

Gowers review of intellectual property

Evidence from the National Library for the Blind (NLB)

1. Introduction

The National Library for the Blind (NLB) is a registered charity and a leading agency in the provision of library and information services for visually impaired people. We believe that visually impaired people should have the same access to library services as sighted people.

We house Europe's largest collection of Braille and Moon books and supply a postal library service to blind and partially sighted people worldwide. Our accessible website <www.nlb-online.org> offers a wide range of electronic library and information services. Our direct services aim to reflect the range of opportunities available via public libraries and are free at the point of use.

We have been transforming books into Braille and other accessible formats to supply the Library's collection since our inception in 1882.

NLB is a member of Share the Vision (STV), the Right to Read Alliance, the DAISY Consortium, the Braille Association of the UK (BAUK), the UK Association of Braille Producers (UKABP) and the International Federation of Library Associations' Libraries for the Blind Section (IFLA LBS).

2. Issues

There are over three million people in the UK who are blind, partially sighted or otherwise print disabled. They need access to books and information for the same reasons as everyone else; for education, work, leisure, and to play a full part in society. However, fewer than 5% of books that are published each year are ever transformed into accessible formats that print disabled people can read. The few books that are made available can rarely be obtained simultaneously with the publication of the print version.

As a member of the Right to Read Alliance, we believe that print disabled people have the right to the “same book at the same time and at the same price” as everyone else.

The Copyright (Visually Impaired Persons) Act 2002 has undoubtedly improved the ability of different kinds of organisations to meet the reading needs of visually impaired people. NLB and other voluntary sector organisations no longer have to seek permission to transform books into accessible formats in order to provide multiple copies for loan; hence the manufacturing process is quicker and less costly. Public and other mainstream libraries can also make single copies in accessible formats for individual customers without seeking permission. Helpfully, the Act does not prescribe what formats are permissible but (within certain constraints) enables the production of any format that renders the material accessible to the user.

Nevertheless, there are unsatisfactory limitations to the UK legislation. Despite the fact that the Information Society Directive enables member states to adopt an exception to benefit anyone with a disability, the Copyright (Visually Impaired Persons) Act 2002 only permits transformation of books into accessible formats for the benefit of people who are blind, partially sighted, who have uncorrectable sight loss or a physical disability that makes it impossible for them to hold a book or move their eyes. This definition does not include people, for example, who have learning difficulties or dyslexia. Also, licensing agencies have the right to levy charges.

NLB's constitution allows us to serve people who are visually impaired or print disabled, but we are restricted from extending our service to more than a million people who are print disabled because of the limitations of UK legislation.

3. Response

NLB supports the response of Share the Vision in full. In particular,

(1) The exception to copyright for visually impaired people is vital: it should be retained with its current emphasis on “accessibility” and furthermore it should be extended to include other print disabled

people. In addition, we believe that licensing bodies should not be permitted to levy charges.

(2) Technical protection measures prevent print disabled people from accessing materials that they need, and they also prevent libraries from making reasonable adjustments to enable individuals to have access to materials. The UK government should legislate to protect the human rights of print disabled people so that they can have access to material that they have legitimately acquired, by preventing publishers from applying technical protection measures.

(3) One of the reasons that print disabled people worldwide have limited access to materials is that there are restrictions on international transfer. WIPO has a model copyright law that permits distribution of material that has been imported from other countries with similar exceptions. The UK government should press WIPO to enforce its model copyright law and it should be adopted in the UK to provide access to more materials for print disabled people in the UK and to enable the UK to support print disabled people in other parts of the world.

(4) The UK government should press the EU for an exception to the Database Directive 1999 for the benefit of disabled people.

We are willing for this response to be made public.

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