

Access to copyrighted works for those with disabilities

As a member of the Library Copyright Alliance (LCA), ALA recently seized an opportunity to assert one of the core principles of our association—equity of access to information for all individuals.

On Friday, December 4, 2009, LCA joined the Electronic Frontier Foundation (EFF), the Internet Archive, and the Chief Officers of State Library Agencies (COSLA) in filing reply comments to the Library of Congress' U.S. Copyright Office regarding facilitating access to copyrighted works for the blind or other persons with disabilities.

The heart of the comments is simply that the blind or persons with other disabilities should be afforded the same access to copyrighted materials as sighted persons. Accordingly, LCA, EFF, and COSLA called for the United States to work for the adoption of a treaty at the World Intellectual Property Organization (WIPO) that facilitates such access. LCA, EFF, and COSLA believe that legal solutions must be combined with practical solutions to improve and expand access for the blind and persons with other disabilities.

"A multilateral treaty is needed because other proposals, such as market and voluntary mechanisms, or a WIPO model law, do not offer a comprehensive solution to the problems that must be addressed and will not deliver the results required to change the current situation," the comments state.

"The treaty proposal offers a framework that accommodates a range of legal, market, and technological solutions that will enable the world's blind and visually impaired persons to read and access culture on an equal basis with other members of society."

Carrie Russell, director of the Program on Public Access to Information for ALA's Office for Information Technology Policy

(OITP), says that while advances in technology have enabled more persons with reading disabilities to gain access to the materials they need and want, an across-the-board policy is needed to prevent unnecessary duplication of materials as well as to create a comprehensive collection of works that all persons can access.

"The reading impaired in the United States have access to only 5 percent of published materials available to sighted people," Russell said.

"Obtaining these works in accessible formats is costly, time-consuming, and often inefficient. We need better mechanisms in place to ensure that accessible copies are created at the point of production, a proposal that has been rejected by the publishing industry. Instead, reading impaired library users and school and college students must wait months before a license is negotiated with rights holders to make accessible copies."

According to Russell, even e-book technologies that allow the text-to-speech function are being rejected by rights holders because of the fear of cutting into their audio book market.

"This is particularly confounding because the reading impaired want to purchase e-books just as sighted people do," Russell said. "We agree that market solutions would best enable the goal of 'same book, same time, same price' but rights holders are unwilling to offer accessible products to the reading impaired. Our hope is that the WIPO treaty, opposed by the content industries, will compel rights holders to work more collaboratively with libraries and the reading impaired and also allow libraries the right to share accessible copies with the reading impaired in foreign nations whose level of access to materials is woefully inadequate."

The full text of the comments can be accessed at www.wo.ala.org/districtdispatch/wp-content/uploads/2009/12/LCA.pdf. *zz*

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