

**Meeting the needs of Visually Impaired Persons: What challenges for IP?
Needs and Expectations of Rightsholders
Speech by Herman P. Spruijt
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1. Thank you for inviting me. It is a great honour to be here today. We are delighted that this important issue of access for visually impaired persons receives such prominent attention. We believe this debate is important for two reasons:
2. Firstly, because the issue of access for persons with disabilities is an incredibly significant. Society must be accountable on how it supports all its members, and how it enables them to develop their full potential both as human beings and as productive members.

As we all experience this is a time of opportunity, because technology makes it possible to make real progress in this area. We as publishers are willing to contribute our fair share to this effort.

3. Secondly this issue is also very important because in this single issue, and the debate that we are having at WIPO, we can see exemplified what can happen when a complex and multi-faceted issue is debated within an organization at first impression with a focus on a single aspect of the issue, such as WIPO on intellectual property.
4. But first I have been asked to explain the needs and expectations of publishers. As publishers, our messages to WIPO member states are very simple:

1. Publishers ask that the complexity of disability access is recognized, and the fact that we are navigating in a fast moving stream of technological developments.
2. Publishers see the best possible solutions to be found in flexible solutions that encourage collaboration and win-win rather than artificial polarization.
3. Publishers ask WIPO member States to ensure that the issue of disability access is not misused to discredit rightsholders or copyright itself. We are also a force for social good and public interest!

As commercial organisations publishers care greatly if any person about access. But publishers are more than just commercial entities. We are passionate about books and care about reading, just like book shops, libraries, and, most importantly, our authors. It is the entire book sector that has always embraced the special moral calling to support those who wish to read our books but are not able to, whether the reason is censorship, illiteracy, poverty or disability.

5. In the ongoing dialogue which rightsholders and disability charities have at national, regional and international level, publishers find that we have far more things in common. I would like to highlight three shared beliefs:
 1. A high priority given to market driven solutions,
 2. The belief in the potential of technology to solve many issues, and
 3. The need to develop and strengthen the role of trusted intermediaries.

6. A written record of my speech will go into finer detail. In the shortness of time available I would like to highlight the experience and the process my own home country, the Netherlands, has developed to address such complex issues: the so-called “Polder Model”
7. The Polder Model has developed over more than 500 years under unusual circumstances: the universal threat of rising waters, a lack of central authority and numerous diverging individual interests. The polder model demonstrates that consensus can be achieved if all diverging interests are brought to a table and talk until mutually acceptable solutions are found.
8. This may sound ineffective and counter-intuitive,, the Polder Model actually works, and one area where it has worked effectively is the area of access to books by persons with disability.
9. Since 1985 publishers and libraries have been providing access to visually impaired persons on the basis of an agreement, rather than a copyright exception. Today Dedicon, the umbrella organization of disability services in the Netherlands, has an ongoing relationship with the publishing and writing community. The agreement is constantly revised, the last formal revisions taking place in 2001 and 2007. The next evaluation will be at the end of this year (2009). As new needs or technologies emerge the implications for publishers are discussed and solutions found, often starting with thorough discussions that may lead to pilot schemes. This collaborative

procedure allows all sides to find their way and adjust and adapt as they learn about these new technologies. It is this ongoing dialogue which has been instrumental so that today, around 2000 VIP adapted Dutch titles a year are available to persons with print disabilities from around the world.

10. Can we use the polder model at WIPO?

What we as publishers like seeing now is that WIPO members are poldering in a way by consulting nationally to see where the obstacles of VIP access lie at a national level, what the real problems are and how they can be addressed.

Whilst the WIPO Standing Committee on Copyright and Related Rights is debating the merits of a treaty, the stakeholder platform is exploring other aspects of the issue and we are able to have discussions at expert level without the burden of politics that is always a threat in plenary debates.

I would like to congratulate WIPO for the wisdom of this consultative approach. Perhaps the multi-pronged approach at WIPO is a special form of the polder model. It emphasizes the use of experts and the commitment of resources and staff to analyze the problem and possible solutions. WIPO is clearly looking for solutions that all find satisfactory.

I would like to particularly thank Director General Francis Gurry for his personal commitment to this issue. He has been instrumental in calling all those together who value books and copyright protected works in the rising sea of disconnected information. Clearly he believes in the importance of access and reading and the important role of all stakeholders in this debate.

In the face of rising threats to copyright he has demonstrated through his actions that he too, perhaps inadvertently, is already following a polder model.

Thank you

Subjects missing: Share titles between countries cross border by agreements and licenses; effect of digitization of out of print books and orphan works.