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Statement from the British Copyright Council on an international instrument for visually impaired people

The British Copyright Council represents those who create, hold interests or manage rights in literary, dramatic, musical and artistic works, performances, films, sound recordings, broadcasts and other material in which there are rights of copyright and related rights.

Within the United Kingdom we have had a copyright exception in place in law for some 10 years. The Visually Impaired Persons Act 2002 provides for Visually Impaired Persons and agencies acting for them to make “accessible copies” of published works.

Licences are also available through the Copyright Licensing Agency that provide for the practical scope of the exception to be applied more broadly than under the provisions of the Act. CLA licences cover, for example, dyslexics, and discussions are underway with the United Kingdom Government to update the UK exception under the 2002 Act to reflect this.

UK publishers and authors broadly support this approach, although, as experience shows, it can take many years for legislation to catch up with what has been available and reflected for some time through a system of voluntary licensing.

For the same reason, the British Copyright Council believes that great care is needed in drawing up any international instrument, to make sure that it does not obstruct voluntary licensing initiatives already in place.

The UK creators and publishers represented by the British Copyright Council broadly support an international instrument in favour of exceptions to support access for Visually Impaired Persons provided that

- (a) it makes it clear that any national exception must comply with the Berne Three Step test (particularly the provision to ensure that use under an exception does not conflict with the normal exploitation of a work); and
- (b) it also provides that exceptions will not apply where accessible versions are commercially available (on reasonable terms).

In our view, this is the best way to ensure that copyright exceptions reflect the diversity and national experience of local authors and publishers, and leave room for them to make what may be considerable investment in their own accessible versions of works which are flexible enough to adapt to the changing needs of Visually Impaired Persons.