



FONDATION



1929, av Bayview Avenue
Toronto, ON M4G 3E8
416.486.2500
1.800.563.2642
cnib.ca • Inca.ca

Copyright Act Review: A Submission from CNIB

About CNIB Foundation

Celebrating 100 years in 2018, the CNIB Foundation is a non-profit organization driven to change what it is to be blind today. We deliver innovative programs and powerful advocacy that empowers people impacted by blindness to live their dreams and tear down barriers to inclusion. Now, as we enter our second century of operation, we're going to be even bolder in tackling the issues before us.

Accessible Books

Canadians with a print disability, such as sight loss, rely on alternative-format materials to read. These may be braille, DAISY audio books or accessible electronic text. In Canada, there are an estimated three million people living with a print disability, but only a fraction of printed material is available in accessible formats. Worldwide, people with print disabilities, including sight loss, have access to an estimated 7 per cent of all literature. In developing countries, this number is lower than 1 per cent.

Access to reading material in an accessible format is important for many reasons. Having access to published materials is essential to living full and satisfying lives. On average, Canadians with sight loss have a full-time employment rate of 28 per cent. For those who are unable to access published content, it makes it harder to succeed in education, to experience culture with the rest of society, and to enter the job market. It is a fundamental right of every Canadian to be able to access books and information in formats they can read.

According to the Canadian Association of Publishers, more than 10,000 books are published in Canada each year¹. Under current copyright requirements, Canadian publishers, including those who receive Heritage Canada funding, are not required by

¹ Association of Canadian Publishers. 2018. <https://publishers.ca/get-published/>



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law or regulation to make these books available in accessible formats. As a result, the gap continues to grow as literary and scholarly works are published each year.²

Recommendations

CNIB believes all books should be born accessible. Whether accessibility apps can be used simultaneously with e-books or braille/electronic braille files can be purchased, books must be accessible for Canadians with print disabilities.

CNIB recommends:

1. A copyright cannot be obtained for a literary piece unless it is produced in accessible formats.

CNIB recommends section 3, Copyright in works, be amended to include the addition of 3(2) so that 3(2) reads:

3 (2) For the purpose of this Act, a *copyright*, cannot be granted to a literary work unless the production of such a work is done in an alternate format for persons with a print disability.

Conclusion

Given the abundance of resources to produce accessible books, why is this still an issue? Future generations will need to compete in a faster-paced world, thus, the need to have accessible books available at the same time as conventional materials could not be stronger. There is an urgent need for the federal government and publishing companies to act now to ensure all books are born accessible. Canadians with print disabilities, including sight loss, need the same opportunity to literature as other citizens.

² This has been referred to by the World Blind Union, an international coalition of blindness organizations, as the “book famine”.



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Accessible Books – FAQ

What is a print disability?

As defined by the Copyright Act a print disability is:

“a disability that prevents or inhibits a person from reading or hearing a literary, musical, dramatic or artistic work in its original format, and includes such a disability resulting from severe or total impairment of sight or hearing or the inability to focus or move one’s eyes, the inability to hold or manipulate a book or an impairment relating to comprehension³”

Is reading really a right?

Yes – undeniably.

Under Section 15 of the Canadian Charter of Rights and Freedoms, all citizens are guaranteed equal rights regardless of factors such as disability. This includes the right to access books and information – and all the opportunities for education, employment and community participation they lead to.

Meanwhile, Article 9 of the UN Convention on the Rights of Persons with Disabilities requires Canada, as a signatory to the convention, to take measures to ensure that people with disabilities have equal access to information and communications.

Can't print-disabled people just use regular audiobooks, or e-books?

Just because something is audio, or digital, doesn't mean it's accessible. We don't always read books in a linear way, from start to finish, without interruption. We pick them up and put them down; skim over the content to find just what we're looking for; flip back and forth to remind ourselves what we just read. Sometimes we start in the middle of a book, or even at the end.

³ <https://laws-lois.justice.gc.ca/eng/acts/c-42/FullText.html>

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Reference manuals or text books are rarely read in a linear fashion. Even if such a book is read aloud, navigating its content is only possible if the material is structured (e.g. DAISY file).⁴

Most readers do this by sight. Print-disabled readers do it by technology – meaning their books must be formatted to make them accessible and navigable in this way. Most audio and digital books that are available commercially do not have accessibility features to help with navigation.

Do people even still read braille?

Absolutely. Without question, braille is more important and relevant than ever. For people who are blind, braille is the key to literacy, leading to successful employment and independence. It provides the tools to read and write independently, and helps build skills in spelling, grammar and punctuation. And just like printed books, the production of braille is evolving with developments in technology – from embossed-paper forms, which many still prefer, to "e-braille" accessed through specialized assistive devices. Today, the tools necessary to produce braille make it possible to do so with increased efficiency and higher quality. The technology has become less expensive, including free translation software, and the devices to emboss hardcopy braille are more affordable.

⁴ The DAISY standard is maintained via an international consortium of publishing and accessibility organizations. See: daisy.org/publishers for more information.