



Canadian Association of University Teachers
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Canadian Heritage
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Dear Ms. Rowe and Mr. Filipovich:

Re: Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities

CAUT is the national voice of 68,000 academic and general staff at more than 120 universities and colleges across Canada. As an organization representing faculty, librarians and researchers dedicated to the creation and dissemination of knowledge for the common benefit of humanity, we welcome the opportunity to comment on the above-captioned treaty. We also extend our thanks to Industry Canada and Canadian Heritage for the work they have done to move this important international instrument forward.

As the diplomatic conference that will determine the final form of the treaty approaches, our understanding is that the success of the project is very much in doubt – to the extent that the World Blind Union is questioning whether the most recent text represents “a treaty to protect rights holders from the blind.” In this context our primary concern is that Canada’s representatives remain true to the treaty’s original intention – facilitating access to the world’s written culture by people with visual and print disabilities.

We therefore urge the Canadian government to avoid the rhetoric of balance in the context of these negotiations.

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At stake are the rights of visually impaired persons and persons with print disabilities. It is difficult to discern the interests that could legitimately be balanced against this group, certainly not the multi-billion dollar international publishing and entertainment industries who, in comparison, enjoy extraordinary advantage, privilege and power.

We also urge the Canadian government to focus on the treaty's goal, not on its hypothetical impact on other negotiations.

Those groups interested in weakening this treaty are not motivated by direct financial concerns. Some of the corporate interests weighing in do not publish print material. The print publishing industry itself has demonstrated little ability to serve the market for accessible reading material. Rather, the cynical motivation appears to be that a successful treaty for the blind would be a dangerous precedent for the principle that the economic interests of rights holders are not the only issue worthy of consideration in international intellectual property negotiations. Canada must remain focused on the enormous benefit the treaty could provide, not on the external concerns of powerful economic interests.

Finally, we urge the Canadian government not to allow limitations to negate the treaty.

When corporate rights holders are unable to directly prevent legislative or treaty language that provides rights or benefits to the users of material, a common strategy is to insert complex limitations into the instrument that render those user rights unworkable. In this particular instance proposed limitations on transfer of "commercially available works" and the circumvention of technological protection measures, as well as the introduction of references to the Berne three step test, are examples of this behavior. Canada must push back against these attempts to render the treaty useless.

Years of work have gone into the Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities. The point of this effort has been to equalize the opportunities of all people to use, enjoy and learn from written works. Canada must not allow this effort to fail.

Yours sincerely,



Wayne D. Peters
President



James L. Turk
Executive Director

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