

United States Senate

WASHINGTON, DC 20510-1502

COMMITTEES:
AGRICULTURE

APPROPRIATIONS

HEALTH, EDUCATION,
LABOR, AND PENSIONS

SMALL BUSINESS

March 30, 2012

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Obama,

I write to express my support for an international treaty to expand access to copyrighted information for people with disabilities around the world.

Blind people and others with print disabilities now face daunting challenges in obtaining access to accessible formats of copyrighted works in many parts of the world. The barriers to such access are in part due to two different factors. First, according to the World Intellectual Property Organization (WIPO), many countries have inadequate or no statutory rights for people with disabilities regarding access to information. Second, most countries that do provide for exceptions in copyright for people with disabilities do not permit the export of copies of works in accessible formats to foreign countries, leading to costly duplication of efforts in an area where resources are limited. As a result, people with disabilities have very limited access to accessible formats of copyrighted works. These disparities are particularly severe for people living in developing countries, or for people who need to access works in different languages.

Beginning in 1982, WIPO has considered various proposals for new global norms to ensure that people with disabilities have more equal access to knowledge. Since 2009, WIPO has made considerable progress, and in December 2011 the WIPO Standing Committee on Copyright and Related Rights (SCCR) agreed upon a negotiating text to be considered at its next meeting, in July of this year, "with an aim to agree and finalize a proposal on an international instrument on limitations and exceptions for visually impaired persons/persons with print disabilities."

I urge the Administration to work to achieve the following objectives in this negotiation:

1. Provide for robust minimum global standards for the rights of people with disabilities that do not diminish the rights that persons with disabilities have under current U.S. law.

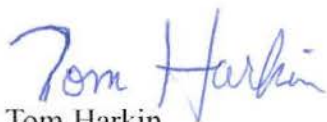
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2. Provide for adequate assurances that responsible entities can export and import accessible versions of protected works, without overly burdensome procedures and obligations.
3. Ensure that the provisions of the treaty will protect the rights of people with disabilities to have access to works that are published in both paper and digital formats.
4. Strike the right balance between global standards and national flexibility to permit countries with different legal traditions to develop efficient and effective global distribution systems to expand access to accessible formats of protected works for people with disabilities.

Such measures are particularly appropriate given the requirements of the UN Convention on the Rights of Persons with Disabilities, including, for example, Article 21, which says "State Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice," and Article 30.3, which says "State Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials." A new WIPO treaty on accessible materials for people with print disabilities is an opportunity to elevate and specify what the UN Convention means for the intellectual property norms globally.

Thank you for your leadership in promoting accessibility and equal rights for people with disabilities around the world. If any of the officials working on the issue would like to discuss this matter, please have them contact Andrew Imparato on my HELP Committee staff at Andrew_Imparato@help.senate.gov or 202 224-8535.

Sincerely,



Tom Harkin
United States Senator

CC:

Director David Kappos
Under Secretary of Commerce for Intellectual Property
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