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AN INTERNATIONAL INSTRUMENT ON COPYRIGHT LIMITATIONS AND EXCEPTIONS FOR VISUALLY IMPAIRED PERSONS/PERSONS WITH PRINT DISABILITIES British Copyright Council position paper prepared for the inter-
sessional meeting to be held in Geneva, October 17 to 19, 2012

British Copyright Council

The British Copyright Council (BCC) 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. Our members include professional associations, industry bodies and trade unions which together represent hundreds of thousands of authors, creators, performers, publishers and producers. These right holders include many individual freelancers, sole traders and SMEs as well as larger corporations within the Creative and Cultural Industries. Our members also include collecting societies which represent right holders and which enable access to works of creativity. A list of BCC members can be found at <http://www.britishcopyright.org>.

The BCC is an NGO Observer Member of WIPO and through the WIPO Academy and other Divisions within WIPO and with the support of UK copyright industries and IPO, it offers training and technical assistance for developing countries in the field of copyright.

An international instrument on copyright limitations and exceptions for visually impaired persons/persons with print disabilities

The UK has had an exception in its copyright laws in the absence of an authorised licensing scheme for visually impaired people since 2002, and it is likely that it will be extended before long to people with perceptual or cognitive disabilities such as dyslexics. As a result, BCC members are already experienced in the process of making published works available to print impaired people in the UK. An increasing percentage of print publications are now regularly available in accessible formats, especially given the growing availability of e-books. For this reason, the BCC would welcome an international instrument for Persons with Print Disabilities, provided that it protects the legitimate rights of copyright owners and complies with international copyright Treaties. In particular, we believe it should:

- be consistent with the Berne Convention, and its 3-step test, which already govern application of UK, EU and international copyright law;
- allow flexibility for member states to apply exceptions where necessary, but not where effective existing voluntary measures such as licensing schemes already exist;
- support existing market solutions already provided by right holders, where accessible books are already commercially available; and
- ensure that any accessible copies are securely and accountably managed; protecting authors' moral rights as well as economic rights in the works they created.

At a time of rapid technological change, creators, publishers and other copyright owners in the UK look forward to continuing to making their works more and more available in accessible formats to people with print disabilities. The BCC believes, though, that while seeking to benefit legitimate users, this must not be at the risk of jeopardising the rights of those without whose creative efforts the works would not exist at all.