

Marrakesh Treaty Questionnaire – China

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.

A. Subparagraph (12) of Paragraph 1 of Article 24 of the *Copyright Law of the People's Republic of China*: a published work may be provided to the print disabled in an accessible and perceptible way, without permission from, and without payment of remuneration to, the copyright owner, provided that the name of the author and the title of the work are mentioned and the other rights enjoyed by the copyright owner in accordance with the law are not prejudiced.

B. Subparagraph (2) of Paragraph 1 of Article 50 of the *Copyright Law of the People's Republic of China*: when a published work is provided to the print disabled in an accessible and perceptible way and the said work can not be obtained through normal channels, technological measures may be circumvented, provided that the technologies, devices or components used to circumvent technological measures are not made available to other persons, and that the other rights enjoyed by the copyright owner in accordance with the law are not prejudiced.

C. *Interim Rules on Provision of Works to the Print Disabled in an Accessible Way* issued by National Copyright Administration of China (NCAC) on August 1, 2022. The full text (only in Chinese) is posted on NCAC website (<https://www.ncac.gov.cn/chinacopyright/contents/12228/356853.shtml>).

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

Interim Rules on Provision of Works to the Print Disabled in an Accessible Way permits the cross-border exchange of “accessible format copies”, but the relevant regulations on the import and export management of relevant industry should be followed.

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

Interim Rules on Provision of Works to the Print Disabled in an Accessible Way permits the importation of “accessible format copies”, but the relevant regulations on the import and export management of relevant industry should be followed.

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

In China, “authorized entity” is named as “Institution for the Service of Accessible Format

Copies” and “Institution for the Cross-border Exchange of Accessible Format Copies”. As defined in Article 2 of *Interim Rules on Provision of Works to the Print Disabled in an Accessible Way*, “Institution for the Service of Accessible Format Copies” means an incorporated organization that provides cultural, educational, training, information and other services to the print disabled in a non-profit manner, and “Institution for the Cross-border Exchange of Accessible Format Copies” means an incorporated institution that provides to the similar institutions or print-disabled persons of the contracting parties to the Marrakesh Treaty or receive from the said similar institutions accessible format copies.

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 accordance with *Interim Rules on Provision of Works to the Print Disabled in an Accessible Way*, Institution for the Service of Accessible Format Copies or Institution for the Cross-border Exchange of Accessible Format Copies doesn't need to be authorized or recognized by the government to operate, but is required to be put on record to NCAC. As of now, the following Institutions for the Service of Accessible Format Copies that are also Institutions for the Cross-border Exchange of Accessible Format Copies are on NCAC's record.

A. China Braille Press

Website: www.cbp.org.cn. In the catalogue are 2,751 titles of Braille books, 578 titles of large-print-and-Braille books, 2,119 titles of large-print books, 414 titles of audio books (CDs) and 917 titles of accessible films (DVDs), which are in Chinese as well as English.

B. China Cultural & Information Service Center (China Braille Library)

Website: www.blc.org.cn. In the catalogue are 7,300 titles of Braille books, 2,000 titles of Braille-and-printed books, 2,300 titles of large-print books, 4,000 titles of audio books and films (CDs or DVDs), which are in Chinese as well as English.