

WIPO



SCCR/19/10

ORIGINAL: English

DATE: November 20, 2009

E

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS

Nineteenth Session
Geneva, December 14 to 18, 2009

STAKEHOLDERS' PLATFORM: SECOND INTERIM REPORT

prepared by the Secretariat

INTRODUCTION

1. During the 17th 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 the World Intellectual Property Organization (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. An Interim Report of the above meetings was presented during the 18th session of the SCCR (document SCCR/18/4) to provide an update of the work carried out by the platform. The Committee welcomed that Report and encouraged the Secretariat to continue the work of the platform and report on its activities during the 19th session of the SCCR. Moreover, the Committee requested that the WIPO Secretariat ensure, and make available funding to support, the effective participation of stakeholders from developing and least-developed countries. The Secretariat was also requested to make its best efforts to organize a meeting of the platform in a developing country.
4. In light of the above, WIPO organized the third meeting of the Stakeholders' Platform on November 3, 2009 in Alexandria, Egypt, and financed the participation of a number of stakeholders from developing countries. The meeting was organized in cooperation with the Government of Egypt and the Library of Alexandria.
5. This Second Interim Report describes the outcome of the above meeting and identifies further steps needed to pursue the mandated objectives. The Secretariat seeks the approval of the Member States to proceed with the actions proposed, and to submit a further report to the SCCR session to be held in 2010.

THIRD MEETING

6. The third meeting of the stakeholders' platform took place on November 3, 2009, at the Library of Alexandria, in Alexandria, Egypt. The list of participants is included in the Annex to this report. The focus of the meeting was to take stock of the work carried out by the two subgroups of the platform, respectively the trusted intermediaries' subgroup and the technology subgroup.

Trusted Intermediaries

7. Two proposals were presented by the trusted intermediaries' subgroup, namely the Trusted Intermediary (TI) guidelines and a pilot outline.
8. The TI guidelines consist of high level principles agreed by the representatives of print-disabled persons and rightholders with a threefold aim, namely: i) building mutual confidence among all stakeholders, ii) significantly increasing the number of published works available to print-disabled people, obtained via mainstream channels, in a format that suits their individual requirements, and iii) avoiding unnecessary duplication at national or international level in the production of works in accessible formats.
9. The TI guidelines were presented to the members of the platform on the understanding that they were not intended to be legally binding. It was also specified that nothing in the guidelines would change national or international law at any time.
10. As noted in the first Interim Report of the Platform (document SCCR/18/4), the parties have agreed in the first instance to work towards TI Guidelines for the business-to-business (B2B) environment (i.e. delivery between two TIs in the same or different countries).
11. The guidelines comprise various aspects, namely:
 - Lawful access to the works
 - Contractual relationships
 - Remuneration, including zero remuneration as a default
 - Formats
 - Supply of digital master files
 - Delivery of content to qualifying end users
 - Approved institution
 - Beneficiaries
 - Copyright information, and
 - Notification requirements to rightholders and records
12. The TI pilot outline expresses the criteria to be used for real-life testing of the TI guidelines. The main objectives of the pilot are: a) to test whether the TI Guidelines address all relevant concerns by stakeholders; b) to test the TI Guidelines as a basis for the development of an international TI network that can serve both communities; and c) to gain mutual confidence between stakeholders, while at the same time achieving some practical positive improvements on the ground.
13. The pilot would involve a limited number of TIs in developing and developed countries, potentially scalable, during the pilot period of 24 months. A pre-project phase would take place from September to December 2009, followed by finalization of project management and selection of the organizations between January and March 2010. The pilot itself would commence on April 1, 2010.
14. The representatives of print-disabled persons and of rightholders agreed to study various funding alternatives, to make their best efforts to ensure sufficient funding for the test and to identify suitable pilot partners, based on support from local organizations representing print-disabled persons and rightholders.

Technology

15. The technology subgroup presented a proposal for an enabling technologies framework. This proposal consists of a three-year project to be jointly run by two international standards bodies, namely the DAISY (Digital Accessible Information System) Consortium¹ and EDItEUR².

16. The goal of the enabling technologies component of the project is to evolve mainstream publishing processes capable of delivering fully-accessible digital publications. If engineered properly, publishing processes should yield digital products that can be used effectively by every member of society. Some value may be needed to support particular user groups, for example description of graphical elements for visually-impaired persons. However, the fundamental usability of digital publications should meet the needs of both mainstream users and persons with disabilities equally; the target is to allow the same product to be used by everybody.

17. The focus of the work on enabling technologies would be to develop best practice guidelines for publishers to follow in their production processes, and where appropriate to integrate existing standards (e.g. ONIX, EPUB and DAISY) into mainstream publishing in ways that enhance these best practices. The output would be designed for use by publishers in all parts of the world.

18. This component of the project would be structured in five work packages, namely:

- Project management
- Developing best practices in publishing production departments
- Extending ONIX to convey accessibility information and integrating ONIX with DAISY format
- Extending the DAISY pipeline to support publishers' requirements and conversion house requirements, and
- Communication, training, and technical support.

19. The total estimated cost for the completion of the enabling technologies component of the project would be 110,000 euros per year for three years, and work would commence during the first quarter of 2010.

20. Subject to the consideration of Member States at the SCCR, the next meeting of the stakeholders' platform would take place during the first quarter of 2010.

21. The Standing Committee is invited to note the contents of this document, including that the Secretariat will submit a further report to the SCCR.

[Annex follows]

¹ www.daisy.org

² www.editeur.org

ANNEX

THIRD MEETING OF THE STAKEHOLDERS' PLATFORM

Alexandria (Egypt), November 3, 2009
The Library of Alexandria

LIST OF PARTICIPANTS

I. STAKEHOLDERS

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

Hala ESSALMAWI, IPR Officer, the Library of Alexandria (Bibliotheca Alexandrina), Alexandria, Egypt

Nicolaas FAASEN, Uitgewersbestuurder, Taalsentrum Publishing Manager, Language Centre, Nasou Via Afrika, Cape Town, South Africa

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

George KERSCHER, Secretary-General, Daisy Consortium, Recording for the Blind & Dyslexic (RFB&D)

Heba KHOLEIF, Principle Specialist, Taha Hussein Library for the Visually Impaired specialized Libraries Directorate, the Library of Alexandria (Bibliotheca Alexandrina), Alexandria, Egypt

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

Pablo LECUONA, Founder and Director, Tiflolibros, Buenos Aires

Dipendra MANOCHA, Director, Regional Resource Centre, Digital Accessible Information System (DAISY) Consortium, New Delhi

Pedro MILLIET, Senior Developer & Information Architect, Dorina Nowill Foundation for the Blind, Sao Paulo, Brazil

Irene MUTHONI (Ms.), Director, Kenya National Library Service (KNLS), Nairobi

Denise NICHOLSON, International Federation of Library Associations and Institutions (IFLA) Copyright and other Legal Matters Committee, Johannesburg, South Africa

Judit RIUS SANJUAN, Advisor, WBU

Olav STOKKMO, Secretary General, IFRRO

Sohair WASTAWI, Chief Librarian, Library of Alexandria, Alexandria, Egypt

II. SELF-FINANCED MEMBER STATES – OBSERVERS ON REQUEST

Samuel BARICHELLO CONCEICAO, *Coordenação-Geral de Regulação em Direitos Autorais*, Ministry of Culture, Brasilia

Karim HEGAZY, Third Secretary, UN Specialised Agencies Department, Ministry of Foreign Affairs, Cairo

III. WORLD INTELLECTUAL PROPERTY ORGANIZATION

Sherif SAADALLAH, Executive Director, Department of External Relations

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

[End of Annex and of document]