

Marrakesh Treaty Questionnaire – Kenya

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.

- i. The definition of “work” has a proviso that addresses visually impaired persons. It provides as follows in section 2 of the copyright Act:

"work" means literary, musical, artistic, dramatic work, audio visual work, and sound recordings and includes translations, adaptations, new versions, or arrangements of pre-existing works, and anthologies or collections of works which, by reason of the selection and arrangement of their content, present an original character:

Provided that the visually impaired persons work shall be limited to literary and artistic works whether published or made available in any media;

- ii. Section 2 further defines "specialized formats" to mean Braille, audio, or digital text or any other media which is exclusively for use by visually impaired or other persons with disabilities, and with respect to print instructional materials, includes large print formats when such materials are distributed exclusively for use by visually impaired or other persons with disabilities.

- iii. Section 26C. (1) provides as follows:

“Notwithstanding the provisions of section 26, it shall not be an infringement of copyright for—

(a) an authorized entity to reproduce or to distribute copies or sound recordings of a previously published literary work if such copies or sound recordings are reproduced or distributed in specialized formats exclusively for use by visually impaired or other persons with disabilities; or

(b) ...

(c) 26(2) Copies or sound recordings to which this section applies shall—

(a) not be reproduced or distributed in a format other than a specialized format exclusively for use by visually impaired or other persons with disabilities;

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?

No.

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?

No.

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 2 defines an authorized entity as:

“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 and 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;”

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.

a. Kenya Society for the Blind

Contact Information

Barclay House, Mai Mahiu road Off Langata road
Tel: +254-020-6001541/0775061819 / 0704 326 668
Website: ksb@ksblind.org

b. Kenya Union of the Blind (KUB)

Contact Information

KUB House, Embakasi,
Off North Airport Road,
P O Box 34510 00100,
Nairobi, Kenya.

Telephone Contacts:

+254 714 443 391

+254 724 621 814

Email Address:

admin@kub.or.ke

c. Kenya Institute for the Blind

Contact Information

Opp Kogo Plaza building, Off Mai Mahiu Road
P.O Box 31082 – 00600, Nairobi – Kenya

Tel: +254 (0) 20 600 5712/6004399

Email: kblind@kieb.or.ke