

# Marrakesh Treaty Questionnaire – Mongolia

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**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.**

The Law on Copyright was revised on May 6, 2021. On the revised law, following provisions provided under the Marrakesh Agreement.

**Article 41.** Use of work for the purpose of access to published works for the persons who are blind, deaf, visual or hearing impaired or otherwise print disabled

**41.1.** In order to ensure the right to education, to do research, and to obtain information of a blind, deaf, visual or hearing impaired, or otherwise print disabled, it shall be permitted to convert a work into accessible form, cross-border exchange, distribute and make available to the public without the permission of the copyright holder and free of charge.

**41.2.** Copies of the work in an accessible form shall be exclusively used by blind, deaf, visual or hearing impaired, and otherwise print disabled persons and it must respect the integrity of the original work, taking due consideration of the changes needed to make the work accessible in the alternative format and of the accessibility needs.

**41.3.** A State and non-profit organization authorized by the Government /hereinafter referred to as “authorized organization”/ shall work to carry out specialized activities in the field of providing education, specialized training, library and information to a blind, deaf, visual or hearing impaired and otherwise print disabled persons.

**41.4.** The authorized organization specified in the Article 41.3 of this Law shall meet the following requirements when converting, distributing and exchanging works in an accessible format for blind, deaf, visual or hearing impaired, and otherwise print disabled:

**41.4.1.** To have the legal right to convert, distribute and exchange the original work or its copy in an accessible form;

**41.4.2.** Not to make any changes other than those necessary for the conversion of any work into an accessible form;

**41.4.3.** When converting the work into an accessible form, it shall be adapted to the exclusive needs;

**41.4.4.** To have a non-profit purpose.

**2. Does your national legislation permit the cross-border exchange (i.e. exportation) of “accessible format copies”, as defined in Article 2 b)1 MVT? If yes, under which conditions?**

The Customs Law of Mongolia has the following legal regulations for the export and import of intellectual property.

**PERMISSION OF GOODS RELATED TO INTELLECTUAL PROPERTY RIGHTS THROUGH THE CUSTOMS FRONTIER**

**Article 262.** Permission of Goods Related to Intellectual Property Rights through the Customs Frontier

**262.1** Creations, inventions, industrial designs, utility models or goods related to the intellectual property rights owned by a certified right-holder under the Law on Copyrights and Related Rights and the Law on Patents shall be permitted across the Customs frontier unless otherwise is specified in a law or in cases other than those where an application is submitted as specified in Article 264 of this Law.

**262.2** The regulations on permission of goods related to intellectual property right across the Customs frontier shall be approved jointly by the Director General of the Customs central administration and a head of the Intellectual Property Office.

**Article 263.** Grounds Not to Permit Goods Related to Intellectual Property Rights Through the Customs Frontier

**263.1** The Customs shall take measures not to permit goods, which are related to intellectual property rights and placed under the Customs control, across the Customs frontier on the basis of the application made by the right-holder.

**263.2** Measures to be taken by the Customs shall not preclude the right-holder in protecting his/her rights according to provisions of a law of Mongolia.

**Article 264.** Right-Holder's Application and Its Consideration

**264.1** The right-holder shall, in a case where he/she has a sufficient evidence that goods were smuggled through the Customs frontier in infringement of his/her rights or the goods are under Customs control, submit application to Customs to take measures not to permit such goods across the Customs frontier. The application shall contain the following details:

**264.1.1** information on the right-holder;

**264.1.2** information on the intellectual property objects;

**264.1.3** detailed information on goods which might be smuggled as by the applicant;

**264.1.4** determination of a time by which Customs should take its measures;

**264.2** The application shall be supplemented by the IPR certificate and the product design certificate.

**264.3** The Customs shall accept the application and consider it in accordance with relevant legislation.

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

**PROCEDURE FOR INTRODUCTION OF INTELLECTUAL PROPERTY GOODS THROUGH CUSTOMS**

One. Common grounds.

**1.1** The purpose of this regulation is to regulate relations related to the import of goods related to intellectual property rights, registration at customs, detention, inspection, decision-making of infringing goods, and exchange of information on infringing intellectual property rights and infringing goods.

**1.2** The Constitution of Mongolia, the Civil Code, the Customs Law, the Patent Law, the Law on Trademarks and Geographical Indications, and the Copyright and Related Rights Regulations Law of Mongolia, international treaties of Mongolia and this regulation.

**1.3** "Intellectual property rights" means copyright and related works of science, literature, art, inventions, product designs, utility models and geographical indications granted patents by the Intellectual Property Office of Mongolia, certified goods and registered trademarks.

**1.4** "Detention of goods" means the process of stopping the customs clearance of goods, prohibiting the movement of goods across the customs and state borders, and prohibiting the use and disposal of goods.

Two. Import of goods related to intellectual property rights through the customs border

**2.1** Except as otherwise provided in Article 264 of the Customs Law, unless otherwise provided by law or this regulation, the Customs shall allow goods subject to intellectual property rights to cross the customs border.

**2.2** Customs may take measures not to allow goods under intellectual property control to cross the customs border upon the application of the intellectual property rights holder and at the request of the competent authority.

Three. Customs registration of goods related to intellectual property rights

**3.1** The holder of intellectual property rights may register the goods belonging to his / her rights in the customs registry and enter them in the customs database.

**3.2** To register in the customs registry and make changes to the customs registry, fill in the form approved in Annex 1 to this regulation and submit the following official letter to the General Customs Administration with the following information:

**3.2.1** Name (description, image) of the goods related to intellectual property rights;

**3.2.2** Information on the right holder (if the applicant is a legal entity, his / her name, address, organizational form, if he / she is a citizen, the name, surname, first name, address, affiliation, permanent residence or operation of the parent). country name, etc.);

**3.2.3** If the intellectual property right holder registers through an authorized representative, his / her name, surname, first name and address;

**3.2.4** The name and number of the document proving the intellectual property rights, the date of issue, the summary and the validity period;

**3.2.5** A list of goods to be registered and protected (product name, international classification of goods and services, or BTCS code).

**3.3** The decision to register goods related to intellectual property rights in the customs registry shall be made by the head of the unit in charge of control and risk of the Central Customs Administration or his / her deputy. There is no registration fee.

**3.4** Customs registration shall be maintained electronically by the unit in charge of control and risk of the central customs administration. The registration may be repeated in the book, in which case the pages of the book shall be signed by the head or deputy head of the above unit. All amendments to the register shall be signed and certified by one of the above persons.

**3.5** The customs registration may be amended according to the information provided by the following persons:

**3.5.1** The applicant himself / herself has applied for a change in the information specified in the application and attached documents;

**3.5.2** The law enforcement and other state bodies have notified the Customs in writing that the term of protection of intellectual property rights has expired, intellectual property rights have been revoked and the name of the right holder has been changed.

**3.6** When making corrections in the customs registry, the relevant information shall be thoroughly checked and made within 3 working days by the decision of the head of the unit or his / her deputy specified in 3.3 of this regulation.

**3.7** The unit specified in 3.3 of this Regulation shall notify the relevant customs authority of the information registered in the customs registry within one working day.

**3.8** The Press Office of the Central Customs Administration may publish the list of goods registered in the customs registry and changes thereto in the official customs edition and some information on the customs website with the permission of the person specified in 3.3 of this Regulation.

Four. Detention of goods related to intellectual property rights by customs

**4.1** Customs shall detain goods that may infringe intellectual property rights in the following cases if the conditions specified in 4.4 of this regulation are met:

**4.1.1** The holder of intellectual property rights

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

Our copyright law contains the following provisions relating to "authorized entity" under the Marrakesh Agreement.

**41.3.** A State and non-profit organization authorized by the Government /hereinafter referred to as “authorized organization”/ shall work to carry out specialized activities in the field of providing education, specialized training, library and information to a blind, deaf, visual or hearing impaired and otherwise print disabled persons.

**41.4.** The authorized organization specified in the Article 41.3 of this Law shall meet the following requirements when converting, distributing and exchanging works in an accessible format for blind, deaf, visual or hearing impaired, and otherwise print disabled:

**41.4.1.** To have the legal right to convert, distribute and exchange the original work or its copy in an accessible form;

**41.4.2.** Not to make any changes other than those necessary for the conversion of any work into an accessible form;

**41.4.3.** When converting the work into an accessible form, it shall be adapted to the exclusive needs;

**41.4.4.** To have a non-profit purpose.

**41.5.** If an authorized organization meets the requirements set forth in the Article 41.4 of this Law, it shall have the right to convert any work into an accessible format without the permission of the copyright holder, and to obtain, exchange and distribute the copy from other authorities.

**41.6.** Government organization and authorized organization or officials of the said organizations that provide services to blind, deaf, visual or hearing impaired, or otherwise print disabled shall convert works, make cross-border exchange, receive, distribute and support education in such a way. For this purpose, library materials shall be made available for use through information technology tools, the works may be used in classrooms, displayed, and the works may be partially used for distance learning.

Note: "Accessible format copy" as defined in this law means a copy of a work in alternative manner or form which gives a blind, deaf, visual or hearing impaired,

and otherwise print disabled access to work as a person without visual impairment or other print disability.

**41.7.** If an authorized organization applies for an electronic copy of a work for the purpose specified in the Article 41.1 of this Law, the organization or individual keeping the electronic copy shall be obliged to provide it without hindrance.

**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.**

Innovation Development Center of the Blind ([link](#))