

Survey on Accessible Books in Spanish-Speaking Countries

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Introduction

In a separate Knowledge Ecology International (KEI) submission, Aisola and Filak discuss the global linguistic landscape as it related to the need for cross-border sharing of works in accessible formats.¹ In this submission, we report the results of a 2009 survey on the availability of books in accessible formats in Spanish-speaking countries. The survey was done as a collaboration between the World Blind Union, Tiflolibros Argentina, and Knowledge Ecology International (KEI).

The purpose of the survey was to determine the proportion of books that are produced in accessible formats: 1) under voluntary licenses by right holders, 2) using exceptions and limitations in the national laws or 3) using works that are in the public domain.

Survey Methodology

As part of a larger WBU survey of the accessibility of copyrighted works, a survey was prepared for distribution in Spanish-speaking countries in November 2008.

The survey had 8 questions. Questions 1 to 4 refer to the institution's total collection, questions 5 to 7

¹ *Access to Works Published in Foreign Countries*. By Malini Aisola and Meredith Filak. Knowledge Ecology International. April 22, 2009. Available at: http://www.keionline.org/misc-docs/tvi/foreignlang_22april09.pdf

refer to the institution's 2008 production (Calendar or Fiscal 2008 year) and question 8 refers to the total national ink production for 2008. The questions were as follows:

- Q1 Indicate the number of accessible books in your institution total collection in Braille/ Digital/ Audio/ Daisy/ Other formats.
- Q2 What proportion of the total collection has been produced in accessible formats under a license agreement with rights owners?
- Q3 What proportion of the total collection has been produced in accessible formats under Copyright Exceptions legislation?
- Q4 What proportion of the total collection has been produced in accessible formats using works in the public domain?
- Q5 What proportion of the collection has been produced in 2008 in accessible format's under a license agreement with rights owners?
- Q6 What proportion of the collection has been produced in 2008 in accessible formats under Copyright Exceptions legislation?
- Q7 What proportion of the collection has been produced in 2008 in accessible formats using works in the public domain?
- Q8 Estimate the national total published works for 2008 in order to identify the percentage of accessible works against the total ink print production.

The survey was distributed in Spanish among organizations for blind, visually impaired and reading disabled people, and governments in Latin America and Spain, by Pablo Lecuona from Tiflolibros Argentina and Judit Rius Sanjuan from Knowledge Ecology International (KEI).

Results

To date, eleven responses have been received. The responses represent data from seven countries: Argentina, Chile, Colombia, Mexico, Nicaragua, Spain and Uruguay. Note that four of the responses were from Argentina and two from Colombia. The following is a summary of the answers by country and institution.

Argentina

Legal Status: Argentina has had a national exception since 2007.

Tiflolibros has more than 45,000 works in accessible formats available and claims to be the biggest online library for Spanish-speaking blind and reading disabled persons in the world. The works are available in the following formats:

Digital: 27,200

Audio: 18,000 (Mp3)

In their response, Tiflolibros indicated that only 4% of their total production have been produced with a license from the right holder, 20% have been produced under the national exception introduced in 2007

and 10% of works are in the public domain. The Tiflolibros data for 2008 shows a reduction of voluntary licenses (from 4% to 2.5%) and public domain (from 10% to 5.5%) and an increase of the works produced with the national exception (from 20% to 92%).

CICALE (Centro Iberoamericano Cultural de Audio Lectura y Educación) has 12,349 works available in accessible formats, 11,579 of them accessible to blind people. The works are available in the following formats:

Digital: 9,254

Audio: 2,325 (audio digital and Mp3)

Digital videos (accessible for people with disabilities or illiterate, but not for blind): 647

Audesc movies: 123

In their response CICALE indicated that they have not been able to determine how many are available under voluntary license, national law or because the works are in the public domain.

Escuela 515 has 2,000 books available in the following accessible formats:

Braille: 800

Digital: 200

Audio: 200

Other formats: 800, zoomed with photocopy machine

In their response, Escuela 515 reported that 0% of their books have been made available through voluntary licenses and that 50% of their books come from Tiflolibros and other online libraries. They claim that 40% of their 2008 production has been made possible thanks to the national exception.

The **Editora Nacional Braille y Libro Parlante** (national publisher of accessible books) indicates they have 4,010 books available in the following accessible formats:

Braille: 3,000

Audio: 1,010

In their response, the Editora Nacional claimed 100% of their works have been produced by what they call a “tacit/implied authorization” of the right holders and 30% of their accessible books (including the 3,000 books available in Braille) because they are in the public domain.

Chile

Legal status: Chile does not yet have a national exception for the benefit of the blind and reading disabled persons but a legislative process has started.

Number of materials available by format:

Braille: 50

Digital: 10

Audio: 2500 (cassettes)

Other formats: 25 (Cds and MP3)

Total: 2,585

The response from the **Biblioteca Central Para Ciegos** (library for the blind) indicated that only 6 of the 50 books in braille have been produced under a license agreement with the right owner.

Colombia

Legal Status: Colombia does not yet have a national exception for the benefit of the blind and reading disabled persons.

Biblioteca Pública Héctor González Mejía (public library) indicated they had 237 books available in the following accessible formats:

Audio: 19

Daisy: 88

Other formats: 130 (fono books)

In their response, Biblioteca Pública Héctor González Mejía indicated no license has been granted by right holders.

The **Instituto Nacional para Ciegos** (INCI) indicated they had 640 books in Daisy format. In their response, INCI further indicated that no license has been granted by right holders and that 100% of their DAISY books have been produced under a disabilities national law. INCI confirmed Colombia does not have a national exception. The response of INCI also informed that 20% of their total production is in the public domain and represents 10% of their 2008 production.

Mexico

Legal Status: Mexico does not yet have a national exception for the benefit of the blind and reading disabled persons.

Number of materials available by format:

Braille: 120

Digital: 250

Audio: 70

Daisy: 30

Other formats: 500 (ink)

Total: 970

The response by **Contacto Braille A. C.** indicated that only 20% of their accessible books have been produced using works in the public domain, there is no indication of licenses being granted by right holders.

Nicaragua

Legal Status: Nicaragua has a national exception for visually impaired persons.

Number of materials available by format:

Braille: 56
Digital: 71
Audio: 15
Other formats: 13
Total: 155

The response from the **Ministry of Education** of Nicaragua indicates that 100% have been produced under a national copyright exception.

Spain

Legal Status: Spain has a national exception for the visually impaired persons.

Number of materials available by format (ONCE data for 31/12/2008):

Braille: 18,513 (649 in 2008)
Digital: 30,973 (1909 in 2008)
Audio: 40,423 (383 in 2008)
Daisy: 12,556 (2,717 in 2008)
Total: 102,465 (5,658 in 2008)

In their response, **ONCE** indicated that 100% of their accessible books have been produced under that national copyright exception. ONCE further indicated that in Spain the total national ink production for 2008 is estimated at 80,000 books compared to the 5,658 books in accessible format for the reading disabled produced by ONCE in 2008.

Uruguay

Legal Status: Uruguay does not yet have a national exception for visually impaired persons.

Number of materials available by format:

Digital: 455
Audio: 3,465
Daisy: 10
Total: 3,930

In their response, **Fundacion Braille** indicated that 5% of their books have been produced with a voluntary agreement with the right owner and 20% using books that were in the public domain. Their data for 2008 indicates that 5% have been produced with a voluntary license and only 10% of the books have been produced with public domain materials.

Conclusion

The data received from Latin America and Spain demonstrates that the number of books available in

accessible format for the blind, visually impaired and reading disabled persons is very small, relative to the number of works available to persons who do not have reading disabilities.

As for the legal mechanisms under which the accessible books are made available, when a national exception exists, it is the primary legal mechanism used to produce and distribute works in accessible formats. Many Latin American countries do not have such a national law, and the legal status of the programs to make and distribute accessible works is uncertain. The legal status of the import and export of works in accessible formats is even more uncertain.

Legal status of accessible formatted works

Independent of the existence of a national copyright exception for reading disabled persons, the survey shows that accessible books produced under voluntary licenses provided by the copyright holders are nearly non-existent among the countries surveyed.

When a national exception exists, it is the main legal mechanism used by institutions in Latin America and Spain to produce books in accessible formats. However, the number of national exceptions are very limited, especially in Latin America. The 2006 Sullivan WIPO Study on Copyright Limitations and Exceptions for the Visually Impaired lists that only nine Spanish-speaking countries as having a specific national law benefiting visually impaired persons: Belize, Brazil, Dominican Republic, El Salvador, Nicaragua, Panama, Paraguay, Peru and Spain. In 2007, the Argentine copyright law was amended to include a national exception for blind people and people with perceptual disabilities.

DAISY Format

Most of the responses to the survey indicated that Latin American institutions have few or no works available in DAISY format. Of the responses received, Biblioteca Pública Héctor González Mejía in Colombia has 88 DAISY books, INCI in Colombia has 640 DAISY books, Contacto Braille A. C. in Mexico has 30 DAISY books and Fundacion Braille in Uruguay has 10 DAISY Books. However, ONCE in Spain has 12,556 DAISY Books.

The Colombian National Institute for the Blind (INCI) seems to be the main producer of DAISY Books in Spanish in the Latin American region with the project “DAISY Latino.” INCI responded to the WBU questionnaire indicating they have 640 books available in DAISY format and that 100% of them have been produced under a national disabilities law. However, according to the 2006 Sullivan WIPO Study, Colombia does not have a national exception for visually impaired persons. Therefore the legal situation is uncertain and it is not clear under which copyright legal doctrine INCI is operating.

Transborder movement of accessible formatted books

Most of the responses have voluntarily indicated that the transborder movements of works in accessible formats is an issue of concern and legal uncertainty for countries both with and without a national exception. Given the limited resources that organizations working for the blind have in Spanish-speaking countries, it is easy to understand the importance of the transborder movement of accessible books and the importance of providing the necessary legal certainty to avoid duplication of efforts in adapting books to accessible formats.

For example, Tiflolibros in Argentina claims that they are the First Digital Library for the Spanish-Speaking Blind in the World and that their books are available for more than 3,600 members with

blindness or other severe disabilities in America, Europe and Asia (44 countries). Argentina has had a national exception since 2007, but it is not clear how their national exception allows them to provide access to the books to blind, visually impaired and reading disabled persons living in other countries.

Another example is INCI in Colombia that informed us that CNIB Canada has rejected the possibility of creating a mechanism to share the digital library of both institutions because of limits on the import/export of books in accessible formats in the current Canadian national exception.