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Gowers Review of Intellectual Property

Submission by the Disability Rights Commission

The Disability Rights Commission is an independent body set up by the DRC Act 1999 to eliminate discrimination against disabled people and promote equality of opportunity. Our mission is to create a society in which all disabled people can be equal citizens.

We are very much aware of occasions when copyright and intellectual property issues can create barriers to equality of opportunity for disabled people whether in work, at school or in cultural life. The extra cost and time involved in seeking copyright permission (which may be denied unless a specific exception says otherwise and notwithstanding the fair dealing provisions) severely restricts disabled people's access to essential reading materials which contributes to ongoing exclusion and equality gaps. Solutions can be found however which deliver equal access without compromising intellectual property but existing legislation does not always deliver this in practice.

Our brief submission is simply to add weight to some of the recommendations of the RNIB and organisations representing the needs of people with reading impairments including dyslexia and other specific learning difficulties in relation to the need to actively consider further copyright exceptions for the benefit of disabled people.

We consider that people with dyslexia should benefit from the same copyright exceptions that have been created for blind and partially sighted people and people with physical disabilities. The Copyright (Visually Impaired Persons) Act of 2002 created

exceptions to copyright law for these groups which, in general terms, removed the need to obtain permission from the rights holder to produce accessible copies (with appropriate safeguards). This legislation has made a major difference to the beneficiaries and contains strong safeguards for right holders too. Article 5.3(b) of the European Copyright Directive allows member states to introduce in their national legislation exceptions or limitations to copyright for the benefit of people with a disability that affects the way in which they read. Thus there is scope under that Directive to address a wider range of people with reading impairments.

We further agree that there should be an extension of copyright exceptions for sensory impaired people to films and other audiovisual products so as to facilitate the spread of audio description for example.

We also consider it vital to move towards establishing a legally-based deposit scheme, especially for educational material.

Owing to lack of time we are unable to elaborate here (and in any case the issues are extensively covered in the submissions of the organisations referred to above).

We would be happy to have further discussions in relation to these issues and to assist with any further consideration of them.

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