Improving access to works for visually impaired persons
Abstract

Blind, partially sighted and other print disabled people face a "book famine". International legislation is needed to complement cooperation between specialist agencies and rights holders in order to increase the amount of accessible format books such as audio, large print and braille, from the current level of five per cent.
This document was requested by the European Parliament's Committee on Legal Affairs

AUTHOR

Mr Christopher Friend
WBU Strategic Objective Leader - Accessibility
Chair WBU Global Right to Read Campaign
Programme Development Advisor
Sightsavers International
CFriend@sightsavers.org

RESPONSIBLE ADMINISTRATOR

Ms Roberta PANIZZA
Policy Department C - Citizens' Rights and Constitutional Affairs
European Parliament
B-1047 Brussels
E-mail: roberta.panizza@europarl.europa.eu

LINGUISTIC VERSIONS

Original: EN

ABOUT THE EDITOR

To contact the Policy Department or to subscribe to its newsletter please write to:
poldep-citizens@europarl.europa.eu

Manuscript completed in October 2009.

This document is available on the Internet at:
http://www.europarl.europa.eu/studies

DISCLAIMER

The opinions expressed in this document are the sole responsibility of the author and do not necessarily represent the official position of the European Parliament.

Reproduction and translation for non-commercial purposes are authorized, provided the source is acknowledged and the publisher is given prior notice and sent a copy.
CONTENTS

EXECUTIVE SUMMARY 5

1. THE PROBLEM 7
   1.1. Introduction 7
   1.2. Who are “visually impaired persons?” 7
   1.3. How do print disabled people read? 7
   1.4. The “book famine” 8
   1.5. Rights issue 9
   1.6. Market issue 10
   1.7. How does provision of accessible books work currently? 10
   1.8. Digital world radically changes possibilities 11
       1.8.1. Ebook readers

2. SOLUTIONS 13
   2.1. The role of copyright exceptions 13
   2.2. Role of licensing 15
   2.3. WIPO 15
       2.3.1. Model law 15
       2.3.2. Draft treaty 16
       2.3.3. Political discussion 17
       2.3.4. "Stakeholder platform" 17
       2.3.5. Trust us to do it for you - we won't let you do it yourself! 19

3. CONCLUSION 21
   3.1. Our vision 21
   3.2. The next few years 21
   3.3. Three main scenarios 21
   3.4. Rights for rights holders ... and for print disabled people 22
Improving access to works for visually impaired persons

EXECUTIVE SUMMARY

This paper seeks to describe the barriers to accessing published works faced by visually impaired people, and to suggest ways that these barriers can be overcome.

Who are “visually impaired persons?”

The term visually impaired persons refers to blind or partially sighted people, numbering some 314 million worldwide. A more appropriate term would be “print disabled” or “reading disabled” people, which covers all those who, due to an impairment that may be physical, sensory or other, cannot read standard print. This term includes people with dyslexia and those with dexterity problems which prevent them from turning the pages of a book.

How do print disabled people read?

Print disabled people can read any book a non-print disabled person can read. We do so using so-called “accessible formats”. These formats do not change the content of a work, but rather the way in which the person reading accesses it. They include large print audio, Daisy [http://www.daisy.org/] and braille.

Book famine

Even in the wealthiest markets, less than 5 percent of published books are accessible to persons who are print disabled in the formats mentioned above. This is a “book famine”.

Right to read

Print disabled people have a right to read. Not just a moral right, but one that is spelled out in the UN Convention on the Rights of Persons with Disabilities (UNCRPD)

Not commercially viable?

Until now the publishing industry has largely ignored print disabled people as a market segment, having deemed us to not be a commercially viable customer group. Most accessible books are produced by specialist agencies.
Digital opportunities

With the advent of digital technology, files can be converted relatively speedily into a variety of accessible formats. They can also be distributed rapidly between people, organisations and countries.

Combination of solutions

No single type of action will end the "book famine". Rather, a combination of actions is needed. These include:

- International norms to allow the sharing across borders of accessible format works by specialised agencies. These agencies do the bulk of the work to provide accessible books, and need legal certainty to share their files and cut costs
- Publishers publishing more accessible format books
- Successful work between specialised agencies, and publishers and other rights holders at national and international level aimed at avoiding unnecessary and costly replication of original versions and thus yielding greater sharing of accessibly formatted digital files
- Harmonised exceptions in the EU Copyright directive to set minimum standards in EU national law on copyright exceptions for print disabled people
- Accessible e-books and e-book readers.
1. THE PROBLEM

1.1. Introduction

This paper seeks to describe the barriers to accessing published works faced by visually impaired people, and to suggest ways that these barriers can be overcome.

1.2. Who are “visually impaired persons?”

The term visually impaired persons refers to blind or partially sighted people. According to the WHO, 161 million people worldwide are blind or visually impaired; a further 153 million have an uncorrected visual impairment. 87 per cent live in developing countries.

However, when referring to problems of access to published, written works, a more appropriate term would be “print disabled” or “reading disabled” people. Reading disabled people are all those who, due to an impairment that may be physical, sensory or other, cannot read standard print. For example, a person without sight, a person whose sight is severely impaired, a person unable to hold or manipulate books or to focus or move his or her eyes or a person with a perceptual disability.

To be clear: the term does NOT apply to all disabled people. For instance, a wheelchair user who has no impairment preventing him or her from reading standard print is not “print disabled”.

The ageing EU population means that there are increasing numbers of blind, partially sighted and other disabled people. The European Commission states in its "Action Plan on Information and Communication Technologies and Ageing [COM(2007)332]" that "by 1995 70 million people over the age of 60 were living in the EU, almost 20 % of the total population. By 2020, this figure will rise to 25 %. The number of people over 80 years of age will more than double." It goes on to say

"21% of persons over 50 experience severe vision, hearing or dexterity problems"

1.3. How do print disabled people read?

Thanks to modern technology, print disabled people can read any book a non-print disabled person can read. We do so using so-called “accessible formats”. These formats do not change the content of a work, but rather the way in which the person reading accesses it. They include large print, audio, Daisy [http://www.daisy.org/] and braille.
1.4. The “book famine”

Despite technological advances, however, today people who are blind or otherwise reading disabled still face enormous obstacles in accessing copyrighted works. In an ideal world, publishers would make works available in accessible formats for print disabled people, just as they do for other customers.

In practice, this happens only rarely. Even in the wealthiest markets, less than 5 percent of published books are accessible to persons who are print disabled.

For example, in a speech in Geneva on 13th July 2009, at a conference organised by WIPO to discuss access to works by visually impaired persons, Herman Sprujit, President of the International Publishers' Association, said

“We are delighted that this important issue of access for visually impaired persons receives such prominent attention. We believe this debate is important for two reasons:

Firstly, because the issue of access for persons with disabilities is an incredibly significant. Society must be accountable on how it supports all its members, and how it enables them to develop their full potential both as human beings and as productive members. […] We as publishers are willing to contribute our fair share to this effort.”

However, Mr Spruji then announced that in his country, the Netherlands, "around 2000 new VIP adapted Dutch titles a year are available to persons with print disabilities from around the world."


Mr Spruji used this statistic to demonstrate successful collaboration between rights holders and specialist producers of accessible format books. Yet even the latest available UNESCO figures, for the year 1993, showed 34067 titles had been published in the Netherlands that year. Given the growth of the industry in the intervening period, it is probable that today's figure is closer to 40,000 per annum. [See http://en.wikipedia.org/wiki/Books_published_per_country_per_year]

So not only were the 2000 accessible books mentioned by Mr Sprujit made available thanks to a specialist organisation, but they also only represent around 5% of all the books published in the Netherlands annually. The production of these 2000 books is of course a good thing. But it underlines the fact that even in a developed country such as the Netherlands; ninety-five per cent of books are not available to the print disabled reader because they are not published in accessible formats.

In developing countries this figure is lower still. In this context it is important to remember that about 87% of the world's visually impaired people live in developing countries. (Ref WHO: http://www.who.int/mediacentre/factsheets/fs282/en/index.html).
1.5. Rights issue

Print disabled people have a right to read. Not just a moral right, but one that is spelled out in international law.

The UN Convention on the Rights of Persons with Disabilities (UNCRPD) and its Optional Protocol was adopted on 13 December 2006 at the United Nations Headquarters in New York, and was opened for signature on 30 March 2007. Disabled people and our organisations were instrumental to the work on the Convention text. The Convention really does therefore embody the disability movement’s slogan “nothing about us without us”.

All EU Member States have signed the Convention, 11 of which have already ratified it.

As the UN Enable website puts it:

“The Convention marks a "paradigm shift" in attitudes and approaches to persons with disabilities. It takes to a new height the movement from viewing persons with disabilities as "objects" of charity, medical treatment and social protection towards viewing persons with disabilities as "subjects" with rights, who are capable of claiming those rights and making decisions for their lives based on their free and informed consent as well as being active members of society” (Ref UN Enable http://www.un.org/disabilities/default.asp?id=150).

The UNCRPD makes it clear that disabled people have a right to read. This is specifically enshrined in Article 21, which covers access to information.

“States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention (see http://www.un.org/disabilities/default.asp?id=281).

Article 30 of the same Convention says that copyright law should not create barriers to disabled people. It says:

“3. States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials” (see http://www.un.org/disabilities/default.asp?id=290).

Article 32 of the Convention, on "International Cooperation", calls for States around the world to work together to meet the aims of the Convention. Were the WIPO treaty proposal to be adopted, it would represent a tangible example of such cooperation.
1.6. Market issue

Publishers have opted out of much of the market that print disabled people represent. In theory, publishers could produce works in a range of formats for sale to print disabled people. For print disabled people and their organisations, that would be our preferred solution. But, for example, how many large print books do you see in the shops?

There are audio books in the market. However, according to BookScan, sales of audiobooks in the UK amounted to only £75 million in 2008, about %1 of the overall books market. Even in the US, where the audiobooks sector is much larger at $1 billion, this still only amounts to 4% of the overall market (see Tom Tivnan’s In Depth Feature “Business focus: Loud and clear”, the Bookseller online, 13th August 2009 at http://www.thebookseller.com/in-depth/feature/94293-business-focus-loud-and-clear.html).

Braille is seen as too niche and not viable for mainstream commerce. It is true that a minority of blind people use braille, and so while it is vital for our literacy and needs, it is easier to understand why, from a commercial standpoint, publishers do not consider Braille to be viable.

As stated above, a mere five per cent of published works are made available in accessible formats. But research by the World Blind Union indicates that much of even this five per cent is not provided by the publishing industry.

It is therefore reasonable to conclude that at least until now the publishing industry has largely ignored print disabled people as a market segment, having deemed us to not be a commercially viable customer group.

1.7. How does provision of accessible books work currently?

Given the lack of provision of accessible books by the market, it is small voluntary organisations (often charities) that are left to fill the gap as best they can.

To provide a European example, RNIB, the Royal National Institute of Blind People in the UK, is a charitable organisation, which was originally set up in the 19th century to provide braille to blind people. It now provides around 16,000 audio books, paid for by annual subscription. RNIB also has a specialist library in the UK for readers with sight loss, with some 40,000 titles in large print, giant print, moon, braille etc. The production, distribution and administration of this system is paid for by charitable donations. (See www.rnib.org.uk).
1.8. Digital world radically changes possibilities

It is impossible to understate the extent to which the digital revolution changes the actual, but more importantly, potential provision of accessible books for print disabled people. Nowadays Braille can be provided on a refreshable braille keyboard, linked to documents on computers. An automated screen reader can now read text on a screen out loud to a blind user. CDs can be provided in Daisy format, thus making an audio book “navigable” (See http://www.daisy.org/).

With the advent of digital technology, files can be converted relatively speedily into a variety of accessible formats. They can also be distributed rapidly between people, organisations and countries. This presents great opportunities in the realm of accessibility. Tiflolibros in Argentina makes for a great example of this.

Tiflolibros is a digital library for Spanish-speaking blind people. Created in 1999 by a group of blind friends that wanted to exchange their digital books in order to widen their access to culture and education, Tiflolibros has grown to have more than 20,000 books in Spanish available for more than 3,000 members with blindness or other reading disabilities in America, Europe and Asia. Tiflolibros offers an online catalogue with more than 20,000 digital books that registered members can download using their personal password. Each member then, reads the books through synthetic-voice reading computers, Braille tapes or other electronic reading devices for people with disabilities. It too survives thanks to donations and funding (http://www.tiflolibros.com.ar).

1.8.1. Ebook readers

The advent of eBook readers is another development of great interest to print disabled people. Were these devices, and through them the many thousands of titles they can hold, made accessible to print disabled people, it is possible to envisage a big increase on the five per cent of books which are accessible currently. However, as things stand, eBook readers are not accessible.

There are no audio cues to help a blind person navigate around an eBook reader keyboard and menu. The Amazon Kindle 2 does have a text-to-speech function. Notwithstanding the current inaccessibility of the Kindle’s menus and navigation, once a blind individual has selected the book they want to read on a Kindle, the text-to-speech function could potentially help many to read ebooks. However, in the USA this advance was stymied when authors’ organisations maintained that the speech function was a violation of their audio rights. In response, Amazon changed the function to allow publishers to enable or disable the text-to-speech on a title-by-title basis (See the blog from the American Federation of the Blind here: http://www.afb.org/Blog/blog_comments.asp?TopicID=4426). Some publishers enabled the text-to-speech function as a default, while others disabled it.

It would seem logical that if e-book readers and the content they carry had simple accessibility features such as text-to-speech, a rich seam of royalties would consequently open up for rights holders.
2. SOLUTIONS

We have established above that:

- there is a “book famine” in which only five per cent of books are accessible to print disabled people
- print disabled people have a right to read enshrined in international law
- the market is delivering few accessible books
- specialist organisations which provide accessible books have limited resources to plug the gap
- digital technology can help, but there are barriers to be overcome

There is no single solution to this problem. A combination of approaches is needed. Below I outline these.

2.1. The role of copyright exceptions

Copyright law is, at least in theory, supposed to represent a balance between the interest of rights holders and users. On its website, under the heading “What is WIPO?”, the World Intellectual Property Organisation says the following:

“the World Intellectual Property Organization (WIPO) is a specialized agency of the United Nations. It is dedicated to developing a **balanced** and accessible international intellectual property (IP) system, which rewards creativity, stimulates innovation and contributes to economic development while **safeguarding the public interest**.” (My italics)

Copyright certainly has a bearing on the accessibility of works for disabled people. Exceptions to copyright now exist in some sixty countries worldwide. They enable print disabled people and their organisations to make accessible works where these do not exist commercially. Given that in the majority of cases, it is disabled people themselves, or their organisations, which make accessible books, copyright exceptions are vitally important.

In my country, the UK, blind people’s organisations lobbied hard at the beginning of this century to amend copyright law. Many rights holders opposed us, but eventually the existing copyright law was amended to allow an exception to copyright law for print disabled people. [Copyright (Visually Impaired Persons) Act 2002]. In short, the exception in the Act allows for the conversion of a legally acquired published work into an accessible format, for use by a print disabled person or people. It only applies where no suitable commercial work, i.e. in the format required, exists. (See 1.5 above in this respect).

Organisations such as RNIB, mentioned in 1.6 above, have benefited from the exception in that it allows them to make accessible format versions of works with the minimum of delay and bureaucracy.
At EU level we have the Copyright Directive. The Directive permits but does not mandate copyright exceptions for print disabled people in national law. It is vague enough to also have allowed a great deal of variation between national copyright exceptions for print disabled people in the 27 EU Member States:

"Article 5
Exceptions and limitations

Member States may provide for exceptions or limitations to the rights provided for in Articles 2 and 3 in the following cases:

b) uses, for the benefit of people with a disability, which are directly related to the disability and of a non-commercial nature, to the extent required by the specific disability"

European Disability Organisations therefore welcomed the chance to comment on the Directive provided by the EU Green Paper on copyright 2008. The Green Paper clearly outlined the issues of concern to us, namely:

- Exceptions can be limited to certain categories of disabled users
- exceptions can be limited to certain types of works
- converting works to an accessible format is expensive
- rights holders are not required to make their work available in accessible formats
- Although the Directive encourages Member States to take appropriate measures, in the absence of voluntary measures by rights holders, to ensure that beneficiaries have access to works protected by technical protection measures (TPM), disabled people using assistive technology can still be denied access by these TPM. (For example the TPM in a digital file may prevent access to the file by a blind person's screen reading TTS software).
- The cross-border transfer of material made accessible is not allowed.

In its submission to the EU consultation on its 2008 Green Paper on copyright, the European Blind Union (EBU) made the following key points with regard to current EU law on copyright.

- A minimum list of exceptions for disabled people needs to be made mandatory to ensure the same level of protection for all disabled people across the EU and make it clearer to publishers what the requirements are.
- An exception should be put in place with regard to the cross-border transfer of accessible material. Facilities for producing formats such as large print, digital audio or braille are still relatively scarce, and often dependent on charitable funds or social subsidy. Production of modified material is therefore usually relatively expensive, and as a result there is an immense shortage throughout the European Union of titles in accessible formats. When they do become available, it is invariably later than the original publication.
- A mandatory exception that would allow the easy transfer between jurisdictions of material thus modified would help. In this way, duplication of
effort is minimised, scarce resources put to the most effective use, and the proportion of books available in accessible formats would increase.

EBU went on to say that it also supported the World Blind Union's calls for a WIPO Treaty on access for visually impaired people and others with reading disabilities, which would help harmonise the transfer of accessible material across jurisdictions. More on that proposal below.

2.2. **Role of licensing**

The 2009 EU Green Paper consultation asked

“ (13) Should people with a disability enter into licensing schemes with the publisher in order to increase their access to works? If so, what types of licensing would be most suitable? Are there already licensing schemes in place to increase access to works for the disabled people?“

Blind people's organisations certainly want to work with publishers and other rights holders. Licensing can be a part of the solution to the book famine. However, we do not see licensing as THE answer to the book famine, as proposed in this question. Neither do we see it as a replacement for an exception.

Blind people's organisations, and I am sure other alternative format providers, agree with rights holders that adequate levels of protection against piracy and misuse are needed. However, we also believe that disabled people should not be prevented access to knowledge and culture because of their disabilities.

We believe that putting in place a system of licensing schemes between people with a disability and the publisher will require a large amount of work and information from disabled users. There is a danger this could also place an additional burden on publishers to deal with each disabled customer individually.

The best possible solution is for publishers to publish accessibly in the first place – following certain guidelines. Where they cannot or decide not to do so, we would urge them to provide their files to trusted intermediaries, which would then make the work available in the appropriate accessible format (See comment below on the WIPO "Stakeholder Platform").

2.3. **WIPO**

The World Intellectual Property Organisation, WIPO, has an important part to play in improving access to published works. Below I briefly examine WIPO's role.

2.3.1. **Model law**

Many of the books that specialist organisations transcribe into accessible formats are produced thanks to an "exception" in national copyright law. Exceptions for the purpose of conversion into accessible formats exist in some 60 countries around the
world. In general terms, they allow accessible formats to be produced by blind people or their organisations without the permission of publishers. Around a third of countries worldwide have national copyright exceptions for visually impaired and or print disabled people.

My predecessor David Mann worked with WIPO for many years regarding national exceptions to copyright for print disabled people. The World Blind Union helped WIPO to devise wording for a Model Law on copyright in the area of exceptions for print disabled people that could be disseminated to countries wishing to add such an exception to their national law. WBU's aim was to help facilitate the spread of these very specific national exceptions to countries that did not have them, thus empowering blind people and their organisations worldwide to make good at least some of the shortfall in published accessible books. Unfortunately, due to the lack of a political mandate, WIPO has not felt able to publish this advice on its website, though it does supply advice on exceptions which includes exceptions for visually impaired people.

In any case, their national jurisdiction prevents works made accessible under these exceptions from being legally transferred to print-disabled people in other countries. In 2006 WIPO's SCCR asked Judith Sullivan, previously an employee of the UK's Intellectual Property Office, to provide a report on this matter. Sullivan's report showed that the legality of transferring works made accessible under copyright exception between countries was, at best, a grey area (See the Sullivan Study at http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=75696).

But why is the transfer of such works that important?

Let us take the following example. RNIB in the UK turns the latest blockbuster into Braille, spending thousands of pounds to do so. But RNIB will not be able to share this accessible version with other English-speaking countries due to copyright law. Canada, for example, will have needlessly to ALSO spend money and time converting the SAME book into braille for its readers.

The estimated average cost to produce the master copy of a new DAISY book is CAN$1,500, with subsequent digital copies costing pennies each. The cost per title reflects the complexity of the structure level. At CNIB, studio originals are largely produced by volunteers in a single human-narrated voice. [Source: CNIB]

If organisations making accessible format books could pool their scant resources, such duplication could be avoided. The resources saved would allow these organisations to transcribe and share more works, increasing the amount of books that are accessible. To do this legally, though, a way round the national nature of copyright exceptions is needed, in the form of an international legal instrument.

2.3.2. Draft treaty

Therefore, in 2008, the World Blind Union (WBU) worked with a group of experts to consider a possible WIPO Treaty for Improved Access for Blind, Visually Impaired and other Reading Disabled Persons.

Please find copies in various languages at the link below: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=122732
The draft treaty that was devised would remove the copyright grey area identified by the Sullivan Study by formally allowing works made accessible under a copyright exception in one country to be shared with other countries, whilst respecting the rights of the authors and other rights holders.

It would also speed up the slow process of obtaining national exceptions for print-disabled people in every country, and improve the situation where technical protection measures often block access to digital works (such as a file not allowing a screen reader to operate).

2.3.3. Political discussion

In May 2009, Brazil, Ecuador and Paraguay presented this draft treaty at the World Intellectual Property Organisation (WIPO) Standing Committee on Copyright and Related Rights (SCCRR 18).

The WBU was gratified by the widespread support for the treaty proposal from WIPO Member States. There was almost unanimous backing from Latin American countries. India, China, Pakistan and many others spoke in favour of it too. No country overtly opposed it. However, richer countries did not support it. The EU and so-called "Group B", industrialised countries, used the coded wording "premature" in relation to this treaty proposal.

In the conclusions of the SCCRR 18 meeting it was acknowledged that the treaty should be among items to be discussed at the next SCCR (19), which will convene on 14th December 2009.

2.3.4. "Stakeholder platform"

When the WIPO Treaty proposal was first presented at WIPO in November 2008, rights holders opposed it. On the Thursday of the weeklong meeting, a diverse group of rights holder organisations put forward a table document. It stated clearly the view that

"There is no need for new international binding norms restricting the freedom to develop locally adapted exceptions and limitations."

It went on to suggest that

"In cases where exceptions and limitations are appropriate, they need to be individually crafted and carefully defined at national level." (My italics)

The full paper can be found in the IFFRO November 2008 newsletter here: http://www.ifrro.org/show.aspx?pageid=library/newsletter/latest&culture=en
The rights holders went on to propose that all interested parties—rights holders and representatives from print-disabled people's organisations—should get round a table and discuss voluntary measures to increase the amount of accessible works.

In truth this was not a new idea. WBU had already been discussing the "book famine" with the International Publishers Association and others for some years, though little progress had been made. We welcomed the rights holders' suggestion of a "Stakeholder Platform, of course. We understand the crucial importance of working with publishers and other rights holders.

But the paper produced by rights holders at SCCR 17 seemed to make clear that whatever the merits of an international norm or exception, they would oppose it.

IPA's website explains the rights holders' concerns about an international treaty as being in two main areas (for the full text see http://new.internationalpublishers.org/index.php?option=com_content&task=view&id=107&Itemid=85):

It states:

1. "Copyright exceptions, through their legal nature, do not address the key obstacles to access. The biggest obstacle to wider accessibility is the costs for re-formatting works in VIP charities. A reduction of these costs can only be reached through cooperation with rights holders. A copyright exception is therefore not a suitable tool to achieve the shared objective."

2."A copyright exception risks an imbalance. Electronic formats, in particular those easily interpreted even by less sophisticated tools for VIPs, are also most susceptible to abuse and piracy, as they can be used for mainstream products. A broad exception therefore carries a large risk for the authors and publishers. A balance must therefore be found between the legitimate interests of rights holders and persons with disabilities."[...]

On the first point, WBU and indeed the Sullivan Study mentioned above identified clear areas where it is the nature of copyright law, rather than technology, that block an increase in the sharing of works which could lessen the "book famine". Were we to be allowed to share our works across national borders, we could reduce costs, as argued elsewhere in this paper. We see no reason that we cannot have an international norm to allow us to pool the scarce resources of specialist agencies such as RNIB, ONCE or Tiflolibros, whilst working with rights holders and publishers on technological issues such as the accessibility of their files. Why should one piece of work exclude the possibility of the other?

On the second point, we have seen no evidence that copyright exceptions lead to abuse and piracy. We understand the concerns that publishers have about the digital world offering greater opportunities for abuse. But will anyone—blind or not—who is intent on piracy, wait until a copyright exception is in place to engage in illicit activity?

Both then and now, WBU maintains and demonstrates by its action that it wants to work with rights holders to increase access to books. This is a vital activity, and we welcomed the heightened interest in working together our treaty proposal elicited from rights holders at SCCR17.
In summary, since the start of 2009 the Stakeholder Platform, proposed by Rights Holders at SCCR17, has been working actively on two main areas. One is the technical change needed to ensure that publisher workstreams produce accessible digital files, which organisations such as Tiflolibros or RNIB can then use to make accessible format books. The other is on a "trusted intermediary" pilot scheme, whereby accessible files are shared between publishers and certain accredited accessible format provider organisations. For full details see www.visionip.org/stakeholders/en/.

2.3.5. Trust us to do it for you - we won't let you do it yourself!

So, blind people's organisations disagree with rights holders in just one important area. That is the fact that rights holders present the "WIPO Stakeholder Platform" as an ALTERNATIVE to the WIPO treaty proposal. For WBU, the two initiatives are complementary and BOTH are necessary. Both require hard work and commitment to make an impact. When making a jigsaw, one cannot use some pieces and not others. All are needed to get the full picture!

We have identified the need for a treaty to, among other things:

- Ensure that we can share works organisations like RNIB/ Bookshare make accessible
- Effect the more rapid spread of national copyright exceptions so that print disabled people and their organisations can make works accessible themselves where necessary
- Allow the exchange of accessible works across borders in cases where rights holders, for whatever reason, have not cooperated with accessible format providers

Rights holders seem to oppose the treaty on the grounds that any kind of norm setting in favour of users is anathema. They do not like copyright exceptions, and say that "soft" solutions and guidelines are what we need. Curiously, rights holders show less qualms about norm setting where the protection of their own, rather than users', interests is concerned. As well as national law, WIPO has been involved in norm setting such as the [see for instance the 1996 WIPO Copyright Treaty -WCT, and the WIPO Performances and Phonograms Treaty - WPPT http://www.wipo.int/treaties/en/]

We are being told, effectively, that we have no right to a treaty to help us to make and share accessible files ourselves for the many instances where we cannot get a deal with publishers or they fail to provide files to accessible format organisations. Though the market has failed up to now, we are being told that we have to have faith that it will henceforth deliver the entire solution. We are told therefore to trust in this promise, rather than have norms in place to allow us to take action ourselves where the market or cooperation with publishers fails or is not feasible.

Some tell us that a treaty at WIPO would "take too long" and that we should therefore abandon our call for such a thing. Ironically, the people telling us this usually represent governments or organisations lobbying against this treaty. They are actively working to ensure that their prediction comes true!
In a similar vein, the EU's Communication, "Copyright in the Knowledge Economy", of 19/10/2009 (see: http://ec.europa.eu/internal_market/copyright/copyright-infso/copyright-infso_en.htm) also follows the lead of publishers' organisations in suggesting a European version of the "Stakeholder Platform" and rejecting the European Blind Union's call for changes in EU copyright law as outlined in 2.1 above. Such a rejection, combined with the opposition by EU Member States to a WIPO treaty proposal, gives the impression that the world's biggest economy will only back solutions for print-disabled people that industry likes, rather than solutions that print-disabled people themselves have identified and called for. These powerful interests are telling disabled people's organisations that they know how to end the book famine better than print-disabled people themselves.
3. CONCLUSION

3.1. Our vision

Reading is as vital today as ever, and this is no less the case for disabled people. Access to education, culture, entertainment or instruction all require access to books.

The World Blind Union has a vision of a future where blind, partially sighted and other print disabled people can access the same book as their peers on the same terms and at the same time. The UN Convention on the Rights of Persons with Disabilities requires no less than this, and print disabled people will not settle for less themselves.

No single type of action will end the "book famine". Rather, a combination of actions is needed. We look to all stakeholders in this process to help us remove the barriers we face that we and our organisations have identified.

3.2. The next few years

In the next few years, we look forward to, among other things

- International norms to allow the sharing across borders of accessible format works by specialised agencies. These agencies do the bulk of the work to provide accessible books, and need legal certainty to share their files and cut costs
- Publishers publishing more accessible format books
- Successful work between specialised agencies, and publishers and other rights holders at national and international level aimed at avoiding unnecessary and costly replication of original versions and thus yielding greater sharing of accessibly formatted digital files
- Harmonised exceptions in the EU Copyright directive to set minimum standards in EU national law on copyright exceptions for print disabled people
- Accessible e-books and e-book readers.

3.3. Three main scenarios

Blind people’s organisations want publishers to publish books accessible to us, so that we can buy them as customers or borrow them from libraries, just like everyone else. We prefer such a model to charity.

Where this is not possible, but where rights holders and publishers can facilitate the work of specialist agencies to produce accessible formats, we welcome the chance to work with the industry to this end.
In instances where, for whatever reason, neither of these scenarios comes about, we will maintain our right to have legislation in place to allow us to make accessible books ourselves.

### 3.4. Rights for rights holders ... and for print disabled people

We support the legitimate right of the publishing industry and rights holders to earn a living. We too have a right— the right to read. These two rights are not mutually exclusive. Indeed, the more accessible works that are published, the more books we will be able to buy, thus contributing to the well being of the publishing industry as well as to our own education, culture and entertainment.

But we can wait no longer. How many more blind school children must go without textbooks and therefore a decent education? How many talented blind people cannot study to be scientists, doctors, historians, because they do not have full access to the books they need? How many pensioners, losing their sight, give up reading because they cannot find large print books at their local library or bookshop?

The time to open this world of reading to print disabled people has come. Please join us in our work to turn “right to read” from a slogan to reality.
ROLE

Policy departments are research units that provide specialised advice to committees, inter-parliamentary delegations and other parliamentary bodies.

POLICY AREAS

- Constitutional Affairs
- Justice, Freedom and Security
- Gender Equality
- Legal and Parliamentary Affairs
- Petitions

DOCUMENTS