

## **DESCRIPTION FOR THE GENERAL PUBLIC**

The purpose of intellectual property law is to protect the interests of different groups, including the countries, right holders and users of intellectual property goods. Although the pluralistic protection of intellectual property law includes a number of provisions relating to the situation of the last two groups, IP law does not devote considerable attention to people with disabilities. People with disabilities, who have congenital or acquired physical or mental impairment (as defined by the World Health Organization), have to overcome many factual and legal obstacles in their daily life. Among all the legal rules created at the international, European Union or national level, only insignificant part is created for people with disabilities and is applicable only to this group of society. Meanwhile, people with disabilities are in the unique factual situation, and therefore, it is necessary to find unique legal solutions in order to provide them access to knowledge and information as well as to goods and services, and to protect the results of their intellectual activity.

The need to secure access to works protected by copyright for people with disabilities is extremely important, not only in order to ensure equal conditions for the proper functioning of the information society, but also because of the role that these goods play in the therapy of various disabilities. Disabled people are often also prominent authors of works, including music works, like blind famous musician Stevie Wonder and artistic works, like Mariusz Kędzierski handless painter who in 2013 obtained the second prize in the international competition Best Global Artist Awards beating 150 abled painters. Persons with disabilities may also participate in the commercial transactions, because they purchase goods and services marked with trade marks, and therefore constitute a group of consumers.

Preliminary researches indicate that the issues relating to persons with disabilities in intellectual property law are not sufficiently noticeable. At the EU level Article 5 (3) (b) of Directive 2001/29 on the harmonization of certain aspects of copyright and related rights in the information society is the only provision that relates directly to the situation of disabled persons in copyright law. This provision indicates that Member States may provide exceptions or limitations of copyright law in cases of use the work for the benefit of people with disabilities, if that use is directly related to the disability and have a non-commercial nature, to the extent required by the specific disability. Leaving the choice to Member States to introduce the copyright restrictions for the purpose of obtaining access to works by people with disabilities, can cause the risk of limiting the access for disabled people to the knowledge and cultural goods.

An important milestone in the quest to facilitate access to information for disabled persons forms the Marrakesh Treaty of the World Intellectual Property Organization to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled. Although the personal scope of this treaty is very limited, because its provisions apply only to people with visual problems, the treaty can be the evidence that the issue of disable people in intellectual property law begins to be perceived by legislators. Still no, or very little attention is paid in intellectual property law to people with mental health problems. I consider that in the near future, due to the aging of the population, a significant group of people with disabilities will be the people with memory problems, for whom an important method of therapy is to present events, in which they participated. Often these events are protected by copyright, like music or theatre events, etc.

The research is justified, because so far the problem of the disabled people in intellectual property law has not been the subject of a deep research and legal analysis. In my opinion, obtaining the answers to basic questions:

- whether pluralism of intellectual property law protection is needed?
- whether the legislators recognize the need to protect people with disabilities?
- whether the legal situation of disabled people in the intellectual property law is in all countries of the EU the same, or whether some Member States provide special regulations, that go beyond what was laid down in EU acts?
- does intellectual property law belong to the category of human rights?
- does the access to knowledge, information, cultural and artistic events belong to the category of human rights?
- whether, from the perspective of people with disabilities, there is a need to change existing intellectual property law, and if so, how to balance the protection of works and the access for people with disabilities and provide assurance in law?

is necessary, from the perspective of further research on intellectual property law.