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Standing Committee on Copyright and Related Rights

Twentieth Session
Geneva, June 21 to 24, 2010

Third Interim Report of the Stakeholders' Platform

Document prepared by the Secretariat

INTRODUCTION

1.   This Third Interim Report describes the outcome of the fourth meeting of the Stakeholders' Platform organized in Geneva on May 26, 2010.

2.   During the 17th session of the Standing Committee on Copyright and Related Rights (SCCR) held in November 2008, the Committee acknowledged the special needs of visually impaired persons (VIP) and stressed the importance of dealing, without delay and with appropriate deliberation, with those needs of the blind, visually impaired, and other reading-disabled persons, including discussions at the national and international level on possible ways and means of facilitating and enhancing access to protected works, against the background of an analysis of limitations and exceptions. This should also include the establishment of a stakeholders' platform at the World Intellectual Property Organization (WIPO), in order to facilitate arrangements to secure access for disabled persons to protected works.

3.   Based on the above mandate, the WIPO Secretariat invited various major stakeholders representing the interests of copyright rightholders and VIP, including persons with print disabilities, to take part in two meetings with the aim of exploring their concrete needs, concerns, and suggested approaches in order to achieve the goal of facilitating access to works in alternative formats for people with disabilities.

4.   The meetings of the Stakeholders' Platform have taken place as follows:
– First meeting: in Geneva, on January 19, 2009
– Second meeting: in London, on April 20, 2009
– Third meeting: in Alexandria (Egypt), on November 3, 2009

5.   Interim Reports of the above meetings have been presented during the 18th and 19th sessions of the SCCR (documents SCCR/18/4 and SCCR/19/10, respectively) to provide an update of the work carried out by the Platform. The Committee has welcomed these Reports and, during its 19th session encouraged the Secretariat to continue the work of the platform and report on its activities during the 20th session of the SCCR. Moreover, the Committee has requested that the WIPO Secretariat ensure, and make available funding to support, the effective participation of stakeholders from developing and least-developed countries. Following the second meeting of the Platform, the Secretariat has also been requested to make its best efforts to organize a meeting of the platform in a developing country.

6.   This Third Interim Report also identifies further steps needed to pursue the mandated objectives. The Secretariat seeks the approval of the Member States to proceed with the actions proposed, and to submit a further report to the SCCR session to be held in November 2010.

FOURTH MEETING

7.   The fourth meeting of the Stakeholder's Platform took place in Geneva, in the Headquarters of WIPO, on May 26, 2010. The list of participants is included in the Annex to this report. The focus of the meeting was to take stock of the work carried out by the two subgroups of the platform, namely the trusted intermediaries' subgroup and the technology subgroup.

8.   All participants formally confirmed their strong commitment to continue the work of the Platform. For them it has been a very successful and encouraging process to observe such convergence among stakeholders with different interests and needs.

Trusted Intermediaries

9.   The Trusted Intermediaries (TI) subgroup presented two reports: i) Report on the work on the TI Guidelines, questions and answers, related agreements and pilot project; ii) the TI and Global Accessible Library (GAL) Project Convergence Assessment in relation to a WIPO Information Technology Infrastructure;

        i)   Report on work on the TI guidelines, questions and answers, related agreements and pilot project

10.   As the guidelines were developed as high level principles, the representatives of persons with print disabilities and rightholders considered it very critical to provide more detailed answers to frequently asked questions pertaining to the guidelines. The questions and answers concerning the TI Guidelines were approved by the members of the subgroup and were posted at the website *www.visionIP.org*, together with the guidelines.

11.   The guidelines were based on the understanding that a set of standard agreements for the transfer of structured files and rights should be developed to be used in the contractual relation between rightsholders and TIs, namely on the supply of electronic master files and copyright clearance license. Stakeholders noted the progress of the discussions on the agreements necessary to facilitate the exchange of files, and agreed on the proposed timetable for their finalization.

12.   The pilot project on TI planning started in concrete terms in April 2010, outlining the selection procedure and consideration of countries/TIs to be included in the first round of the pilot. It is foreseen that a letter of inquiry will be sent to the following countries/organizations with the aim to ascertain their general interest to be part of the pilot project from the very beginning:

        –   Australia: Vision Australia
        –   Brazil: Dorina Nowill Foundation for the Blind
        –   Canada: Canadian National Institute for the Blind
        –   Colombia: Instituto Nacional para Ciegos (INCI)
        –   India: DAISY for India
        –   France: Braillenet
        –   Spain: *Organización Nacional de Ciegos Españoles* (ONCE)
        –   Sweden: The Swedish Library of Talking Books (TPB)
        –   South Africa: South African Library for the Blind
        –   United Kingdom: Royal National Institute of Blind People (RNIB)
        –   United States of America (subject to further discussions)

13.   Stakeholders agreed that the final selection will be made on the basis of indications of interest. The pilot is proposed to start in 2010 and last for three years, instead of the initially proposed two years. The pilot will start with 10 to 12 initial partners, to be expanded gradually during the project period.

14.   The estimated budget for the pilot is 200,000 euros per year, with the inclusion of developing countries' active participation at the pilot. It is foreseen that the first year's funding will come from WIPO or from particular sponsors identified with WIPO's assistance.

15.   The Stakeholder's Platform formally agreed unanimously to proceed with the TI pilot project.

        ii)   the TI/GAL Project and WIPO Information Technology Infrastructure

16.   Following the presentation of the pilot project on TI, the WIPO Secretariat invited stakeholders to explore how the expertise, resources and IT infrastructure of WIPO could support the long term objective of a persistent, sustainable international network of TI for accessible works.

17.   Following exploratory work on synergies between the TI project and the Global Accessible Library (GAL) project[1], it was agreed that the merger between the two projects will take place shortly and a single project will be developed, with WIPO, to establish a trusted intermediaries network with participating libraries and publishers, among others.

18.   The Stakeholders' Platform looks forward to being informed about the GAL Steering Committee's decision on the above merger, and determining the governance structure of the new project.

Technology

19.   The technology subgroup reported on the work developed on the basis of the Enabling Technologies Framework project. The two international standards bodies, namely the DAISY (Digital Accessible Information System) Consortium and EDItEUR, which jointly run the project have undertaken some of the activities corresponding to its first year, namely:

        –   As regards project management: recruitment of the appropriate resources to the project;
        –   As regards extending ONIX to convey accessibility information and integrating ONIX with DAISY format: exploring the requirements for, and any technical or governance barriers to, integration of ONIX with the EPUB standard and the revision formats of the DAISY standard.

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[1]   The Global Accessible Library (GAL) initiative was established at a summit of international leaders from agencies serving the reading needs of people with print disabilities, held in Redmond, Washington, November 2004. The four major initiatives of the Global Accessible Library Project are: i) Discovery and access: end user issues; ii) Shared collection development and exchange; iii) Business model for the global accessible library; and iv) Partnership development. This project is owned jointly by IFLA/LBS and the DAISY Consortium.

Other matters

20.   WIPO proposed a staff member as project manager, who will manage the operational support by WIPO. It was also agreed that he would act as initial interim project manager to move forward the TI pilot while the governance issues are being addressed. Stakeholders will further explore how WIPO can develop and run the necessary operations for the pilot. WIPO encouraged the stakeholders to consider Geneva as a location for the coordination of the TI Pilot.

21.   In order to ensure implementation of the recommendations of the TI and Technology subgroups in developing countries (where the largest number of VIPs live) it was considered essential to assist in creating capacity on the ground. This would be in the form of institution building, technology support through training of trainers, technology upgrading and awareness-raising in developing and least-developed countries. For this purpose, it was agreed to set up a third working sub-group on capacity building within the Stakeholders' Platform. This will strengthen the development dimension which was identified as an important element in the first meeting of the Platform in January 2009, and facilitate implementation of the recommendations of the Stakeholder's Platform. The terms of reference of this group would be developed by the stakeholders with WIPO assistance.

22.   A major challenge recognized consistently by the stakeholders is to efficiently manage the discussions in the Stakeholders' Platform, in light of the increasing complexity and technical details. For that purpose, it was agreed to maintain the high levels of expertise of the stakeholder group and also limit its size in order to keep discussions and interactions operational, technical and manageable. In this connection, the number of participants of the Platform will remain within the current framework of 20 stakeholders.

23.   Subject to the consideration of Member States at the SCCR, the next meeting of the Stakeholders' Platform would take place in New Delhi in October 2010.

24.   The Standing Committee is invited to note the contents of this document, including that the Secretariat will submit a further report to the SCCR session in November 2010.

[Annex follows]

ANNEX

FOURTH MEETING OF THE STAKEHOLDERS' PLATFORM
Geneva, Switzerland, May 26, 2010

LIST OF PARTICIPANTS

I.   VISUALLY IMPAIRED SECTOR AND RIGHTHOLDERS REPRESENTATIVES

Jens BAMMEL, Secretary General, International Publishers Association (IPA)

Melanie BRUNSON (Ms.), Director of Advocacy and Governmental Affairs American Council of the Blind (ACB)

Rahul CHERIAN, Head of Policy Initiatives, Inclusive Planet, India

Chris FRIEND, World Blind Union (WBU), Strategic Objective Leader Accessibility; Chair, Global Right to Read Campaign; Programme Development Advisor Sightsavers International

Stuart HAMILTON, Senior Policy Advisor, International Federation of Library Associations and Institutions (IFLA)

Hiroshi KAWAMURA, President, Daisy Consortium

George KERSCHER, Secretary-General, Daisy Consortium, Recording for the Blind and Dyslexic (RFB&D)

Stephen KING, Group Director, Prevention and International Affairs, Royal National Institute of Blind People (RNIB)

Tarja KOSKINEN OLSSON (Ms.), International Advisor, International Federation of Reproduction Rights Organisations (IFRRO)

James LOVE, Technical Advisor, Knowledge Ecology International (KEI)

Pedro MILLIET, Senior Developer and Information Architect, Dorina Nowill Foundation for the Blind, Brazil

Olaf MITTELSTAEDT, Daisy Consortium, Training and Technical Support Team

Jace NAIR, Director, South Africa National Council for the Blind, South Africa

Nirmita NARASIMHAN (Ms.), Programme Manager, Centre for Internet and Society of India, India

Dan PESCOD, Vice-Chair, World Blind Union (WBU); Global Right to Read Campaign; Manager, Royal National Institute of Blind People (RNIB) European, International and Accessibility Campaigns

Antje SÖRENSEN (Ms.), Legal Counsel, International Publishers Association (IPA)

Olav STOKKMO, Secretary General, International Advisor, International Federation of Reproduction Rights Organisations (IFRRO)

Alicia WISE (Ms.), Chief Executive, Publishers Licensing Society (PLS)

Michele WOODS (Ms.), Representative of the National Library Services for the Blind and Physically Handicapped, Library of Congress

II.   WORLD INTELLECTUAL PROPERTY ORGANIZATION

Francis GURRY, Director General

Trevor CLARKE, Assistant Director General, Culture and Creative Industries Sector

Swashpawan SINGH, former Ambassador of India, WIPO Director General's Honorary Advisor on the Visually Impaired Persons (VIP) Initiative

Richard OWENS, Director, Copyright Law Division, Culture and Creative Industries Sector

Andrew TU, Senior Advisor to the Assistant Director General (IT Project Management), Culture and Creative Industries Sector

Geidy LUNG (Mrs.), Senior Legal Officer, Culture and Creative Industries Sector, Copyright Law Division

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