Targeted consultation on the availability of works other than printed works in formats accessible for persons with disabilities within the internal market

Fields marked with * are mandatory.

Introduction

Summary

In 2017, the European Union adopted a [Directive (hereafter, the 'Marrakesh Directive') and a Regulation](#) to implement the [Marrakesh Treaty](#) in EU law. The Marrakesh Treaty was adopted by members of the World Intellectual Property Organisation to facilitate the production and international transfer of specially-adapted books for people with blindness or visual impairments. It did this by establishing a set of limitations and exceptions to copyright law.

The '**Marrakesh Directive**' provides for a mandatory exception to copyright for "**print disabled**" persons as regards their access to printed works (e.g. books, newspapers, magazines, etc.) in accessible formats (e.g. Braille, large print, adapted e-books, etc.). **Article 9 of the Directive** requires the Commission to assess the availability of works and disabilities not covered by the 'Marrakesh Directive' and the potential need to expand the Directive's scope. In its report, the Commission should also take account of developments concerning relevant technology in this field.

With this targeted consultation, the Commission aims at gathering information on the availability of certain copyright protected works, in particular works other than printed works (e.g. films, photos, music, computer programs, video games), to persons with disabilities. The input gathered through this consultation will contribute to the preparation of the Commission report foreseen by Article 9.

Scope of the consultation

This consultation focuses on the availability of accessible format copies of:

- **works other than printed works for persons with print disabilities**
  - e.g. content such as films, photos or music
- **all types of works (printed works and other content such as films, photos or music) for persons with disabilities other than print disabilities**
  - e.g. hearing, physical and cognitive disabilities

For the purposes of this consultation,

- "Printed works" are books, newspapers, magazines, sheet music, and related illustrations and any other kind of written works. These works are covered by the Marrakesh Directive regardless of the media in which they are made available: digital or analogue, online and offline. Therefore, ebooks and audio forms are also included in this definition.
- "Print disabilities" refer to visual, perceptual, reading and physical impairments, which make it impossible or very difficult for a person to read printed works, compared to a person without such impairment. Such disabilities include visual impairments (including blindness and low vision), cognitive disabilities (including dyslexia) and other disabilities leading to functional limitations, such as making it impossible to hold or manipulate a book.
- "Accessible formats" refer to ways of presenting printed, visual or any other material that persons with disabilities can access (e.g. Braille in the case of blind persons, closed captioning in the case of hearing impairment or cognitive disabilities). Accessible formats can be "born accessible" or "accessible format copies".
- "Born accessible" means that an original work has been created in a way to allow persons with disabilities to access it.
- "Accessible format copy" means a copy of an original work, including works other than printed works, in an alternative manner that gives persons with disabilities access to that work as feasibly and comfortably as a person without impairment or disability.

Article 2 and Recital 7 of the Directive develop these definitions.

Targeted stakeholders

The questions in this targeted consultation are **addressed to all actors in the EU** involved in the creation, making available, use, exchange and any other relevant activity related to accessible formats of copyright protected works, in particular works other than printed works. This includes persons with disabilities, organisations acting on behalf of persons with disabilities, holders of copyright, technological companies, content producers, distributors, service providers and broadcasters.

Part 1: General information concerning the respondent

* 1. I am responding as:
- ○ An individual acting in a private capacity
- ○ Holder of copyright (e.g. authors) and / or related rights (e.g. record or film producers, publishers, performers)
- ○ A representative of an organisation acting on behalf of / representing the interests of persons with disabilities (including but not limited to an authorised entity within the meaning of Article 2 of the Marrakesh Directive)
- ○ A representative of a commercial entity providing accessible format features and/or services (e.g. subtitles, closed captions, audio description, image and photo descriptions, etc.) or technical solutions (e.g. software and hardware producers) for the benefit of persons with disabilities or a representative organisation serving their needs

○ A representative of an audiovisual content producer, distributor or sales agent or their representative organisation

○ A representative of a provider of audiovisual content (e.g. broadcaster, video-on-demand platform, online platform) or their representative organisation

○ A representative of a cultural heritage and an educational institution (e.g. schools, libraries)

○ A representative of a public authority

○ Any other beneficiary of accessible formats

◉ Other (please specify)

Please specify:

> A representative of an organisation representing the interests of visual arts authors

* 2. First name and Surname:

> Carola Streul

* 3. Email (this won't be published):

> c.streul@evartists.org

* 4. Organisation name:

> European Visual Artists

5. Please indicate the specific field(s), which you would like to cover in your reply:

This is important for us to register and interpret your answers to the subsequent questions correctly.
It is possible to select several categories.

☐ Print disability (as explained in the introduction)

☐ Auditory disability (deafness / hearing impairments)

☐ Cognitive, intellectual or specific learning disability (e.g. dyslexia)

☐ Physical disability

☐ Multiple disabilities (e.g. deafblind, disabilities resulting from cerebral palsy)

☐ No specific field(s)

☑ Other (please specify)

Please specify:

> The conversion of images into accessible formats and the effects on author's rights

6. Please indicate your preference for the publication of your response on the Commission's website:

◉ **Under the organisation name given**: Your contribution will be published under the organisation name given together with all information contained in your contribution. You declare that none of it is subject to copyright restrictions that prevent publication.

○ **Anonymously**: Your contribution will be published anonymously (your personal details will not be published) and all information contained in your contribution will be published. You declare that none of it is subject to copyright restrictions that prevent publication.

○ **Please keep my contribution confidential**: Your contribution will not be published, but will be used internally within the Commission in its analysis of the collected information and data on the availability of copyright protected works other than printed works).

7. Please indicate your country of residence or principal establishment:

○ AT - Austria
◉ BE - Belgium
○ BG - Bulgaria
○ HR - Croatia
○ CY - Cyprus
○ CZ - Czechia
○ DK - Denmark
○ EE - Estonia
○ FI - Finland
○ FR - France
○ DE - Germany
○ EL - Greece
○ HU - Hungary
○ IE - Ireland
○ IT - Italy
○ LV - Latvia
○ LT - Lithuania
○ LU - Luxembourg
○ MT - Malta
○ NL - Netherlands
○ PL - Poland
○ PT - Portugal
○ RO - Romania
○ SK - Slovak Republic
○ SI - Slovenia
○ ES - Spain
○ SE - Sweden

8. Is your organisation registered in the Transparency Register of the European Commission and the European Parliament?

◉ Yes
○ No

Please indicate your organisation's registration number in the Transparency Register:

121604011075-40

☑ I agree with the Privacy Statement

Part 2: What types of works and accessible formats are made available to persons with disabilities and how? Are there needs of persons with disabilities to access works, not currently addressed?

The objective of Part 2 is to understand what material is currently made available for persons with disabilities to facilitate their access to copyright protected works and under what conditions. The objective is also to understand whether persons with disabilities would require additional material, not currently made available, to be able to access copyright protected works.

1. Please select the type(s) of copyright protected content that your contribution will refer to:

This report focuses on the availability of copyright protected works other than printed works for visually impaired persons (e.g. films and other audiovisual content, images, photos, music, video games and computer programmes) and of all types of works for persons with all types of disabilities (auditory, cognitive /intellectual, physical, multiple, other). Please note that printed works are listed here only in relation to types of disabilities other than print disabilities, which are already covered by the Marrakesh Directive. Therefore any reference to audiobooks in the questions should be understood as relating to disabilities other than print disabilities, as the access to audiobooks of persons with print disabilities falls under the scope of the Marrakesh Directive.

It is possible to select several categories of works.

- ☐ Audiobooks (for persons with disabilities other than print disabilities)
- ☑ Printed works, including ebooks, (for persons with disabilities other than print disabilities)
- ☐ Records and other sound recordings (phonograms)
- ☑ Audiovisual works and motion pictures (e.g. films, TV series, television programmes)
- ☑ Images (pictorial and graphical works, photographs)
- ☑ Sculptural and architectural works
- ☐ Videogames
- ☐ Software
- ☐ Other (please specify)

Please specify:

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Section 1 – Accessible formats currently available within the EU

The aim of this section is to understand to what extent accessible formats of works are currently available throughout the EU. We would like to inquire as to whether and how persons with any type of disability can access works, in particular those other than printed works (e.g. films and other audiovisual content, images, photos, or music). Finally, we would like to know in what modality of accessible format and under which conditions works are made available, including whether they are born accessible or accessible format copies.

1. According to your experience or to your knowledge, are the categories of works that you selected currently available to persons with disabilities in accessible formats?

	Yes	No	Yes, but with limitations	I don't know / no opinion
Printed works, including ebooks (for persons with disabilities other than print disabilities)	○	○	○	○
Audiovisual works and motion pictures (e.g. films, TV series, television programmes)	○	○	○	○
Images (pictorial and graphical works, photographs)	○	○	○	○
Sculptural and architectural works	○	○	○	○

Please explain further, if you wish

Please specify in particular the details of any limitations you have encountered

2. According to your experience or to your knowledge, please specify in what accessible formats are these works available to persons with disabilities:

	Subtitling / closed captioning (i.e. text versions of the spoken part of a television, movie, or computer presentation; and description of background noises, speaker differentiation, phones ringing and other relevant information)	(Movie) **audio description** (i.e. voice description to provide information surrounding key visual elements in a media works, e.g. film, television programme, theatrical performance)	**Image and photo descriptions** (i.e. descriptions for visually impaired people providing information on e.g. pictures, diagrams, maps, charts, icons – including for the use of software)	**Tactile paintings, pictures, maps** (i.e. tactile formats use raised surfaces so that visually impaired persons can have a perception of them)	**Voice navigation techniques**	**Easy-to-read text** (for persons with disabilities not covered by the Marrakesh Directives)	**Other**
Printed works, including ebooks (for persons with disabilities other than print disabilities)	☐	☐	☐	☐	☐	☐	☐
Audiovisual works and motion pictures (e.g. films, TV series, television programmes)	☐	☐	☐	☐	☐	☐	☐

Images (pictorial and graphical works, photographs)	☐	☐	☐	☐	☐	☐	☐
Sculptural and architectural works	☐	☐	☐	☐	☐	☐	☐

3. According to your experience or to your knowledge, how easy or difficult is it to obtain works in the <u>accessible formats</u> that you selected for persons with disabilities?

	Very easy to obtain	Easy to obtain	Difficult to obtain	Very difficult to obtain	I don't know / no opinion	N/A (not applicable)
Subtitling / closed captioning (i. e. text versions of the spoken part of a television, movie, or computer presentation; and description of background noises, speaker differentiation, phones ringing and other relevant information)	○	○	○	○	○	○
(Movie) **audio description** (i.e. voice description to provide information surrounding key visual elements in a media works, e.g. film, television programme, theatrical performance)	○	○	○	○	○	○
Image and photo descriptions (i. e. descriptions for visually impaired people providing information on e.g. pictures, diagrams, maps, charts, icons – including for the use of software)	○	○	○	○	○	○
Tactile paintings, pictures, maps (i.e. tactile formats use raised surfaces so that visually impaired persons can feel them)	○	○	○	○	○	○
Voice navigation techniques	○	○	○	○	○	○
Easy-to-read text (for persons with disabilities not covered by the Marrakesh Directives)	○	○	○	○	○	○
Other	○	○	○	○	○	○

Please explain further or differentiate, if you wish:

4. According to your experience or to your knowledge, what has been the impact of the COVID-19 pandemic on the availability of the accessible formats that you selected?

	It has a positive impact	It has no impact	It has a negative impact	Other	I don't know / no opinion	N/A (not applicable)
Subtitling / closed captioning (i.e. text versions of the spoken part of a television, movie, or computer presentation; and description of background noises, speaker differentiation, phones ringing and other relevant information)	○	○	○	○	○	○
(Movie) **audio description** (i.e. voice description to provide information surrounding key visual elements in a media works, e.g. film, television programme, theatrical performance)	○	○	○	○	○	○
Image and photo descriptions (i.e. descriptions for visually impaired people providing information on e.g. pictures, diagrams, maps, charts, icons – including for the use of software)	○	○	○	○	○	○
Tactile paintings, pictures, maps (i.e. tactile formats use raised surfaces so that visually impaired persons can feel them)	○	○	○	○	○	○
Voice navigation techniques	○	○	○	○	○	○
Easy-to-read text (for persons with disabilities not covered by the Marrakesh Directives)	○	○	○	○	○	○
Other	○	○	○	○	○	○

Please explain further or differentiate, if you wish:

5. Are those accessible formats that you selected commercially available (and being born accessible) for disabled persons or are they provided to them by organisations acting on behalf of persons with disabilities (accessible format copies)?

	Born accessible	Accessible format copies	Both	None	I don't know /no opinion	N/A (not applicable)
Subtitling / closed captioning (i.e. text versions of the spoken part of a television, movie, or computer presentation; and description of background noises, speaker differentiation, phones ringing and other relevant information)	○	○	○	○	○	○
(Movie) **audio description** (i.e. voice description to provide information surrounding key visual elements in a media works, e.g. film, television programme, theatrical performance)	○	○	○	○	○	○
Image and photo descriptions (i.e. descriptions for visually impaired people providing information on e.g. pictures, diagrams, maps, charts, icons – including for the use of software)	○	○	○	○	○	○
Tactile paintings, pictures, maps (i.e. tactile formats use raised surfaces so that visually impaired persons can feel them)	○	○	○	○	○	○
Voice navigation techniques	○	○	○	○	○	○
Easy-to-read text (for persons with disabilities not covered by the Marrakesh Directives)	○	○	○	○	○	○
Other	○	○	○	○	○	○

Please explain further or differentiate, if you wish:

6. From the available accessible formats that you selected, what is the proportion between "born accessible" and "accessible format copies"?

	Mostly "born accessible"	Mostly "accessible format copy"	More or less the same proportion	I don't know /no opinion	N/A (not applicable)
Subtitling / closed captioning (i.e. text versions of the spoken part of a television, movie, or computer presentation; and description of background noises, speaker differentiation, phones ringing and other relevant information)	◉	◉	◉	◉	◉
(Movie) **audio description** (i.e. voice description to provide information surrounding key visual elements in a media works, e.g. film, television programme, theatrical performance)	◉	◉	◉	◉	◉
Image and photo descriptions (i.e. descriptions for visually impaired people providing information on e.g. pictures, diagrams, maps, charts, icons – including for the use of software)	◉	◉	◉	◉	◉
Tactile paintings, pictures, maps (i.e. tactile formats use raised surfaces so that visually impaired persons can feel them)	◉	◉	◉	◉	◉
Voice navigation techniques	◉	◉	◉	◉	◉
Easy-to-read text (for persons with disabilities not covered by the Marrakesh Directives)	◉	◉	◉	◉	◉
Other	◉	◉	◉	◉	◉

Please explain further or differentiate, if you wish:

7. According to your experience or to your knowledge, are works in the accessible formats that you selected provided to end users at a different price than an original work?

	No, they are provided for free	No, they are provided at no additional price (no difference in cost for the creation of original works and for those that are "born accessible"/ "accessible format copies")	Yes, they are provided at an additional price, to incorporate the costs incurred during the production of the accessible format	Yes, they are provided at an additional price, going beyond the costs incurred during the production of the accessible format	Yes, they are provided at a reduced price	I don't know/ no opinion	N/A (not applicable)
Subtitling / closed captioning (i. e. text versions of the spoken part of a television, movie, or computer presentation; and description of background noises, speaker differentiation, phones ringing and other relevant information)	○	○	○	○	○	○	○
(Movie) **audio description** (i.e. voice description to provide information surrounding key visual elements in a media works, e.g. film, television programme, theatrical performance)	○	○	○	○	○	○	○
Image and photo descriptions (i.e. descriptions for visually impaired people providing information on e.g. pictures, diagrams, maps, charts, icons – including for the use of software)	○	○	○	○	○	○	○

Tactile paintings, pictures, maps (i.e. tactile formats use raised surfaces so that visually impaired persons can feel them)	○	○	○	○	○	○	○
Voice navigation techniques	○	○	○	○	○	○	○
Easy-to-read text (for persons with disabilities not covered by the Marrakesh Directives)	○	○	○	○	○	○	○
Other	○	○	○	○	○	○	○

Please explain further or differentiate, if you wish:

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Section 2 – Availability of accessible formats within the EU

The aim of this section is to understand how easily accessible formats of works, in both specific modalities of "born accessible" and "accessible format copies", are currently available throughout the EU and how they circulate.

Subsection 1: Questions on "born accessible" content

1. What proportion of the works that you produce are born accessible?

	Not applicable (no production of this work)	0%	10%	20%	30%	40%	50%	60%	70%	80%	90%	100%	I don't know / no opinion
Audiobooks (for persons with disabilities other than print disabilities)	○	○	○	○	○	○	○	○	○	○	○	○	○
Printed works, including ebooks (for persons with disabilities other than print disabilities)	○	○	○	○	○	○	○	○	○	○	○	○	○
Records and other sound recordings (phonograms)	○	○	○	○	○	○	○	○	○	○	○	○	○
Audiovisual works and motion pictures (e.g. films, TV series, television programmes)	○	○	○	○	○	○	○	○	○	○	○	○	○
Images (pictorial and graphical works, photographs)	○	○	○	○	○	○	○	○	○	○	○	○	○
Sculptural and architectural works	○	○	○	○	○	○	○	○	○	○	○	○	○
Videogames	○	○	○	○	○	○	○	○	○	○	○	○	○
Software	○	○	○	○	○	○	○	○	○	○	○	○	○
Other	○	○	○	○	○	○	○	○	○	○	○	○	○

2. Do you incur additional costs for the production of those born accessible works?

◎ Yes

◎ No

◎ I don't know / no opinion

3. According to your experience or to your knowledge, do the born accessible works that you produce circulate to other Member States?

◎ Yes

◎ No

◎ I don't know / no opinion

4. According to your experience or to your knowledge, is the production of born accessible works more or less costly than the production of accessible format copies?

◎ Producing born accessible works is more expensive

◎ Producing accessible format copies is more expensive

◎ I don't know / no opinion

5. According to your experience or to your knowledge, what has been the impact of the COVID-19 pandemic on the production of born accessible works?

◎ It has a positive impact

◎ It has a negative impact

◎ It has no impact

◎ I don't know / no opinion

◎ Other

Subsection 2: Questions on "accessible format copies"

6. According to your experience or to your knowledge, who makes the "accessible format copies" that you selected?

	Users	Organisations representing disabled persons	Producers of "accessible format copies"	Subcontractors of producers	Other (please specify)	I don't know / no opinion
Subtitling / closed captioning (i.e. text versions of the spoken part of a television, movie, or computer presentation; and description of background noises, speaker differentiation, phones ringing and other relevant information)	☐	☐	☐	☐	☐	☐
(Movie) **audio description** (i.e. voice description to provide information surrounding key visual elements in a media works, e.g. film, television programme, theatrical performance)	☐	☐	☐	☐	☐	☐
Image and photo descriptions (i.e. descriptions for visually impaired people providing information on e.g. pictures, diagrams, maps, charts, icons – including for the use of software)	☐	☐	☐	☐	☐	☐
Tactile paintings, pictures, maps (i.e. tactile formats use raised surfaces so that visually impaired persons can have a perception of them)	☐	☐	☐	☐	☐	☐
Voice navigation techniques	☐	☐	☐	☐	☐	☐
Easy-to-read text (for persons with disabilities not covered by the Marrakesh Directives)	☐	☐	☐	☐	☐	☐
Other	☐	☐	☐	☐	☐	☐

7. Do you produce "accessible format copies" of works other than printed works?

  ○ Yes

  ○ No

8. What is your preferred practice in order to provide access to copyright protected works for disabled persons?

  ○ producing "accessible format copies"

  ○ acquiring already commercially available accessible formats

9. According to your experience or to your knowledge, what percentage of the original works are subsequently made accessible to disabled persons through "accessible format copies"?

  ○ 0%

  ○ 10%

  ○ 20%

  ○ 30%

  ○ 40%

  ○ 50%

  ○ 60%

  ○ 70%

  ○ 80%

  ○ 90%

  ○ 100%

  ○ I don't know / no opinion

10. According to your experience or to your knowledge, what is the cost of making an accessible format copy of a work?

	The cost is high	The cost is reasonable	There is no additional cost (no difference in cost for the creation of original works and for those that are "accessible format copies")	I don't know / no opinion
Subtitling / closed captioning (i.e. text versions of the spoken part of a television, movie, or computer presentation; and description of background noises, speaker differentiation, phones ringing and other relevant information)	○	○	○	○
(Movie) **audio description** (i.e. voice description to provide information surrounding key visual elements in a media works, e.g. film, television programme, theatrical performance)	○	○	○	○

Image and photo descriptions (i.e. descriptions for visually impaired people providing information on e.g. pictures, diagrams, maps, charts, icons – including for the use of software)	⊙	⊙	⊙	⊙
Tactile paintings, pictures, maps (i.e. tactile formats use raised surfaces so that visually impaired persons can have a perception of them)	⊙	⊙	⊙	⊙
Voice navigation techniques	⊙	⊙	⊙	⊙
Easy-to-read text (for persons with disabilities not covered by the Marrakesh Directives)	⊙	⊙	⊙	⊙
Other	⊙	⊙	⊙	⊙

11. According to your experience or to your knowledge, who finances the production of "accessible format copies"?

☐ Users
☐ Organisations representing disabled persons
☐ Producers of "accessible format copies"
☐ National authorities
☐ Other (please specify)
☐ I don't know/ no opinion

12. According to your experience or to your knowledge, do "accessible format copies" of works that you have access to/provide access to in your country of residence originate from another Member State?

⊙ Yes
⊙ No
⊙ I don't know / no opinion

13. Do you exchange "accessible format copies" of works with persons with disabilities or organisations acting on their behalf in other Member States?

⊙ Yes
⊙ No
⊙ I don't know / no opinion

14. According to your experience or to your knowledge, what has been the impact of the COVID-19 pandemic on the production and availability of "accessible format copies"?

⊙ It has a positive impact
⊙ It has a negative impact
⊙ It has no impact
⊙ I don't know / no opinion
⊙ Other

Section 3 – Accessible formats needed and not currently available within the EU

The aim of this section is to understand whether the persons with disabilities require access to copyright protected works which might currently not catered for within the EU. We would also like to know what technological developments may have a positive impact on the availability of more and different types of accessible formats and what are the producers' plans to increase the availability of adapted works.

1. According to your experience or to your knowledge, is there a need to have <u>additional</u> accessible formats available for persons with disabilities, that are currently not available?

○ Yes

○ No

○ I don't know / no opinion

2. Which types of accessible formats do/would persons with disabilities <u>need in addition to those that are already available</u>?

☐ **Subtitling** / **closed captioning** (i.e. text versions of the spoken part of a television, movie, or computer presentation; and description of background noises, speaker differentiation, phones ringing and other relevant information)

☐ (Movie) **audio description** (i.e. voice description to provide information surrounding key visual elements in a media works, e.g. film, television programme, theatrical performance)

☐ **Image and photo descriptions** (i.e. descriptions for visually impaired people providing information on e.g. pictures, diagrams, maps, charts, icons – including for the use of software)

☐ **Tactile paintings, pictures, maps** (i.e. tactile formats use raised surfaces so that visually impaired persons can feel them)

☐ **Easy-to-read text** (for persons with disabilities not covered by the Marrakesh Directives)

☐ **Other** (please specify)

Please explain further, if you wish:

3. Are there any obstacles that make it difficult for you to have access to accessible formats?

○ Yes

○ No

○ I don't know / no opinion

5. Are there any obstacles that make it difficult for you to provide access to accessible formats?

○ Yes

○ No

○ I don't know / no opinion

7. Are you planning to invest in developing additional or/and better accessible formats?

○ Yes

○ No

○

I don't know/ no opinion

Part 3: Possibility to provide final comments and to upload a document

1. Please provide any other information that you find useful regarding the availability of works in accessible formats for persons with disabilities.

2. You can upload a document, if you wish:

Thank you for your participation to this consultation.

Contact

CNECT-I2@ec.europa.eu