



# Guidelines Project: Use of copyright material by people with print disabilities

February 2005

## Background

The Copyright Act currently contains provisions which allow certain institutions to supply copyright material to people with print disabilities in formats accessible to them. The provisions are contained in Part VB of the Copyright Act and are administered by Copyright Agency Limited. (An information sheet on the provisions is available from the Copyright Council's website).

In addition, there are other provisions in the Copyright Act which are not expressly for people with print disabilities but that facilitate their access to copyright material. These include the provisions allowing fair dealing for research or study, and the provisions allowing libraries to supply material for research or study. These general provisions do not expressly allow the reproduction of material in formats accessible to people with print disabilities.

The Copyright Act currently contains sanctions against the manufacture and supply of devices which may be used to circumvent technological protection measures intended to protect copyright, such as encryption. The Act allows the supply of such devices in certain circumstances, including to institutions assisting people with print disabilities. Under the Australia-US Free Trade Agreement (AUSFTA), Australia has agreed to extend these anti-circumvention provisions. In particular, the circumstances in which a circumvention device may be supplied will be much more limited, and there will be sanctions against circumvention technological measures designed to control access to works.

People with print disabilities have raised a number of concerns about limitations on their access to copyright material under the current law, and under the new law required by the AUSFTA. (Some frequently-asked questions, with answers, are set out on HREOC's website: [www.humanrights.gov.au/disability\\_rights/education/copyfaq.htm](http://www.humanrights.gov.au/disability_rights/education/copyfaq.htm)). In its pre-election arts policy, the Coalition promised to review access to material by people with print disabilities.

## Project objectives

The main objective of the project is to address concerns raised by people with print disabilities that certain material is unavailable to them because of their obligations under the Copyright Act.

The main outcome of the project will be guidelines for people with print disabilities about when they do and do not need a copyright clearance. The aim of the guidelines is to facilitate access to copyright material by people with print disabilities, while ensuring that the interests of copyright owners are reasonably protected.

## Project outline

The project will include the following:

- Production of a background document covering:
  - an overview of the current law in Australia in relation to the use of copyright material by people with print disabilities, including the specific provisions relating to use of material by people with print disabilities, the fair dealing provisions, the library use provisions, the educational use provisions and the anti-circumvention provisions;
  - an outline of the anti-circumvention provisions in the Australia–US Free Trade Agreement (which Australia has two years, from the agreement coming into force, to implement) and the possible implications for people with print disabilities; and
  - a comparison of the position in Australia with the position in some other jurisdictions, such as the United States, Canada, the United Kingdom and New Zealand.
- Consultation with representatives of people with print disabilities, and institutions assisting them, in order to:
  - ascertain current practices for making material available to people with print disabilities;
  - ascertain current copyright management practices by institutions assisting people with print disabilities: when a statutory licence or exception is relied upon, when a copyright clearance is sought, and when material is not used because of copyright concerns; and
  - identify areas of concern about use of copyright material, and circumvention of technological protection measures, by people with print disabilities and people assisting them.
- Consultation with representatives of copyright owners – in particular the Australian Publishers Association, the Australian Society of Authors and newspaper publishers – to identify current practices relating to licence requests relating to use of their material by people with print disabilities, areas of concern relating to use of copyright material – and circumvention of technological protection measures – by people with print disabilities, and areas of activity for which they are happy to give “blanket” permission;
- Consultations with other relevant bodies, including the Commonwealth Attorney-General’s Department and the Department for Communications, Information Technology and the Arts;
- Producing guidelines for people with print disabilities, and those assisting them, about when they do and do not need a copyright clearance – having regard to statutory provisions and the outcomes of the consultations with copyright owners regarding “blanket permissions”;
- Obtaining endorsement of the guidelines from relevant organisations representing people with print disabilities and copyright owners;
- Producing guidelines for digital publishers who want to make their material available in a form accessible to people with print disabilities;
- Disseminating the guidelines to relevant people and institutions in a digital form accessible to people with print disabilities;
- Determining whether copyright owners would support an application on behalf of people with print disabilities for an exemption from their obligations under the anti-circumvention provisions required by the Australia–US Free Trade Agreement.

## Timeframe

The project will commence in early 2005, and be completed by September 2005.

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## Australian Copyright Council

The Australian Copyright Council is a non-profit organisation whose objectives are to:

- assist creators and other copyright owners to exercise their rights effectively;
- raise awareness in the community about the importance of copyright;
- identify and research areas of copyright law which are inadequate or unfair;
- seek changes to law and practice to enhance the effectiveness and fairness of copyright;
- foster co-operation amongst bodies representing creators and owners of copyright.

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