

**PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF**   
**SRI LANKA**

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**INTELLECTUAL PROPERTY (AMENDMENT)**

**A**

**BILL**

**to amend the Intellectual Property Act, No. 36 of 2003**

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*Presented by the Minister of Trade on 26th of November, 2020*

(Published in the Gazette on August 27, 2018)

*Ordered by Parliament to be printed*

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**[Bill No. 13]**

PRINTEDATTHEDEPARTMENTOFGOVERNMENTPRINTING, SRILANKA   
TOBEPURCHASEDATTHEGOVERNMENTPUBLICATIONSBUREAU, COLOMBO5

**Price : Rs. 12.00**  **Postage : Rs. 15.00**

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*STATEMENT OF LEGAL EFFECT*

*Clause 2* : This clause amends section 5 of the Intellectual Property Act, No. 36 of 2003 (hereinafter referred to as the “principal enactment”) and the legal effect of the section as amended is to insert certain new definitions as consequential to the new section 12A inserted in the principal enactment.

*Clause 3* : This clause inserts new section 12A to the principal enactment in order to enable any beneficiary person to access copies of certain works.

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| *Intellectual Property (Amendment)* | 1 |

L.D.—O. 11/2016

AN ACTTOAMENDTHE INTELLECTUAL PROPERTY   
ACT, NO.36 OF 2003

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

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| **1.** | This Act may be cited as the Intellectual Property | Short title. |

(Amendment) Act, No. of 2020.

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| 5 | **2.** | Section 5 of the Intellectual Property Act, No. 36 of | Amendment |
| of section 5 |
| 2003 (hereinafter referred to as the “principal enactment”) is | |
| of Act, |
| hereby amended as follows:— | | No. 36 of |
| 2003. |
| (1) | by the insertion immediately before the definition |

of the expression “audiovisual work”, of the 10 following definition:–

‘“accessible format” means a copy of a work in an alternative form or manner which gives a beneficiary person access to such work, including to permit such person to have access 15 as feasibly and comfortably as a person without any disability which a beneficiary person has. The accessible format copy shall be used exclusively by beneficiary persons and shall respect the intergrity of the original

20 work, taking into consideration of the changes needed to make the work accessible in the alternative format and of the accessibility needs of the beneficiary person;”.

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| 2 | (2) | *Intellectual Property (Amendment)* |
| by the insertion immediately after the definition of |

the expression “author” of the following   
definition:–

“ “beneficiary person” means any person who–

5 (*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 a person who 10 has no such impairment or disability and is unable to read printed works to substantially the same degree as a person without any such impairment or disability; or

15 (*c*) is otherwise unable, through physical disability to hold or manipulate a book or to focus or move eyes to the extent that is acceptable for reading,

regardless of any other disability;”.

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| 20 | **3.** The following new section is hereby inserted | Insertion of |
| immediately after section 12 of the principal enactment and | new section |
| 12A in the |
| shall have effect as section 12A of that enactment:– |
| principal |

enactment.

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| 25 | “Fair use of a | 12A. (1) | (*a*) Notwithstanding anything |
| work by any | contained in this Part, any authorized entity | |
| authorized | may adapt, reproduce and issue of copies of | |
| entity to |
| any work in an accessible format for the benefit | |
| facilitate a |
| beneficiary | of a beneficiary person in order to facilitate such | |
| person. | beneficiary person to access such work | |

including the sharing with any other 30 beneficiary person of such work where the

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reproduction is made exclusively for the own   
use of the beneficiary person, his educational   
purpose or research and where the original   
format of such work prevents the enjoyment

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| 5 | thereof by such person. Such adaptation, reproduction and issue of copies of any work |

by the authorized entity shall not be an   
infringement of copyright.

(*b*) The provisions of paragraph (*a*) shall 10 apply for any work only where such work is not commercially available in such accessible format under reasonable terms. In such event, the Minister shall deposit a notification with the Director-General of the World Intellectual 15   
 Property Organization declaring the limitations or exceptions, as the case may be, to such work.

(2) An authorized entity shall–

(*a*) be such persons or organizations as shall be prescribed by the Minister 20 in consultation with the Director- General of Intellectual Property;

(*b*) make available to any beneficiary person copies of any work in accessible format on non-profit basis 25 recovering only the cost of the production of such work in an accessible format;

(*c*) ensure that copies of any work in

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| 30 | accessible format are used only by a beneficiary person and take |

reasonable steps to prevent its entry   
into ordinary channels of business;

4 *Intellectual Property (Amendment)*

(*d*) limit the supply of copies of any   
work in accessible format only to   
adapt, reproduce and issue of copies   
of such work to the beneficiary

|  |  |
| --- | --- |
| 5 | persons or any other persons acting on behalf of the beneficiary person; |

(*e*) discourage the reproduction, distribution and making available of unauthorized copies of any work 10 in acccessible format; and

(*f*) maintain due care in, and records of   
its handling of copies of any work   
in accessible format while   
respecting the privacy of a

|  |  |  |  |
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| 15 | beneficiary person.”. | | Sinhala text |
| **4.** | In the event of any inconsistency between the Sinhala |
| and Tamil texts of this Act, the Sinhala text shall prevail. | | to prevail in |
| case of |
| inconsistency. |

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