

**PUBLISHER GUIDELINES  
for meeting the permissions needs of disabled people**

**January 2007**

These Guidelines have been developed by The Publishers Association after extensive consultation to assist publishers in responding effectively to requests on behalf of disabled people, particularly visually impaired people (referred to throughout as VIPs), to facilitate access to their material. It is hoped that these Guidelines will also be helpful in responding to requests on behalf of disabled people generally. It is the intention that these Guidelines can be refined and improved over time, and any comment or suggestion should be sent to Graham Taylor at the PA ([gtaylor@publishers.org.uk](mailto:gtaylor@publishers.org.uk)). The Guidelines derive from an initiative by the copyright committee of the academic and professional division, and thanks are due for their input, especially to Clare Hodder, Kevin Taylor, and Hugh Jones. Thanks are also due for valuable input from Alistair McNaught, TechDis Senior Advisor at the Higher Education Academy and to colleagues from RNIB. These Guidelines are offered as suggestions for good practice and do not constitute legal advice.

This guidance falls into two sections:

- Specific detailed guidance on granting permissions to Visually Impaired People, for whom the law offers significant accommodations.
- More general guidance on maximising the accessibility benefits of digital versions of text for users with disabilities other than visual impairment.

# **Guidelines for granting permissions to visually impaired people in the UK (and others who cannot access text)**

## **Publishers and Disabled People**

Under the Disability Discrimination Act 1995, it is illegal for ‘service providers’ to discriminate against disabled people (including visually impaired people (VIPs)). The legislation is mainly aimed at libraries, schools, shops, restaurants and hotels, but ‘service providers’ probably includes those who provide goods as well as services to the public, i.e. publishers of either printed or electronic books or electronic services such as websites.

‘Discriminating’ is widely defined as “treating less favourably”, or failing to make “reasonable adjustments” to account for the disability concerned. If necessary, a service provider must now provide “a reasonable alternative method” of making its services available to disabled people where a physical feature makes it impossible or unreasonably difficult for them to use them. Publishers are not required to produce Braille or talking book editions of every book published, but may rely on, for example, a reasonably accessible licensing scheme.

## **Copyright (Visually Impaired Persons) Act 2002**

VIPs now benefit from a copyright exception under the Copyright (Visually Impaired Persons) Act 2002. The Act in fact provides two different exceptions with slightly different conditions, as follows:

### **1. Single copies for personal use**

Individual VIPs may make, free of charge, single ‘accessible copies’ in other formats, such as Braille or for adapted computer use, for their own personal use, or they may ask others (such as teachers or librarians) to make such copies for them, without infringing copyright, provided that:

- The copies are made from lawfully acquired originals, are not adapted unnecessarily and are not passed on to others.
- The copies are accompanied by a statement that they are made under the Act, and carry a sufficient acknowledgment.

This means that individual VIPs, or those acting for them, no longer need to seek permission to make single copies for personal use. This applies to commercially published literary, dramatic, musical or artistic works and to published editions (i.e. typographical copyright), but it does *not* apply to recorded performances or databases.

## **2. Multiple copies for collective use**

Organisations such as the RNIB may make multiple copies for their members of the same copyright works if both of the provisos set out above are complied with, but *only* provided that no licensing scheme exists. In fact, a Copyright Licensing Agency (CLA) licence is now available, so organisations wishing to make multiple copies still need to seek permission, ideally via the CLA licence. Any copies made under this exception must incorporate any (or equally effective) copy-protection applied to the original, so far as reasonably practicable, unless agreed otherwise.

### **What this means in practice**

1. An individual VIP seeking to make a single copy for personal use does not now need to ask permission at all, provided the above conditions are complied with. However, if a VIP (or teacher, librarian etc. acting on the VIP's behalf) does ask for permission, a publisher may wish to issue a free licence so that they have a record of the use, or if the VIP specifically requests such a document for their own records. This need only be a very simple document confirming that the VIP has the right to make a copy and listing the above conditions.
2. Organisations seeking to make multiple copies still need a licence to do so, and should be referred to the CLA (whose address is: Saffron House, 6-10 Kirby Street, London EC1N 8TS: <http://www.cla.co.uk/>).

## **Access to Digital Files – a Feasibility Study**

As a result of discussions chaired by the DTI and involving RNIB, NLB, publishers and relevant trade associations, a Scoping Project began in 2006 to investigate the potential for bringing about a significant increase in accessible book products for VIPs.

Central to the project is investigation of the extent to which published material can be made available in digital form, then converted and processed into large print, Braille and audio products. Investigations will include looking at the feasibility of bringing these accessible products into mainstream bookshops as well as through existing distribution methods and new online services. The project involves a wide range of stakeholders and interests.

The project is being led by Steve Tyler at RNIB, who is the project sponsor, and managed by Jim Russell, an independent project manager. A steering group with broad representation and chaired by Michel Woodman, DTI has been established along with a smaller project management team with representatives from the Publishers Licensing Society, The Booksellers Association, Book Industry Communication and RNIB. These representatives are co-ordinating the input required from other organisations and individuals. The Feasibility Project will report in March 2007 and whatever it recommends will be subject to wider consultation and approval before subsequent implementation of recommendations.

## **Good Practice in Responding to a Permissions Request for Visually Impaired Use**

Remember that if the applicant is an individual seeking permission to convert a legitimately acquired book to accessible formats by scanning, they have a statutory right to do so anyway (subject to the conditions listed above) and can be told this in a brief e-mail or by way of a simple licence.

***Consolidate responses from your company.*** Try to ensure that everyone in your company knows that permissions requests of this nature should always be forwarded to the same department to ensure consistency of approach and careful record keeping. Well-meaning colleagues could easily send out files if they receive a request directly, which could cause complications. It may be helpful to post a clear contact for such requests on your website, with a link to RNIB for further advice.

***Respond promptly.*** You should aim to get back to the applicant as soon as possible to acknowledge receipt and advise next steps. If possible, you should aim to have fulfilled the request within two weeks of receipt, and all the better if you can do so sooner. Remember that learning support departments often have little notice, if any, that they need to prepare materials for someone with a visual impairment. In some cases, students can effectively be denied access to reading materials for weeks after their peers as a result of waiting for files, and in the worst cases don't get access to appropriate materials until after their course has been completed.

***Clarify what is being requested and the use to which the material will be put.*** It's worth doing this straight away to ensure you are providing what is wanted. The applicant does not have a statutory right to obtain an electronic file from you (only to scan from a legitimately acquired original), but in many cases you will be asked for an electronic file to facilitate the end-user's conversion of the book into an appropriate format. Sometimes you may find that you already publish an e-book version of the title in question, in a form that will be of use to the applicant, and in such a case you can simply suggest that they purchase the e-book. And sometimes you will be asked for permission to do things which are covered by a CLA licence - in which case you just need to explain the position to the applicant and point them in the appropriate direction. It's well worth picking up the phone for a discussion with the applicant if the request is at all unclear or you suspect the applicant is asking for the wrong thing or you think you can provide a better alternative.

***Always issue an appropriate licence if requested,*** and especially if you are supplying electronic files. Make it clear that the files are being provided for the sole purpose of making an accessible version of the content for a named visually impaired person for his/her own personal non-commercial use, and for no other purpose. Record details of the licence that has been granted and any files or other materials supplied. Security of files is an issue for publishers. Unfortunately locking up files with technical protection methods often means the file cannot be converted and renders it useless. In most cases therefore files will need to be sent out 'on trust'. A carefully worded licence outlining the terms and conditions under which material is being supplied and countersigned by the applicant will help ensure the

security of your files. [An example of such a licence is included in Appendix 1.] It is important to record what has been sent out and to whom, so that you are able to track back if any misuse is reported at a later date.

***Consider your policy on charging for provision of files.*** Some publishers issue files or other materials free of charge, others charge a recovery cost or handling fee, often equivalent to the cover price of the printed copy. Some publishers supply material free of charge but require that the applicant has purchased a copy of the book they wish to convert. It is really up to individual publishers to determine what they feel is appropriate. There is no statutory requirement to supply materials free of charge. However, it would not be appropriate to charge over the odds for supply of such material, and the 2002 Act also provides that copies made must not be charged at more than the cost of making and supplying them. Whatever the policy, be very clear about it from the beginning so the applicant knows what to expect. If the applicant is insistent on you providing a file in a format that you have to have specially converted and will incur additional cost, discuss that with the applicant and establish (a) whether it is necessary and (b) if they will accept a share, or the whole, of the additional cost.

***You do not need to provide Word files.*** These are frequently asked for but mostly not necessary. Learning Support Departments can usually convert PDFs into an appropriate format for the end user. If in doubt discuss the specific requirements with the appropriate technical people in your company and those of the applicant.

***Try to avoid licensing individuals.*** It is preferable wherever possible to license an institution or organisation rather than individual students or employees. In this way the institution or organisation takes responsibility for ensuring that the terms of any licence are adhered to and can provide confirmation that the individual is entitled to the licence.

## **Responding to those who are unable to access text by conventional means**

Disability legislation in the UK applies to all those who have a substantial, continuing disability which means they cannot carry out normal day to day activities. This almost certainly includes not being able to access content conventionally. There are many more people in education with these kinds of problems than there are those who are visually impaired and they have the same rights under general disability legislation but they do not benefit from the special copyright exceptions for visually impaired people set out in the Copyright (Visually Impaired Persons) Act 2002. Applications from these users should still be treated in a way that does not discriminate against them, although this may include access to reasonable alternatives, such as a licensing scheme.

## Maximising the accessibility benefits of digital text

[We are grateful to the TechDis service for supplying the text for this section.]

### Accessible texts – who are they for?

Traditional paper-based publishing can create problems, in terms of accessing the educational content, for a wide range of people. For example:

- Many readers struggle to effectively skim read written materials for key words or concepts.
- Many readers, particularly older or disabled readers, have difficulties with font style, size or contrast, making the text hard to ‘see’ and difficult to read.
- Many dyslexic readers can ‘see’ text but have difficulties in processing its meaning.
- Some readers have too little vision to see text.
- Some readers with motor control issues may have difficulties in handling a book or turning pages.

For all these groups the most significant drawback of traditional publishing is the inflexibility of the final medium. By contrast, text in digital form can be displayed in many ways (depending on suitability for the reader) or, if appropriate, read aloud by a software package.

As the implications of the Disability Discrimination Act become more apparent, more learners will be demanding digital versions of books. Tutors, librarians and disability officers will be actively seeking to meet this need. In fact, VIPs represent only 2.8% of disabled people in Higher Education.

### Altered Font Size and Style

Many readers – with or without a disability - can benefit from adjusting font size, style and colour contrasts. Those with modest demands can achieve this within existing software (e.g. Adobe® Acrobat Reader) but those with greater needs may need to use screen magnification software.

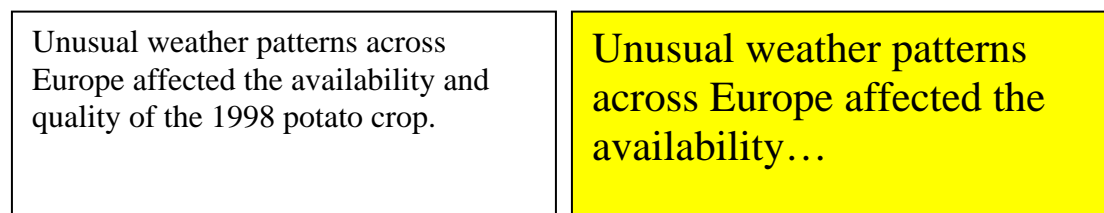
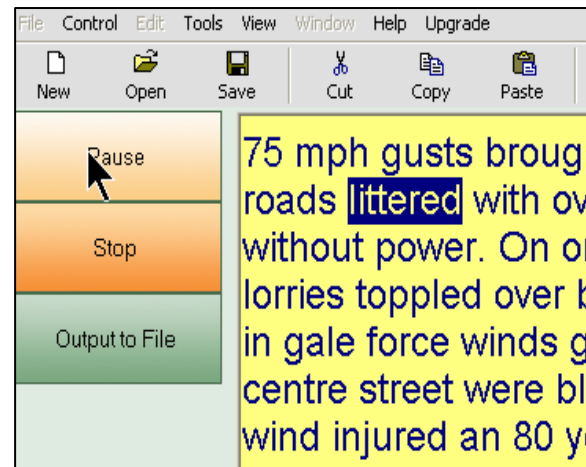


Figure 1 – Electronic versions of text allows user control

## Text-to-Speech

A range of users benefit from hearing the text read out to them. Text in digital format can easily be converted to speech using appropriate (and easily available) software. Now that free versions of text-to-speech software are available the demand to have text in a digital format is likely to increase substantially.

**Figure 2**  
Text-to-speech software can read content aloud to the user



## Screen Readers

For some readers with no vision the only realistic option for accessing content is to have an electronic version that can be read by a Screen Reader. A Screen Reader is significantly different from text-to-speech software as it not only has to read the textual content, it also has to provide navigation and structural information. For example, whether a line of text is a structural heading or just a short sentence and, if a heading, whether it is a sub heading or heralds a new chapter. If this vital information is available within the structure of the document it becomes considerably easier for a blind person to visualise the relationships between different concepts.

## What formats are accessible?

To be suitable as a medium for VIPs, the format used must be capable of being accessible. The format must also be popular with users and thus easy and familiar to those who will want to use it. Of all the many formats available this limits the candidates to a very familiar list: Microsoft® Word, Rich Text Format and Adobe® PDFs. There is one further format with an international standard called DAISY. This format, becoming popular in the United States and Scandinavia, has very big advantages but is currently far less familiar to UK users.

## The importance of structure

Most Screen Reader software will read from a block of text that has no inbuilt 'structure'. This can make it very difficult to understand the result if you cannot see the screen itself. For visually impaired users this lack of 'structure' can necessitate listening to the whole document in order to be sure of the content. For those with other reading difficulties it can present a mass of intimidating text. However, if a document has been created with inbuilt structure (headings, sections and bookmarks), a Screen Reader can interpret the parts of the document for the visually impaired reader. Structure also makes it easier for everyone to scan the publication for the part they want. Once a document has structure this is usually retained when formats are changed, so the earlier in the process this happens the less time it is likely to take to rectify later.

## Examples of structured and unstructured documents

Figure 3 shows a structured document in Microsoft® Word. The Document Map has been enabled and is showing the structure of the document in the left hand pane of the screen. The use of the Document Map enables a user to navigate to appropriate sections of the document via a collapsible/expandable menu which hyperlinks to document headings.

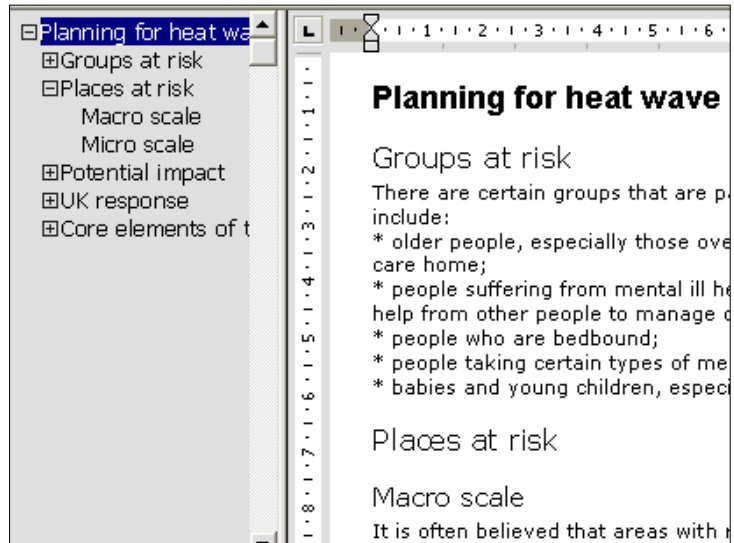


Figure 3 Document structured with styles

Figure 4 shows the same document in Microsoft® Word. The print versions (right hand side) look identical but, because formatting was used to define headings rather than structural styles, the Document Map cannot create an intelligent collapsible navigation navigable by a Screen Reader.

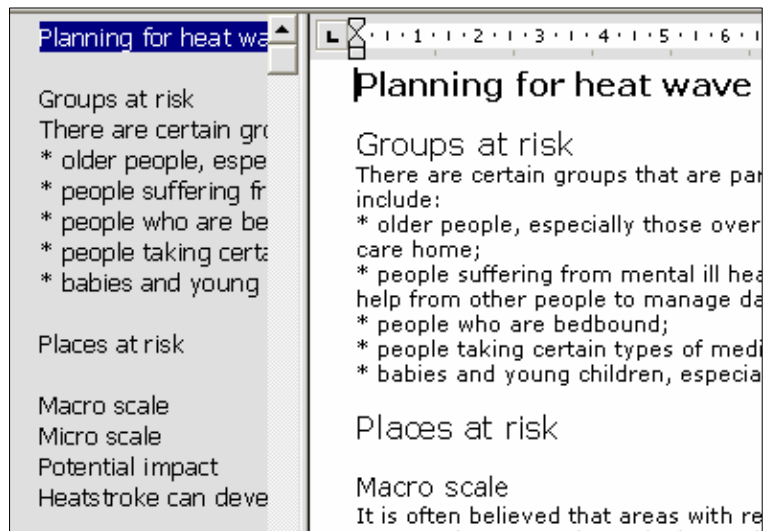


Figure 4 Unstructured document

### Where does the structure come from?

Sadly few authors produce documents with inbuilt structure, tending instead to use bold text or enlarged font to define new sections. The importance of effective structure, using inbuilt styles, needs to be emphasised more vigorously in the guidance notes to authors.

Alternatively, a reasonable structure can be inserted into a publication at the mark-up stage or by the typesetter if software like Adobe® Acrobat or InDesign® is used.

## **Where can we start?**

### **Editing**

In order to include structure in a publication, information has to be entered at the electronic mark-up or typesetting stages. Information on headings, sections and subsections, footnotes and references has to be identified. This information, the key to making the document accessible, can be added to the other changes that have to be made at this stage.

### **Images**

Images are a particular difficulty for those with visual impairment. An essential part of the structural information of a document is a description of any image. This description is read out to the Screen Reader user. The best person to provide this description is the originator of the document, who will be able to make the description meaningful. (Images tagged as ‘picture of building’ are rarely useful!)

### **The way forward**

By adopting additional procedures in the authoring and editing process, books and publications can be set up with the structure that will make them much more accessible to millions of potential users. Although some areas - for example, mathematical symbols - remain problematical, most documents can be hugely improved to ensure their usefulness and accessibility to new audiences who are increasingly demanding information in digital formats.

## Appendix 1

### Sample licence

Dear [NAME]

#### **Re: Provision of electronic files for the Work [TITLE, AUTHOR, ISBN]**

The electronic files for the above book (hereinafter termed the Original Files) are being provided in order for you to make the Work available to [STUDENT'S NAME] (hereinafter termed the Student) who is a visually impaired student registered at [INSTITUTION NAME] (hereinafter termed the Institution) in an alternative electronic format suitable for the visually impaired (hereinafter termed Alternative Format). This Alternative Format must have the express purpose of enabling visually impaired persons to have access to a work which would not otherwise be accessible to them. Permission to use the Work named above is subject to the following conditions:

You **MAY**

- Store the Original Files on a computer or electronic device belonging to the Institution, for the purposes of converting the file into an Alternative Format, and making this Alternative Format accessible to the visually impaired Student named above.

The Student **MAY**

- Store the Alternative Format on his/her own computer or electronic device, for personal use.
- Access the Alternative Format on a computer or electronic device belonging to the Institution for personal use, strictly within a secure password-protected Intranet limiting access to the Student only.
- Print or download the contents of the Alternative Format or elements of it, for personal use.

**The Alternative Format or the Original Files MAY NOT be used for any other purpose, including:**

- To download, copy, print, or make available via any method, including use of the world wide web, the Original Files, the Alternative Format or any material contained within either file, **for distribution to third parties** - even for non-commercial purposes.
- Use of either the Original Files or the Alternative Format file for any commercial purpose.
- Making available the Original Files to anyone other than those that need access to them in order to carry out the conversion to the Alternative Format, in particular the Student should not have access to the Original Files.

In addition, the following conditions apply:

- No alteration may be made to the material without our permission, except as required for conversion to the Alternative Format. Delivery and use must be in a format that retains the integrity of the text.

Publisher Guidelines for granting permissions to VIPs in the UK

- An acknowledgement is made to the material as follows: “[author/editor], [title], [year of publication], [publisher - as it appears on our copyright page] reproduced with permission of [PUBLISHER]” prominently on the introductory screen of the Alternative Format.
- This agreement is valid for [TERM]. At the end of this period, all copies of the Original Files held by [Institution] or [Student] should be destroyed, unless you have a specific requirement which means you need to retain them, in which case our further written consent should be obtained. Any Alternative Format created from the Original Files may be retained by [Student] in perpetuity.

This Agreement is subject to payment of a fee equal to the list price of the print edition of the work. In this case, the fee to be charged is [PRICE]. One copy of the attached invoice should be returned with your payment within 30 days.

OR

This Agreement is subject to the purchase of a print edition of the work [optional: “and is not valid until proof of purchase is supplied to us.”]

OR

This Agreement is subject to a fee of [FEE]. One copy of the attached invoice should be returned with your payment within 30 days.

OR

No charge will be made for supply of the Original Files as detailed in this Agreement.

Please note that whilst the author retains copyright in the Work, [PUBLISHER] has the exclusive publishing rights in the Work, and also has copyright in the design, layout and typography. As such, we are entitled to take legal action should illegitimate copies of the work be distributed by yourself or any third party, or should you be found otherwise in breach of our rights.

Any queries relating to this licence should be directed to [PUBLISHER]

[ends]