

# Marrakesh Treaty Questionnaire – Bosnia and Herzegovina

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## **1. Please indicate the relevant provisions in your national legislation providing for or regulating the limitations and exceptions to facilitate access to published works for persons who are blind, visually impaired, or otherwise print disabled.**

The Law on Copyright and Related Rights of Bosnia and Herzegovina contains some provisions related to the free use of copyright works for disabled persons (including visually impaired persons), but these provisions are not fully harmonized with the terms of the Marrakesh Treaty.

Article 42 of the Law on Copyright and Related Rights of Bosnia and Herzegovina (of 2010) prescribes limitations and exceptions to copyright rules for the benefit of disabled persons. This provision requires the use of a protected work to be directly related to the disability of such persons and to be limited to the extent thereof.

### **Article 42 reads:**

"The reproduction and distribution of a work shall be allowed for the benefit of disabled persons if such work is not available in the desired form, if the use thereof is directly related to the disability of such persons and limited to the extent of it, and if it is not done with the intention to gain direct or indirect economic advantage. In that case, the source and authorship shall be indicated if they are indicated on the work used".

This Article enables disabled persons to reproduce and distribute protected works without author's authorization and without remuneration.

In order for disabled persons to avail themselves of these limitations, the following conditions have to be fulfilled:

- a) a work protected by copyright is not available in a desired form (acceptable for use);
- b) the reproduction and distribution of works is not done with the intention to gain direct or indirect economic advantage.

Concerning the conversion of a copyright work to a format accessible to disabled persons, Article 50 of the Law on Copyright and Related Rights of BiH prescribes the following:

"The free transformation of a disclosed copyright work shall be permitted if it concerns transformation in connection with the permitted use of the work which is caused by the nature itself or the manner of such use".

**2. Does your national legislation permit the cross-border exchange (i.e. exportation) of “accessible format copies”, as defined in Article 2 b)1 MVT? If yes, under which conditions?**

Bosnia and Herzegovina ratified the Marrakesh Treaty to Facilitate Access to Published Works in August of 2020. The harmonization of the Law on Copyright and Related Rights with the terms of the Treaty is planned in the coming period.

**3. Does your national legislation allow the importation of “accessible format copies”, as defined in Article 2 b)2 MVT? If yes, under which conditions?**

Bosnia and Herzegovina ratified the Marrakesh Treaty to Facilitate Access to Published Works in August of 2020. The harmonization of Law on Copyright and Related Rights of Bosnia and Herzegovina with the terms of the Treaty is planned in the coming period.

**4. Does your national legislation provide a definition of “authorized entity”, as defined in Article 2 c)3 MVT? If yes, please provide the reference.**

The current Law on Copyright and Related Rights of Bosnia and Herzegovina does not provide a definition of the term „authorized entity“. Defining this term and others in relation to the Marrakesh Treaty to Facilitate Access to Published Works is planned in the coming period.

**5. Please provide a list with contact details of entities that can operate as authorized entities in your territory, and any further information that you can provide, such as number of accessible titles in the catalogue of the authorized entity and the languages covered.**

At present, in Bosnia and Herzegovina there are no “authorized entities” as defined by the Marrakesh Treaty. In the process of harmonizing the Law on Copyright and Related Rights with the Marrakesh Treaty, we plan on using the term “authorized entities.”