

Standing Committee on Copyright and Related Rights

Twenty-seventh Session
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EIGHTH INTERIM REPORT OF THE STAKEHOLDERS' PLATFORM

Document prepared by the Secretariat

INTRODUCTION

1. This eighth Interim Report describes the outcome of the ninth meeting of the Stakeholders' Platform organized in Geneva on February 14, 2014.
2. During the 18th session of the Standing Committee on Copyright and Related Rights (SCCR) held in November 2008, the Committee acknowledged the special needs of persons who are blind, visually impaired or otherwise print disabled ("the print disabled") and stressed the importance of addressing their needs, without delay and with appropriate deliberation. Such needs included discussions at the national and international level on possible ways and means of facilitating and enhancing access to protected works and the establishment of a Stakeholders' Platform ("the Platform") at the World Intellectual Property Organization ("WIPO").
3. Based on the above mandate, the WIPO Secretariat invited various major stakeholders representing the interests of copyright rightsholders and the print disabled to take part in the Platform with the aim of facilitating, at a practical level, the availability of copyright protected works in accessible formats such as braille, audio and large print ("works in accessible formats").
4. The previous 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, on November 3, 2009
 - Fourth meeting: in Geneva, on May 26, 2010
 - Fifth meeting: in New Delhi, on October 23, 2010
 - Sixth meeting: in Geneva, on February 10, 2010
 - Seventh meeting: in Bangkok, on November 16, 2012
 - Eighth meeting: in Geneva on November 18, 2013
5. Interim Reports have been presented during the 18th, 19th, 20th, 21st, 24th and 26th sessions of the SCCR (documents SCCR/18/4, SCCR/19/10, SCCR/20/6, SCCR/21/10, SCCR/24/2, SCCR/26/5 and SCCR/26/7 respectively) to provide an update on the work carried out by the Platform.

NINTH MEETING OF THE STAKEHOLDERS' PLATFORM

6. The ninth meeting of the Stakeholders' Platform took place in Geneva on February 14, 2014. The list of participants is included as Annex I to this report. The focus of the meeting was on: (a) a proposed evolution of the Platform into the Accessible Books Consortium ("ABC") and (b) licensing systems to facilitate the clearance method for cross-border transfers of works in accessible formats until such time as the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled ("Marrakesh VIP Treaty") comes into force.
7. The World Blind Union confirmed its willingness and commitment to take part actively in the Platform discussions, following the adoption of the Marrakesh VIP Treaty in 2013. Its representatives expressed appreciation that the stakeholders aimed to remain consistent with what had been decided in that international instrument but also expressed concern that real difficulty remained in getting books into the hands of the print disabled. The International

Authors' Forum, which took part for the first time in the Platform, raised the issue of the growing trend of authors to self-publish their works and the opportunities for creating a registration system of those works.

Accessible Books Consortium

8. Further to the desire expressed by the Platform in November 2012, November 2013 and February 2014 to continue its three Visually Impaired Persons' Projects¹ beyond the pilot phase, participants agreed to move to a more permanent operational structure. It was felt that the long-term development of these three projects would be best served by establishing a multi-stakeholder entity called the Accessible Books Consortium ("ABC"), which would comprise an alliance of WIPO, organizations that serve or represent the print disabled and rightsholders, including authors and publishers.

9. The participants were of the view that the ABC would constitute one possible initiative, amongst others, to implement the aims of the Marrakesh VIP Treaty at a practical level. The proposed objective of the ABC would be:

“...to meaningfully contribute to ending the global book famine through increasing the number of books in the hands of persons who are blind, visually impaired or otherwise print disabled”.

10. The Platform proposed that the ABC:

- a. be located at WIPO's headquarters in Geneva;
- b. be audited by the WIPO External Auditor and have its accounts managed by the WIPO Secretariat;
- c. undertake future fundraising with the aim of obtaining external funding from both the private and public sectors to support its activities;
- d. include a Stakeholders' Board, which would be comprised of a maximum of 16 members who would provide technical expertise to the ABC and ensure contacts, transparency and efficient communication with the stakeholder community. The following organizations would each nominate five representatives to the Stakeholders' Board:
 - i. Organizations serving or representing the print disabled (including authorized entities), one seat being reserved for the World Blind Union;
 - ii. Organizations representing rightsholders, one seat being reserved for an organization representing authors; and
 - iii. If applicable, donors who have made a donation of CHF 200,000 or more to the ABC”;
- e. cover three main activities including TIGAR, Capacity Building and Inclusive Publishing (described at paragraphs 13-18 below); and
- f. come into existence after the TIGAR pilot project ends on May 31, 2014.

11. The Platform further proposed that the Director General of WIPO, or his authorized representative, sit as an *ex officio* member of the ABC Stakeholders' Board and act as its Chair.

¹ The Trusted Intermediaries Global Accessible Resources ("TIGAR") project, the Inclusive Publishing (formerly Enabling Technologies Framework) project and the Capacity Building project.

It was also agreed that the organizations would bear in mind, when selecting their respective representatives for ABC, the need for geographical representation from developing or least developed countries.

12. The Platform agreed to submit its proposal relating to the ABC to the SCCR in April 2014. In future, the ABC would send an annual report to the WIPO General Assembly and subsequently to the Assembly of the Marrakesh VIP Treaty, once the latter comes into existence. More details about the ABC are provided in Annex II to this report.

Trusted Intermediary Global Accessible Resources (TIGAR)

13. The TIGAR database, hosted at WIPO, makes it easier for participating institutions to search internationally for books in accessible formats. TIGAR currently contains over 234,000 searchable titles in accessible formats from 12 authorized entities² reflecting 57 languages. Rights clearance of titles within TIGAR has been the biggest challenge to date and is required so that the titles within TIGAR can be exchanged across national borders. Participants considered that licensing agreements with rightsholders are the most effective method to clear titles within TIGAR. Pending the entry into force and implementation into national laws of the Marrakesh VIP Treaty, licensing could play an important role either alongside the application of existing limitations and exceptions or in the absence of limitations and exceptions.

Capacity building

14. A key activity of the ABC will be to build the capacity of organizations that support persons who are print disabled in developing and least-developed countries, as well as the capacity of the publishing industry and national government services, to produce and distribute works in accessible formats. Additionally, training will be provided to those organizations supporting persons who are print disabled to upload works in accessible formats into TIGAR so that other institutions may benefit from the production of such works.

15. During the follow-up meeting of the Platform, participants discussed the progress made in countries such as Bangladesh and Sri Lanka, as well as the possibility of implementing capacity building projects in Ethiopia, Ghana, Kenya, Malawi, Tanzania or Uganda.

16. In Bangladesh, further to the signature of a Memorandum of Understanding with a local non-governmental organization, capacity building activities have begun for the production of works into accessible formats as well as to facilitate the use of assistive technologies. In Sri Lanka, a potential partner organization has been identified, also with the view to establishing a Memorandum of Understanding, which would include the provision of training for the Department of Education for the production of secondary school textbooks in accessible formats. Financial support for the activities in Bangladesh and Sri Lanka has come from the Australian Funds in Trust and WIPO.

² *Association pour le Bien des Aveugles et malvoyants* (Switzerland), Association for the Blind of Western Australia, *Association Valentin Haüy* (France), Canadian National Institute for the Blind, Danish National Library for Persons with Print Disabilities, Dorina Nowill Foundation for the Blind (Brazil), National Library Service for the Blind and Physically Handicapped (US), Royal New Zealand Foundation of the Blind, Norwegian Library of Talking Books and Braille, South African Library for the Blind, Swedish Library of Talking Books and Braille, and the Swiss Library for the Blind, Visually Impaired and Print Disabled.

Inclusive publishing

17. All participants reiterated their view that the promotion of collaboration and confidence building between print-disabled organizations and rightsholders was a key factor in increasing the number of works in accessible formats. In particular, participants agreed that it was important to produce “born accessible” works, that is, products that are usable from the start by both sighted persons and the print disabled. Participants agreed to establish a common understanding of the meaning of inclusive publishing and how this particular activity within ABC would be funded. In this connection, a gap analysis was an essential starting point and measurable criteria of accessibility would be used to support any action taken.

18. Additionally, it was proposed that a Global Charter of Accessible Publishing should be prepared for signature by publishers and other organizations as an expression of their commitment to creating digital publications in accessible formats.

Future meeting

19. The first annual ABC Stakeholders’ Board meeting will likely be held in 2014.

20. The Committee is invited to take note of the information contained in this document.

[Annex I follows]

ANNEX I

NINTH MEETING OF THE STAKEHOLDERS' PLATFORM Geneva, February 14, 2014

I. PRINT DISABLED SECTOR AND RIGHTSHOLDERS REPRESENTATIVES

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

Catherine BLACHE, Senior Counsellor, International Policy, Syndicat national de l'édition

Ellen BROAD, Manager, Digital Products and Policy, International Federation of Library Associations and Institutions (IFLA)

Kevin CAREY, Chair, Royal National Institute of Blind People (RNIB)

Maryanne DIAMOND, Immediate Past President and Chair, Copyright Committee, World Blind Union (WBU)

Maureen DUFFY, Author, International Authors' Forum (IAF)

Nicolaas FAASEN, Publishers Association of South Africa

Jim FRUCHTERMAN, Founder and Chief Executive Officer, Bookshare

Stephen KING, President, Daisy Consortium

Elly MACHA, Human Rights Consultant, East Africa Federation of the Disabled, Former Executive Director, Africa Union of the Blind

Dipendra MANOCHA, Developing Countries Coordinator, DAISY Consortium

Margaret MCGRORY, Vice President and Executive Director, Canadian National Institute for the Blind (CNIB) Library

Pedro MILLIET, Senior Developer and Information Architect, *Fundação Dorina Nowill para o Cego*

Peter OSBORNE, Head, International Partnerships and Development, Royal National Institute of Blind People (RNIB)

Dan PESCOD, WBU Representative and Campaigns Manager, Royal National Institute of Blind People (RNIB)

Carlo SCOLLO LAVIZZARI, Legal Counsel, International Association of Scientific, Technical and Medical Publishers (STM)

Olav STOKKMO, Chief Executive and Secretary General, International Federation of Reproduction Rights Organizations (IFRRO)

Katie WEBB, Administrator, International Authors' Forum (IAF)

Alicia WISE, Director, Universal Access, Elsevier

II. OBSERVERS

Bernhard HEINSER, DAISY Consortium and Project Management Team

Jim RUSSELL, RPM Associates and Project Management Team

III. WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

Francis GURRY, Director General

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

David UWEMEDIMO, Director, Copyright Infrastructure Division, Culture and Creative Industries Sector

Michele WOODS, Director, Copyright Law Division, Culture and Creative Industries Sector

Monica HALIL, Project Leader, Copyright Infrastructure Division, Culture and Creative Industries Sector

Michael JUNG, Head, External Web Applications, IP Office Business Solutions Division

Geidy LUNG, Senior Counsellor, Copyright Law Division, Culture and Creative Industries Sector

Anna MORAWIEC MANSFIELD, Head, Non-Governmental Organizations and Industry Relations Section

Peter FORD, Intern, Copyright Infrastructure Division, Culture and Creative Industries Sector

[Annex II follows]

ANNEX II

Accessible Books Consortium

1. Establishment of the Accessible Books Consortium

Further to the desire expressed by the Stakeholders' Platform in November 2012, November 2013 and February 2014 to continue its three projects³ beyond the pilot phase, the World Intellectual Property Organization ("WIPO") shall establish the Accessible Books Consortium ("ABC"). The ABC shall comprise an alliance of WIPO, organizations that serve or represent persons who are blind, visually impaired or otherwise print disabled and rightsholders⁴. The ABC shall act as a complement to the promotion of the entry into force of the *Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or Otherwise Print Disabled* ("the Marrakesh VIP Treaty"). The ABC constitutes one possible initiative, amongst others, to implement the objectives of the Marrakesh VIP Treaty at a practical level.

2. Objective of the ABC

Recognizing that an alliance of stakeholders can make a unique contribution to increasing the number of accessible format titles available in the world, the objective of the ABC is to meaningfully contribute to ending the global book famine through increasing the number of books in the hands of persons who are blind, visually impaired or otherwise print disabled ("the print disabled"). This will be accomplished in accordance with the Marrakesh VIP Treaty and other applicable WIPO treaties.

3. Activities of the ABC

The activities of the ABC shall include the following:

- (a) The development and implementation of appropriate tools, systems and business processes, such as the Trusted Intermediary Global Accessible Resources ("TIGAR") service;
- (b) Capacity building to improve relevant skills and knowledge in order to increase the number of accessible books for persons who are print disabled in developing and least developed countries;
- (c) The promotion and training of publishers in the use of accessible format technologies; and
- (d) Encouraging cooperation and fostering relationships amongst the print disabled, authorized entities, rightsholders and technology companies.

4. Finances

- (a) The ABC shall work to obtain funding from both the public sector and the private sector to finance its activities.
- (b) The ABC may receive donations and annual contributions for its activities from States, intergovernmental or nongovernmental organizations, corporations, public or private institutions, associations or private persons.

³ The Trusted Intermediaries Global Accessible Resources ("TIGAR") project, the Inclusive Publishing (formerly Enabling Technologies Framework) project and the Capacity Building project.

⁴ Rightsholders include authors, publishers and reproduction rights organizations.

5. Administration of the ABC

- (a) The ABC shall be located at WIPO headquarters in Geneva, Switzerland.
- (b) The staff of ABC shall be comprised of staff members from the WIPO Secretariat assigned by the Director General of WIPO.
- (c) The ABC shall submit its annual report on its activities to the WIPO General Assembly until such time as the Assembly of the Marrakesh VIP Treaty comes into existence. The ABC shall also provide its annual report to the Stakeholders' Board.
- (d) The ABC's accounts shall be managed by the WIPO Secretariat and audited by the WIPO External Auditor, and the ABC shall be subject to all the other elements in the accountability and oversight architecture of WIPO.
- (e) WIPO shall provide the following, *inter alia*, to the ABC:
 - i. Office space including furniture, computers, office equipment and material, including maintenance and upkeep;
 - ii. The information technology infrastructure established and administered by the ABC, such as the TIGAR database;
 - iii. Telecommunication services, including telephone, electronic mail, the intranet and the internet; and
 - iv. Any required personnel and financial administration.

6. Stakeholders' Board

- (a) A Stakeholders' Board, comprising a maximum of 16 members, each with one vote, shall be established to:
 - i. Provide technical expertise to the ABC; and
 - ii. Ensure contacts, transparency and efficient communication with the stakeholder community.
- (b) The following shall each nominate five representatives to the Stakeholders' Board:
 - i. Organizations serving or representing the print disabled (including authorized entities), one seat being reserved for the World Blind Union;
 - ii. Organizations representing rightsholders, one seat being reserved for an organization representing authors; and
 - iii. If applicable, donors who have made a donation of CHF 200,000 or more to the ABC.

Due regard shall be given to the nomination of representatives from developing or least developed countries.

- (c) The Director General, or his authorized representative, shall sit as an *ex-officio* member of the Stakeholders' Board and shall act as its Chair.

(d) The Stakeholders' Board shall elect two Vice-Chairs from among its representatives, one from an organization serving or representing the print disabled (including authorized entities) and one from an organization representing rightsholders.

(e) The Stakeholders' Board shall make its decisions by a majority of the votes cast with at least three votes each from representatives nominated by:

- i. Organizations serving or representing the print disabled;
- ii. Organizations representing rightsholders; and
- iii. Donors, if applicable.

Abstentions shall not be considered as votes. In the event of equally divided votes, the vote of the Director General, or his authorized representative, shall prevail.

(f) The representatives shall not be remunerated for their work on the Stakeholders' Board.

(g) The representatives nominated to the Stakeholders' Board shall hold office for a term of four years and they may be nominated for a subsequent and final term.

(h) A representative may resign on giving two months' notice to the Stakeholders' Board and shall be replaced for the remainder of his or her term.

(i) The Stakeholders' Board shall meet at least once a year. The Stakeholders' Board shall also hold teleconference calls as the need arises.

(j) The tasks of the Stakeholders' Board shall be to:

- i. Provide expert advice, guidance and direction on the activities and proposed work program of the ABC, including (1) the expansion and promotion of the use of the TIGAR database, (2) capacity building in developing and least developed countries, (3) the promotion of the conversion of copyright works into accessible formats and improving the availability of such materials across national jurisdictions, and (4) how to safeguard the intellectual assets entrusted to the ABC by rightsholders;
- ii. Assist in the raising of funds for the activities of the ABC from both the private and public sectors;
- iii. Develop a strategy to attract participation in the activities of the ABC by a greater number of stakeholders; and
- iv. In consultation with the WIPO Secretariat, nominate and dissolve working groups.

7. Honorary Patron

In consultation with the Stakeholders' Board, the Director General of WIPO may nominate an Honorary Patron to assist in the raising of funds for the ABC from the private and public sectors, as well as to promote public awareness of the objective of the ABC.

[End of Annex II and of document]