

Marrakesh Treaty Questionnaire – Brazil

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 46, “d” of Brazilian Copyright Law (Law 9.610/1998) provides limitations for the reproduction of literary, artistic or scientific works for the exclusive use of visually impaired and blind people. However, the implementation of the Marrakesh Treaty will demand a law reform in order to extend its beneficiaries and to allow the cross-border exchanges.

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?

Brazil’s copyright law does not have any provision that permits the cross-border exchange (i.e. exportation) of “accessible format copies”, as defined in Article 2 b) MVT. With the implementation of the Marrakesh Treaty in Brazilian legislation, this possibility will be provided for, however its conditions is still to be established in future regulation. This issue will also demand a law reform in order to preview the cross-border exchange of “accessible format copies” and cooperation with others players like National Library and others.

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?

Brazil’s copyright law does not have any provision that permits the importation of “accessible format copies” as defined in Article 2 b) MVT. With the implementation of the Marrakesh Treaty in Brazilian legislation, this possibility will be provided for, however its conditions is still to be established in future regulation. This issue will also demand a law reform in order to preview the importation of “accessible format copies” and cooperation with others players.

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.

Brazil’s copyright law does not have any definition of “authorized entity” as defined in Article 2 c) MVT. The definition of “authorized entity”, as well as its regulation, will be provided for in future regulation.

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.

The answer to this request depends on future regulation, which its implementation is still in progress, including the definition of the criteria and the extension of the “authorized entity” and the players that will collaborate will the implementation of the project.