Permitted uses of works and other subject-matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print disabled

2016/0278(COD) - 14/09/2016 - Legislative proposal

PURPOSE: to increase the availability of works and other protected subject-matter, e.g. books, journals, newspapers, magazines and other writings, sheet music and other print material, including in audio form, in formats that are accessible to beneficiary persons.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with Council.

BACKGROUND: persons who are blind, visually impaired, or otherwise print disabled face many barriers to accessing books and other print material protected by copyright and related rights. **The availability of books in formats that are accessible to print-disabled persons is estimated to be between 7 % and 20%** despite the fact that digital technology greatly facilitates accessible publishing. Accordingly, measures should be taken to increase the availability of these works in accessible formats and improve their circulation in the internal market.

The Marrakesh Treaty was adopted in 2013 at the World Intellectual Property Organisation (WIPO) with the aim of facilitating the availability and cross-border exchange of books and other print material in accessible formats around the world. It was signed by the Union in April 2014.

The Treaty requires the parties to **provide exceptions or limitations to copyright and related rights** and allows for the cross-border exchange of special format copies of books, including audio books, and other print material between countries that are parties to the Treaty.

This Directive **implements the obligations that the Union has to meet under the Marrakesh Treaty in a harmonised manner**, with a view to ensuring that those measures are applied consistently throughout the internal market. The proposed Directive is also in line with the Union's obligations deriving from the United Nations Convention on the Rights of Persons with Disabilities (the UNCRPD).

CONTENT : the main provisions in the draft directive are as follows :

Objective: the objective of the measures introduced by the directive is to **improve the availability** of books, journals, newspapers, magazines and other writings, sheet music and other print material, including in audio form, whether digital or analogue, in formats that make those works and other subject-matter accessible to those persons to substantially the same degree as to persons without an impairment or disability. Accessible formats include Braille, large print, adapted e-books, audio books and radio broadcasts.

The proposed directive **will facilitate the use of certain copyright protected content, without the authorisation of the rightholder,** for the benefit of persons who are blind, visually impaired or otherwise print disabled.

The terms work and other subject-matter, beneficiary person, accessible format copy and authorised entity are defined in the draft directive.

Authorised use: the proposed directive provides for a **mandatory exception** and states the specific permitted uses by beneficiary persons and authorised entities. These include in particular the rights of reproduction, communication to the public, making available, distribution and lending, as provided for in Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society, Directive 2006/115/EC, and Directive 2009/24/EC, as well as the corresponding rights in Directive 96/9/EC.

Circulation of accessible format copies in the internal market: the proposal aims to ensure that accessible format copies made under the mandatory exception may circulate or be accessed in any Member State.

Data protection: the proposal sets out the applicable rules for the protection of personal data. Any processing of personal data must be in compliance with Directive 95/46/EC.

Report: the Commission will present a report on the availability in the internal market of works and other subject matter in accessible formats and for persons with disabilities other than those covered by the directive. The proposal sets out the arrangements on the evaluation of the proposed directive, in accordance with better regulation rules.

Transposition: Member States should bring into force the laws, regulations and administrative provisions necessary to comply with the directive within 12 month after entry into force at the latest.