

Marrakesh Treaty Questionnaire – Jamaica

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.

Section 65A of the Act provides an exception in relation to copyright infringement which allows authorized persons to access and provide beneficiaries with copies of copyright works that are in an accessible format. This conforms with Article 4 of the Treaty provided the conditions outlined in section 65A are satisfied.

These conditions are that:

- a. The authorized person who intends to provide persons with a print disability with copies of the copyright work must have lawful access to the copyright work or copy of that work.
- b. The copies are to be supplied exclusively to be used by persons with a print disability.
- c. The work must be converted to an accessible format.
- d. The authorized body should in no circumstance use the distribution of such copies for profitable means.

These provisions of the Act have satisfied the requirements as it relates to the national law limitation and exceptions under the Treaty outlined in Article 4.

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?

Yes, the Copyright Act (national legislation) permit the cross-border exchange in Article 65A (c) and (g) 65A(g) of the Treaty states – “distribute or make available accessible format copies to an authorized entity, another authorized body or person with a print disability in Jamaica or in a Contracting Party to the Marrakesh Treaty, provided that prior to the distribution or making available of such copies, the originating authorized person did not know or have reasonable grounds to know that the accessible format copy would be used for persons other than persons with a print disability and if the conditions in section 65C are complied with.

65B(c) of the Treaty – “make, access, obtain, import, supply, distribute, make available and use accessible format copies of all copyright works”, if the conditions in section 65C are complied with.

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

Yes, conditions in section 65C - (a) the authorized person who intends to undertake any of the activities referred to in sections 65A and 65B, has lawful access to the copyright work or a copy of that work;

(b) the work is converted to an accessible format copy, which may include the means needed to navigate information in the accessible format, but which does not have the effect of introducing changes other than those needed to make the work accessible to the person with a print disability or hearing disability;

(c) the accessible format copies are supplied exclusively to be used by persons with a print disability or hearing disability;

(d) if any person with a print disability or hearing disability to whom the copy is to be provided is required to pay for the copy, the payment required is no higher than a sum consisting of the cost of the production of the copy and a reasonable contribution to the general expenses of the authorized person, with no element of profit.

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

Yes, section 51- authorized entity’, means in another Contracting Party to the Marrakesh Treaty, other than Jamaica, that is authorized or recognized by the government of the contracting Party to provide education, instructional training, adaptive reading or information access to persons with a print disability, on a non-profit basis.

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.

We would send requests/invite all English Speaking countries who are party to the Treaty to operate as authorized entities in our territory. We would then be aware of the works that would be accessible to us.