

Role of authorized entities

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Definition

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.**

Definition 2

- It also includes a
 - government institution or
 - non-profit organizationthat provides the same services to beneficiary persons as one of its **primary activities** or **institutional obligations**.

Agreed statement

- "entities recognized by the government" may include **entities receiving financial support from the government** to provide the mentioned services.

Practices to be established by AE

- to establish that the persons it **serves** are **beneficiary persons**;
- to **limit to beneficiary persons and/or authorized entities** its distribution and making available of accessible format copies;
- to **discourage** the reproduction, distribution and making available of unauthorized copies; and
- to **maintain due care** in, and **records** of, its handling of copies of works, while respecting the privacy of beneficiary persons.

Example of local functions of AE

- To make an accessible format **copy** of a work,
- To **obtain from another authorized entity** an accessible format copy,
- To **supply** those copies to beneficiary persons by any means
- To **undertake any intermediate steps** to achieve those objectives

Under some conditions to be met

- Lawful access to the work or to the copy
- No other changes to the work than those needed to make the work accessible
- Exclusive supply to beneficiary persons
- Non profit basis

Cross border functions of AE

- To import an accessible format copy for the benefit of beneficiary persons, without the authorization of the right holder, **if the national law permits making an accessible format copy of a work**

Cross border functions of AE

- To **distribute or make available** accessible format copies
 - To beneficiary persons
 - To other authorized entity in other country.

Under some conditions

- Provided that the originating authorized entity **did not know or have reasonable grounds to know** that the accessible format copy would be used for other than beneficiary persons
- Further measures to confirm that the person being served is a beneficiary person and
- To follow its own practices

If the AE is in a non signatory of Berne Convention

- It will **ensure**, that the accessible format copies are **only** reproduced, distributed or made available **for the benefit of beneficiary persons** in that Contracting Party's jurisdiction.

If the AE is in a signatory of WCT

- It **may receive and transfer** the copy to other country
- Similarly, if it applies the **3 Step Test** to distribution and making available

Informative role of AE

- Regarding its **practices and policies** in compliance of its treaty obligations
- Information exchange or making such information available
- To interested parties or to the public
- Including in cross border exchange