



NCBI

**Working for People
with Sight Loss**

**Submission to the Consultation on the Review of the
Copyright and Related Act 2000**

NCBI – Working for People with Sight Loss

May 2012

About NCBI

NCBI, the national sight loss agency, is a not-for-profit charitable organisation that provides support and services to over 16,500 people of all ages who are blind and vision impaired throughout the country.

Our vision is for people who are blind and vision impaired to have the same opportunities, rights and choices as others to fully participate in society. Our mission is to enable people who are blind and vision impaired to overcome the barriers that impede their independence and participation in society.

NCBI's library service

NCBI's library is the only national library for blind or vision impaired people in Ireland. The library stocks almost 16,500 Braille, audio and large print titles and last year lent out just over 22,200 titles to its 4,300 Library members. The library is over 150 years old, having been established in 1858, and holds a valuable collection of rare pieces of Braille literature dating back to the 1920s.

The library produces around 40 Braille and 30 audio Irish interest books annually. The library is the only producer of accessible Irish interest materials; these would not otherwise be available to members in an accessible format. While audio books can be purchased from mainstream book shops, they are very expensive and only give the reader access to an abridged version of the book.

In order to produce a Braille book, a print novel is scanned, page-by-page, and the files are then edited. The volunteer editors go through the scanned pages to make sure that no spelling or grammatical errors have occurred during the scanning process. Once this has been checked, the files are then sent to print. When the book has been produced in Braille, a copy is sent to the Braille proof reader where they check for errors that may have occurred in the compilation and production stage. Once printed, the book is then catalogued and made available to library members.

The problem

In our last submission to this review process, NCBI outlined the difficulties we face in obtaining digital files from other similar bodies, This is despite the fact that affordable and rapidly developing technology such as e-books is becoming accessible to people who are blind or vision impaired. This environment should enable accessible formats quickly and to share accessible books worldwide but the Copyright Act currently prevents this.

Feedback on Copyright and Innovation – A Consultation Paper

1. Designated Bodies

The consultation paper published earlier this year identifies educational establishments as part of the “designated bodies”, but does not identify organisations dealing with the needs of individuals with a physical or sensory disability. Obtaining approval to produce leisure reading material in accessible formats still lies in approval from the Minister, who

must indicate the legality of an organisation to be able to produce copyrighted materials in accessible formats. 104A (11)

NCBI would welcome a more specific definition of a “designated body”, which should include organisations that are designated to provide material in accessible formats for individuals with a physical or sensory disability.

2. Copyright Council of Ireland

NCBI welcomes the submission put forward in 104 b (7) whereby the Copyright Council of Ireland would be notified of accessible copies being produced.

3. Digital Formats

NCBI is disappointed that the submission did not mention the production process of accessible formats, in particular digital production. The definitions of “master copy” and “intermediate copies” in 104 B needs to reflect the process of making print matter accessible. The lack of reference to digital formats in the Copyright Act creates a barrier to producing accessible formats at the same time and price as printed materials. Scanning in a book page by page takes time and resources, which could be overcome if publishers were to make digital copies available to NCBI for conversion to accessible formats. The Copyright Act also prohibits the sharing of these digital files with other trusted bodies internationally. Therefore, in order to provide accessible copies of books published outside of Ireland, NCBI must seek copyright permission, which often incurs delays of between two and three months and a knock-on delay for the reader who is blind or vision impaired.

“Modified works” should include literary work converted into Braille, audio, large print and digital formats. The definition of a “designated body” needs to be more clearly defined and should include organisations such as NCBI, Universities and organisations dealing with the needs of individuals with a physical or mental disability.

4. Clarifications

NCBI would like to seek clarification on a number of definitions contained in the Act.

104 – Definitions of “owner or lawful user of a work (“the master copy”)... The Owner or lawful user of a work should include organisations that are producing accessible material for the vision impaired. At the moment, it could be interpreted as an author or publishing house/agent only.

104D – We believe that the Copyright Council for Ireland should have the authority in dealing with infringements in the areas of production and licensing. According to the current consultation paper, much of the investigation and judgements on infringements lie with the Minister.

104A (4) – Definition of within a “reasonable time...” We would welcome a clearer definition of a “reasonable time”. Accessible books (audio, Braille and large print) should be made available at the same time as print books with little delay. Publishing houses

should supply organisations such as NCBI with a digital copy of the work which would speed up the production process in accessible formats.

The future

According to a study published last year, there were 224,832¹ people with vision impairments in Ireland in 2010. This figure includes people with mild and moderate sight loss, as well as people who are totally blind and is set to rise by 21% by 2020. By 2020 5% of the population of Ireland will have impaired vision.

Technology has improved the production and delivery capabilities of NCBI's library. The library has moved from analogue audio production to digital audio recording and production. The whole e-book market has become quite popular over the past few years and the quality of the digital recording is far superior to analogue.

The modifications to the Copyright Act in Ireland will help the library in its quest for obtaining copyright clearance from publishers. If the changes recommended here are made, publishers in Ireland will be aware of their obligation to provide their publications to NCBI's library in electronic format. Also, they will be aware of the formats that the library will be providing the modified works in, and the medium that the copies will be distributed, such as iPhones and USB keys.

A modified Copyright Act would also allow NCBI's library to share digital files with other international libraries for the blind and would allow a reciprocal agreement with the international libraries. Sharing of digital files cuts down on cost and time in producing an accessible book, and focuses resources on the production of titles that haven't been made accessible yet.

Further Information

For clarification on any of the recommendations contained in this submission please contact Lina Kouzi, Library and Media Centre Manager, NCBI on 01 864 2266 or email lina.kouzi@ncbi.ie.

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¹ Access Economics 2011, The economic impact of vision impairment and blindness in the Republic of Ireland, Report for NCBI.