

Marrakesh Treaty Questionnaire – Italy

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.

Article 71-bis of law 22.04.1941, n. 633, introduced following the transposition of Directive 2001/29 / EC on the harmonization of certain aspects of copyright and related rights in the information society, provides that people with particular disabilities are allowed, for personal use, to the reproduction of protected works and materials or the use of the communication to the public of the same, provided that they are directly connected to the handicap, do not have a commercial character and are limited to what is required of the handicap. The regulation implementing this provision specifies that the disability is of a sensory type and that it must be ascertained according to a specific procedure.

Article 71-bis, paragraph 2 bis, of law no. 633/1941, introduced in transposition of Directive (EU) 2017/1564 relating to certain permitted uses of certain works and other material protected by copyright and related rights for the benefit of blind people, people with visual disabilities or others difficulties in reading printed texts established that:

acts of reproduction, communication to the public, making available to the public, distribution and loan of works or other material are free, protected under the current legislation on copyright and related rights, meaning the works literary, photographic and visual arts in the form of books, magazines, newspapers, magazines or other types of writings, notations, including musical scores, and related illustrations, on any medium, including in audio format, such as audio books, and in digital, protected by copyright or related rights, published or otherwise made lawfully accessible to the public, after their transformation, into "copies in accessible format", meaning those made in an alternative way or format that allows the beneficiary to have access in an easy and comfortable way like a person who has no disability 'any of the disabilities'

2. Does your national legislation permit the cross-border exchange (i.e. exportation) of “accessible format copies”, as defined in Article 2 b) MVT? If yes, under which conditions?

Article 71-bis, paragraph 2 decies provides that authorized entities established in the territory of the Italian State may exercise the exception for a beneficiary or another authorized entity established in another Member State of the European Union. Each copy in accessible format must respect the integrity of the work or other material concerned, being allowed only the modifications, conversions and adaptations strictly necessary to make the work, or other material, accessible in the alternative format and comply with the specific needs of the beneficiaries. To this end, each copy in accessible format must always be accompanied by the mention of the title of the work, or of other material, of the names of those who are authors, publishers and translators of the work as well as any further information appearing on the work. or other material as required by law.

3. Does your national legislation allow the importation of “accessible format copies”, as defined in Article 2 b) MVT? If yes, under which conditions?

Article 71-bis, paragraph 2 decies provides that the beneficiaries or authorized entities established in the territory of the Italian state may obtain or have access to a copy in accessible format from an authorized entity established in any other member state of the European Union.

4. Does your national legislation provide a definition of “authorized entity”, as defined in Article 2 c) MVT? If yes, please provide the reference.

The law of 3 May 2019, n. 37 provides for the definition of "authorized entity" introducing in law 633/1941 (Italian copyright law), moreover, at the article 71-bis, the paragraph 2-sexies. In this regard among other things this last paragraph says: “an authorized entity means a public or private entity, recognized or authorized according to the regulations in force to provide to beneficiaries with non profit education, training, and the possibility of adapted reading or access to information. This category also includes public bodies or non-profit organizations that provide beneficiaries with education, training, adapted reading or access to information as their primary activity, institutional obligation or as part of their public interest missions”.

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.

The entities that currently operate as authorized entities are (at 09.28.21):

- Biblioteca Italiana per ciechi "Regina Margherita" Onlus
- Unione Italiana Ciechi - sez. territoriale Rieti
- Aurelio Nicolodi S.C.S. a R.L.
- Associazione Amici del Libro Parlato per i Ciechi d'Italia - Robert Hollman - del Lions Club di Verbania – ONLUS
- Puntidivista Soc. Coop. a r.l.
- ABC Irifor del Trentino Cooperativa Sociale
- Centro Internazionale del Libro Parlato Associazione Onlus
- Unione Italiana dei Ciechi e degli Ipovedenti Ascoli Piceno e Fermo
- Centro Braille San Giacomo Soc. Coop. Soc.
- Società Cooperativa Sociale Onlus Louis Braille
- I.RI.FO.R. Onlus Toscana
- Università degli Studi di Torino
- ASP S. Alessio - Margherita di Savoia
- Stamperia Regionale Braille Onlus
- Unione Italiana dei Ciechi e degli Ipovedenti Onlus Aps - Sezione Territoriale di Teramo
- Unione Italiana Ciechi e Ipovedenti Centro Regionale Trascrizione Braille UICI CRTB Campania

As regards the catalog of works published by authorized entities, the available informations are linked below (only in Italian language):

- [Biblioteca Italiana per ciechi "Regina Margherita" Onlus](#)
- [Associazione Amici del Libro Parlato per i Ciechi d'Italia - Robert Hollman - del Lions Club di Verbania – ONLUS](#)
- [Puntidivista Soc. Coop. a r.l.](#)
- [Puntidivista Libri in nero Braille](#)
- [Centro Internazionale del Libro Parlato Associazione Onlus: Ricerca audiolibri / Centro Internazionale del Libro Parlato Associazione Onlus: Riviste](#)
- [Unione Italiana dei Ciechi e degli Ipovedenti Ascoli Piceno e Fermo](#)
- [Centro Braille San Giacomo Soc. Coop. Soc.](#)
- [Stamperia Regionale Braille Onlus](#)