

COPYRIGHTAGENCY

**Submission to Joint Standing Committee on Treaties:
Marrakesh Treaty to Facilitate Access to Published
Works for People who are Blind, Visually Impaired or
otherwise Print Disabled**

July 2015

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INTRODUCTION

Copyright Agency supports Australia's ratification of the Marrakesh Treaty to Facilitate Access to Published Works for People who are Blind, Visually Impaired or otherwise Print Disabled.

The treaty addresses one aspect of accessible format materials for people who are print disabled: the copyright permissions required to convert materials covered by copyright into accessible formats in the absence of special copyright exceptions. It also addresses the import and export of converted materials.

COPYRIGHT AGENCY

Copyright Agency is a not-for-profit copyright management organisation that manages copyright licensing arrangements for writers, artists and publishers. It collects and distributes around \$100M a year in copyright fees and royalties. It is affiliated with similar organisations in other countries, enabling the licensed use of foreign content in Australia, and revenue to Australian creators from the use of their content in other countries.

While most of the licensing arrangements involve payment, some do not. These include the statutory licence schemes for people with disabilities that Copyright Agency has been appointed by the Australian Government to manage.

CURRENT ARRANGEMENTS FOR ACCESSIBLE FORMAT MATERIALS

Accessible format materials are available in Australia from specialist commercial providers such as Read How You Want (www.readhowyouwant.com.au) and Bolinda (www.bolinda.com/aus). Accessible format versions are also available from non-specialist publishers. The Australian Publishers Association is enhancing its Title Page service (online information about price, availability and bibliographic information for books) to provide information about titles available in accessible formats.¹

Where material is not available in an accessible format, the Copyright Act allows institutions assisting people with a disability, and individuals with a disability, to convert material into accessible formats.

Statutory licences

Copyright Agency was appointed by the Australian Government in 1990 to manage statutory licence schemes in the Copyright Act for people with a print disability and people with an intellectual disability. These schemes allow institutions assisting people with a disability to convert materials into accessible formats.

They are available to institutions whose principal function is assisting people with disabilities and to all educational institutions. Copyright Agency has not sought any payments from these institutions for its members.

Online catalogue of master copies

Copyright Agency developed and manages an online catalogue of master copies of accessible format versions, so that institutions can record the master copies they hold,

¹ publishers.asn.au/resources/TitlePage

and search for, and request, master copies held by other institutions.² There are about 80 participating institutions.³

Our consultations with participating institutions indicates that they would like the service to continue. We have also sought feedback on enhancements, with a view to developing additional functionality.

The online catalogue can also provide a mechanism for exchange of accessible format materials with Australian institutions. We have already been approached to provide this facility to institutions in New Zealand, to enable them to view and request accessible format master copies held by Australian institutions, and Australian institutions to view master copies held by New Zealand institutions.

TIGAR service

Copyright Agency also assists the Accessible Book Consortium (ABC) (www.accessiblebooksconsortium.org) with TIGAR (Trusted Intermediary Global Accessible Resources), a service that enables institutions to search for and exchange titles held in accessible formats by other institutions around the world. Copyright Agency is facilitating copyright permissions with Australian publishers to enable the conversion and exchange of accessible format files.

ABC is supported by the World Intellectual Property Organization (WIPO), institutions assisting the print disabled, authors and publishers. The initial group of 12 participating institutions includes one Australian institution (VisAbility).

REQUIREMENTS FOR RATIFICATION OF THE TREATY

Copyright Agency agrees with the Attorney-General's Department that ratification of the treaty does not require any changes to Australian law. The existing provisions are sufficiently broad and flexible (and, we think, more flexible and less prescriptive than is sometimes understood).⁴

GUIDELINES

We also agree with the Attorney-General's Department that guidelines on copyright and related issues associated with conversion into accessible formats would be useful. Copyright Agency commissioned guidelines from the Australian Copyright Council some years ago,⁵ but there is a need for a simpler, updated guide. This is something we are happy to assist with.

STANDARDISED PROCESS FOR REQUESTING AND PROVIDING DIGITAL FILES

One practical issue that has been raised with us is a standardised process for institutions to request digital files from publishers. Publishers are not required to provide digital files, but will do so if there is an efficient process and assurance that there will be no 'leakage' of the files. We are looking at developing a standardised process in consultation with the institutions, authors and publishers.

² masters.copyright.com.au

³ copyright.com.au/about-copyright/people-with-disabilities/institutions-covered

⁴ For example, the reference in the legislation (135ZX(3)) to 'marking' reproductions has no practical effect because there are no regulations setting out the marking requirements.

⁵ copyright.com.au/about-copyright/people-with-disabilities/print-disability-copyright-guidelines

Provision of digital files is not covered by the Marrakesh Treaty, but is one of the factors that can affect the range of material available in accessible formats, and publishers and authors have been willing to assist.

There is also scope for publishers to enable files to be provided to the education sector from the [LearningField](#) online subscription service.⁶ LearningField, developed by Copyright Agency with educational publishers, enables teachers to select digitised extracts from a range of publishers' textbooks to meet their students' needs.

REPOSITORY OF ACCESSIBLE FORMAT FILES

Institutions have also raised interest in an online repository of accessible format files. The TIGAR service will enable the development of an online repository over time as files are exchanged. There is also potential for the online Master Copies Catalogue to be developed to include an online repository.

GOVERNMENT PROPOSALS FOR AMENDMENTS TO THE COPYRIGHT ACT

The National Interest Analysis indicates at [31]–[33] that the Government intends to introduce some amendments to the Copyright Act regarding people with disabilities, although these amendments are not necessary for implementation of the Marrakesh Treaty.

We are not convinced that these amendments are needed, but we look forward to working with the Government to better understand the objectives of the proposed amendments and how those objectives are best met.

We would be happy to provide any other information that may be of interest to the Committee.

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⁶ www.copyright.com.au/learningfield