

## **Standing Committee on Copyright and Related Rights**

**Twenty-First Session**

**Geneva, November 8 to 12, 2010**

Fourth Interim Report of the Stakeholders' Platform

*Document prepared by the Secretariat*

## INTRODUCTION

1. This Fourth Interim Report describes the outcome of the fifth meeting of the Stakeholders' Platform organized in New Delhi on October 23, 2010.
2. 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 the World Intellectual Property Organization (WIPO), in order to facilitate arrangements to secure access for disabled persons to protected works.
3. Based on the above mandate, the WIPO Secretariat invited various major stakeholders representing the interests of copyright rightholders and VIPs, including persons with print disabilities, 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.
4. The meetings of the Stakeholders' Platform have taken place as follows:
  - First meeting: in Geneva, on January 19, 2009
  - Second meeting: in London, on April 20, 2009
  - Third meeting: in Alexandria (Egypt), on November 3, 2009
  - Fourth meeting: in Geneva, on May 26, 2010
5. Interim Reports of the above meetings have been presented during the 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> sessions of the SCCR (documents SCCR/18/4, SCCR/19/10 and SCCR/20/6, respectively) to provide an update of the work carried out by the Platform. The Committee has welcomed these Reports and, during its 20<sup>th</sup> session held in June 2010, encouraged the Secretariat to continue the work of the Platform and report on its activities during the 21<sup>st</sup> session of the SCCR. Moreover, the Committee has requested that the WIPO Secretariat ensure, and make available funding to support, the effective participation of stakeholders from developing and least-developed countries. Following the second meeting of the Platform, the Secretariat has also been requested to make its best efforts to organize a meeting of the platform in a developing country.
6. This Fourth Interim Report also 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 June 2011.

## FIFTH MEETING OF THE STAKEHOLDERS' PLATFORM

7. The fifth meeting of the Stakeholder's Platform took place in New Delhi on October 23, 2010. 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 three subgroups of the platform, namely the trusted intermediaries' subgroup, the technology subgroup and the capacity building subgroup.

8. Participants agreed that, after almost two years of the establishment of the Stakeholders' Platform, there was great deal of goodwill and support towards the work on the various proposed projects, but the world's 314 million people with print disabilities were no better off. A two-track solution was necessary, namely a successful Stakeholders' Platform and a legislative solution, and both should continue to be complementary and mutually supportive.

### **Trusted Intermediaries**

9. An Interim report on the work of the trusted intermediaries (TI) subgroup was presented for the consideration of the Platform. Having concluded its work on July 31, 2010, the subgroup reported on its work concerning cross-border exchange of files and rights between TIs in different countries. A set of standard agreements for the transfer of files and rights to be used in the contractual relation between rightholders and TIs had also been finalized. More than 113 comments had been received during the review process of the agreements. A pilot project would test how the framework and the agreements would function in practice.
10. Replies to the letters of inquiry had been received from the following countries/organizations expressing their general interest to be part of the pilot project:
  - Australia: Vision Australia
  - Brazil: Dorina Nowill Foundation for the Blind
  - Canada: Canadian National Institute for the Blind
  - Colombia: *Instituto Nacional para Ciegos* (INCI)
  - India: DAISY for India
  - France: Brailenet
  - Spain: *Organización Nacional de Ciegos Españoles* (ONCE)
  - Sweden: The Swedish Library of Talking Books (TPB)
  - South Africa: South African Library for the Blind
  - United Kingdom: Royal National Institute of Blind People (RNIB)
  - United States of America: Library of Congress/National Library Service (NLS)
11. Following the merger of the original TI project with the Global Accessible Library (GAL) project, and the subsequent offer of WIPO to place a staff member as project manager, the preparation of the pilot project plan had been finalized. The project manager had been assisted by two professionals, funded by the TIs and rightholders respectively, and had received advice from an interim Steering Committee.
12. Stakeholders involved in the pilot, namely TIs, publishers and reproduction rights organizations, would need to engage with the detail of the file transfer and copyright agreements as well as technological arrangements to move forward into the work of the pilot. It was understood that the agreements would be subject to revision according to the differences regarding copyright and contractual national laws.
13. The proposed pilot project plan was presented to the Platform, including a) the implementation strategy of the project, b) the enhanced TI participation criteria, c) the roles of WIPO as the supplier for the information and communication technologies (ICT) component and as the trusted global entity of the project, d) the list of planned deliverables, e) the budget and funding estimates, f) the project governance structure,

including the roles and responsibilities and the project management team structure, and g) the major milestones.

14. The pilot project plan proposes a three-year pilot that will run from November 2010 until the end of 2013. The project will adopt a multi-stream approach in order to provide early demonstrable results within the first year and manage the risks involved. These streams will overlap as the project progresses. The focus for each stream is as follows.
  - Stream 1: The sharing of files, and information about them, between TIs for new and existing titles, and establishing and testing agreements with rightholders and the infrastructure required to make this happen (i.e., Business to Business (B2B)).
  - Stream 2: Enabling end users to search and download accessible content directly from TIs, and in due course, commercial providers (i.e., Business to Customer (B2C)).
  - Stream 3: The ongoing development of agreements, guidelines, best practices and sustainable operational business models.
  - Stream 4: Assisting TIs, particularly those from developing countries, to become effective participants in the TI network.
  - Stream 5: Development of a centralized ICT Component supporting the successful implementation of the above-mentioned streams.
  
15. The proposed timescale and major milestones are as follows:
  - November 2010: Project plan, project governance structure, project management resources and funding agreed and in place. Confirmation regarding WIPO's role as service provider for ICT infrastructure and centralized facilities of the project is given.
  - January 2011: Approval of TI admission criteria. First set of participating organizations agreed in principle; project web site and WIKI page set up. Detailed work plans and list of deliverables are updated. Preliminary international working groups established.
  - February 2011: File transfer and copyright clearance agreements signed between the first set of participating TIs and rightholders. ICT functional requirements specified.
  - April 2011: First set of target titles agreed.
  - June 2011: Architecture design for the information and communication technology (ICT) component completed. The transfer of files has begun between TIs, supported by new agreements in place, for titles from existing collections (B2B). The next set of participating organizations agreed in principle.
  - July 2011: ICT pilot development/implementation started.
  - September 2011: The transfer of accessible files to include new titles that have been created by TIs using files supplied by publishers (B2B). First set of

- centralized ICT services available in the pilot/test environment (notably the uploading and downloading facility). Plans and budget for 2012 are prepared.
- End 2011: A rolling program for the production and sharing of accessible files has been established across a number of TIs and rightholders. Funding for 2012 in place and work plan for 2012 has been re-affirmed. Additional centralized ICT services available (notably extended storage/database, usage tracking and meta data facilities) in the test environment.
  - End Q2 2012: A significant program of activity across all streams has been established, with clear evidence of results and impact. Search and discovery service ready in the ICT test environment (Q1). Trial of B2C in the test environment (Q2) is ready.
  - End Q4 2012: Transfer of the pilot/test ICT implementation to its production platform (Q3). Final ICT production trials (B2B and B2C) are complete (Q4). Completion of final trial of searching commercial content (Q4).
  - End Q2 2013: Completion of final trial of various search and discovery approaches in the production environment (Q1). Outline recommendations for a sustainable operational and business model have been produced for Stakeholder consultation. Plans for project handover or closure approved.
  - End Q4 2013: Final report issued. Dissemination of all best practice documentation is complete.
16. While recognizing its complexity, the Stakeholders' Platform approved the pilot project plan with a possibility to review it if deemed necessary. The pilot project plan will be identified as "TIGAR" (trusted intermediary global accessible resources project).

## **Technology**

17. An Interim report on the work of the technology subgroup was presented for the consideration of the Platform. Two memoranda of understanding (MoU) had been signed by WIPO with two international standards bodies EDItEUR and with the Daisy Consortium in order to implement the enabling technologies framework. The focus of their work was to develop best practice guidelines for publishers to follow in their production process and where appropriate to integrate existing standards (e.g., ONIX, EPUB and DAISY) into mainstream publishing in ways that enhance these best practices.
18. The primary work developed by the DAISY Consortium under the MoU has been conducted in the areas of DAISY Pipeline 2 and on the development of DAISYpedia. The DAISY Pipeline 2 is designed as an open source tool for the automatic processing of XML content and the DAISYpedia is a wiki environment for trainers and experts for the production of training and technical support materials.
19. The main focus of EDItEUR has been on establishing the requirements of the accessibility community, developing communication and guidelines and training. Among other activities, EDItEUR reported that it has developed an international survey and set up a cross-community discussion forum at the Frankfurt Book Fair.

20. The Platform recognized the positive momentum building and progress being made by both DAISY and EDItEUR in order to get closer to mainstream accessible publishing.
21. The technology subgroup also presented a proposal for the organization by WIPO of a High-Level Technology Summit at the end of 2011. The event would aim at bringing together senior figures from target technology companies as well as the accessibility and publishing communities.

### **Capacity Building**

22. The terms of reference of the capacity building subgroup were presented for the consideration of the Platform. The focus of the work of the subgroup would be to complement the TIGAR Project by recommending ways of creating TIs in countries where they did not exist and to undertake the necessary capacity building activities in developing and least-developed countries. That work was crucial to the success of the Stakeholders' Platform and its projects.
23. Stakeholders from developing countries, namely from Argentina, Colombia, Brazil, Kenya, India and South Africa, described the current situation and concrete problems concerning the provision of copyrighted content to people with print disabilities.
24. The Stakeholders' Platform invited the capacity building subgroup to submit concrete proposals during its next meeting.

### **Other matters**

25. It is planned that the next meeting of the Stakeholders' Platform take place on Monday, April 11, 2011, at the London Book Fair.
26. The Standing Committee is invited to note the contents of this document, including that the Secretariat will submit a further report to the SCCR session in June 2011.

[Annex follows]

**FIFTH MEETING OF THE STAKEHOLDERS' PLATFORM**  
**New Delhi, October 23, 2010**

LIST OF PARTICIPANTS

I. VISUALLY IMPAIRED SECTOR AND RIGHTHOLDERS REPRESENTATIVES

Betsy BEAUMON (Ms.), Vice-President and General Manager, Literacy Programs, Benetech Initiative

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

Ashok GUPTA, Federation of Indian Publishers, New Delhi

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

Martin KIETI, Executive Officer, Kenya Union of the Blind; Coordinator of WBU's Right to Read Kenya, Kenya

Stephen KING, Group Director, Prevention and International Affairs, Royal National Institute of Blind People (RNIB)

Pablo LECUONA, Founder and Director, Tiflolibros; WBU's Right to Read Coordinator for all Latin American Countries, Argentina

Dipendra MANOCHA, chair of Developing Countries Alliance of the Daisy Consortium, India

Pedro MILLIET, Senior Developer and Information Architect, Dorina Nowill Foundation for the Blind, Brazil

Julie RAE (Ms.), Chair of the International Federation of Library Associations and Institutions (IFLA) LPD Commission (Libraries serving Persons with Disabilities)

Olav STOKKMO, Secretary General, International Federation of Reproduction Rights Organisations (IFRRO)

Leandro VINASCO, Colombian Book Chamber, Colombia

Alicia WISE (Ms.), Director Universal Access, Elsevier Ltd.

II. WORLD INTELLECTUAL PROPERTY ORGANIZATION

Francis GURRY, Director General

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

Naresh PRASAD, Executive Director and Chief of Staff, Office of the Director General

Andrew TU, Senior Advisor to the Assistant Director General (IT Project Management), Culture and Creative Industries Sector

Geidy LUNG (Mrs.), Senior Legal Officer, Culture and Creative Industries Sector, Copyright Law Division, Culture and Creative Industries Sector

[End of Annex and document]