

Facilitating Access to Copyrighted Works for Visually Impaired Persons and Draft Treaty Proposal

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Reply Comment

After reviewing the comments submitted for this round of the inquiry I could not find much if anything that moves the debate past where it was after the previous round of comments last May. Those that oppose the treaty still fail to provide much evidence as to how exactly they would be harmed by its passage or what they would do to address the relative dearth of accessible reading materials.

On the other hand, those in favor of the treaty still fail to provide any evidence that the treaty would have the beneficial effect claimed for it, nor do they even acknowledge the potential downside of pushing the treaty through against opposition from publishers, who, after all, are the ones producing the desired reading materials in the first place. Common sense, which is apparently uncommon in this debate, would indicate that a global copyright exception is a clear-cut case of 'be careful what you wish for'.

After giving it some thought, I boiled down my objection to the treaty to one sentence:

The 'exception' *becomes* the rule.

What this means is, if the treaty were to be adopted, it would become the de facto standard for addressing the accessibility issue. Publishers would have no further incentive to consider persons with disabilities as actual customers because the 'trusted intermediaries' [a rather insulting term, when you think about it], would have that market sewn up.

While the treaty would open up a few doors for people with disabilities, it would close many others.

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