

# Right to read for the print impaired and copyright challenges

Submission to the Director General, WIPO from the Visually Impaired (“VIP”) Community in India

New Delhi  
November 11, 2009

To the Director General,  
World Intellectual Property Organisation

Dear Dr.Gurry,

We are pleased to have you here for this session on “The Right to Read for the print impaired and copyright challenges” organized by us, the visually impaired community in India.

Our goal is to inform you of the pressing problems faced by the visually impaired people in India, of the near-total lack of availability of books in accessible formats, of challenges we face daily under Indian copyright law, and of our efforts to improve this dire situation at both the national and the international level. Lastly, we wish to reiterate our support of a potential international treaty for the blind at WIPO (*Treaty for Improved Access for Blind, Visually Impaired and other Reading Disabled Persons*), and to remind all present at this meeting of the historic opportunity we have to open the gates of learning to millions of disabled people.

## The present situation in India

- **The social problem:** India has an estimated 70 million persons who cannot read printed matter (for reasons of blindness and otherwise). These persons have limited or no access to information and cultural content which is available to the general public. Perversely, even material in the “public domain” – such as that created by government – is often not available in accessible formats.
- **The legal problem:** The Indian Copyright Act 1957 at present does not contain adequate exceptions and limitations for blind and other print impaired persons to feasibly convert printed matter into other formats. Consequently, the only accessible printed matter that exists is a meagre number of study materials converted by the (few) organizations serving

the needs of blind school children around the country. Estimates from organisations who work with the community – listed below – suggest that: (a) less than 1% of visually impaired people have adequate access to printed matter; (b) only around 0.5% of all published books in India get converted into accessible formats. Indian copyright law furthermore does not encourage those within the country from taking advantage of library holdings in developed countries.

- **The resulting standoff:** A severe lack of human, infrastructural and financial resources (as to be expected of any developing country) is made much worse by the absence of an enabling legal framework. Print impaired people are thus non-participants in the knowledge market, which in turn results in their exclusion from social, cultural and economic life. Bereft of the education and employment opportunities that access to knowledge can provide, visually impaired persons have little chance of becoming creative and productive members of Indian society.

### Our Efforts

- **Amending Indian copyright law:** We are actively engaged with our Government to amend the Indian Copyright Act of 1957 in order to bring it in line with the principles of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and to include provisions that explicitly encourage visually impaired people to access and contribute to information and knowledge. To this end, we have:
  - Launched a nation wide right to read campaign across five cities which will raise public awareness and gather support for the amendment and Treaty being proposed at the WIPO;
  - Since 2006, given various submissions and representations as to why the amendments are necessary and what the language of the possible amendment should be;
- **Supporting a treaty for the blind:** We have prepared a position paper for our Government providing extensive empirical reasoning and legal analysis as to why it is both an urgent and necessary action for India to amend her copyright laws as well as formally support a WIPO treaty for the blind.
- **Bringing stakeholders together:** While the visually impaired community waits for broad legal change, there is much that can be done outside the domain of law. We are exploring the possibility of autonomous solutions, such as forming a platform where publishers and organizations of visually impaired people, through a central repository, can enter into agreements to convert printed books into accessible formats. Our reasoning is simple: visually impaired persons are currently not a consumer base for the publishing industry – however, with the right formats, and with the right

mix of public and private interests, they could be, thus growing the domestic publishing market as a whole. At the moment, we have a very few publishers who are open to this idea. We are still working actively to engage with more such publishing houses to see how we can take this further.

- **Create system to deliver books in accessible formats:** The National Institute for the Visually Handicapped (NIVH), which is the apex level national organisation in the field of visual disability engaged in human resource development, administered by the Ministry of Social Justice and Empowerment, has taken full leadership on this front and is working together with the Daisy Forum of India (DFI) and other non profit organisations serving the blind across the country to set up a system for delivery of books in accessible formats to print impaired persons.

### What WIPO must do

- **Consider a treaty for the blind:** We would like to place on record the support by the VIP community in India for the Treaty for the Blind, visually impaired and other reading disabled tabled before the WIPO. We stress the need for support from WIPO to act now to ensure that the visually impaired community is not shut out of the world of learning. We urge WIPO to seriously consider the idea of a treaty for the blind, and to develop, discuss and extend the proposal made by the World Blind Union seriously. While we understand fully well that WIPO acts on behalf of its member governments, and as such implements their collective decisions, we nevertheless suggest that there is much WIPO can do to create an encouraging framework for countries around the world to consider the problem at hand with the attention and urgency it deserves. We wish to assure you that we are putting our best efforts into trying to convince the Indian Government of the need to support the Treaty. We believe that the Treaty for the print impaired will go a long way in creating equality of opportunities for persons with disabilities and help to create an inclusive and participatory global information society, as envisaged by the UNCRPD and other international instruments.
- **Implement pilot projects:** To this end, we would like to suggest India as a potential location for an officially driven pilot project of WIPO. Given the fact that India has a rich culture of reading, relatively high institutional and professional capacity, is home to a varied and multilingual population and hosts a substantial percentage of the world's visually impaired persons, we think that there are substantial benefits to be derived. The lessons learnt will be invaluable to developing and least developed countries around the world. A core working group comprising NIVH- the nodal institute set up by the Government of India, member organisations of the DFI having the technical know how and the Centre for Internet and Society

(CIS) and other non profit organisations having additional expertise to add to the joint project are already discussing how to work out the modalities of a trusted intermediary project in India. We are confident that India can successfully create a trusted intermediary and subsequently also act as a resource to extending this know-how to other developing countries.

- **Promote practical means of access:** We also recommend that WIPO focus some amount of its capacity-building effort in India on workshops and training around accessibility, particularly in relation to visually impaired persons and the internet. Earlier this year, the Indian Government brought out better practice guidelines for web accessibility, thus making it mandatory for government and public sector web sites to be WCAG (Web Content Accessibility Guidelines) 2.0 compliant. The Department of Information and Technology is presently considering formulating a national policy on electronic accessibility which will make it mandatory for all public services and information to be accessible for persons with disabilities. However, at present India may not have the capacity or financial resources to impart training to all developers in the public and private sector throughout the country and would hence benefit greatly from financial aid from the WIPO for this purpose. We will be formulating specific project proposals in this regard and submitting them to WIPO within the next four weeks.

In conclusion, we ask that WIPO engages the visually impaired community in India on all potential developments in the area of copyright. We stress that while developing country governments are key stakeholders in the decision making and norm setting process at WIPO, so are developing country *societies*.

Thank you.

## List of Signatories

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