

---

STATUTORY INSTRUMENTS

---

**2018 No. 995**

**The Copyright and Related Rights (Marrakesh Treaty etc.) (Amendment) Regulations 2018**

**PART 2**

**Amendments to the 1988 Act**

**Remedy where effective technological measures prevent permitted acts**

**10.**—(1) Section 296ZE (remedy where effective technological measure prevent permitted acts)(1) is amended as follows.

(2) In subsection (1), at the appropriate places insert—

““Marrakesh beneficiary” means a person who—

- (a) is blind,
- (b) has a visual impairment which cannot be improved so as to give the person visual function substantially equivalent to that of a person who has no such impairment, and who is, as a result, unable to read printed works to substantially the same degree as a person without such an impairment,
- (c) has a perceptual or reading disability and is, as a result, unable to read printed works to substantially the same degree as a person without such disability, or
- (d) is otherwise unable, due to a physical disability, to hold or manipulate a book or to focus or move their eyes to the extent that would normally be acceptable for reading;”;

““Marrakesh work” means a work in the form of a book, journal, newspaper, magazine or other kind of writing, notation, including sheet music, and related illustrations, in any media, including in audio form such as audiobooks and in digital format, which is protected by copyright, related rights or database rights and which is published or otherwise lawfully made publicly available;”.

(3) In subsection (9) before “This section does not apply” insert “Subject to subsection (9A),”.

(4) After subsection (9) insert—

“(9A) But this section does apply where the application of any effective technological measure to a Marrakesh work prevents the making of an accessible copy of that work under sections 31A, 31B or 31BA, or paragraphs 3A, 3B or 3C of Schedule 2, for the benefit of a Marrakesh beneficiary.”