Comments on WIPO document SCCR /22/16 for copyright exceptions for the visually impaired

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This document has larger implications (accounting for the milions of blind Internet users) and it is therefore very important for the print-disabled community more generally. I am sure that WIPO has contacted pertinent organizations[1]. If not, the organization that comes to mind that WIPO might want to get in touch with is the DAISY Consortium: http://www.daisy.org. To my mind, they are the best and most comprehensive international organization that deals with print access, and someone there may have some comments on the proposal--and probably knows a lot of the issues better than I do. If you want to contact someone there personally, George Kerscher kerscher@montana.com is the Secretary-General. I'm sure he has the big picture in terms of the current WIPO efforts and status. He also will, I expect, have his own thoughts on STEM (Science, Technology, Engineering, and Mathematics), and he will know who the best people in that area now are.

The one thing that might be lacking in this document is an awareness of how important print access is in finding and keeping employment! Blind/visually-impaired people all over the world are drastically under-employed. Some US stats say that around 70% of blind people of working age in the United States are unemployed (and this was true long before the current economic crises). Equal access to printed materials is one factor that can help eliminate this. But unfortunately the converse is true too:

If I'm a scientist, working in a job that requires me to read articles and other publications, and if those materials are not accessible/available, and if I have no means of making them accessible, such as OCR or other technology, then I will lose my job. I think it needs to be emphasized that this issue is not just one of "education" or personal/cultural enrichment (which, granted, is important--but the document seems to only focus on that), but the lack of equal access to print has serious consequences for employment as well. One place this could be highlighted is right at the beginning of p. 2: "Mindful of the challenges that are prejudicial to human development and the fulfillment of visually impaired persons and persons with print disabilities with regard to education, research, access to information and communication,"; I would

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[1] The most comprehensive advice came from Robert Englebretson, Prof. of Linguistics at Rice: reng@rice.edu whose wording I more or less adopt.

suggest inserting 'employment' in there, either right before or right after 'education'. There are other parts of the document where employment could be similarly mentioned as well.

The other comment here is not one that I think should be addressed in this document per se, because I understand why it has to be done as proposed at the present time. But, personally, I think this statement falls way, way short of what needs to happen! I think the goal needs to be, especially with e-books and similar materials, to promote the use of platforms (including digital rights management etc) that work equally well for blind and sighted. To me (and againn, this is a quotation from Robert Englebretson), the goal of this technology should be to completely level the proverbial playing field, and create/promote/mandate a platform that has equal access built into it already. (The IBooks reader on the Apple products is really good in that respect.) In other words, lets' eliminate the need for making special, accessible copies and all that, and instead let's build access into the e-publishing technology from the ground up. That way we all can access the same content on our e-readers or computers, whether or not the person using it happens to be sighted or blind.

Along the lines of the comments in the previous paragraph, there are parts of this document thatcan be read as offensive and patronizing. Especially the whole discussion of an "authorized entity" on p. 4. Do sighted people need "authorized entities" to get books and materials for them? (And again, the discussion of the "authorized entity" doesn't seem to allow for obtaining materials in a job setting.) If there's a blind scientist working for a university or a startup company or whatever, shouldn't that person also have the same rights of access to materials as his sighted colleagues/piers? Why should I have to contact an "authorized entity" to get my books and research materials, when you, as a sighted scientist, don't have to? The second thing that bothres me about this is the idea that entities have to exist to "assist" blind people! If all materials were built to be accessible from the outset, there would be no need for such an entity. This keeps blind people as dependent on "entities", rather than as independent, self-reliant people! Again, I think WIPO needs to be far more progressive in their thinking; build accessibility into the platforms from the ground up, and eliminate the need for "authorized entities" entirely. I know the "authorized entities" don't like the idea of becoming irrelevant, but that's when real equality will be achieved. We should be creating the technology and the conditions to get rid of these so-called "authorized entities" entirely! On p. 4: "Member States/Contracting parties should encourage rightholders and beneficiary persons to cooperate and participate in authorized entities." Again, this strikes me as heavy-handed and patronizing. Do sighted scientist have to b e encouraged to participate in an authorized entity in order to access reading materials?

But, in total the WIPO is a promising document and takes steps in the right direction. I hope there will be more comments from other people, in particular from those who are directly affected.