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) - 06/07/2017 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 609 votes to 22, with 1 abstention, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on certain 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 and amending Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society.

The position of the European Parliament adopted at first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Objective: the Directive would harmonise EU law applicable to copyright and related rights in the context of the internal market by laying down rules on the use of certain works **without the authorisation of the rights holder** by blind or visually impaired persons or persons with other difficulties in reading printed texts. It would implement in a uniform way the EU's obligations under **the Marrakesh Treaty** so that the corresponding measures are applied consistently throughout the internal market.

The need to take measures to increase the availability of books and other accessible printed texts is underlined by the rights recognised in the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of Persons with Disabilities.

Permitted uses: according to the amended text, **one exception** would be made to ensure that no authorisation from the copyright owner is required for blind persons and "authorised entities" (public institutions or non-profit organisations) to make an accessible format copy of a book or other printed material to which the beneficiary person has lawful access.

The exception provided would be applicable only in special cases which do not conflict with the normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the rights-holder.

Obligations applicable to authorised entities: the latter should (i) take measures to prevent the reproduction, distribution or making available to the unauthorised public of copies in accessible format; (ii) exercise due diligence in processing works and maintaining records of such processing; (iii) publishing and updating, on their websites where appropriate, or through various other on-line and off-line channels, information on how they comply with the obligations set out in the Directive; and (iv) provide, upon request and in a manner that is accessible, a certain amount of information to beneficiaries and right holders.

Compensation: Member States would have the possibility of setting up **limited** compensation arrangements for publishers when their books are adapted in an accessible version.

These arrangements should not require payments from recipients. They should apply only to uses made by authorised entities established in the territory of the Member State which provides for such a system. Moreover, they should not require payments from authorised entities established in other Member States or in third countries which are parties to the Marrakesh Treaty.

Transparency and exchange of information: Member States should encourage authorised entities established in their territory to inform them, on a voluntary basis, of their names and contact details. The information received would be forwarded to the Commission, which should make it available to the public.