

## A BILL

To amend title 17, United States Code, to implement provisions of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Marrakesh Treaty Implementation Act of 2016”.

### SEC. 2. TREATY IMPLEMENTATION.

Section 121 of title 17, United States Code, is amended—

- (1) in subsection (a) —
  - (A) by striking “, nondramatic” and by inserting “, or of a musical work that has been fixed in the form of text or notation,” after “literary work”; and
  - (B) by inserting “or by eligible persons” after “blind or other persons with disabilities”;
- (2) by redesignating subsection (c) as (d) and subsection (d) as (e);
- (3) by inserting new subsection (c) as follows:

“(c) Notwithstanding the provisions of section 106, it is not an infringement of copyright for an authorized entity, pursuant to this section, to distribute copies or phonorecords of works in specialized formats made pursuant to subsection (a) to another country when the distribution is made either to:

- (1) an authorized entity located in a country that is a Party to the Marrakesh Treaty, or an eligible person who resides in a country that is a Party to the Marrakesh Treaty; or
- (2) an eligible person who is a citizen or domiciliary of the United States,

provided that prior to the distribution of such copies or phonorecords, the authorized entity making the distribution did not know or have reasonable grounds to know that the copies or phonorecords would be used other than for eligible persons.”;

- (4) by amending paragraph (2) of redesignated subsection (e) to read as follows:

“(2) “blind or other persons with disabilities” means individuals who are eligible or who may qualify in accordance with the Act entitled “An Act to provide books for the adult blind”, approved March 3, 1931 (2 U.S.C. 135a; 46 Stat. 1487) to receive books and other publications produced in specialized formats as elaborated in the regulations prescribed by the Librarian of Congress pursuant to that Act. In prescribing such regulations, the Librarian shall ensure that the benefits thereunder extend to persons who, regardless of any other disability—

(A) are blind;

(B) have a visual impairment or perceptual reading disability or reading disability which cannot be improved to give visual function substantially equivalent to that of a person who has no such impairment or disability and so are unable to read printed works to substantially the same degree as a person without an impairment or disability; or

(C) are unable to read or unable to use standard printed material as a result of physical limitation.”;

- (5) by redesignating paragraphs (3) and (4) of redesignated subsection (e) as paragraphs (5) and (6) respectively;
- (6) by inserting in redesignated subsection (e) the following new paragraph (3) as follows:

“(3) an “eligible person” is a person who is certified by a competent authority as having the disabilities described in regulations prescribed by the Librarian of Congress pursuant to paragraph (2);” and

- (7) by inserting in redesignated subsection (e) the following new paragraph (4) as follows:

“(4) “Marrakesh Treaty” means the Marrakesh Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities done at Marrakesh, Morocco, on June 27, 2013;”.

### **SEC. 3. EFFECTIVE DATE.**

The provisions of Section 2 of this Act shall take effect on the date on which the Marrakesh Treaty enters into force with respect to the United States.