

# Notice of Inquiry and Request for Comments on the Topic of Facilitating Access to Copyrighted Works for the Blind or Persons With Other Disabilities

## Reply to Comments

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After reviewing the comments made by others posted in response to the inquiry I would like to offer these observations:

- There is virtually no mention of the important role that personal accessibility tools play to improve access to information for people with disabilities.
- There is no real evidence provided that copyright exceptions will increase the number of works available in accessible formats, or discussion of what negative impact exceptions may have.
- There are no suggestions as to what kinds of assistance and incentives could be offered to publishers to help them publish accessibly.

### **The Role of Personal Accessibility Tools**

Much is made of the small percentage of books available in accessible formats, yet no mention is made of the available technology for converting text to accessible formats by the reader. One such product, called SARA (Scanning and Reading Appliance), allows the user to “place a book on the SARA, press a button to scan your reading material, and have it read back to you.” (At a recent conference, a similar device was previewed that will convert books directly to the DAISY format).

Thus, to gain access to the book ‘The Lobster Gangs of Maine’, which, as noted in another paper, is not available in an accessible format (and, sadly, is not about armed lobsters roaming the streets of Bangor), the print-disabled reader could order a copy online, and when it arrives, place it upon their SARA and press a button. While it would be great if every book was available in an accessible format, it is inappropriate to toss around highly-loaded rhetoric such as ‘book famine’, as others have, which paints readers with disabilities as passive victims of the callous publishing industry.

Another popular personal tool for readers who are blind or visually-impaired is the VictorReader Stream, which has built in text-to-speech, weighs only 6 ounces, and is priced about the same as the Amazon Kindle. The Stream “gives you access to a book with equivalent speed, flexibility, and accuracy of reading a printed book.” There is a similar product called the PlexTalk-2 that is about the size of a cell-phone.

There are barriers to these products being as useful to the print-disabled as they should be. Scan-and-read devices are expensive, compared to personal computers, and devices such as the Stream are limited in the content they can process, not so much due to technical limitations, but by the restrictive technical ‘protection’ mechanisms (DRM, etc.) incorporated with ebook formats such as those sold by Amazon for the Kindle. These are urgent problems, and their solution will greatly increase the number of accessible books without any alteration of existing laws.

## **Lack of Evidence**

Several commentators seem to take it for granted that global adoption of the WBU treaty will result in an increase in the number of works available in accessible formats and a thriving cross-border trade between libraries for the print-disabled. But there is little or no acknowledgement that the resources available to produce alternate materials and to operate an international exchange may not increase at all, leaving the potential benefits of a treaty unfulfilled.

On top of that, there has been no public discussion of how such a treaty might negatively impact efforts to encourage publishers to issue works in accessible formats, considering they may be competing with non-profit agencies offering their own versions of the publishers products.

These are serious concerns that should be at the heart of any serious debate over the best strategy to improve the accessibility of information. But that does not seem to be happening. According to the April issue of the newsletter published by the DAISY Consortium,

“The WIPO Stakeholders Platform meeting was held on April 20<sup>th</sup> ...Major outcomes from this meeting include the formation of a Working Group which is charged with designing a 'Trusted Intermediary Model', describing it in a way that is acceptable to both the rights holders and those who require information in an accessible form.”

The *impression* this gives is that there is no real interest in or need for unbiased research in to the causes of the current situation and the comparable effectiveness of different strategies to address the problem because ‘trusted’ stakeholders are getting together and cutting deals in a less than transparent manner. It makes one wonder who it is that is *not* to be trusted in this situation.

## **No Assistance Offered to Publishers**

Somewhat surprisingly, in this age of government bailouts of private industry, no other commentators offer any suggestions as to how to encourage and reward publishers for addressing print-disabled readers as customers. Even as millions of dollars of public money in the form of government funding and charitable donations are directed towards non-profit agencies to republish existing works, little thought seems to be given to providing incentives for publishers, many of whom are small organizations with budgets less than the big non-profits, to offer their works in accessible formats to begin with. This needs to be fixed.

Perhaps we can learn from a Canadian initiative known as the Book Publishing Industry Development Program. This government program provides financial assistance to Canadian publishers who publish Canadian authors. Funds are available to assist with planning, marketing, distribution, and other aspects of the book business. Why not create a similar initiative for U.S. publishers with a focus on accessibility? Grants would be offered to assist publishers in converting existing works in to accessible formats, and to establish accessible publishing workflows for future publications. Surely this would be money well spent, and who knows? we might be able to give the Canadians some good ideas in return.

## Conclusion

There is another issue, alluded to in some of the papers, of the role of organizations that are focused more on intellectual property than disability, such as Knowledge Ecology International, in this issue. While there is no doubting their sincerity to provide assistance to groups with a direct focus on disability issues, there is some lack of clarity as to whether their interest is more related to access or to broader copyright issues.

The reason this is important is that advocacy agencies for the disabled have exhibited a tendency to erroneously point to copyright law itself as a barrier to access. For example, the International Federation of Library Associations (IFLA) Libraries Serving Persons with Print Disabilities Section states in their strategic plan that,

“The biggest challenge we encounter is copyright legislation. We have been able to agree on a common standard for accessible material - the DAISY/NISO - but national copyright laws are still an obstacle for sharing material. All the advantages gained with accessible digital media are lost if copyright becomes an obstacle for exchange”

These attitudes are a hold-over from the days when only non-profit organizations and government agencies were thought capable of addressing the issue of accessibility for printed books. But as we are now seeing, there is greater interest and potential for mainstream accessibility to supplant the need for institutional access, and that is as it should be. Greater than the need for a technology standard, treaty, or other device is a need for a change of perspective, that accessibility will become less ‘special’ as it becomes more widespread, and that will benefit everyone.

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For a copy of this document and related writings, please go to [www.accessiblepublishing.org](http://www.accessiblepublishing.org)

## Links

SARA: <http://www.freedomscientific.com/products/lv/sara-product-page.asp>

VictorReader Stream: [http://www.humanware.com/en-usa/products/blindness/dtb\\_players/compact\\_models/\\_details/id\\_81/victorreader\\_stream.html](http://www.humanware.com/en-usa/products/blindness/dtb_players/compact_models/_details/id_81/victorreader_stream.html)

DAISY Newsletter: <http://www.daisy.org/news/newsletters/planet-2009-04.php#a1>

DAISY Newsletter: <http://www.daisy.org/news/newsletters/planet-2009-04.php#a1>

Book Publishing Industry Development Program: <http://www.pch.gc.ca/pgm/padie-bpidp/index-eng.cfm>

IFLA: <http://archive.ifla.org/VII/s31/nws1/s31-newsletter1-2008.htm>