

Area response relates to

Copyright exceptions - fair use / fair dealing

- (a) What are your views on the current exceptions in copyright law?
- (c) Are there other areas where copyright exceptions should apply?

Recommendation

That copyright exemption should be extended to cover all those with a print disability, bringing copyright exemption into line with other disability discrimination legislation.

Background and interest declared

The CALL Centre is a leader in the field of communication and innovative support services for children and young people using both low tech and high tech approaches to aid children's personal communication and access to and delivery of the curriculum. We support others to carry out individual assessments, loan equipment to schools, carry out applied research and development, undertake technical developments and produce information sheets, journal articles, books and videos for the education community in Scotland.

We support those working with individual children and families, including teachers and schools as well as administration and executive colleagues in education, health and social services in local authorities across Scotland.

Supporting comments

1. Many people have difficulty accessing printed materials: children with physical difficulties may not be able to hold books or turn pages; people with visual impairment may not be able to see the text; students with reading or dyslexic difficulties, or non-native English speakers may not be able to read the text; those with learning difficulties may not understand the text even if they can technically 'read' it.
2. For example, recent figures obtained from the Scottish Executive Statistical Bulletin Feb 2006 identifies 34,680 pupils with recognised main impairments. Of these, 1.5% have Visual Impairment as a main impairment, 1.8% have hearing impairment, through to 20.9% with specific learning difficulties, including dyslexia, and 21.3% with moderate learning difficulties. These main impairment figures will under-represent the number of children and young people requiring some form of support to access the digital curriculum. This would include many who are socially excluded.
3. Difficulties accessing and reading books and other learning materials have a huge impact on children and young people's opportunities to become 'successful learners, confident individuals, responsible citizens and effective contributors to society': they are often socially and economically excluded.
4. There is a statutory obligation, through various Disability Discrimination Acts [DDA 1995 and 2005; SENDA 2001 and others] not to discriminate against disabled people and to take reasonable steps to reduce discrimination.

5. ICT offers one effective method for people to access books and other learning resources. Those with physical difficulties can use a keyboard, mouse or switches to navigate and access electronic versions of books, and to complete worksheets and assessments on screen; those with visual or reading difficulties can listen to audio recordings or have the text read out by the computer; those with learning difficulties or language impairments may be able to comprehend information if it is presented in a simplified way, with the support of graphic symbols.
6. Accessible resources are available in several formats: commercial eBooks; DAISY books; PDF books, worksheets and assessment and examination papers; MP3 CDs and audio files; books, worksheets and interactive resources in MS Word, AppleWorks and Textease; books and interactive resources for switch users in Clicker; resources and web sites presented with symbol support.
7. No one electronic file format is suitable for creating accessible resources for all groups. Different formats and resources are required to meet different support needs. For example, DAISY and eBook formats are not sufficiently interactive, or accessible to switch users, while some PDF documents may not be fully accessible to blind people.
8. In addition to text-based and audio formats, there is a need for materials with symbols to be created for the large proportion of those with support needs due to learning difficulties and/or autistic spectrum disorders, for example.
9. Consequently, schools and other agencies across the UK are engaged in creating a wide variety of adapted curriculum and other resources. There is considerable duplication of effort, as staff adapt and create (often the same) materials.
10. This duplication occurs because:
 - a) materials cannot legally be shared or adapted (unless the resources are being created for the small percentage of those who are covered by the Copyright (Visually Impaired Persons) Act 2002);
 - b) materials are being created in a many different formats;
 - c) there is no easy way to physically share resources.
11. Copyright legislation currently permits adaptation and distribution of texts for a person who is visually impaired or who is physically unable to manipulate a book, without needing to get permission from the publisher.
12. In order to adapt materials for people who have difficulties with books or print, but do not come under the Copyright (Visually Impaired Persons) Act 2002, it is necessary to obtain permission from the publisher in respect of **every** book, for **each** individual, and it is illegal to share books and materials.
13. This anomaly discriminates against the majority of people who have print disabilities and action is necessary to address this concern.
14. Scanning is time-consuming and inaccurate, and, given that most paper resources are designed electronically, is in principle unnecessary. At the present time publishers cannot easily provide electronic versions of books, firstly because they often do not have a system for collating electronic files, and secondly because contracts with authors and rights holders do not

generally include the use of digital versions. Publishers are aware of the demand for digital versions for use by pupils with additional support needs, are willing to help, and are developing procedures for designing and publishing to produce hard copy, digital and online materials.

15. In the United States there is a proposal that publishers should be required by law to provide digital versions of books in both PDF and a new 'NIMAS' (XML-based) standard, to a central depository.
16. A 2005 report commissioned by the UK Museums, Libraries and Archives Council has recommended a similar trial scheme whereby publishers provide PDF copies to a central organisation (such as the British Library, RNIB or NLB). These digital files could then be converted into suitable formats by service providers, to suit particular audiences. In this way, organisations such as RNIB could generate DAISY books, while other agencies could produce resources in other formats, or use the basic PDF.

Other information

The Scottish Executive recently funded a symposium on this topic bringing together many agencies from across the UK. Information about the symposium, a summary of findings, MP3 and PowerPoint versions of presentations and other materials are available at: <http://www.callcentrescotland.org.uk/digitalcurriculum>

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