Proposed Class 8: Literary Works—Accessibility
Submitted by: Association of American Publishers

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ITEM A. COMMENTER INFORMATION
This comment is submitted on behalf of the Association of American Publishers (“AAP”). AAP represents the leading book, journal and educational publishers in the United States on matters of law and policy, advocating for outcomes that incentivize creative expression, professional content and innovative educational materials. AAP’s members depend first and foremost on a rational and effective copyright system.

ITEM B. PROPOSED CLASS ADDRESSED
Proposed Class 8: Literary Works—Accessibility

ITEM C. OVERVIEW

Specifically, petitioners seek to modify the exemption to reflect recent changes to U.S. law to implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (“Marrakesh Treaty”) by (i) substituting “an eligible person, as such a person is defined in 17 U.S.C. § 121,” for “a blind or other person with a disability” in the “personal use” clause of the exemption; and (ii) expanding the scope of works covered from “nondramatic literary work[s]” to “literary works and previously published musical works that have been fixed in the form of text or notation” in the “authorized entity” clause of the exemption. In addition, petitioners seek to substitute the phrase “the market price of an inaccessible copy” for the less inclusive terminology “the price of the mainstream copy” in the personal use clause of the exemption. See Pet. at 6-10; NPRM at 652305-06; 37 C.F.R. § 201.40(b)(3)(i), (ii).
AAP agrees that it is appropriate to update the language of the existing exemption in the manner proposed in Proposed Class 8 in recognition of changes to U.S. law to implement the Marrakesh Treaty. Accordingly, AAP has no objection to the specific changes proposed.

Dated: February 25, 2021

Association of American Publishers

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