

# WIPO



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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

## **STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS**

**Eighteenth Session**  
**Geneva, May 25 to 29, 2009**

STAKEHOLDERS' PLATFORM: INTERIM REPORT

*prepared by the Secretariat*

## INTRODUCTION

1. During the 17<sup>th</sup> session of the Standing Committee on Copyright and Related Rights (SCCR) held in November 2008, the Committee acknowledged the special needs of visually impaired persons (VIP) and stressed the importance of dealing, without delay and with appropriate deliberation, with those needs of the blind, visually impaired, and other reading-disabled persons, including discussions at the national and international level on possible ways and means of facilitating and enhancing access to protected works, against the background of an analysis of limitations and exceptions. This should also include the establishment of a stakeholders' platform at WIPO, in order to facilitate arrangements to secure access for disabled persons to protected works.
2. Based on the above mandate, the WIPO Secretariat invited various major stakeholders representing copyright rightholders and VIP interests to take part in two meetings with the aim of exploring their concrete needs, concerns, and suggested approaches in order to achieve the goal of facilitating access to works in alternative formats for people with disabilities. The first meeting of the abovementioned platform took place in Geneva, on January 19, 2009, and the second meeting took place in London, on April 20, 2009.
3. The objective of the Interim Report is to provide an update of the work carried out by the platform so far, as per the mandate of the Member States. It also outlines the further steps required to continue to pursue the objectives already mandated. The Secretariat seeks the approval of the Member States to proceed with the specific actions proposed and submit a further report to the SCCR session to be held in November 2009. A recognized challenge in this regard will be to achieve concrete progress within a reasonable period while dealing with the technical complexities of this endeavor.

## FIRST MEETING

4. The first meeting of the stakeholders' platform took place on January 19, 2009, at WIPO Headquarters, in Geneva. The list of participants is included in Annex I of this report.
5. The Director General of WIPO invited the participants to contribute to the achievement of a common shared objective and outlined his perspective on the issue including the following key points:
  - (a) the objective should be to make published works available in accessible formats in a reasonable time frame;
  - (b) the initial focus would be on print-disabled persons;

- (c) the elements of a possible solution could include:
  - (i) an enabling legal regime, including licensing, exceptions or best practices;
  - (ii) technological tools;
  - (iii) standards and interoperability;
  - (iv) the development dimension;
  - (v) information materials;
  - (vi) concerns of the digital environment;
  - (vii) best “practical practices;” and
  - (viii) training
- (d) there should be a time schedule of deliverables, and
- (e) the above elements of a solution, together with suggestions proposed by this meeting, would be taken into account in an agreed plan to be prepared by the WIPO Secretariat to be sent to the participants of the meeting, as well as to WIPO Member States, with an opportunity for further comments before such a document would be introduced into the formal SCCR process.

6. The participants considered a working document on “cross-border transfer of VIP-accessible electronic files” and proposed that:

- (a) any approach should give high priority to inclusive solutions, i.e. those that enable VIPs to access published works and related services just like people without access impairments;
- (b) the needs of least-developed countries, indigenous persons and those using not widely-spread and non-written languages need to be taken into account;
- (c) the diversity of issues in the different publishing sectors (for example scholarly, education and trade) should also be taken into account;
- (d) patent and technology-transfer solutions should be taken into account in order to respond to the needs of VIP; and
- (e) trusted intermediaries should be an important element of any solution.

7. In addition, the participants agreed to take the following actions:

- (a) to prepare a mapping exercise to identify the different levels at which the use of new technologies by VIPs was negatively affected, such as publishing software, publishing formats, device and service accessibility and VIP reader interoperability, with a view to identifying technology tools that could assist the VIP and rightholders to address those obstacles;
- (b) to prepare a list of practical measures to facilitate the licensing of VIP rights;
- (c) to prepare guidelines for VIP charities in countries without reproduction rights organizations; and

- (d) to prepare a joint draft project for the next Donor Conference to be organized in WIPO in the second semester of 2009.

8. There was consensus that the development of trust was required in both relationships between VIP charities that transfer files to other charities across borders (business to business or “B2B” relationships) and between charities and their customers abroad (business to consumers or “B2C” relationships). In that regard, it was agreed to take the following actions:

- (a) as to B2B, to share among the participants the Digital Repertoire Exchange Mandate principles and VIP license template;
- (b) to draft a template for a standard permission request, as suggested in the WIPO Study on Copyright Limitations and Exceptions for the Visually Impaired (document SCCR/15/7)<sup>1</sup>;
- (c) to draft a list of criteria for trusted intermediaries for charities, or B2B, providing digital content to VIP customers across borders, taking into account the specific conditions in developing countries where the trustees are government-owned organizations; and
- (d) as to B2C, to draft a list of criteria for trusted intermediaries for customers abroad.

9. The following actions were suggested to the WIPO Secretariat:

- (a) to attend a specific seminar on the accessibility of E-books,
- (b) to share with other international organizations its experience in making its web sites accessible to the VIP; and
- (c) to nominate a staff member as a focal point for issues regarding access to the VIP.

## SECOND MEETING

10. The second meeting of the stakeholders’ platform took place on April 20, 2009, in London, during the London Book Fair. The list of participants is included in Annex II of this report. The aim of this meeting was to continue the discussions held during the first meeting, to take stock of the implementation of the action points agreed on, and to discuss the areas of convergence and divergence regarding the stakeholders’ input on the elements of a possible solution, as proposed in item 5(e).

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<sup>1</sup> WIPO Study on Copyright Limitations and Exceptions for the Visually Impaired (document SCCR/15/7), prepared by Judith Sullivan. Available at [http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=75696](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=75696)

11. The participants recognized that:

- Discussions on the enabling legal regime, including copyright exceptions and licensing issues, should be dealt with by WIPO Member States within the framework of the SCCR. Other elements of a possible solution, namely trusted intermediaries and technology issues, were identified as towering components which complemented an enabling legal regime.
- Awareness-raising actions on the needs and concerns of the VIP and rightholders should be carried out to sensitize a wider audience at national and international level. The WIPO Secretariat could also support the process by developing a dedicated website as a platform for attracting support, exchanging views, and disseminating information to all interested parties.
- A timeframe for the work of the stakeholders' platform was critical in order not to make the process unnecessarily lengthy and to ensure that its deliverables were met.

12. The participants proposed to establish two working subgroups among the stakeholders, namely the trusted intermediaries subgroup and the technology subgroup, so as to reach a common understanding in both of these areas and to identify practical solutions.

#### *Trusted Intermediaries*

13. A first draft proposal on the role of trusted intermediaries was presented to the participants following item 8(c) above. The draft proposal listed the following issues to facilitate the discussions on common trust criteria:

- lawful access to material;
- contractual relationship;
- agreed remuneration, including zero remuneration;
- format;
- supply of digital master files;
- delivery of content in digital form;
- institution;
- beneficiaries;
- copyright information;
- notification;
- control; and
- databases

14. It was agreed that the criteria for relationships between VIP charities that transfer files to other charities across borders or B2B criteria would be the first to be revised. The subgroup would develop a final prototype suitable for testing with a number of VIP charities or institutions for the blind by the end of July 2009.

*Technology*

15. The participants agreed that solutions to facilitate access to works in suitable formats should focus primarily on improving technology, standards, including interoperability, and the publishing process.

16. Two technological approaches were highlighted as being particularly effective for facilitating access to protected works, namely:

- the Bookshare’s seven steps approach<sup>2</sup>, and
- the Daisy Consortium best practices, including watermarking and fingerprinting<sup>3</sup>.

17. It was agreed that the use of digital rights management (DRM) and its interplay with legitimate uses of protected materials by the visually impaired population was an extremely complex issue.

18. A mapping exercise on the publishing processes was presented to the participants following item 7(a) above, highlighting that:

- book production processes in most publishing houses are heavily standardized and streamlined, and publishers depend on this standardization for efficiency. It is extremely difficult and costly to break into the workflow to meet any non-standard requirements. Even sending out a digital file to a third party – until it is incorporated into the regular workflow – is disruptive and expensive;
- most publishers do little or none of their text processing in house – it is usually in the hands of third-party suppliers. Some publishers never see the digital files – such files pass between their suppliers and never touch the publishing house at all. Where publishers are repurposing content into multiple output formats, they rarely have in-house capabilities – this type of work is usually outsourced. Any outsource work has to be paid for and becomes a very obvious cost of compliance. It also takes time and understanding to win/change the hearts and minds of both publishers and their suppliers. This is changing as publishers move to commission Digital Asset Management systems, but these are still not universally deployed;

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<sup>2</sup> WIPO document Automated Rights Management Systems and Copyright Limitations and Exceptions, prepared by Nic Garnett (document SCCR/14/5), Page 52. Available at [http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=59952](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=59952)

See also, document SCCR/15/7 cited above, page 92.

<sup>3</sup> Digital Accessible Information System (DAISY). The DAISY Consortium was formed by talking book libraries in 1996 to lead the worldwide transition from analogue to digital talking books. Members of the Consortium promote the DAISY Standard for digital talking books. See website at [www.daisy.org](http://www.daisy.org).

- the target format required for easily re-purposable digital content is Extensible Markup Language (XML). The XML “tagging” language allows content to be marked up in accordance with its logical structure. However, the target format for print is Adobe’s Portable Document Format (PDF format), which ignores structure in favor of form – the appearance of the printed page. Converting XML to PDF is relatively straightforward, using page-creation software. Converting PDF to XML is time-consuming and costly; while it may be machine-assisted, it normally requires human intervention. However, starting with XML – unless re-purposable files are required – is (sometimes inaccurately) perceived as adding unnecessary cost. Many publishers simply convert their text to the page view without recourse to structural mark up of the files;
- very few consumer publishers use XML workflows through their production process. In sectors other than fairly straightforward consumer publishing, while XML workflows are becoming more common the complexity of the content (tabular, mathematical) is often difficult to interpret for assistive technologies;
- other types of content – particularly that of textbooks – is very heavily designed and extremely dependent on visual cues for an understanding of the structure (with structures like side panels and pull quotes.) While these structures can be marked up in XML, this too can be very difficult to interpret (and is not managed well by e-book devices); and
- even where publishers are publishing e-books, the problems for the VIP are not necessarily overcome. While publishers are now generally favoring the Electronic Publication (EPUB) XML standard as the basis for all their different digital outputs, this is not typically used in native form by reading devices. The content is converted, and normally covered by technical protection measures to avoid illicit copying. Some reading devices and formats are less sympathetic to assistive technology than others.

19. The technology subgroup agreed to submit a funding proposal on an enabling technological framework to the SCCR (included in Annex III of this report).

20. A draft outline project for the next WIPO Donor Conference was presented to the participants, following item 7(d) above, to propose a two-year pilot program in selected African countries to promote access to reading materials for the VIP. A final version of the proposal would be submitted to the WIPO Secretariat in due course.

21. Participants welcomed the organization of a session on the needs of the VIP and the challenges for intellectual property to be held in Geneva in July 2009.

22. Subject to the consideration of Member States at the SCCR, the next meeting of the stakeholders’ platform would take place during the first week of September 2009.

[Annexes follow]

ANNEX I

MEETING WITH RIGHTHOLDERS AND THE VISUALLY IMPAIRED SECTOR  
REPRESENTATIVES

Geneva, Switzerland,  
WIPO Headquarters, Bilger Room,  
January 19, 2009, 10.00 to 15.30

LIST OF PARTICIPANTS

I. RIGHTHOLDERS REPRESENTATIVES

Jens BAMMEL, Secretary General, International Publishers Association (IPA), Geneva

Georgina BENTLIFF (Ms.), Strategic Development Manager, Copyright Licensing Agency (CLA), London

Myriam DIOCARETZ (Ms.), Secretary General, The European Writers' Congress (EWC), Brussels

Tarja KOSKINEN OLSSON (Ms.), International Advisor, International Federation of Reproduction Rights Organisations (IFRRO), Stockholm

Olga MARTÍN SANCHO (Ms.), Legal Counsel, Federation of European Publishers (FEP), Brussels

Carlo SCOLLO LAVIZZARI, Legal Counsel, International Association of Scientific, Technical & Medical Publishers (STM), Geneva

Antje SÖRENSEN (Ms.), Legal Counsel, IPA, Geneva

Olav STOKKMO, Secretary General, IFRRO, Brussels

Magdalena VINENT (Ms.), President, IFRRO, Barcelona

Alicia WISE (Ms.), Chief Executive, Publishers Licensing Society (PLS), London

II. VISUALLY IMPAIRED SECTOR REPRESENTATIVES

Chris FRIEND, World Blind Union (WBU), Strategic Objective Leader Accessibility; Chair, Global Right to Read Campaign; Programme Development Advisor Sightsavers International, London



Stephen KING, Board Member Daisy Consortium; Board Member Force Foundation; Chair WBU Technology Working Group; Group Director Royal National Institute of Blind and Partially Sighted People (RNIB), London

Hiroshi KAWAMURA, Chair of Daisy Consortium; Member of the International Federation of Library Associations and Institutions (IFLA) Libraries for the Blind Section (now renamed libraries for people with print disabilities), Tokyo

Stuart HAMILTON, Representing Chair of IFLA, Copyright and Other Legal Matters Committee, The Hague

Dan PESCOD, Vice-Chair WBU Global Right to Read Campaign; Manager, RNIB European, International and Accessibility Campaigns, London

Thiru BALASUBRAMANIAM, VI Sector's Geneva Advisor, Geneva

### III. WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

Francis GURRY, Director General

Michael KEPLINGER, Deputy Director General, Copyright and Related Rights Sector

Jorgen BLOMQUIST, Director, Copyright and Related Rights Sector, Copyright Law Division

Richard OWENS, Director, Copyright and Related Rights Sector, Copyright E-Commerce Technology and Management Division

Joëlle ROGÉ (Mrs.), Director-Advisor, External Relations, Industry, Communications and Public Outreach Sector

John TARPEY, Director, External Relations, Industry, Communications and Public Outreach Sector, Communications Division

Denis CROZE, Acting Director-Advisor, Copyright and Related Rights Sector

Marcelo DI PIETRO, Senior Advisor, Office of the Director General

Geidy LUNG (Mrs.), Senior Legal Officer, Copyright and Related Rights Sector, Copyright Law Division

[Annex II follows]

ANNEX II

SECOND MEETING WITH RIGHTHOLDERS AND THE VISUALLY IMPAIRED  
SECTOR REPRESENTATIVES

London  
Earls Courts Exhibition Center, Victoria Room,  
April 20, 2009 - 9.30 – 13.00

LIST OF PARTICIPANTS

I. RIGHTHOLDERS REPRESENTATIVES

Herman SPRUIJT, President, International Publishers Association (IPA), London

Jens BAMMEL, Secretary General, IPA, Geneva

Georgina BENTLIFF (Ms.), Strategic Development Manager, Copyright Licensing Agency (CLA), London

Tarja KOSKINEN OLSSON (Ms.), International Advisor, International Federation of Reproduction Rights Organisations (IFRRO), Stockholm

Olga MARTÍN SANCHO (Ms.), Legal Counsel, Federation of European Publishers (FEP), Brussels

Carlo SCOLLO LAVIZZARI, Legal Counsel, International Association of Scientific, Technical & Medical Publishers (STM), Geneva

Olav STOKKMO, Secretary General, IFRRO, Brussels

Alicia WISE (Ms.), Chief Executive, Publishers Licensing Society (PLS), London

II. VISUALLY IMPAIRED SECTOR REPRESENTATIVES

Chris FRIEND, World Blind Union (WBU), Strategic Objective Leader Accessibility; Chair, Global Right to Read Campaign; Programme Development Advisor Sightsavers International, London

George KERSCHER, Secretary-General, Daisy Consortium, Recording for the Blind & Dyslexic (RFB&D), Montana, United States of America

Winston TABB, Chair, International Federation of Library Associations and Institutions (IFLA) Copyright and other Legal Matters, Maryland, United States of America

Dan PESCOD, Vice-Chair WBU Global Right to Read Campaign; Manager, RNIB European, International and Accessibility Campaigns, London

Thiru BALASUBRAMANIAM, VI Sector's Geneva Advisor, Geneva

III. WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

Francis GURRY, Director General

Swashpawan SINGH, former Ambassador of India, WIPO Director General's Honorary Advisor on the Visually Impaired Persons (VIP) Initiative

Geidy LUNG (Mrs.), Senior Legal Officer, Copyright and Related Rights Sector, Copyright Law Division

[Annex III follows]

FUNDING PROPOSAL

*by the Technology Subgroup of the Stakeholders' Platform*

*Overview*

The mainstream production of accessible publications requires standard technological processes and systems. Particular concern must be given to approaches that will work internationally, and especially in the developing world where publishers do not often have the financial means to convert either their processes or systems. WIPO can be instrumental in ensuring that standards are developed at an international level to meet global needs. It can also ensure that their use is promoted in developed and developing countries.

*Proposal*

The stakeholders' platform has jointly tasked us with creation of an enabling technological framework to increase publications accessible to people living with print disabilities. We seek total funding of 225,000 Euros (75,000 Euros for 3 years) to support this work.

The money will enable the two key international standards bodies working in this area to focus dedicated resource to supporting the work of the stakeholders' platform. The standards bodies are the DAISY consortium (<http://www.daisy.org/>) and EDItEUR (<http://www.editeur.org/>). These two bodies are complementary as DAISY focuses on the development and promotion of standards and technologies which enable equal access to information and knowledge by people with print disabilities and EDItEUR focuses on the development, promotion, and implementation of electronic standards throughout the publishing supply chain.

In year 1 of this project DAISY and EDItEUR will work together to:

- Publish international guidelines for production staff in publishing houses. These guidelines will introduce the strategic reasons for publishers to produce more accessible works, and propose simple, practical changes to both the traditional and electronic production processes to achieve this goal.
- Further develop the DAISY open source pipeline production tool to enable it to work with any technological framework. This could be implemented by publishers who have not yet developed an electronic production process, or to enhance existing process management tools). This open source software will be especially helpful in the developing world.
- Modify ONIX for Books 3.0 to carry XML messages throughout the book supply chain about available accessible formats; and identify any required modifications to other supply chain communication standards.

- Identify, and develop proposals to fix, any gaps in supply chains for accessible formats. This will include the international supply chains to commercial booksellers, libraries, and trusted intermediaries.

In years 2 and 3 of the project DAISY and EDItEUR will work together to:

- Market the guidelines produced in year 1, and offer training about their correct implementation. This work will be co-ordinated via publishing trade bodies and national standards bodies throughout the world.
- Support the use of the DAISY pipeline tool, particularly by international publishers and by key software and system developers.
- Develop solutions to supply chain gaps identified in year 1 including liaison with key software and system developers.
- Recommend approaches to identifying those titles that are available in an accessible format, and what that format is, no matter where in the world the file is located.

The project will report regularly to the Stakeholder Platform and to WIPO itself. DAISY and EDItEUR will also liaise with trusted intermediaries in the disability community to help automate certain processes and systems in use in that network.

[End of Annex III and of Interim Report]