

Marrakesh Treaty Questionnaire – Slovakia

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.

Slovakia is bound by EU legislation implementing the Marrakesh Treaty, in particular by Directive (EU) 2017/1564 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 (hereinafter referred to as „Marrakesh Directive“) and by Regulation (EU) 2017/1563 on the cross-border exchange between the Union and third countries of accessible format copies 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 (hereinafter referred to as „Marrakesh Regulation“).

Marrakesh Directive was transposed into Copyright Act (Act No. 185/2015 Coll. On Copyright, as amended) by amendment No. 215/2018, which is in force as of 11 October 2018. On the basis of this amendment, **Article 46a** named **“Use of a work for the benefit of print disabled persons”** was created in Slovak Copyright Act, which contains exception and other relevant provisions following the wording of Marrakesh Directive. Article 46a follows directly after Article 46, which includes general exception for persons with disabilities. Article 46a emphasizes subordination or relation to general exception for persons with disabilities in the Copyright Act. In comparison with general exception for persons with disabilities, the scope of works (subject matters) and beneficiaries are reduced for the purpose of Article 46a in compliance with the definitions contained in the Marrakesh Directive.

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. Although Article 46a does not expressly mention “importation” or “exportation” of accessible format copies, it regulates the cross-border types of uses, which can be exercised by print disabled persons and authorized entities (according to our law named as *“providers of services for print disabled persons”*) without the author’s consent.

Print disabled persons and natural persons acting or assisting them on their behalf are allowed for private purpose of print disabled persons to make accessible format copies of works.

At the same time, provider of services for print disabled persons (schools, libraries, archives or any other legal entities providing the similar services as one of its activities on a non-profit basis) can without author's consent make/produce accessible format copies of works and they can also use accessible format copy by public distribution, by lending or by communication to the public, including making available to the public. The condition is that these types of use can be done solely for the benefit of print disabled persons from Member States and from third countries that are contracting parties of the Marrakesh Treaty. The exchange (these types of use) are also permitted between two or more providers of services for print disabled persons with one another, including the providers of services for print disabled persons from other Members States or from third countries that are contracting parties of the Marrakesh Treaty. Generally, it means that Article 46a of Copyright Act allows cross-border exchange of accessible format copies.

Concerning the exchanges of accessible format copies between the EU Member States and third countries, this is covered by Marrakesh Regulation, which applies from 12 October 2018, is binding in its entirety and is directly applicable in all EU Member States.

Accessible format copy is defined in par. 3 of Article 46a of Copyright Act in line with Marrakesh Directive. Accessible format copy is a copy of work specified in par. 2 (musical work in a written form – sheet music, verbal work in a form of book, journal, newspaper, magazine or other kind of writing, or audiorecording/phonogram, including related illustrations) produced or made in a manner that gives print disabled person the same access to the work as has a person without any disability.

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. Article 46a does not expressly mention “importation” or “exportation” of accessible format copies, but it regulates the cross-border types of uses. Please, see the answer to question no. 2 above.

Concerning the exchanges of accessible format copies between the EU Member States and third countries, this is covered by Marrakesh Regulation, which applies from 12 October 2018, is binding in its entirety and is directly applicable in all EU Member States.

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.

Our national legislation (**Article 46a** of Copyright Act) does not expressly use the term “authorized entity”. But we established very similar term - “*provider of services*”

for print disabled persons”, which includes schools, libraries, archives or any other legal entities providing the similar services (similar to schools, libraries or archives) for print disabled persons as one of its activities on a non-profit basis. These entities are allowed to realise the types of uses specified under the exception for print disabled persons from Member States and from third countries that are contracting parties of the Marrakesh Treaty. These types of uses for the benefit of print disabled persons can also be exercised between two or more providers of services for print disabled persons with one another, including the providers of services for print disabled persons from other Members States or from third countries that are contracting parties of the Marrakesh Treaty.

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.

As regards the contact details of authorized entities, the Ministry of Culture of the Slovak Republic (hereinafter referred to as “the ministry”) do not have exact information about how many providers of services for print disabled persons (authorized entities) operate in Slovakia or exact number of accessible titles in their catalogues and languages. The providers of services for print disabled persons are subjects to private law and also according to the Article 6 of the Marrakesh Directive it is upon their decision – on voluntary basis, whether they provide the ministry with their names and contact details. Therefore, Copyright Act has not imposed any obligation on them to inform the ministry.

The main providers of services for print disabled persons (authorized entity) in Slovakia that the ministry is aware of, are:

The Slovak Library for the Blind of Matej Hrebenda (SLB) in Levoča

(Matej Hrebenda’s Slovak Library for the Blind in Levoča is an authorized entity offering library and information services for blind and visually impaired people, as well as for the people with reading and other print disabilities. The library, as an authorized entity, establishes services of reproduction, distribution and making accessible copies of book titles and documents in accessible format).

Contact details:

Štúrova 36, 054 65 Levoča, Slovakia

Telephone number: +421 915 937 069

E-mail: skn@skn.sk

Website: www.skn.sk ([English version of website](#))

Amount of registered readers: 2 000

Amount of titles: 7 500 audio books, 3 700 Braille books

Available languages of the documents: Slovak (90 %), Czech, Hungarian, English, German, Types of formats: audio books (CD, audio cassettes, online MP3), Braille books (paper, online e-Braille)

Slovak Blind and Partially Sighted Union

Contact details:

Sekulska 1, 842 50 Bratislava

Slovak Republic

Telephone number: +421 (0)2 69203420

E-mail: unss@unss.sk

Website: www.unss.sk ([English version of website](#)).