

**Law for Making Works, Performances and Broadcasts Accessible for Persons with Disabilities (Law Amendments), 2014**

Amendment of the Copyright Law 1. In the Copyright Law, 2007,<sup>1</sup> the following shall be inserted after Section 28:

"Formatting of a work for persons with disabilities 28A

(A) In this section -

"Person with Disabilities", "Commissioner" – as defined in Paragraph 5 of the Law for Equality of Rights;

"Organization" – any one of the following:

- (1) Not for profit institution as defined in the Value Added Tax law, 1975, where one of its objectives, or one of its primary activities is education, training or welfare of persons with disabilities or information access to said persons;
- (2) A Government Office;
- (3) An educational institution of the kind determined by the Minister pursuant to Paragraph 29;

"Law for Equality of Rights" – The Law for Equality of Rights of Persons with Disabilities, 1998;

"Formatted Work" – a work made in a format accessible for use by a person with disabilities;

(B) The doing of an act with respect to a work which is not adequately accessible to a person with disabilities due to his disability, or with a copy of such work, for the purpose of making a Formatted Work, is permitted provided the following conditions are met:

- (1) An entity who does such act, himself or through another, is an entity as prescribed in the following sub-paragraphs and maintains the conditions set forth in this sub-paragraph:
  - (a) An Organization, provided that the act is done not for profit; and that each of the accessible format copies of the work (in this paragraph – Formatted Copy) will include a notice stating that the copying or the transfer of a Formatted Copy, in

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<sup>1</sup> Principal Legislation 5768, Page 34.

violation of the provisions of this law will constitute infringement of the copyright.

(b) A person with disabilities or a person acting on his behalf, provided that the act is done for the personal use of a person with disabilities;

(c) An entity which has an obligation under law to make Formatted Copies of a work, provided that the formatting acts are done on a scale to the extent no greater than that required under said legal obligation and that it complies with the conditions set forth in subparagraph (a).

(2) The entity carrying out the said act has legal access to the work or to a legal copy thereof;

(3) The changes in the Work are no greater than those necessary to make the Work accessible to persons with disabilities;

(4) A Formatted Copy is not available on reasonable terms; In determining whether terms are reasonable for this matter, consideration shall be taken of, inter alia, the market price of a copy of the Work, the making of which is permitted pursuant to this Law, the location and availability of Formatted Copies.

(C) The reproduction of a Formatted Work made under the provisions of this section is permitted to an Organization only; said Organization may transfer a Formatted Copy, not for profit, to any of the following:

(1) A person in Israel with disabilities or to another Organization;

(2) A person outside of Israel with disabilities or a Foreign Organization, however a Formatted Copy shall not be transferred by the Organization to said person or Organization if the Organization knows, or should have known, that the Formatted Copy will be used by or transferred to a person other than a person with disabilities; In this paragraph, "Foreign Organization" – means a not for profit entity outside of Israel, having as one of its objectives or

primary activities education, or training of persons with disabilities, or information access to such persons.

(D) Implementation of the provisions of this section shall be done in accordance with the privacy rights of persons with disabilities.

(E) The Commissioner may publish information to the public regarding the activities of any of the entities set forth in sub-paragraphs (a) and (c) of Sub-Paragraph (B)(1).

Amendment of the 2. In the Law for the Protection of Performers and Broadcasters, 1984 –  
Performers and  
Broadcasters Rights  
Law.

(1) In paragraph 4A, after subparagraph (c) will be inserted:

“(d) Notwithstanding the provisions of paragraph (c), an act with respect to a performance or fixation of a performance or reproduction of the fixation of a performance, which infringes a right under subparagraph (b) shall not be deemed as a civil tort if done in said performance, fixation or a reproduction that are not adequately accessible to a person with disabilities due to his disability, for the purpose of making a Formatted Fixation, in accordance with the provisions of paragraph 4(c)(1)(b).”

(2) After paragraph 4C shall be inserted:

"Formatting of 4C1(a). (a) In this paragraph –  
performance or  
broadcast for  
persons with  
disabilities" "person with disabilities" - as defined in Paragraph 5 of the Law for Equality of Rights for Persons with Disabilities, 1998;

"Formatted Fixation" – fixation of a performance or broadcast, made in a format accessible for use by a person with disabilities;

(b) The provisions of paragraph 2 and 4A1 will not apply where the aforesaid acts are done with respect to a performance, broadcast or fixation of a performance or broadcast, or reproduction of the fixation of a performance or broadcast, which is not accessible to a person with disabilities due to his disability, are done for the purpose of making a Formatted Fixation, provided that the conditions set forth in paragraph 28A of the Copyright Law, *mutatis mutandis*, are fulfilled.

