



Computer & Communications Industry Association

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## Intervention of CCIA on the Treaty for Visually Impaired and Print Disabled Persons at the Informal Session of the Standing Committee on Copyright and Related Rights of the World Intellectual Property Organization

As this is the first time we've taken the floor at this meeting, we offer our congratulations, Mr. Chairman, upon your election, and our thanks to the Secretariat for the work organising this session.

As you may know, the Computer & Communications Industry Association's members represent a broad cross-section of some of the ICT sector's most innovative companies.

Fundamentally, the process we are in the throes of was undertaken to ensure access to works by the visually impaired because the normal operation of the market has failed to deliver adequate access.

The process was *not* undertaken to renegotiate the Berne Convention or the TRIPS Agreement. This instrument aims to provide access that Berne and TRIPS already allow, *but do not require* contracting parties to grant. For this reason, copying and pasting from these other instruments à la carte such as by including not one, but three versions of the three-step test is both unnecessary and counterproductive.

Similarly, this process was *not* undertaken to protect the interests of any industry sector, whether that is film producers, music producers, or the ICT sector, through the inclusion of their favourite provisions from other treaties. The suggestion that provisions like the three-step test must be included here because some countries are not Berne or TRIPS parties is unconvincing: a dwindling 14 nations are not in the WTO or in the process of joining the WTO, and thereby TRIPS.

Finally, this process was *not* undertaken to regulate the blind community through complex restrictions on access. Ultimately, representatives of that community - not publishers - should be the judge of a simple benchmark: Does the provision facilitate access, or does it not? If not, then it should be amended until it meets their needs or deleted. We urge all member-states to also ask themselves: does this instrument overall limit the freedom they have to help the blind over what they have were they not to sign it? We would suggest that if that's true, there's a fundamental problem with the text.

Some stakeholders suggest that this treaty should balance the needs of the visually impaired and the rights of publishers and authors. This mistakenly implies the interests of both cannot be simultaneously served, and fundamentally misunderstands that the process is *not* intended to serve publishers or authors. It is intended to serve the visually impaired population those publishers have failed. International law already fully protects the interests of publishers and authors. As noted before, no new exceptions are required to harmonize how nations implement one aspect of globally recognized exceptions for fair practice, fair dealing, and fair use. Therefore, there is no need for new protections.

We should avoid such extraneous provisions lest they produce unintended consequences. The more complex the agreement becomes, the more likely it will lead to legal uncertainty; keeping it simple and straightforward is the most effective way to avoid both of these undesirable results and have a result which is most effective for those it is intended to help.

The international copyright system needs many things, of which a complete resolution to the issues of access for the visually impaired is but one. What it doesn't need in our view, is further complexity or uncertainty.

Thank you for the opportunity to speak today, Mr. Chair.