

Submission to Gowers Review of Intellectual Property on behalf of The Right to Read Alliance

1. Who We Are

The Right to Read Alliance is a consortium of charities working together for the welfare of print disabled people of all ages throughout the UK. Our members currently represent the following organisations:

- Blind Centre for Northern Ireland
- British Dyslexia Association
- Calibre Cassette Library
- Clearvision
- Confederation of Transcribed Information Services (COTIS)
- LOOK (The National Federation of Families with Visually Impaired Children)
- Listening Books
- National Association of Local Societies for Visually Impaired People
- National Blind Children's Society
- National Federation of the Blind
- National League of the Blind and Disabled
- The National Library for the Blind
- Royal National Institute of the Blind
- Scottish Braille Press
- Scottish National Federation for the Welfare of the Blind
- Share the Vision
- Talking Newspaper Association of the UK (TNAUK)
- Torch Trust for the Blind
- UK Association of Braille Producers

This consortium represents a broad spectrum of interests and activity, and we have come together as a campaigning group seeking to improve the currently very low level of production of alternative reading formats in the UK.

We have seen and support the submissions made to the Gowers Review by the Royal National Institute of the Blind (RNIB), Share the Vision (STV) and by lansyst Ltd. on behalf of the British Dyslexia Association and Dyslexia Action.

2. Overview

The members of the Right to Read Alliance are fully aware of the need for the protection of intellectual property and in no way hostile to the legitimate aims of authors and businesses to protect works from illegal activity and piracy. Our concern is that, while large commercial organisations have the influence to ensure that their interests are protected, vulnerable individuals who do not benefit from the activities of powerful lobby groups may not get their voices heard in the general clamour. We feel strongly that the legitimate aspirations of people who suffer from a variety of print disabilities have fallen into this category in the past, and fear they could do so again unless their problems are more universally recognised and understood.

For example, it was only as recently as three years ago that the Copyright (Visually Impaired Persons) Act came into law following extensive lobbying over several years from many charities, led by the RNIB. This Act finally accepted the important principle that the transcription of printed material into alternative reading formats is quite distinct from mere copying, and granted print disabled individuals (and organisations acting on their behalf) an exception from copyright. This welcome legislation has made it a great deal easier for charities, schools and colleges to create alternative format reading material for blind, partially sighted and print disabled people.

Yet this law was introduced in the face of significant opposition from rights holders, and we feel it is well past time that the **concept of a right of access to published material by disabled people is established and championed just as strongly as the owners' right to protection has traditionally been.**

It is a basic assumption by the sighted community that individuals can easily access printed material to pursue their education, enhance their job prospects or simply to improve their quality of life as a leisure activity. Sadly no such opportunity exists for some three million people in the UK who, through disability, cannot access printed matter, as less than 5% of printed material produced in a year is ever subsequently converted into an alternative reading format (Braille, Moon, audio or large print). This famine impoverishes the quality of life of these disabled citizens and contributes considerably to their sense of social exclusion.

The digital revolution enables print disabled people to access and benefit from published material in ways quite impossible to earlier generations. Assistive technology, such as screen readers and refreshable Braille pads, allow them the chance to reclaim control of an important aspect of their lives through accessing their own reading material. It is therefore most important that digital rights management systems introduced into electronic publishing do not compromise the facility of print disabled people to make use of it.

Sadly there are already several well documented case histories of print disabled people finding that security encryption systems embedded into material they have bought disables speech synthesis software on their computers so they cannot gain their lawful access to it. **We should like to see legislation introduced making it illegal for DRMs to be introduced into published material that so palpably compromise the human rights of disabled people.**

3. Specific Recommendations

- (i) That Sections 31 A and 31B of the Copyright, Designs and Patents Act 1988 be amended to
 - a. Incorporate simplified notification requirements
 - b. Enable educational establishments to work under exactly the same terms as not-for-profit bodies.
 - c. Remove the scope for licensing bodies to levy any charges under their schemes.
- (ii) That the UK Government should commit itself to working towards the elimination of current barriers to the transfer between jurisdictions of accessible works created under a national copyright exception.
- (iii) That the UK Government also undertakes to implement expeditiously, at national and European levels, any recommendations from WIPO aimed at facilitating such international transfer, within and beyond the European Union.
- (iv) That the current Review actively considers ways of removing copyright-related barriers faced by other print disabled people not covered by the term "visually impaired". In particular we should like to see the terms of the Copyright (Visually Impaired Persons) Act 2002 altered so that it includes **all** print disabled people, including those suffering from cognitive reading disabilities such as dyslexia.
- (v) That the terms of the Copyright (Visually Impaired Persons) Act 2002 be extended to films, DVDs and other audio visual products.
- (vi) That the UK Government press at European level for the extension of copyright exceptions to all forms of database.
- (vii) That the UK Government extends UK copyright exceptions for the benefit of visually impaired people to databases as soon as European legislation permits.

- (viii) That the Review considers ways of strengthening the provisions in Statutory Instrument 2003:2498 designed to prevent negation of copyright exceptions through technological protection measures.
- (ix) That the Review recommends that the Right of Access be accepted as part of the basis of copyright law.
- (x) That the Review supports the active examination of moves towards establishing a legally-based deposit scheme, at least for educational material.

4. Conclusion

The digital revolution offers print disabled people an exciting and unprecedented new spectrum of opportunities for accessing published material, yet there are already disappointing signs that these could be compromised by the uncontrolled application of digital rights management. With a massive 95% of printed material currently inaccessible to print disabled people, their situation can in no way be described as operating on a level playing field. The members of the Right to Read Alliance therefore urge the government to show due leadership in this matter and establish, through legislation if necessary, the concept of a right of access to published material for all print disabled citizens.

J.R. Palmer
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