the Marrakesh Treaty and others that changed their national laws to cope with its main provisions. Then indicating the relationship between copyrights and human rights and identifying the elements links them together on the same direction, highlighting the Marrakesh treaty from human rights perspective.

Finally, in the conclusion and recommendation section several points recommended for Federal Iraq and Iraqi Kurdistan Region governments to consider in developing copyright law, by identifying the weak points, the group of people who benefit from adopting the treaty, obstacles and how to be addressed.

1. Chapter One: General consideration on Intellectual Property and Copyright

Before explaining the exceptions and limitations to copyright, it is important to understand some concepts concerning intellectual property in general.

In this chapter the discussion is proposed in this structure: (1.1) Understanding the meaning of Intellectual Property; (1.2) Copyright and related rights, its history, development and duration of protection.

1.1 Intellectual Property Rights and its importance;

Intellectual Property is defined by the World Intellectual Property Organization (WIPO) as “creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce” [2].

Intellectual property is a wider body with two main branches. Copyright is a one of the intellectual property branches beside the Industrial Property Law (patents, trademarks and designs). According to the WIPO, Intellectual property awards rights to the creator and innovators of the works.

The first international legal instrument that was adopted for the creation of Intellectual need to protect the Intellectual Property was first established in Paris Convention for the protection of Industrial Property and the Berne Convention for the protection of Literary and Artistic Works.

1.2 Copyright and related rights

1.2.1 The Concept of Copyright

“Generally, when a work is created, it belongs to the creator – the creator, is the ‘first owner of copyright’. So, in the publishing context, authors/writers start off owning copyright in the works they have written” [3, p.15].

Once the work is created, copyright arises automatically, there is no such condition for the work creator to register his/her work or to claim rights over the work [4]. However, there are national laws that require registration for ease of evidence in case of infringement.

These rights last for limited time, which means that the copyright owners do not have a permanent protection to their works, after a period of time the work becomes open to public.

What is copyright?

Copyright is an exclusive right granted to the original creator of a work such as literary works (computer programs and databases) films, sound recording, artistic works and musical. This means that the author has a total freedom to sell, distribute and broadcast his/her work for a financial return. Copyright is a property right provided by the Copyright, Design and Patent Act 1988 [5, p.8]. The first Article clause (8) of Iraqi Kurdistan Copyright and Related Rights Law, defines the author as ‘The person who creates the work’. The same Article clause (10) defines the copying as ‘one or more copy that identical to the original version of the work, in any method or any form, including temporary or permanent electronic registration’.

Justification of Copyright:

There are two important elements concerning the justification of copyright law;

- First is the economic justification which is all about the ‘motivation for profit’ as an incentive for creative work. Mikko Huuskonen stated, “Without property rights there is no incentive to incur these (investment) costs because there is no reasonably assured reward for incurring them” [6].
- Second the moral justification. The moral justification of copyright law has a different reflection of believe within international standard, according to the World Intellectual Property Organization (WIPO), whereas the Trade-Related Aspects of Intellectual Property Rights Agreement (TRIPs) does not required countries to protect the author’s moral rights. It is based on personality claims, which has a direct relation to individual’s dignity. The justification was formed by the philosopher John Locke, he stated that “individuals have the right to the fruits of their labor” [7].

The importance of copyright:

With no protection awarded by copyright law, people can easily use, and exploit others’ works and efforts for free. Once the author put his work in the market, it becomes an easy subject for copyright infringement, unlimited copies can be made of his/her product either in lower price or for free. In result, the author will be harmed in both morally and financially.

The WIPO in their publication No 6 in 2011 “From Script to Screen” [8] illustrated the importance of Intellectual Property Law,

especially copyright, and how this area has a remarkable role in industry raising. WIPO in the same publication also specifies that the copyright law does not protect the author or the creator of the work only, it went beyond that and expand its protection to ‘all Chain of Title right holders’ [9].

According to Irini Stamatoudi and Paul Torremans [10, P.1], creative industries become the backbone for the EU economy, in particular, software industry, book publication and newspapers, achieved noticeable success within the protection of copyright law, they contributed in 2006 3.3 per cent of EU GDP and represented about 8.5 million jobs.

A study done in 2013 by the European Patent Office (EPO), the intensive industries produced around 39% of total economic activity Gross Domestic per Capita (GDP) and that during the period of 2008-2010. Followed by another joined study on the 25th of October 2016, with the EU Intellectual Property Office EUIPO, confirmed the benefits of the IPR for Europe [11]. The Intellectual Property Strategy was introduced by the EU on the 24th of May 2011, which was complementary to the Europe 2020 strategy. According to Internal Market Commissioner Michel Barnier “the aim is to get the balance between two objective rights for IPR across the board. To make Europe’s framework intellectual property an enabler for companies and citizens and fit for the online world and the global competition for ideas” [12].

Copyright is the most intricate right among the other rights of Intellectual property, because it refers to the proprietary rights of creation [13, p. 16].

Duration of copyright:

Extending the length of copyright protection was the best solution to protect the author financial interest. The Berne Convention provides an international standard through extending the length of protection for authors into author’s life plus 50 years while this extension raised into author’s life plus 70 years in the Convention of Rome.

The idea behind increasing the protection duration for copyrighted materials is to protect the author’s right over his/her work. On the other hand, however, an argument is raised against extending the protection of copyrighted materials that the public interest will be harmed if that extension last that long [14, p.17]. It is argued that this will result in an imbalance between the authors’ right and the right of the users to benefit from the work. To bring the balance back, only the law can prevent this extension. Gowers review proposed to bring back the protection duration to 50 years instead of 70 years, as that extra extension will affect negatively on the public interest and that will bring the balance back between the authors’ right and the public rights [15, p.16]. The Current United Kingdom Copyright Law ‘The Copyrights Designs and Patents Act 1988’ [16] Organized the duration of copyright according to each category (section 12-15).

1.For literary, dramatic, musical or artistic works 70 years from the end of the calendar year in which the last remaining author of the work dies, or the work is made available to the public, by authorized performance, broadcast, exhibition, etc. The Copyright (Computer Programs) Regulations 1992 extended the rules covering literary works to include computer programs.

2.Sound Recordings and broadcasts 50 years from the end of the calendar year in which the last remaining author of the work dies, or the work is made available to the public, by authorized release, performance, broadcast, etc.

3.Films 70 years from the end of the calendar year in which the last principal director, author or composer dies, or the work is made available to the public, by authorized performance, broadcast, exhibition, etc.

4.Typographical arrangement of published editions 25 years from the end of the calendar year in which the work was first published [17]

The extension of duration of copyright has been applied in the Iraqi Copyright Law Number 3 for the year 1971 (article 20), which awards 50 years plus author’s life. This has remained the same and did not exceed to 70 years even after the amendment to the Copyright Law by the Coalition Provisional Authority Order (CPA) Number 83, the duration of the extension remained for 50 years after authors’ life. In other words, the Iraqi Copyright Law stacked to the extension term specified in Berne Convention and did not consider the 70 years plus author’s life duration given in the Convention of Rome.

The same steps were taken by the Kurdistan region government law “Author’s Rights and Related Rights Number 17 for the Year 2012, Article 25, which identify the term of protection for author’s life plus 50 years [18].

1.3 Copyright and Technology:

With the emerging of technology, copyright faced serious difficulties to cope with the digital world, the constant evolution of technology called to adapt a new law to make the digital network a safer place for the authors from exploiting their work. Christopher Wolf refers in his book ‘the Digital Millennium Copyright Act [19] to the importance of the two treaties, the World Intellectual Property Organization Copyright Treaty (WPT) and the WIPO Performance and Phonogram Treaty (WPPT) through granting the work creators, writers and artists a global protection in the digital age. In his book he stated, “These treaties will become effective at a time when technological innovations present us with great opportunities for the global distribution of copyrighted works”. As internet continues to improve, the quality and the services of the internet will expand.

Chapter 2: Exceptions and limitations Toward Copyright Balance

2.1. The meaning of exceptions and limitations:

The use of copyrighted materials requires permission from the copyright owner (authors); this is what Copyright Law grants to the copyright owner as protection over their original work from exploitation by the users without authorization. This protection becomes more important with the flood of online materials and information for free. Hence anyone who uses copyrighted materials without the owner’s permission will be a subject to copyright infringement [20].

The International Federation of Library Associations and Institutions (IFLA), exceptions mean; ‘Balance’ between the creator’s right for protection and the right of the users to access to copyrighted materials [21].

2.2. The importance of exceptions and limitations:

Exceptions and Limitations are compatible with the main requirement of the UN Declaration of Human Rights:

Public domain: when an author’s work completes its full legal term of copyright, then it is ready to be used in public domain, hence

the work can be published or used by anyone. Lee Wilson in his book defines the public domain as “a work that is no longer owned by anyone-person or company (...) its protection under Copyright Law having expired” [22].

In *Suntrust V. Houghton Mifflin Co* [23] case, on appeal, the court decided that the defendant (Alice Randall's *The Wind Done Gone*) was not guilty for infringing copyright law and there was a fair use in distributing the book; the court of appeal overturned the decision as it counts as a fair use in US.

In the same direction, the fair use has also protected the Council on American-Islamic Relations (CAIR), after being sued for copyright infringement when they posted a four minutes audio of anti-Muslim statement made by a conservative radio station host. The court ruled that it was not unreasonable for the defendant (CAIR) for such act as far as they showed the public the original statement made by the plaintiff [24].

- Educational purpose; To develop the educational process and deliver modern multi-media teaching without infringing the Copyright Law, especially for those that have minor act, such as ‘quotes, displaying webpage [25] ... (etc.).

2.3. Works free of copyright:

In certain status, authorization from copyright holder is not required, hence the internet users will have unlimited access to copyrighted materials available online.

Anonymous and pseudonymous works: in some cases, it is difficult to reveal or determine the author's identity, especially the long-standing ones, such as jingles, nursery rhymes and ballads [26].

- Works made for hire: In terms of copyright, some works are not compatible with the duration by the life of the author, where that life could be difficult to identify. Stephen and McJohn explain how difficult to determine the life of the author “For works made for hire, the employer is the author. If the employer was a corporation, that life is potentially unlimited (...) for such works the US Congress uses a fixed term of years” [27].

Margreth Barrett also mentioned in her book about works made for hire, that the duration of copyright protection is 95 years for first publication and 120 years from creation [28].

2.4 Exception under Iraqi Copyright Law:

Meeting the international standard for copyright law was well seen in many national laws through domesticating international treaties and conventions related to Intellectual Property Rights, specifically the Copyright Law.

The Iraqi Copyright Law remains way too far from meeting the international standards of copyright and could not address the area related not only to exceptions, but even to the basic problems in its main provisions.

A brief reading of the Iraqi Copyright Law shortcomings:

1. Although the Iraqi Copyright Law number (3) year 1971 was amended on the 29th of April 2004 by the Coalition Provisioned Authority Order Number 83 (CPA), its main aim was to address the problems in the law, but the changes did not match the international standard. However, the CPA include new items under the protection of copyright law, such as sound recording, computer program and data collectivity, also exclude the rights granted to the Minister of

Information to publish copyrighted materials without permission from the author as well as decrease the compensation of copyright infringement.

2. The Iraqi Copyright Law, clearly, indicates that the creator of a work is the main person to be protected. Henceforth, it becomes more difficult to keep the balance between the copyright holders and the users of the work.

3. Until this moment, there is nothing in the law pointing out to any exceptions under the Iraqi Copyright Law other than the one enacted in 1971 or in the amendment made by the CPAs.

Brief reading to Author's Right and Related Rights Law in (KRG)

The Parliament of Kurdistan, in its ordinary session No (30) on the 17/12/2012 enacted a new copyright law named “Author's Rights and Related Rights. Hence this law has stopped the application of the Iraqi Copyright Law in Kurdistan Region (KRG). The new law which consists of (11) chapters and (47) Articles has made significant changes in comparison with the previous applicable Iraqi law.

Although the new law does not expressly mention the limitations and exceptions, Article (22) seems to bring an exception to copyright by identifying certain works to be free to use without seeking permission from the owner of the work or giving any payment in return, such as works published or performed within family meeting, works used in cultural and educational purpose. In the fourth point of the same Article, the Act highlighted the rights of specific people such as Blind and hearing impaired “any person who is blind shall have the right to make copies of works printed in their ‘Braille’ (patterns of raised dots) for published literary or musical works, or in a letterhead or sound recording. Copies of any work published in a cinematographic manner to meet the needs of the hearing impaired, provided that this does not conflict with exploitation of the work and does not cause damage to the legitimate interests of the author” [29].

Chapter Three: Towards domestication of the Marrakesh Treaty (or Adopting international standards of the Marrakesh Treaty to enhance access to information for disabled persons)

3.1. The Marrakesh Treaty:

The Marrakesh treaty (its formal name is the “Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled” [30]) is a multilateral treaty which has been ratified by 20 countries, as in order of ratification and accession (India, El Salvador, the United Arab Emirates, Mali, Uruguay, Paraguay, Singapore, Argentina, Mexico, Mongolia, the Republic of Korea, Australia, Brazil, Peru, the Democratic People's Republic of Korea, Israel, Chile, Ecuador, Guatemala and Canada). According to the World Intellectual Property Organization (WIPO) in its publication “The Marrakesh Treaty- Helping to end the global book famine” [31], 285 million people worldwide are blind or visually impaired, only 1-7 per cent of books are published in a format they can be read by them.

The main objective of Marrakesh Treaty is to help, and support printed disabled people or those who have a visual impairment to read and share written materials available across international boarder. The treaty addresses the needs of these people under the name of ‘Beneficiaries’. The Marrakesh Treaty has given a clear definition to the word beneficiary to identify the scope of people that can benefit under this definition. “Beneficiary; is defined as someone affected by one or more in a range of disabilities that interfere with the effective

reading of printed material. This broad definition includes persons who are visually impaired as well those with a physical disability that can use the material without being penalized or accused for manipulation [32]. Also, the same publication of WIPO has given a definition to the “accessible format copy” which is fairly broad and covers any format that permits a person with a visual impairment or other print disability to have access to the content as feasibly and comfortably as a person without such a disability, including digital formats [33].

Shae argue that [34] that there were several barriers involved in preventing blind and printed disabilities from accessing to books available online. The lack of technological program related to blind persons that facilitate the access to printed e-books. Also, the market failed to meet the needs of blind people, as many authors refuse to publish their work in a special format for the interest of visually impaired people or make it available for them without seeking authorization (license), as it does not have any economical return for the authors or publishers. In other words, the free markets for visually impaired people serve only organization and institutions that seek none profit access for blind people without considering the financial benefit of the creators of the work.

3.2. The scope of the treaty:

The main aspect of Marrakesh treaty: it goes well with other international agreements related to or addresses copyright and intellectual property issues. The Treaty also fits well with international Human Rights Law [35]. However, there is no formal relationship between international treaties and Marrakesh Treaty. The Treaty emphasizes the need of its members to obey to obligations part regarding enactment of limitation and exceptions within their national regulations [36].

Some countries made amendments and changed their national copyright and intellectual Property Laws to well fit with the Marrakesh Treaty. This was for example announced by the New Zealand Government when the Government seeks to prepare a draft bill to amend both the Copyright 1994 Act and Copyright (General Matters) Regulations. The reason behind joining the Marrakesh Treaty is to give opportunities for New Zealanders with a print disability to access more to education and lifting overall wellbeing, especially when it is estimated that 90 per cent of books and materials are not available in a format accessible for people with printed disabilities.

3.3. Human Right and Copyright Relationship:

Different direction where seen toward the nature of the relation between copyrights and Human Rights, the European Convention of Human Rights (ECHM) does not recognize copyright or intellectual property as human rights issue, these rights are only seen under national framework. However, this does not prevent the exist of a strong relation between copyrights and human rights, although the relationship is not mentioned in treaties and international agreements, there are two elements that links them together, the first is the identity and second is related to the economics aspects. This was stated in Article 17 of the Universal Declaration of Human Rights [37].

3.4. Marrakesh Treaty and Human Rights Perspective.

The Marrakesh Treaty provisions are well conceived with Human Right issue. Its aim is to encourage and facilitate the access to copyrighted materials available online for Blind and printed disability people, exactly meet "The Universal Declaration of Human Rights" and the United Nations Conventions on the Right of Persons with Disabilities (UNCRPD). The Marrakesh Treaty is considered as the

first Copyright Treaty to comprise a straightforward human rights perspective.

Gerard Quinn and Theresia Degeners in their book, gave direct connection of disability to human rights “Disability is a human right issue; I repeat disability is a human right issue” [38]. Furthermore, they connected the human right to human dignity, and this dignity should be honored aside from economic and social interest. The Marrakesh treaty demonstrates that the copyright system plays a big role toward the challenges facing the blind, visual disabilities people.

Conclusion:

Copyright has clearly changed with the advanced of technology, which called to identify a mechanism for that convert. The change would not be achieved without establishing an advanced solution that not only focuses on the lawmakers, but also on establishing a more comprehensive alternative solution to address the problem.

The national Copyright Laws imposed a so-called compulsory license, which authorize an individual to use someone else’s work. Meanwhile, limits are set to author’s rights. Copyright has been facing a continuance challenge over years, especially with the advent of technology which facilitate the online infringement. “Statutory limitations and exceptions are among the most important tools for national lawmakers to achieve a balanced copyright system that suit the specific needs of their respective countries” [39].

Before the Marrakesh Treaty, there was a clear denial of establishing a way for this group of people to benefit from accessing to copyrighted materials, as it is estimated according the World Intellectual Property Organization that More than 285 Million people round the world are unable to use their rights and to have similar access as others to the vast information available online, because they are blind, visually impaired and print disabled [40].

Understanding the impact of Marrakesh Treaty on the limitation and Exceptions will remove the current obstacles that raises every day within education facilitating systems more specifically ‘libraries’.

As its been mentioned in the third chapter of this study; Towards domestication of the Marrakesh Treaty (or Adopting international standards of the Marrakesh Treaty to enhance access to information for disabled persons), that the treaty can concord well with huge category of individuals, in Iraq as a whole, who have been desperate over years to feel to re-integrate in the society.

Studies approved that the Marrakesh Treaty benefit people with disabilities particularly blind, visually impaired and printed disable people in many areas in their life. This treaty is important for the countries that went through many civil wars and conflicts, as a result the socioeconomic of the country affected severely. There is a significant need to have a comprehensive plan, in order to endorse the Marrakesh Treaty or any other related International standards or incorporated these regulations into the Iraq or IKR law. The comprehensive plan may include lobbying through CSOs and local and INGOs to facilitate the process.

Recommendation:

1. In order to avoid legal uncertainty, in the Iraqi Copyright Law, there is a need to make a step ahead and mention in the law a number of special cases where exceptions to copyright could be admitted instead of merely saying that exception shall be confined to certain special cases... and one of those cases is when the access to

copyrighted works is required in order to adapt a work to a format accessible to blind or visually impaired persons as stipulated in Marrakesh Treaty.

2. To meet the provisions of Marrakesh Treaty, the Iraqi Copyright Law and The Author's Rights and Related Rights Law in KRG should consider the following points:

a. Promote Educational system, especially in Higher Education (universities and institutions) first, via improving the quality of local libraries through collaboration with the international ones to exchange books and access to more information. Second, expand the scope of knowledge to students by accessing to copyrighted materials and adapt a new mechanism to ensure that it serve Blind people and printed disability.

b. Exceptions to the law should cover all types of works, such as comics, Web pages, including works that combine text and illustrations.

c. Finally, adapting the new treaty in the national law should not only serve blind or printed disabled people, but also it should protect other types of disabilities or people with specific needs such as those who are unable physically to hold books.

3. To reach the objective of Marrakesh Treaty, the application should cover both copyrights and related rights as required.

4. The government (as a duty) should provide a guideline to the users and reduce any complexity to access the information for the benefit of beneficiaries. Also, to remove any possible obstacle that could face and harm legitimate cross-border exchange of the information.

5. Develop the protection tools of technological system in order to prevent any circumvention that may crop up from direct or indirect use of technology.

6. The fact that Iraq and the Kurdistan Region live in a continuous cycle of wars that resulted in a huge number of people with different types of disabilities in which distanced them from communication due to their circumstances. Without communicating with surround, it will be difficult for this this affected group of people to reintegrate to the society and have their role to rebuild the country. Therefore, it is the fundamental requirement to endorse the international standard of copyright law including the adaptation of the Marrakesh Treaty.

7. Since the collapse of Saddam regime, the numbers of Civil Society Organizations (CSOs) local and International non-government organizations INGOs are increased and operating in many areas in Iraq. The role of these organizations is important and could be utilized to promote the idea of adapting the Marrakesh Treaty. These organizations could advocate promoting the concept of supporting people with disabilities that could benefit from the policies specified in the treaty. In fact, supporting these groups of people is embedded in protecting the Human Rights Conventions. In this case SCOs could have two roles first, to raise the awareness of people regarding benefits of the treaty second, to advocate and facilitate with the government to amend the related existing law that in consistence with the Marrakesh Treaty.

REFERENCES

- Al Aswany, A. (2015, July 8). Copyright and Human Rights; the Author's Perspective. In Copyright and Human Rights IPA Special Report. Retrieved from <https://www.internationalpublishers.org/images/Copyright.pdf>
- WIPO (2018). What is Intellectual Property? Retrieved from http://www.wipo.int/edocs/pubdocs/en/intproperty/450/wip_pub_450.pdf
- Seeber, M & Balkwill, R (2008). Managing Intellectual Property in the Book Publishing Industry: A Business-oriented Information Booklet. World Intellectual Property Organization.
- The National Archive (2013). Copyright and related rights. Retrieved from <http://nationalarchives.gov.uk/documents/information-management/copyright-related-rights.pdf>
- O'Brien, D. & Fitzgerald, D. (2007). Copyright Guide for Research Students: What you need to know about copyright before depositing your electronic thesis in an online repository. Retrieved from <https://eprints.qut.edu.au/6099/>
- Dave, J (2008). Intellectual Property (3rd ed.). Oxford: Oxford University Press.
- Aft, R. & Renault, C. (2011). FROM SCRIPT TO SCREEN THE IMPORTANCE OF COPYRIGHT IN THE DISTRIBUTION OF FILMS. Retrieved from http://www.wipo.int/edocs/pubdocs/en/copyright/950/wipo_pub_950.pdf.
- Stamatoudi, I & Torremans, P (2014). EU Copyright Law: A Commentary. Retrieved from [https://books.google.iq/books?id=qyOeAwAAQBAJ&pg=PA623&dq=%5B1%5D+Stamatoudi.+I+%26+Torremans.+P+\(2014\).+EU+Copyright+Law:+A+Commentary.+Edward+Elgar+Publishing.&hl=en&sa=X&ved=0ahUKEwi7q-r-79HeAhUIposKHcbSDz0Q6AEIKDAA#v=onepage&q=%5B1%5D%20Stamatoudi.%20I%20%26%20Torremans.%20P%20\(2014\).%20EU%20Copyright%20Law%3A%20A%20Commentary.%20Edward%20Elgar%20Publishing.&f=false](https://books.google.iq/books?id=qyOeAwAAQBAJ&pg=PA623&dq=%5B1%5D+Stamatoudi.+I+%26+Torremans.+P+(2014).+EU+Copyright+Law:+A+Commentary.+Edward+Elgar+Publishing.&hl=en&sa=X&ved=0ahUKEwi7q-r-79HeAhUIposKHcbSDz0Q6AEIKDAA#v=onepage&q=%5B1%5D%20Stamatoudi.%20I%20%26%20Torremans.%20P%20(2014).%20EU%20Copyright%20Law%3A%20A%20Commentary.%20Edward%20Elgar%20Publishing.&f=false)
- Europe Patent Office (2016). Intellectual property rights intensive industries and economic performance in the European Union. Retrieved from [http://documents.epo.org/projects/babylon/eponet.nsf/0/419858BEA3CFDD08C12580560035B7B0/\\$File/ipr_intensive_industries_report_en.pdf](http://documents.epo.org/projects/babylon/eponet.nsf/0/419858BEA3CFDD08C12580560035B7B0/$File/ipr_intensive_industries_report_en.pdf)
- Rahmatian, A (2011). Copyright and Creativity: The Making of Property Rights in Creative Works. Edward Elgar Publishing,.
- Waelde, C, Brown, A, Kheria, S & Cornwell, J (2016). Contemporary Intellectual Property: Law and Policy. Oxford. Oxford University Press.
- Gowers Review of Intellectual Property (2006). Retrieved from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/228849/0118404830.pdf
- The UK Copy Right Service. "UK Copyright Law. Copyright, Designs and Patents Act 1988." Retrieved from https://www.copyrightservice.co.uk/copyright/uk_law_summary
- Kurdistan parliament (2012). Law No: 17, 2012 Copyright Law and Related Rights in the Kurdistan Region of Iraq. Retrieved from <http://www.kurdistan-parliament.org/files/articles/180213094312.pdf>

- Wolf. C (2003). *The Digital Millennium Copyright Act: Text, History, and Caselaw*. Pike & Fischer - A BNA Company.
- Intellectual Property Office (2014). *Exceptions to copyright: Guidance for consumers*. Retrieved from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/314995/copyright-guidance-consumers.pdf
- International Federation of Library Associations and Institutions (2018). Retrieved from <https://www.ifla.org/>
- Wilson. L (2012). *The Pocket Legal Companion to Copyright: A User-Friendly Handbook for Protecting and Profiting from Copyrights*. Skyhorse Publishing Inc.
- Suntrust Bank v. Houghton Mifflin Co., 252 F.3d 1165 (11th Cir. 2001)
- Savage v. Council on American-Islamic Relations, Inc., No. C 07-6076 SI, 2008 WL 2951281 (N.D. Cal. Jul 25, 2008).
- Seeber. M & Balkwill. R (2008). *Managing Intellectual Property in the Book Publishing Industry: A Business-oriented Information Booklet*. World Intellectual Property Organization.
- McJohn. S (2006). *Copyright*. Retrieved from https://books.google.iq/books?id=Gq9VbEQnxaQC&printsec=frontcover&dq=copyrights+examples+and+explanations&hl=en&sa=X&ved=0ahUKEWj7ypmZ_NjcAhWwAIHHbbqCqUQ6AEIJzAA#v=onepage&q=copyrights%20examples%20and%20explanations&f=false
- Barrett. M (2008). *Intellectual Property*. Retrieved from <https://books.google.iq/books?id=FetCwyUjdFwC&printsec=frontcover&dq=isbn:0735562970&hl=en&sa=X&ved=0ahUKEWjzwrGr-tjcAhUDPVAKHULuDHQQ6wEIKDAA#v=onepage&q&f=false>
- World Intellectual Property Organization (2013). *Main Provisions and Benefits of the Marrakesh Treaty*. Retrieved from http://www.wipo.int/edocs/pubdocs/en/wipo_pub_marrakesh_flyer.pdf
- World Intellectual Property Organization (2016). *The Marrakesh Treaty – Helping to end the global book famine*. Retrieved from http://www.wipo.int/edocs/pubdocs/en/wipo_pub_marrakesh_overview.pdf
- Shae. F (2014). *Setting Its Sights on the Marrakesh Treaty: The U.S. Role in Alleviating the Book Famine for Persons with Print Disabilities*, Boston College International and Comparative Law Review, Vol: 37, Issue: 1, P. 139. Retrieved from <https://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?referer=https://www.google.iq/&httpsredir=1&article=1708&context=iclr>
- Universal Declaration of Human Rights (2018). Retrieved from <http://www.un.org/en/universal-declaration-human-rights/>
- Quinn. G, Degener, T & Bruce, A (2002). *Human Rights and Disability: The Current Use and Future Potential of United Nations Human Rights Instruments in the Context of Disability*. United Nations Publications. Retrieved from <https://books.google.iq/books?id=c3RQURYh1bMC&printsec=frontcover&dq=Human+Rights+and+Disability:+The+Current+Use+and+Future+Potential+of+United+Nations+Human+Rights+Instruments+in+the+Context+of+Disability.+United+Nations+Publications&hl=en&sa=X&ved=0ahUKEwiroLeo9LeAhUC1SwKHYdwDCoQ6AEIKDAA#v=onepage&q=Human%20Rights%20and%20Disability%3A%20The%20Current%20Use%20and%20Future%20Potential%20of%20United%20Nations%20Human%20Rights%20Instruments%20in%20the%20Context%20of%20Disability.%20United%20Nations%20Publications&f=false>
- Armstrong. C, Beer. J, Kawooya D, Prabhala. A & Schonwetter. T (2010). *Access to knowledge in Africa The role of copyright*. Retrieved from <https://books.google.iq/books?id=mzoPtBoQkEcC&printsec=frontcover&dq=access+to+knowledge+in+africa+the+role+of+copyright&hl=en&sa=X&ved=0ahUKEwivp5rhodLeAhVCISwKHT8MAe8Q6AEIKDAA#v=onepage&q=access%20to%20knowledge%20in%20africa%20the%20role%20of%20copyright&f=false>
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