

Marrakesh Treaty Questionnaire – Japan

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.

Article 37 (3) and Article 47-7 of the Japanese Copyright Act:

<http://www.japaneselawtranslation.go.jp/law/detail/?ft=1&re=01&dn=1&co=01&ia=03&x=0&y=0&ky=%E8%91%97%E4%BD%9C%E6%A8%A9%E6%B3%95&page=13>

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?

Yes. Article 37 (3) and Article 47-7 of the Copyright Act permit the cross-border exchange (i.e. exportation) of “accessible format copies”, as defined in Article 2 b) MVT within the limits that are found to be necessary in order to provide the visual work for exclusive use of persons with visual impairments, etc. Also, this does not apply if the visual work has already been made available or presented to the public in such a form by the copyright owner, a person authorized thereby, a person in favor of whom the print rights set forth in Article 79 of the Copyright Act have been established, a person authorized thereby to reproduce the visual work, or a person authorized thereby to transmit the visual work to the public.

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?

Yes. The Copyright Act allows the importation of “accessible format copies”, as defined in Article 2 b) MVT if “accessible format copies” are made in accordance with the provisions of the law of the Contracting Parties that meet the limitations and exceptions of the right of reproduction permitted by MVT.

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.

Article 37 (3) of the Copyright Act provides that a person set forth by Cabinet Order that engages in an undertaking related to the welfare of a person with a visual or vision-related impairment may reproduce a visual work, and may transmit such a visual work to the public by changing texts in the visual work into sounds or in any other form that is necessary to allow the visual work to be used by persons with visual and vision-related impairments who have difficulty in using that visual work in its visual form, within the limits that are found to be necessary in order to provide the visual work for their exclusive use.

In Japan, entities stipulated in each item of Article 2 (1) of the Enforcement Order of the Copyright Act constitute “authorized entity”, and specifically these include the following: libraries of universities and other institutions of higher learning, the National Diet Library, public libraries, libraries of schools or other equivalent institutions, facilities for children with disabilities, child developmental support

centers, nursing homes for the elderly, and facilities for persons with disabilities as well as corporations that conduct the business of providing information to visually impaired persons etc. and which meet certain conditions.

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.

In Japan, entities stipulated in each items of Article 2 (1) of the Enforcement Order of the Copyright Act constitute “authorized entity”; however, to ensure the smooth and steady cross-border exchange and importation of “accessible format copies” stipulated in Articles 5 and 6 of the MVT, for the time being, two of these entities, namely, the National Diet Library(NDL) and the National Association of Institutions of Information Service for Visually Impaired Persons(NAIIV), play central roles as the institutions that function as the contact points from persons from both within and outside Japan.

Contact details of these entities are as below.

- National Diet Library (Section of Library Support for Persons with Disabilities, Library Support Division, Kansai-kan)
E-mail: syo-tyk@ndl.go.jp
URL: <http://www.ndl.go.jp/en/support/index.html>
- National Association of Institutions of Information Service for Visually Impaired Persons
E-mail: zensijokyo-jimu@naiiv.net
URL: <http://www.naiiv.net/> (in Japanese)