

**Request for Comments by the U.S. Copyright Office and the U.S. Patent and Trademark Office (USPTO) regarding the WIPO draft proposal to facilitate access to copyrighted works for persons, who are blind or have other reading disabilities**  
(Federal Register Notice of October 13, 2009)

**Reply comments**

**Center for Policy Analysis on Trade and Health (CPATH)  
Consumer Action  
Consumers International  
Public Knowledge  
U.S. PIRG**

December 4, 2009

□The following comments are a reply to the comments filed by Steven J. Metalitz on behalf of the Association of American Publishers (AAP), Independent Film and Television Alliance (IFTA), Motion Picture Association of America (MPAA), National Music Publishers' Association (NMPA) and Recording Industry Association of America (RIAA), which will be referred to as the publisher group, or TPG. □ □

- The Center for Policy Analysis on Trade and Health (CPATH) brings a public health voice to the debate on trade and sustainable development. CPATH conducts research, policy analysis and advocacy in the interest of protecting and improving the health of individuals, communities and populations; expanding access to health-related services; and advancing global economic policies that are democratic, sustainable, and socially just.
- Consumer Action advances consumer rights, nation-wide, by referring complaints, publishing educational materials in multiple languages, advocating for consumers in the media and before lawmakers, and comparing prices on credit cards, bank accounts and long distance services.
- Consumers International (CI) is the only independent global campaigning voice for consumers. With over 220 member organizations in 115 countries, it is building a powerful international consumer movement to help protect and empower consumers everywhere.
- Public Knowledge is a non-profit public interest organization that seeks to ensure that all citizens have fair access to knowledge and information. Towards this end, it seeks to promote copyright laws and policies that balance the interests of copyright owners with the legitimate interests of users and secure the benefits of digital technology to all.
- U.S. PIRG, the federation of state Public Interest Research Groups (PIRGs), stands up to powerful special interests on behalf of the American public, working to win

concrete results for our health and our well-being. With a strong network of researchers, advocates, organizers and students in state capitols across the country, it takes on the special interests on issues, such as product safety, political corruption, prescription drugs and voting rights, where these interests stand in the way of reform and progress.

As consumer, health and public interest groups together representing sighted and not sighted consumers in the United States and abroad, we are writing to express our support for a WIPO treaty for persons who are blind and have other reading disabilities.

With regard to the comments by TPG, we reject the suggestion that voluntary measures by publishers can be a substitute for a treaty, for the following reasons.

1. There is no evidence that every publisher of new books, periodicals, pamphlets and other copyrighted materials will soon begin to voluntarily license works to publishers of accessible works. To the contrary, few works are now licensed voluntarily, and Random House recently decided to turn off the text-to-speech function in the Kindle 2 electronic bookreader. Indeed, even if there were an astronomical increase in the number of licensed works, it would not be complete or equal to what is accessible to someone who is not visually impaired. Even in very optimistic scenarios, people with reading disabilities will always need exceptions to achieve more equal access to works.

2. Estimates of the number of published books protected by copyright vary, but there are without any doubt millions of books that are out of print, and for which it is extremely difficult or impossible to identify and locate copyright owners and negotiate voluntary licenses to use works. This problem is even more complicated when one considers the need to obtain the global rights to works, which may be held by different publishers.

3. The main point of the proposed WIPO treaty for reading disabilities is to facilitate the cross border import and export of works created under exceptions, a topic not addressed at by TPG. The World Blind Union and other disabilities groups correctly argue that a treaty will provide the largest benefit -- by reducing legal uncertainty, and providing a common set of procedures for publishers of accessible works.

4 . We fully and enthusiastically support the World Blind Union and call upon the Administration to support negotiations for a new WIPO treaty that will facilitate the cross border sharing of accessible works, and ensure that blind and other persons with reading disabilities have the right to make accessible copies of copyrighted works.