



# **Submission for the Copyright Review: Trinity College Dublin Disability Service and Trinity Inclusive Libraries Oversight Committee.**

**Michelle Garvey, Inclusive Curriculum Development Officer, TCD.**

**Declan Treanor, Director, Disability Services, TCD.**

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This document is available in alternative format upon request and is on the College Disability Service webpage at: <http://www.tcd.ie/disability/banner/Links/Conf-papers.php>

**Response primarily directed to Q. 56D:** Should all of the exceptions permitted by EUCD be incorporated into Irish law, including: reproduction for persons with disabilities?

**Introduction:**

This submission is made on behalf of the Trinity College Dublin Disability Service and the Trinity Inclusive Libraries (TIL) oversight group. The TIL oversight group, comprising members from the Library and Disability Service, seeks to create an inclusive library environment where all readers can access all resources, whether printed or electronic. Trinity College Dublin is an inclusive learning environment and wants to attract disabled students and staff. We presently have the highest number of disabled students studying in any university in Ireland (Ahead third level participation survey, unpublished 2011). The TIL Oversight group has been working to develop a model for provision of information in alternative format that will resolve issues around the acquisition and accessibility of alternative format texts. This relates to section 104 of the Copyright Act.

**Key points:**

We are satisfied with the proposed changes to section 104 of the Copyright Act and note it clarifies when and who may make an accessible copy, and to whom it may be lent or transferred. The ability to retain accessible intermediate copies and to lend / transfer them to other designated bodies is important as it is both costly and time consuming to create accessible copies as requested by each individual.

We note however that proposed changes make no reference to the availability of intermediate electronic versions of resources. Without access to intermediate electronic versions, accessible formats are produced through a process of dismantling texts, scanning them page by page, converting them to word documents for editing, and rebinding the text. This does not comply with the principles of universal design, it is costly both financially and in terms of time, and it disadvantages print disabled readers who may have to wait weeks to access resources their peers can access immediately.

We therefore recommend that:

- publishers are given an anticipatory duty to retain intermediate electronic versions of resources that can be supplied in a timely manner when requested for the purpose of creating an accessible resource for a person with a disability who is the owner or lawful user of a work in accordance with section 104 of the Copyright Act.
- the intermediate electronic documents follow an agreed standard to ensure accessibility.

## **Context**

By May 2012 there were 950 students registered with the Disability Service, Trinity College Dublin, and this is likely to grow further in line with the Higher Education Authority National Access Plan (HEA 2008) which seeks to double the number of students with sensory, physical and multiple disabilities in higher education.

Students with print disabilities have difficulty in reading the written word as presented in a conventional way, such as hard copy books and documents. Therefore they require an 'alternative format' or alternative mode of access to this material. Like all students, those with a print disability need access to different types of printed material including books e.g. core texts and journal Articles.

Usually, but not always, access to alternative format materials involves audio access, mostly using text-to-speech software. However, depending on their disability, students might also use other faculties such as sight (e.g. large print for visually impaired students) or touch (blind students using a Braille-display). When providing materials in alternative format, the first step is always the acquisition / creation of an intermediate electronic version of the resource, as electronic texts have the potential to be converted quickly and easily into the format required by the student.

The Copyright and Related Acts 2000 allows TCD to produce materials published in Ireland in accessible formats without express permission from the author or publisher as per section 104 “Provision of modified works”. It has been proposed to strengthen this exception in the revised act. The proposed changes to section 104 clarify when and who may make an accessible copy, and to whom it may be lent or transferred. The ability to retain accessible intermediate copies and to lend / transfer them to other designated bodies is important as it is both costly and time consuming to create accessible copies as requested by each individual. However, while strengthening this exception, the Copyright Act makes no reference to the availability of intermediate electronic versions of the resource. Therefore, while we are satisfied with the proposed changes to section 104 of the Copyright Act we believe that it could go further to ensure the rights of disabled users are recognised and their needs met.

### **Intermediate Electronic Versions**

Without access to intermediate electronic formats from publishers, TCD produces accessible formats through dismantling texts, scanning them page by page, converting them to word documents for editing, and rebinding the text. This does not comply with the principles of universal design (see appendix 3) making the end user completely reliant on others to access resources. Furthermore, it is costly both financially and in terms of staff time, and it disadvantages print disabled readers who may have to wait weeks to access resources their peers can access immediately. Both the costs and the waiting period would be reduced substantially if publishers were to make an intermediate electronic copy available. We recommend that publishers be given an anticipatory duty to hold intermediate electronic versions of resources that can be supplied in a timely manner when requested for the purpose of creating an accessible resource for a person with a disability who is the owner or lawful user of a work in accordance with section 104 of the Copyright Act.

Furthermore, to be accessible, an intermediate electronic version must be structured in a format that allows all information to be read (e.g. removing columns; describing tables, graphs and pictures; cutting notes and footnotes and placing in the relevant point in the text; inserting page numbers to allow for referencing etc.). Digital Word

versions are obviously the easiest to 'additionally' format but clearly-designed (simple layout) readable pdfs are the easiest for a vision impaired student to navigate without any formatting. We recommend that the intermediate electronic documents follow an agreed standard to ensure accessibility. This standard should be future proofed as far as possible against technological changes and be usable with standard processing systems (e.g. Windows and MAC OS).

## Appendices

### Appendix 1 - Alternative formatting costings

Between 2009 and 2011 the TCD Disability Service has spent the following on alternative formatting for print disabled students:

2009 – 8,154 euro

2010 – 9,766 euro

2011 – 13,778 euro

\* Data gathered from TCD's annual return to the HEA.

These figures relate to the cost of dismantling texts, scanning them page by page, converting them to word documents, rebinding the text, and editing the Word documents to be accessible.

### Appendix 2 – Suggestions for Accessibility Standards for intermediate electronic copies in PDF format

Ensure the intermediate copy of a resource has the following:

- A defined document structure, and therefore the option to navigate the document using bookmarks.
- A correctly tagged reading order, so that functions such as Reflow and Read Out Loud, as well as screen readers, can navigate through the document effectively.
- Appropriate alternative text for images.

Accessibility can either be built into a PDF before it is converted from Word or it can be built in after conversion:

#### **If converting from Word:**

Before converting a Word document to PDF ensure the accessibility guidelines for Word documents have been followed. These will cross over to the PDF.

Ensure the document has:

- formatting with Styles;

- the main body text set to an 'Int Normal' style so that it can all easily be changed to a different font or size;
- tables created using table tools, not tabs or spaces;
- text descriptions for images;
- text transcripts of sound files;
- a complete and correct copyright statement;
- "meta-data" with the correct title, author, ISBN etc.

**If scanning a scanned a document:**

Ensure you use optical character recognition software (OCR)

**If making an existing PDF accessible:**

You will need Adobe Acrobat Professional.

You must

- Tag the PDF layout - complex layouts including multiple columns, images, pull quotes and text boxes will disrupt the reading order of the document unless tagged correctly. This impacts Reflow functions and screen readers.
- Add headings and Structure - If a document is created without the proper use of headings and structure the document can be hard to navigate and access.
- Add alternative text for images - Alternative text is used to give a textual description to an image that cannot be seen.

For more see <http://www.tcd.ie/CAPSL/TIC/accessible-info/pdf/build-pdf.php>.

### **Appendix 3 – Principles of Universal Design**

Easy access to accessible intermediate electronic copies of resources for people with disabilities who are the owners or lawful users of work coheres with the seven principles of universal design.

- Principle 1: Equitable Use - The design is useful and marketable to people with diverse abilities.
- Principle 2: Flexibility in Use - The design accommodates a wide range of individual preferences and abilities.
- Principle 3: Simple and Intuitive Use - Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level.
- Principle 4: Perceptible Information - The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.
- Principle 5: Tolerance for Error - The design minimizes hazards and the adverse consequences of accidental or unintended actions.
- Principle 6: Low Physical Effort - The design can be used efficiently and comfortably and with a minimum of fatigue.
- Principle 7: Size and Space for Approach and Use - Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture, or mobility.

See: <http://www.ncsu.edu/project/design-projects/udi/center-for-universal-design/the-principles-of-universal-design/>



#### Appendix 4 – The Alternative Formatting Process in TCD

