

PROMOTING ACCESS TO KNOWLEDGE FOR VISUALLY IMPAIRED PERSONS AS A SOCIO- ECONOMIC TOOL

Topic 3: How African Countries can take Advantage of the Marrakesh Treaty A publisher's perspective

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Overview

1. IPA position on published materials for print impaired persons
2. Publishers in the Marrakesh Treaty
3. IPA on the “Marrakesh Treaty”
4. Concerns
5. Way forward by policy and law makers

Principle

Access : a **systems** point of view

Numerous interlinked
stakeholders

One simple, practical **purpose**:

to get published materials into
the hands of print-impaired
persons world-wide.

1.

OVERVIEW OF IPA POSITION
ON
PUBLISHED MATERIALS
FOR
VISUALLY IMPAIRED PERSONS

IPA Position - 1

- Full, simultaneous access
- Technological advances
- An unprecedented opportunity for persons with print disabilities
- Publishers are therefore eager to explore and develop

IPA Position - 2

- Far from ideal
- Supports development projects
- Welcomes cooperation

2.

THE “MARRAKESH TREATY”
AND PUBLISHERS

“Marrakesh” & publishers - 1

- A mandatory exception to copyright
- Contracting States to determine compensation
- Protecting intellectual property rights – authorised entities must meet four conditions
- Assurances to publishers

“Marrakesh” & publishers - 2

- Authorized entities to export & import accessible format copies
- Precondition: Three-step test
 - limited to certain special cases
 - no conflict with the normal exploitation of the work and
 - not unreasonably prejudice the legitimate interests of the rights holder
- Now also cross-border exchanges

“Marrakesh” & publishers - 3

- “Commercially available” clause
- “A Contracting Party may confine limitations or exceptions under this Article to works which, in the particular accessible format, cannot be obtained commercially under reasonable terms for beneficiary persons in that market.”
- A “may” clause
- Part of the “three-step test” obligations & mandatory?

“Marrakesh” & publishers – 4

Personal view

- Principle of balance maintained
 - access can be ensured for a specifically defined group of users
 - the rights of rights holders can be secured

“Marrakesh” & publishers – 5

Personal view

- Encourage / oblige rights holders to mainstream “born accessible” at the same time and at no higher cost
- Also suppliers of devices

3.

THE INTERNATIONAL
PUBLISHERS ASSOCIATION
POSITION ON THE
"MARRAKESH TREATY"

IPA & “Marrakesh” - 1

- “Simple, practical and clear treaty text”
- Balancing of human rights of freedom of expression, human creativity and equal access
- International copyright legal principles strengthened
- Shows extent and limits of effort to homogenise copyright exceptions internationally

IPA & “Marrakesh” - 2

- “The world’s publishers will continue to work with all stakeholders to improve access for persons with print disability and to achieve our common goal and the objective of this treaty: Equal access

4.

SOME OF THE CONCERNS
THAT PUBLISHERS MAY HAVE

Concerns - 1

E.g.

- the recognition, valuing and securing of intellectual property rights
- the definition of what is and is not an accessible work
- security for master file and accessible copies
- risk management of cross-border exchange
- accountability of authorised entities
- commercial availability and incentives
- whether converted works should be remunerated

Concerns - 2

Commercial availability

- Incentives to mainstream commercial content “born-accessible”
- Ultimate aim: print-disabled and sighted customer find their own accessible formats in same bookstore
- A commercial availability provision in contracting parties’ laws

Concerns - 3

Monitoring authorized entities

- Not clear
- Self?
- Government department?

5.

ASPECTS TO CONSIDER
FOR THE
WAY FORWARD BY
POLICY AND LAW MAKERS

Way forward -1

Cost-effective and efficient production processes to publish born-accessible products

- Accessible Books Consortium (ABC)
 - 1 Promoting accessible publishing
 - Starter kit: technology & legal frameworks
 - 2 Building capacity in developing and least developed countries
 - Bangladesh, Sri Lanka, Nepal and India
 - South America & Africa
 - 3 Trusted Intermediary Global Accessible Resources (TIGAR)
- Within legal frameworks, even before Marrakesh Treaty

Way forward - 2

Charter for Accessible Publishing

- Publishers to sign and express their commitment to providing accessible materials
- Engage with country's publishers to discuss and sign Charter

Charter for Accessible Publishing - 1

“The Accessible Books Consortium promotes the production of e-books and other digital publications in accessible formats such as braille, audio or large print for persons who are blind, visually impaired or otherwise print disabled.

Charter for Accessible Publishing - 2

“The growing availability of e-books and other digital publications provides an unprecedented opportunity for persons with print disabilities to become the readers of such publications. Without diminishing the importance of other ways of delivering accessible content, publishers are eager to explore and develop the advantages that e-books offer. Ensuring that more e-books are fully accessible, however, will only happen if publishers and other stakeholders focus on this issue at a practical level.

Charter for Accessible Publishing - 3

Our objective is to make our e-books **accessible to all**.

With this objective in mind, we, the signatories to this Charter, hereby commit to:

- 1.stating our accessibility **policy** on our web-site, including adherence to this Charter;
- 2.nominating a **senior manager** who will be responsible for accessibility;
- 3.raising **awareness** among, and provide technical **training** for, relevant **staff**;
- 4.designating and publicising a **point of contact** in our organization to assist persons with print disabilities to access our publications;

Charter for Accessible Publishing - 4

5. **testing** our digital **publications** for accessibility, incorporating appropriate feature descriptions and metadata;
6. **monitoring** our progress in this area;
7. promoting the adoption of accessibility standards throughout our **supply chain**; and
8. supporting national and international **collaboration** with organisations representing persons with print disabilities so as to increase the availability of publications in accessible formats.

Charter for Accessible Publishing - 5

Supported by:

- WIPO
- International Publishers Association
- World Blind Union
- International Federation of Reproduction Rights Organisation
- DAISY Consortium
- International Authors Forum
- International Federation of Library Associations and Institutions

Way forward - 4

Partnerships

- Key to foster intra-country initiatives and cross-border exchanges.
- Relationships:
 - Empathetic
 - Trusting
 - Trustworthy

Way forward - 5

Potential legal changes

- Few, if any, countries without legislative changes
- Bring laws in line
- Various choices
- Wake-up call to publishers - publish fully accessible materials themselves and also benefit commercially

Conclusion

Governments play key roles in creating an atmosphere: publishers morally committed for the sake of print-impaired persons