

Building a Global Library for People with Print Disabilities

**Speech by Jim Fruchterman of Benetech
For the World Summit on the Information Society
Tunis, Tunisia, November 15, 2005**

“Hi, I’m here from Silicon Valley and I’m here to help you.”

These words may not always inspire comfort, but I hope to reassure you in my talk today. Technology people, like me, love to solve problems with technology. Important problems, dramatic problems, are even more attractive. And, building a global digital library for people with print disabilities is one of those attractive problems. Even better, it’s within our grasp to solve it today.

We want to build a world in which a blind girl and her sighted friend have equal access in reading, whether it’s a novel, a textbook or a newspaper. And, for that blind girl it has to be at least as easy, as cheap and as fast, as it is for her sighted friend to access all of this information.

Goals

What are our goals in building this global library?

Non-barriers

What stands in our way? What are the barriers to reaching these goals?

First, let me tell you what the barriers are not. They are not:

- **Money – global society is already spending the money on book access and disability access that could achieve the majority of our goals**

Amazon and Google have already allocated the money to scan almost all books available in English and are starting to scan books in other languages. We spend a huge amount on disability access in ways that used to make sense, but as time goes on will be replaced with much less expensive ways. The money is there.

- **Technology – we already have the technology to reach the majority of our goals.**

High speed scanning, check. High quality voice synthesis, check.
Increasingly automatic conversions into disability-specific formats, check

(but we could be doing better here). Free talking software to read books aloud on personal computers, check.

- **Individual access – we could be delivering accessible books on cell phones today, and could have these books to people in all but the poorest countries in the next five or ten years.**

A cell phone today has the processing power of a PC of five years ago. In the coming five years, standard cell phones are going to be cheap and powerful enough to do everything we need to do for disability access.

- **Passion for access – people with disabilities have the passion for reading, because it is the key to most social objectives from education to employment to participation in religion to integration with society.**

We have the motivation to gain access, as the community of people with disabilities and the people who care about them.

- **Production of digital content – the great majority of what we want to read is already in digital form, ready to be converted into accessible forms**

Publishers are already realizing that digital books are going to be critical to their business success. When the business objectives of publishers overlap with the accessibility desires of people with disabilities, we are going to be lucky!

The Barrier

The advancements of the information and communication technology sector have put the global library within reach and have created the possibility of universal access. Our job is to find those last few barriers and overcome them, to realize this possibility. And today, I am only going to talk about the biggest barrier.

The biggest barrier is getting finding a way to share the content across borders, and building a consistent culture of sharing that is legal and practical. Why is sharing hard?

Sharing used to be physically difficult. The effort and cost to send a physical copy of a book across a border or an ocean, whether it was print, large print, Braille or audio tapes, was considerable. And, in theory, the sharer wanted it back. But, now that same information in electronic form can be sent across the world for less than a penny. And, the nature of electronic information is such that when I give you a copy, it usually doesn't take away my copy. Thomas Jefferson

famously compared the sharing of ideas and intellectual property as being like sharing the lighting of a candle, "he who lights his taper at mine, receives light without darkening me." So, sharing is still hard because we have systems and customs that come from a day when it was hard to share.

The main issue is intellectual property restrictions. Copyright laws and the contracts authors and publishers make, are holdovers from the day when sharing was hard. Copyright law is a national affair, not an international affair. It is a formidable challenge to realize that our dream of a global library has to comply with the national copyright laws of more than a hundred countries.

Now, a brief digression on copyright law. I am a big fan of copyright law: my background is that I started two commercial software companies in the 1980s, and it was the commercial success of these companies that made it possible for me to develop reading machines for the blind and engage in this important effort for universal access. It is crucial that the incentives remain for people to create value, to write books and to prosper when they create something of value to society.

However, it is important to realize that intellectual property is not the same as real property. A book is not a house. As Jefferson said, ideas are different: they can be shared without diminishing their power. Intellectual property law is a bargain among creators, writers, inventors and society. Copyright laws give rights to authors and publishers while at the same time typically reserving rights for society: the right to quote from a work, the right to lend it from a library, the eventual conversion of the work to public domain status, among many others. One of those reserved rights, those exceptions to the right of the copyright owner to control the making of copies, is the right to make accessible versions of books for people with print disabilities. However, these exceptions differ on a country by country basis, and, even more concerning, these exceptions stop at each country's border. Part of the deal in international copyright law is reciprocity and domestic limits. Reciprocity, in that our country's laws must treat your country's authors the same way as we treat our own authors. Domestic limits, in that our country's law only applies in our country, and we acknowledge that our citizens should respect your country's copyright laws when they are in your country.

Right now, that means that we are solving the problem of access for the print disabled on a country by country basis, and we have a structural impediment to sharing across borders built into the structure of copyright law.

Let me make some of these ideas real. My nonprofit organization, Benetech, created a digital library for people with print disabilities in the United States called Bookshare.org. Under U.S. law, it is legal for our nonprofit to take any book in the U.S. and make it accessible to people with print disabilities in specialized formats. I keep using the term print disabilities because we serve more than people who are blind or visually impaired: we also serve people who cannot read

because of other disabilities, such as severe physical disabilities that prevent holding a book or turning a page, or significant learning disabilities, such as dyslexia. We now have 25,000 books in our digital library, as well as providing 100 daily newspapers. Our users can download these books and access them as large print, Braille or synthetic speech. And, we have thousands of users in America. However, it's difficult for us to serve people outside the U.S., because U.S. copyright law does not apply outside the U.S.

I have two strategies to recommend to overcome this copyright law barrier to the creation of a global digital library. I think we should pursue both of them simultaneously.

The first is global copyright reform, to change national laws to have a disability access exclusion as well as a reciprocal access solution. This strategy is being driven by the World Blind Union, ably led by David Mann of the Royal National Institute of the Blind in the United Kingdom. The goal is that each country should have these exclusions in their copyright law, as well as explicitly making cross-border sharing possible with like-minded countries.

Now, I used to think that these provisions were going to be hard to implement. However, I read the latest proposal from David Mann and I saw a very clever idea. The concept there was that a country that passed a disability exemption could add a simple additional clause: "The distribution is also permitted in case the copies have been made abroad and the conditions mentioned above have been fulfilled."

We are checking on this with the U.S. Copyright Office, because it could make it possible for Bookshare.org to start serving people with disabilities in a new country that passed such a law, without the U.S. needing to pass a new law. Why? Because the theory that has stopped us from sending books we scanned under the U.S. copyright law exemption was that what we did in the U.S. wasn't legal under another country's copyright law. If a country makes it legal, then we could be legal under both countries' laws. There is a counter-argument that this would need to be true of both countries, but we're definitely looking into it.

The second approach is getting permissions from authors and publishers, but with an approach to permissions that is much broader than today's typical approach to permissions. The typical approach to permissions, the approach we used until last year, is to get the narrowest permission you can imagine: limited to our organization, our clients and our country. But, if we agree about the vision of building a global library that makes access for the disabled as easy, as cheap and as fast as that for the nondisabled, we must take a broader view.

Our new permissions form asks publishers and authors to give us permission to provide access to people with disabilities around the world, and to work through other nonprofit or government agencies that are similar to our nonprofit organization. It also asks them to grant permission for us to work directly with

third parties, such as Amazon and Google, who are scanning their books. It does not limit our work just to the visually impaired, but to all people with disabilities that significantly impair their ability to access print. And, it asks that these permissions be granted royalty free.

Publishers and authors are generally willing to grant such permissions. They want to hear a few things from us:

- that we will limit access to people with bona fide disabilities;
- that we will work hard to ensure that the books do not leak out into the mass market; and
- that we will support them in prosecuting people who violate copyright law by distributing such books illegally.

Authors and publishers want to do the right thing, but want to be reassured that their commercial interests will not suffer. That's the essence of the social bargain in copyright law, and if we honor it in the permissions realm, we can achieve much more. The moment I receive a global permission from an author or publisher, I can distribute that book to any person with a print disability in any country in the world. In practice, we need to work with our counterpart agency in that country to ensure that the social restrictions are complied with, and that we are serving people with bona fide disabilities.

Already, we have received such permissions for more than 1,000 books that are currently on Bookshare.org, as well as for another 2,000 books that will be added to our collection over the next six months. Of these books, two thirds will be in English and one-third in Spanish. We are getting ready to serve the world.

But, our efforts are not enough. The global library is not an American library. It is not an English or Spanish language library. We need our peers in countries all over the world to secure as many similar permissions as possible, and pass as many of those copyright law exemptions as they can. By working together, and by sharing, we can build the global library. Together, we can assure that people with print disabilities in the next decade, will have access that is as easy, as cheap, as fast, as for everybody else on the planet.