

Marrakesh Treaty Questionnaire – Kyrgyzstan

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.

Law of the Kyrgyz Republic "On Copyright and Related Rights" dated January 14, 1998
No. 6

Article 4. Basic concepts

For the purposes of this Law, the following terms have the following meanings:

4) beneficiary is a person who:

a) is blind;

b) has a visual impairment or a limited ability to visually perceive or read, which cannot be corrected to the extent that the visual function is equivalent to the visual function of a person who does not have such a visual impairment or limited ability to visually perceive a text work;

c) due to the characteristics of any disease, cannot or is unable to use a book or focus his eyes on move to the extent that would normally be acceptable for reading, regardless of any other impairment; ...

43) copy of a work - a copy of a work made in any material form;

45) authorized organization - an organization authorized by the Cabinet of Ministers of the Kyrgyz Republic to provide beneficiaries with no profit services in the field of education, vocational training, adaptive reading or access to information. An authorized organization also includes non-profit organizations that are engaged in providing similar services to beneficiaries as one of their main activities;

46) copy in an accessible format - a copy of the work in an alternative form or form, which provides the beneficiary with access to the work, including allowing him to have the same real and convenient access as a person without visual impairment or other limited ability to perceive printed information.

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?

Law of the Kyrgyz Republic "On Copyright and Related Rights" dated January 14, 1998
No. 6

Article 19. Use of a work without the consent of the author and without payment of royalties

6) make accessible format copies of the work, receive an accessible format copy from another authorized body and make them available to beneficiaries by any means, including non-commercial rental or electronic communication by wire or wireless communication, as well as take any action to achieve these goals ...

Nb. However, the interpretation of section 31 of Copyright Act makes it permissible for persons to make use of a copyrighted work so long as they are licensed to do so by the copyright owner and they use the copy of the work in the manner permitted by the copyright

owner.

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

Law of the Kyrgyz Republic "On Copyright and Related Rights" dated January 14, 1998
No. 6

Article 19. Use of a work without the consent of the author and without payment of royalties

..6) make accessible format copies of the work, receive an accessible format copy from another authorized body and make them available to beneficiaries by any means, including non-commercial rental or electronic communication by wire or wireless communication, as well as take any action to achieve these goals ...

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

Law of the Kyrgyz Republic "On Copyright and Related Rights" dated January 14, 1998
No. 6

Article 201 Limitations and Exceptions to Accessible Format Copies

1. The authorized organization may, without the consent of the author and without payment of royalties, make copies of the work in an accessible format, receive from another authorized organization a copy in an accessible format and provide them to the beneficiaries in any way, including non-commercial rental or electronic communication by wire or wireless communication, and also take any action to achieve these goals, subject to the following conditions:

1) the authorized organization has legal access to the work or a copy of the work;

2) the work is converted into an accessible format copy, which may include the use of any means necessary to view the information in an accessible format for the beneficiary. At the same time, it is not allowed to make changes associated with a change in the content of the work;

3) such accessible format copies are provided solely for the use of the beneficiaries;

4) activities for the production of an accessible format of the work are carried out without making a profit.

2. When carrying out the activities specified in part 1 of this article, the authorized organization:

1) determines the compliance of persons served with the requirements established for beneficiaries;

2) determines the restrictions on distribution and provision of copies in an accessible format by beneficiaries and (or) other authorized organizations;

3) take measures to prevent the reproduction, distribution and provision of unauthorized copies;

4) keeps records when working with copies of works.

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.

- Library and Information Consortium - BIC of Kyrgyzstan

Ms. Sultangazieva Roza Kalyevna, Director

Mobile number: +996 554 009 791

Email address: rbdu2015@gmail.com

Website: <http://www.bik.org.kg/>