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) - 13/09/2017 - Final act

PURPOSE: to improve the access to published works for persons who are blind, visually impaired and otherwise print-disabled.

LEGISLATIVE ACT: Directive (EU) 2017/1564 of the European Parliament and of the Council on certain permitted uses of certain 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.

CONTENT: this Directive aims to **further harmonise Union law applicable to copyright** and related rights in the framework of the internal market, by establishing rules on the use of certain works and other subject matter without the authorisation of the rightholder, **for the benefit of persons who are blind, visually impaired or otherwise print-disabled**.

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 the corresponding measures are applied consistently throughout the internal market.

The Marrakech Treaty aims at facilitating the access to published works for persons who are blind, visually impaired and otherwise print-disabled. It was signed on behalf of the Union on 30 April 2014.

Permitted uses: the Directive requires Member States to provide for an **exception to ensure that no authorisation from the rightholder of any copyright is required** for blind persons and ‘authorised entities’ (public institutions or non-profit organisations) to make or make available, for the exclusive use of the beneficiary, books and other printed materials in an accessible format to which they have lawful access.

Member States will have the possibility of setting up **limited compensation schemes** for publishers when their books are adapted to an accessible version. Such arrangements shall not require payments from beneficiaries or from authorised entities established in other Member States or third countries which are parties to the Marrakesh Treaty.

Obligations of authorised entities: the latter will be required to:

- distribute accessible format copies only to beneficiary persons or other authorised entities;
- take appropriate steps to discourage the unauthorised reproduction, distribution, communication to the public or making available to the public of accessible format copies;
- demonstrate due care in, and maintain records of, its handling of works or other subject matter and of accessible format copies;
- publish and update, on its website if appropriate, or through other online or offline channels, information on how it complies with the obligations laid down in the Directive.

Report: by 11 October 2020, the Commission shall present a report on the **availability, in accessible formats, of works** and other subject matter other than those covered by the Directive, and of works and other subject matter for persons with disabilities.

Amendments to the scope of the Directive may be considered, where appropriate, on the basis of this report.

It should be noted that a Regulation adopted in parallel shall implement the Union's obligations under the Marrakesh Treaty as regards the exchange of accessible format copies between the Union and third countries parties to the Treaty of Marrakech.

ENTRY INTO FORCE: 10.10.2017.

TRANSPOSITION: no later than 11.11.2018.