

SAINT LUCIA

No. 12 of 2024

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
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4. Insertion of new sections 71A to 71H

I Assent

[L.S.]

ERROL CHARLES,
Acting Governor-General.

June 27, 2024.

SAINT LUCIA

No. 12 of 2024

AN ACT to amend the Copyright Act, Cap. 13.07.

[8th July, 2024]

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the Copyright (Amendment) Bill, 2024.

Interpretation

2. In this Act, “principal Act” means the Copyright Act, Cap. 13.07.

Amendment of section 54

3. Section 54 of the principal Act is amended by inserting in the correct alphabetical sequence the following new definitions —

“accessible format copy” means a copy of a work that is in an alternative manner or form which gives a beneficiary person access to the work, including to permit the person to have access as feasibly and comfortably as a person without visual impairment or other print disability;

“authorized entity” means a body designated under section 71A;

“beneficiary person” means a person who, regardless of other disabilities —

(a) is blind;

(b) has a visual impairment or a perceptual or reading disability which cannot be improved to give visual function substantially equivalent to that of a person who has no such impairment or disability and is unable to read printed works to substantially the same degree as a person without an impairment or disability; or

(c) is otherwise unable, through physical disability, to hold or manipulate a book or to focus or move the eyes to the extent that would be normally acceptable for reading.”.

Insertion of new sections 71A to 71H

4. The principal Act is amended by inserting immediately after section 71 the following new heading and sections 71A to 71H —

*“Exceptions relating to beneficiary persons***Designation of an authorized entity**

71A. The Minister may, by Order published in the *Gazette*, designate a body established in or outside of Saint Lucia and provides education, instructional training, adaptive reading or information access to a beneficiary person on a non-profit basis, to be an authorized entity.

Requirements for an authorized entity

71B. An authorized entity shall —

- (a) establish procedures to ensure that the accessible format copies are for the sole use by a beneficiary person;
- (b) maintain due care in, and records of, its handling of copies of works, while respecting the privacy of a beneficiary person;
- (c) discourage the reproduction, distribution and making available an accessible format copy to a person who is not a beneficiary person or an authorized entity.

Accessible format copies of works for a beneficiary person

71C.—(1) Subject to section 71H, copyright in a work is not infringed if an authorized entity, a beneficiary person or a person acting on behalf of a beneficiary person, without the authorization of the copyright owner —

- (a) obtains from another authorized entity an accessible format copy;
- (b) supplies an accessible format copy to a beneficiary person by —
 - (i) non-commercial lending,
 - (ii) electronic communication,

(iii) wire or wireless means, or

(iv) any other means; and

(c) undertakes any intermediate steps to obtain or supply the accessible format copy to a beneficiary person.

(2) A beneficiary person, or someone acting on his or her behalf, including a primary caretaker or caregiver, may make an accessible format copy of a work for the personal use of the beneficiary person or may otherwise assist the beneficiary person to make and use accessible format copies where the beneficiary person has lawful access to that work or a copy of that work.

Reproduction of works in accessible format copies

71D.—(1) Subject to section 71H, copyright in a work is not infringed if an authorized entity, a beneficiary person or a person acting on behalf of a beneficiary person, without the authorization of the copyright owner, reproduces works in an accessible format copy for use by a beneficiary person.

(2) An authorized entity may undertake changes in the work that are necessary, including adapting and transforming the work, to create an accessible format copy.

Distribution and making available accessible format copies

71E. Subject to section 71H, copyright in a work is not infringed if, for the exclusive use of a beneficiary person and without the authorization of the copyright owner, an authorized entity, a beneficiary person or a person on behalf of a beneficiary person, —

(a) distributes or makes available accessible format copies to another authorized entity within or outside of Saint Lucia; and

(b) distributes or makes available accessible format copies, to another beneficiary person within or outside of Saint Lucia,

if prior to the distribution or making available the originating authorized entity did not know or have reasonable grounds to know that the accessible format copy is being used for a person other than a beneficiary person.

Import or export of accessible format copies

71F. Subject to section 71H, copyright in a work is not infringed if an authorized entity, a beneficiary person or a person acting on behalf of a beneficiary person, without the authorization of the copyright owner —

- (a) imports from or exports to another authorized entity, beneficiary person or a person on behalf of a beneficiary person accessible format copies for use by a beneficiary person;
- (b) imports from or exports to another authorized entity, a beneficiary person or a person on behalf of a beneficiary person in another country with similar laws accessible format copies for use by a beneficiary person.

Circumvention of technological protection measures and use of technological protection measures circumvention device

71G. For the purposes of sections 71C, 71D, 71E and 71F, copyright in work is not infringed if an authorized entity, beneficiary person or a person acting on behalf of a beneficiary person circumvents technological protection measures or uses a technological protection measures circumvention device.

Conditions for making available works in accessible format copies

71H.—(1) The conditions for making works available, reproducing, distributing, importing and exporting accessible format copies under sections 71C to 71F are that —

- (a) the authorized entity has lawful access to the work or a copy of the work;
- (b) the work is converted to an accessible format copy, which includes any means needed to

navigate information in the accessible format, and does not introduce changes other than those needed to make the work accessible to the beneficiary person;

- (c) the accessible format copy respects 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 of the beneficiary person;
- (d) the accessible format copy is supplied exclusively to be used by a beneficiary person;
- (e) the making of an accessible format copy of the work is undertaken on a non-profit basis.”.

Passed in the House of Assembly this 26th day of June, 2024.

CLAUDIUS J. FRANCIS,
Speaker of the House of Assembly.

Passed in the Senate this 27th day of June, 2024.

ALVINA REYNOLDS,
President of the Senate.