

Marrakesh Treaty Questionnaire – Rwanda

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.

The articles 303 and 304 of the Law n° 055/2024 of 20/06/2024 on the protection of intellectual property provides limitations and exceptions regarding the access to published works for persons who are blind, visually impaired, or otherwise print disabled.

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, the article 304 permit cross-border exchange.

The article 304 (1) stipulates as follow: “(1) An authorised entity can, without the authorisation of the author or copyright holder and without payment of royalties, distribute or make available accessible format copies if:

(a) such copies are for the exclusive use of persons who are blind, visually impaired, or print disabled;

(b) it is intended to make available such copies directly to a person who is blind, visually impaired, or print disabled from another country party to the Marrakesh Treaty;

(c) the permission granted applies provided that prior to the distribution or making available the originating authorised entity did not know or did not have reasonable grounds to know that the accessible format copy would be used for other than persons who are blind, visually impaired, or print disabled.

(2) Such distribution or making available accessible format copies is limited to:

(a) certain special cases;

(b) matters that do not conflict with a normal exploitation of the work or object of related rights;

(c) matters that do not unreasonably prejudice the legitimate interests of the copyright holder

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 it is provided under article 304(3) which stipulates that “A person who is blind, visually impaired, or print disabled, or someone acting on his or her behalf, or an authorised entity, is permitted to import an accessible format copy for the benefit of that disabled person, without the without the authorisation of the author or copyright holder and without payment of royalties.”

The article 305 states a general conditions applicable to all limitations including this as follow “The free use of a work without the authorisation of the right holder referred to in Articles 291,

292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303 and 304 of this Law does not prejudice the normal use of a work, related rights or legitimate interests of the right holder.”

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.

Article 2(f) states that “authorised entity” means an entity that is authorised or recognised by the government to provide education, instructional training, adaptive reading or information access to persons who are visually impaired or print disabled 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.

Currently, we do not have a list of authorized entities. As the law is still very new, the Government is working closely with relevant stakeholders in this regard. The list will be share as soon they are available.

¹ Article 2 b) “accessible format copy” means a copy of a work in an alternative manner or form which gives a beneficiary person access to the work, including to permit the person to have access as feasibly and comfortably as a person without visual impairment or other print disability. The accessible format copy is used exclusively by beneficiary persons and it must respect the integrity of the original work, taking due consideration of the changes needed to make the work accessible in the alternative format and of the accessibility needs of the beneficiary persons

² See above.

³ Article 2 c) “authorized entity” means an entity that is authorized or recognized by the government to provide education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis. It also includes a government institution or non-profit organization that provides the same services to beneficiary persons as one of its primary activities or institutional obligations.