

**Written United States Questions on European Union Draft Joint
Recommendation Concerning the Improved Access to Works Protected
by Copyright for Persons with a Print Disability**

SCCR 21 (November 8-12, 2010)

Article 1 (Definitions):

(iv): The definition of “Trusted Intermediary” provides that trusted intermediaries “facilitate the production of works in accessible formats, and/or their cross border transfer. . . .” Does this mean that institutions that provide services using accessible works, such as schools that serve the print disabled, cannot be trusted intermediaries if they do not create works in accessible formats (but instead purchase them or receive them from a central distribution facility) or transfer works across borders?

Article 2 (Exception for the benefit of persons with a print disability): How would the determination as to whether “there are sufficient and adequate market solutions for persons with a print disability” be made in practice? Would it be made based on market conditions in each country, in regions, or in some other way?