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*Satellite Meeting: Library Services to People with Special Needs & Libraries for Children and Young Adults Sections*

*“Inclusive Library Services for Children and Young Adults”*

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## Accessible Books for All

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### Abstract:

*There has been a shift in the way people access information: e-books and the widespread use of graphics to convey information have created a “new normal” for how many people read and learn. While these resources are readily available, too many of them are not accessible to people who have a disability that prevents their use of printed material. As a result, people with disabilities such as vision impairments, physical limitations and severe learning disabilities often face barriers to information. Benetech/Bookshare has partnered both with US and international partners to provide free access to over 400,000 books, periodicals and more to qualified library patrons. In this session participants will hear about some new agreements and opportunities to provide accessible e-books to their qualified library patrons through a variety of technology platforms*

**Keywords:** Accessible, digital materials, Marrakech, disability

*Helen Keller once described literature as her utopia, books, her friends. As I discovered the joy of reading for myself, I too came to share this sentiment. Braille books saved me from the isolation and despair threatening to consume me following the day in the fifth grade when my world suddenly grew dark and silent forever. I became an insatiable reader. All too soon, however, I realized the frustration and disappointment others have described: not all books are accessible to one who reads with her fingers. You, Bookshare, help to change this reality for those of us who read other formats, and I am inexpressibly grateful. With my portable Braille computer, I can quickly and easily download literature and read to my heart’s content. This access to books has given me a wonderful opportunity: to flourish despite my*

*disability. I can enlighten my mind, enliven my spirit, and, in a way, experience what I never could. In this world, in which I am at an inherent disadvantage, I may participate, and, one day perhaps, contribute to its betterment.* – Bookshare member

People with print disabilities (blind, low vision, learning disabilities and physical disabilities that impede the ability to read traditional print books) deserve equal access to the treasure of a high-quality education and the joy of gaining knowledge through books. Access to knowledge through the ability to read is a basic and transformational human right, the critical first step on the path to economic, educational, and social development. Globally, many people with disabilities are left behind because of the impact that a visual, physical, or learning disability has on their ability to read. For these people, the inability to use standard printed materials causes great inequalities that contribute to their educational and social challenges, both in school and beyond.

The disparity between people with disabilities and those without is striking. According to the 2013 Disability Status Report, 24% of adults with visual disabilities did not finish high school, as compared with only 10% of adults without a disability. Similarly, according to a 2014 report by the National Center on Learning Disabilities, 7% to 23% of secondary students with learning disabilities received very below-average scores on academic performance, compared to only 2% of students in the general population. And now, due to sweeping changes in technology, there are both new opportunities for equality and serious threats that could widen the gap between people with disabilities and their peers. Technology is driving an unprecedented wave of change in educational materials and their delivery and consumption. We believe all people deserve access to high-quality materials that support the learning process, so we must ensure that these exciting technological innovations are leveraged to their fullest to include all people with print disabilities.

### **Ending the “Book Famine” and Improving Accessibility**

Technological advances are primed to open up opportunities for people with disabilities to access books, however, hundreds of millions of people around the world cannot access the nearly 95 percent of all published knowledge that is “locked” in printed form, according to the [World Blind Union](#). They struggle to read due to print disabilities and because they are unable to read printed text, and therefore they face enormous barriers accessing educational and employment opportunities.

One way to provide equal access to information for people with print disabilities is through an exception to copyright law that allows books to be converted into accessible formats without repercussions from copyright holders. Without copyright exceptions, the process of providing books to people with print disabilities, especially across borders, is difficult and time-consuming, and often is regarded as making unauthorized copies of copyrighted works. While a copyright exception like the U.S.’s Chafee Amendment allows librarians and nonprofit organizations like Bookshare to make material accessible for people with print disabilities, the process of reproducing books and making publisher requests is often government funded. Frequently, that funding is constrained to only make accessible books available within that country’s borders.

Even if libraries have accessible versions of books, they usually cannot export those accessible versions to readers who need them in other countries. When no copyright exception exists, organizations must ask and wait for a publisher’s permission to reproduce a work nationally; the publisher can refuse such permission, or simply ignore the request. The

process is even more time-consuming and complicated when cross-border transfers are involved. The time commitment is multiplied for countries with large publishing industries, whose books are in high demand by readers in other countries.

Because the process of obtaining approval is slow and labor-intensive, access to books by people with print disabilities is uneven. In many wealthier countries, national libraries have built their collections organically by manually recording audio books and transcribing books into braille. In countries that lack significant funding for national libraries, accessible collections are meager, sometimes consisting of fewer than 100 braille or audio titles.

To make it easier to reproduce and distribute published works in formats accessible to people who are print-disabled, the [Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled](#) (the “Marrakesh Treaty” or “Treaty”) was adopted in 2013 and became effective in 2016. The Treaty creates mandatory limitations and exceptions to copyright rules, both domestic and cross-border, for the benefit of people with print disabilities worldwide. In the 38 countries that have ratified the treaty as of May 2018, libraries and organizations serving the disabled can now create and distribute accessible books to people with qualifying disabilities and to organizations serving them, in their country and in other ratifying countries.

The Marrakesh Treaty is a significant step toward ending the “book famine” affecting people with print disabilities. As countries ratify the treaty, they implement copyright exceptions and allow for cross-border transfers, enabling qualified people in other countries to access these books. Countries with large libraries can expect to receive many requests for books, especially if they have books in languages widely used in multiple countries such as English, French, Spanish, Portuguese, Russian and Mandarin. The requests can add to librarian workloads and result in lengthy delays in responding to readers; requests can also strain budgets of government-funded libraries who make the choice to fulfill book requests from people outside their home countries.

To reduce the time and work involved in delivering books to readers with print disabilities, librarians, educators and organizations need highly efficient systems for handling the production, storage, and transfer of millions of books to millions of readers with disabilities in scores of countries. At the same time, these professionals and their organizations need to comply with local, national, and international law, striking a balance between the reading needs of people with disabilities and the rights of content creators.

## **An Introduction to Bookshare**

[Bookshare](#) is a project of [Benetech](#), a nonprofit that empowers communities with software for social good. Bookshare provides access to a growing collection of more than 600,000 ebooks in the United States and 400,000 internationally, that can be distributed in formats such as audio and braille to match readers’ needs.

Bookshare has delivered more than 12 million books to people with print disabilities all over the world. Using Bookshare materials, more than 500,000 people in more than 80 countries now can enjoy books on computers, MP3 players, smartphones, tablets, and dedicated assistive technologies such as refreshable braille displays.

Bookshare operates in the U.S. under an exception in the U.S. copyright law, 17 U.S.C. § 121, commonly known as the Chafee Amendment. This exception grants certain nonprofit

organizations the ability to make books available to people with print disabilities without publisher permission, as long as they are only available to people with verified disabilities. Bookshare converts printed books to accessible ebooks under this copyright exception; approximately 80,000 of the books in the American Bookshare collection are in this category.

Bookshare India operates under India's copyright exception, Section 52(1)(zb) of the Indian Copyright Act. Most of the 2,500 accessible ebooks we've created in India have been produced under the Indian copyright exception.

Bookshare also places roughly 7,000 new books in the collection each month through the voluntary support of publishers. These publishers supply high-quality digital versions of their books, as well as provide permissions to export these books to other countries. To date, Bookshare has partnered with more than 850 publishers who contribute their digital content to Bookshare in support of its social mission. Together, Bookshare's publisher partners have made over 400,000 titles available around the world. Bookshare also has a large amount of educational content for all grades in math, literature, sciences, social studies, and other subjects, making it an ideal collection for students; our work with trade publishers rounds out the collection, making it desirable for people of all ages. This is particularly valuable to Bookshare members who are now empowered to read new titles side by side with their peers. While the collection is heavy in English-language content, there are over 30,000 titles in 33 other languages with over 13,000 in Spanish alone.

## **How Bookshare Implements the Marrakesh Treaty**

Much in the same model as the Chafee Amendment to U.S. copyright law, the Marrakesh Treaty facilitates access to published works by people with print disabilities worldwide. Countries that want to participate in the treaty must implement a standard set of limitations and exceptions to their copyright rules to permit reproduction and distribution of published works for people with qualifying disabilities.

The treaty also enables authorized entities (such as libraries and disability organizations) to transfer books across borders to people with print disabilities or to organizations, as long they are in a ratifying country (the recipient needs to be in a ratifying country as well) and are compliant with their own practices in several areas. Examples of such practices include providing services only to certified permitted users, discouraging unauthorized uses of copies, and maintaining "due care" in handling copies of works.

Bookshare's methodology supports both national (within a single country) and cross-border distribution of accessible books. As one of the prototype services envisioned during the Marrakesh Treaty negotiations, Bookshare already implements all of the requirements of the Treaty. This makes it easy for Bookshare to comply with national copyright laws that are intended to comply with the Marrakesh Treaty, which means Bookshare can provide locally sourced titles to individuals in the country that created that accessible work. Bookshare can combine publisher requirements and distribution rights, typically on internationally distributed materials, along with national disability laws, to easily incorporate locally published material, resulting in legal access to the most content for the most people.

The Bookshare membership model can be adapted easily per national requirements, where a proof-of-disability is required. Books added to the local collection under local copyright exception will be made available locally. Any book added to a local collection under copyright exception in one ratifying country can be made available automatically to eligible

users in all ratifying countries. Bookshare ensures the transfer is only to people with disabilities or to authorized organizations in ratifying countries.

Each book entered into Bookshare is protected from unauthorized distribution. Bookshare implements a [social digital rights management and digital watermark plan](#) that typically exceeds national requirements for encouraging compliance with distribution restrictions.

For permission-based titles provided voluntarily by publishers, the geographic restrictions provided by publishers will determine where that book is available. A book that is not available in a country will not be displayed in Bookshare search results there.

Bookshare's collection, a blend of permission-based and copyright exception-based books, maximizes the number of books available to members in each country. The distribution rights are invisible to the registered user: if they can see a book in standard search results, they will be able to download and read it.

## **Bookshare Worldwide**

Bookshare currently operates in more than 80 countries and has the capability to deliver books to any country in the world. Bookshare technology uses title metadata, such as publishers' geographic permissions and locally scanned titles' copyright exceptions, to customize what is available and visible to users in each country. This process enables hundreds of thousands of books to be distributed legally on a country-by-country basis.

Several large institutional libraries use Bookshare's technology. In the United Kingdom, for example, Bookshare powers the library for the Royal National Institute of Blind People (RNIB), providing development, member management, book intake, format conversion, fingerprinting for digital rights management, and electronic distribution via the RNIB website and partner applications. RNIB readers can access the RNIB collection, as well as the Bookshare collection, with appropriate qualifications. Books entered into the collection via copyright exception in the UK are limited in distribution to the UK, and books added through publisher permission are available in other countries subject to the distribution rights provided by the publishers.

In Canada, Bookshare hosts the collection of the Canadian National Institute for the Blind; books are distributed through the Centre for Equitable Library Access (CELA). In India, Bookshare partners with the DAISY Forum of India to provide Bookshare services. The same capabilities that benefit the RNIB are available to CELA and in India, enabling both national collections and international transfer of books.

Because so much of our larger collection is provided by publishers where we need to have proof-of-disability for access, we work with international partners to provide a proof-of-disability certification for individuals to access the large Bookshare collection. At a country level, we can implement more flexible rules for access to books sourced under national laws for national collections hosted by Bookshare. For example, self-certification of disability is accepted under UK practice, but not in the United States. Our UK implementation supports UK practice, as developed in partnership with the RNIB.

We are looking to expand our ability to support both established countries as well as provide low cost solutions to developing nations. By piloting a "pay what you can model" in some developing nations, we will test to see if this model can be self-sustaining. Each of the piolet

countries would have access to Bookshare books through mother-tongue and sponsored websites. Bookshare and local content will be converted into multiple formats, and we will distribute the books according to the distribution rights provided by a local partner or local copyright exception. Additionally, if the country is a Marrakesh ratifying country, we can distribute books directly to members in all other ratifying countries. This will enable us to network libraries to provide the largest number of books to the largest number of people.

## How Bookshare Distributes Books

Bookshare members read books directly in their web browsers, or download material in a compressed, encrypted file to read using mobile devices, tablets, computers, or assistive technology. Bookshare readers can search the collection through reading apps or through the Bookshare website, locate the book they want to read, and read that book in a web browser or download it to a device.

Bookshare transfers books in numerous formats. Every e-book received from a publisher is converted to DAISY, BRF, synthetic speech, large print, MS Word, and EPUB3. Titles received in specialized formats, such as PDF, human-narrated audio, or human-transcribed braille are either attached to the existing e-book or put in the collection in the format in which they are received. Each of those formats contains the fingerprinting and other digital rights management components that are intended to limit distribution only to qualifying individuals.

## Bookshare Options for Libraries

There are three ways for libraries and other organizations to work with Bookshare and provide access to books under the Marrakesh Treaty:

**Access the Bookshare collection:** Libraries can provide access to Bookshare content, allowing readers to search for and request titles from their library or directly through from Bookshare. Bookshare requires users to certify their eligibility to access the collection.

**Allow Bookshare to host a collection:** The Bookshare Private Label Solution provides libraries and organizations with an advanced platform, built on Benetech technology, for hosting and distributing accessible content to qualified users. With this approach, libraries can put their own brand on world-class technology that manages the input, conversion, storage, and distribution of their collection, enabling the library to focus on collection development and member outreach rather than on technology development. Libraries using the Private Label Solution can choose the access rules they want to apply to their collection.

**Federate a collection:** By providing access to a collection, Bookshare can federate the local collection with other collections – making a larger collection available to readers in ratifying countries. Titles are added to a Global Accessible Library index, which means the number of available titles around the world is increased. Each title added with multinational distribution rights provides another reading opportunity for a person with a print disability. Bookshare can, but does not need to, host a collection in order to federate it. Books in the federated collection will inherit the distribution rights from the original collection; if those books are from a ratifying country, they can be automatically made available to people with disabilities in all ratifying countries without intervention from staff.

The options above can all operate together, or organizations can choose to implement one or two approaches.

Benetech/Bookshare has partnered both with US and international partners to provide free access to over 400,000 books, periodicals and more to qualified library patrons. In this session participants will hear about some new agreements and opportunities to provide accessible e-books to their qualified library patrons through a variety of technology platforms.