



Jersey

INTELLECTUAL PROPERTY (UNREGISTERED RIGHTS) (MARRAKESH TREATY) (JERSEY) REGULATIONS 2020

Contents

Regulation

1	Amendment of the Intellectual Property (Unregistered Rights) (Jersey) Law 2011	3
2	Article 49 (making single accessible copy for personal use by visually impaired person) amended	3
3	Article 50 (multiple copies for visually impaired persons) amended	3
4	Article 51 (Intermediate copies and records created during production of accessible copy)	4
5	Article 54 (Articles 49 to 53: definitions and other supplementary provision) amended	4
6	Citation and commencement	4

ENDNOTES

5

Table of Endnote References	5
-----------------------------------	---



Jersey

INTELLECTUAL PROPERTY (UNREGISTERED RIGHTS) (MARRAKESH TREATY) (JERSEY) REGULATIONS 2020

Made

18th November 2020

Coming into force

25th November 2020

THE STATES make these Regulations under Article 401 of the Intellectual Property (Unregistered Rights) (Jersey) Law 2011¹ –

1 Amendment of the Intellectual Property (Unregistered Rights) (Jersey) Law 2011

The Intellectual Property (Unregistered Rights) (Jersey) Law 2011² is amended in accordance with these Regulations.

2 Article 49 (making single accessible copy for personal use by visually impaired person) amended

In Article 49 –

(a) for paragraph (1) there is substituted –

“(1) If a visually impaired person has lawful access to a copy (the “master copy”) of the whole or part of a literary, dramatic, musical or artistic work, whether published or otherwise made available, that is not accessible to the person because of the impairment, it is not an infringement of copyright in the work for an accessible copy of the master copy to be made by the person, or on the person’s behalf, for the person’s personal use.”;

(b) paragraph (3) is deleted;

(c) in paragraph (7)(b) for “lawful possession” there is substituted “lawful access”.

3 Article 50 (multiple copies for visually impaired persons) amended

In Article 50 –

(a) for paragraph (1) there is substituted –

“(1) If an approved body has lawful access to a copy (the “master copy”) of the whole or part of a literary, dramatic, musical or artistic work,

whether published or otherwise made available, it is not an infringement of copyright in the work for the body to make, communicate, make available or distribute accessible copies for the personal use of visually impaired persons to whom the master copy is not available because of their impairment.”;

(b) paragraphs (3) and (4) are deleted;

(c) after paragraph (11) there is inserted –

“(12) An approved body which has made an accessible copy of a work under this Article may communicate, make available or distribute it to another approved body which is entitled to make accessible copies of the work under this Article for the purposes of enabling that other body to make accessible copies of the work.”.

4 Article 51 (Intermediate copies and records created during production of accessible copy)

In Article 51(3) for “lend or transfer” there is substituted “communicate, make available, distribute or lend”.

5 Article 54 (Articles 49 to 53: definitions and other supplementary provision) amended

In Article 54 –

(a) in paragraph (3) for “provides for a visually impaired person’s improved access to the work” there is substituted “enables a visually impaired person to access the work, including accessing it as feasibly and comfortably as a person who is not visually impaired”;

(b) for paragraph (6)(b) there is substituted –

“(b) who has an impairment of visual function which cannot be improved (for example, by the use of corrective lenses) and which prevents the person from enjoying a copyright work to substantially the same degree as a person who does not have that impairment;”.

6 Citation and commencement

These Regulations may be cited as the Intellectual Property (Unregistered Rights) (Marrakesh Treaty) (Jersey) Regulations 2020 and come into force 7 days after they are made.

ENDNOTES

Table of Endnote References

<i>1</i>	<i>chapter 05.350</i>
<i>2</i>	<i>chapter 05.350</i>