# Operational Policy: Authorised Entity Responsibilities (NAG 1)

## Blind and Low Vision Education Network NZ

Blind and Low Vision Education Network NZ (BLENNZ) is recognised as an Authorized Entity under the New Zealand Copyright Act 1994 and the Copyright (Marrakesh Treaty Implementation) Amendment Act 2019.

This means that we have been granted the legal right to reproduce, distribute, and make accessible copies of copyrighted works for the benefit of people with print disabilities, without seeking explicit permission from the copyright holders.

## Authorised Entity Eligibility Criteria

From the Copyright Act 1994, Section 69 –

### 69 Authorised entity types

An entity that is 1 or more of the following may undertake the activities set out in section 69A:

* 1. an educational establishment:
  2. an educational resource supplier:
  3. a prescribed library within the meaning given in section 50(1):
  4. a charitable entity that has a purpose consistent with making accessible format copies available to persons who have a print disability.

1. Before beginning activities under section 69A for the first time, an authorised entity must give notice to the Ministry that it intends to do so.

## Authorised Entity Activities

According to the Copyright Act 1994 Section 69A and the Copyright (Marrakesh Treaty Implementation) Amendment Act 2019 we are authorised to do the following

### 69A Accessible format copy activities by authorised entity

1. An authorised entity does not infringe copyright in the relevant work if the entity acts in accordance with this section.
2. An authorised entity may make an accessible format copy if the entity—
   1. has taken all reasonable steps to notify the owner of the copyright in the work of its intention to make an accessible format copy;

and

* 1. is making the copy to provide it only to persons who have a print disability, persons acting on their behalf, or other authorised entities; and
  2. ensures that the copy respects the integrity of the original work, as far as is reasonably possible and taking into account changes needed to make the work accessible in the alternative format.

1. An authorised entity (A) may import into New Zealand an accessible format copy from an authorised entity (B) in another Marrakesh Treaty country if A—
   1. has taken all reasonable steps to notify the owner of the copyright in the work of its intention to make an accessible format copy;

and

* 1. is importing the copy to provide it only to persons who have a print disability, persons acting on their behalf, or other authorised entities; and
  2. has taken all reasonable steps to ensure that the copy respects the integrity of the original work, as far as is reasonably possible and taking into account changes needed to make the work accessible in the alternative format.

1. An authorised entity may do 1 or more of the following:
   1. export from New Zealand an accessible format copy to an authorised entity, or a person who has a print disability, in another Marrakesh Treaty country:
   2. reproduce copies—
2. made or imported into New Zealand under this section; or
3. provided to the entity under section 69B(2)(c):
   1. provide, by communication or otherwise, accessible format copies made or imported under this section or provided to the entity under section 69B(2)(c) to—
4. persons in New Zealand who have a print disability or persons acting on their behalf; and
5. other authorised entities in New Zealand.

### Summary

In summary if we wish to create or import accessible format resources as an authorised entity, we are legally required to comply with the following

1. We must take reasonable steps to notify the owner of the copyright in the work of its intention to make an accessible format copy
2. Any accessible resource we produce can only use by a person with a print disability
3. We can modify the original work’s integrity only to the extent required for accessibility

## Copyright Compliance

From the Copyright Act 1994, Section 69C –

### 69C Duties of authorised entity in regard to records and fees

1. An authorised entity must—
2. make and keep a record of a work of which it has—
3. made, provided, reproduced, imported, or exported an accessible format copy under section 69A; or
4. received an accessible format copy under section 69B(2)(c); and
5. permit the copyright owner to inspect the record—
6. during normal office hours; or
7. at any reasonable time, if the entity does not have office hours.
8. An authorised entity may charge a fee for providing an accessible format copy to a person, but the fee must not be higher than the sum of the cost to the entity of making, providing, reproducing, importing, or exporting the copy (as applicable) and a reasonable contribution to the general expenses of the entity.

### Summary

In accordance with this section BLENNZ will uphold a comprehensive record of all notification activities to guarantee transparency in our operations. BLENNZ will permit the copyright owner to inspect the records upon request during standard office hours.

## Accessibility Standards

Accessible format copy means a copy of a published literary, dramatic, musical, or artistic work, or a part of the work, in an alternative manner or form that gives persons who have a print disability access to the work.

These formats include but are not limited to

• Large print

• Braille

• Collage

• Tactile graphics

• Other forms of tactile materials

All resources created will be checked for accuracy and integrity within the creation process.

## Collaboration with Publishers

BLENNZ aims to establish robust business connections within the publishing sector, streamlining access to copyrighted resources and electronic files. BLENNZ is committed to nurturing affiliations with key figures and stakeholders, cultivating trust through transparent and effective communication channels.

## Publisher Permission Forms and Applications

We will abstain from signing any permission forms or utilizing any publisher permission applications. Our intent is solely to notify the copyright holder rather than seek permission. Engaging in signing such forms could potentially conflict with our rights as an Authorized Entity.

## Communication

The notification process will involve the utilization of a standardized notification letter. Should additional information be requested, we will furnish a standard letter detailing our organization and its activities. Likewise, a standardized letter will be employed to apprise publishers of our policy against signing permission release forms, along with the rationale behind this decision.

Approved: 

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