

Copyright law under the braille scanner theology religion



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Contents

- - . - - Restrictions and Exceptions, Nic Gamett, p. 307, SCCR/14/5.

In this Chapter, we shall detect that the right to rational belongings should merely be secured to that limited extent that it accommodates the demands emanating from human rights of those who are at the utilising terminal of the right of first publication coin.

Significant arguments have arisen in the recent old ages, refering the links between rational belongings rights and human rights. On the one manus, there

have been concerns with respect to the impacts of IPR on the realization of uman rights, for case, with respect to the impact of medical patents on entree to drugs. On the other manus, acknowledgment of a human right to intellectual

E belongings at the international degree has been progressively debated. 1

This Chapter has, within its range, an nonsubjective survey of two Fieldss of jurisprudence viz.

: opyright jurisprudence with the international three measure trial to the bow, the viing terests of the right holders (peculiarly publishing houses) to their portion of net incomes, . ith its intersection with the jurisprudence for the handicapped in India - which is mostly a

rult of realization of rights of the handicapped, and promoting their engagement

r. t he societal mainstream, coupled with, their “ right to entree ” information which. as been examined in the background of predominating societal worlds, prejudiced eatment and cherished rules of human rights and constitutional values of

public assistance province such as ours.

We besides explore the limitless chances which the digital revolution holds 71 R them peculiarly from the position that ‘ ignorance can be prevented ‘ and

nfonnation can be made accessible with easiness and without costs ‘ , through this edium of communicating which has revolutionised all of our lives. The

saction costs for doubling or reassigning information is virtually zero.

Philip Cuflet, 1-human Rights, Knowledge and Intellectual Property Protection, Vol. 11, JIPR 7 (7) January, 2006.

Truly, digital engineering and the Internet offer of all time more efficient tungsten, - absolutely reproduce and administer right of first publication plants and personal con- ‘ I made ‘ accessible ‘ through package ‘ s such as the screen reader prograr

engineerings overcome the traditional ways of larning where vol transcribe books into Braille or by holding books read out loud onto tape. Tociiai have speech synthesist package, screen readers and even hardware ca, → — — . such as electronic address synthesist which when connected to a co- . ”

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reads " aloud the text on the computing machine screen to the blind or visually challenged computing machine user via an electronically-generated voice.

Therefore, it is incumbent upon us to tap the potency of this ' next large by taking handiness limitations and utilizing assistive engineering's st. a man-made address - Text-to-Speech (TTS) engineering or electronic Braille sing that books are progressively looking in digital formats as we recognize that such electronic books shall be a blessing for the people — disablements.

Supplying access to content whether in traditional formats or with advanced engineering's implicates Acts of the Apostles controlled by rights of reproduction and communication. That of class agencies that such Acts of the Apostles must :

authorised by the right holder or author within the range of an exceptional right of first publication. ' It is here where the clash between jurisprudence, engineering and legitimate involvements of the visually challenged to hold access to works in natural linguistic communication comes into image.

Amongst the huge gamut of issues involved in this topic, is the rights publishing houses and content suppliers that deserve a close examination as they are commercial entities whose duty is towards the Godheads of the work to give them maximal returns and in the procedure of " gross revenues "

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, derive their share: concern income. The digital universe is like a dual edged blade. Whereas: - one means the copyrighted stuff is drawn-out and expensive to bring forth protect, on the other terminal, the engineering can be used to cheaply and speed: _

1. 293, Standing Committee on Copyright and Related Rights, 14th Session (May 1 to 5, Dj: A uton'ted Rights Management Systems and Copyright Limitations and Exception5 Garnett, SCCR/14/5.

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. work. With the rampant buccaneering of plants across the Earth, on line and

and the easiness by which ' duplicates ' can be created at the chink of the

: utton, besides justifies their reluctance to bring forth electronic transcripts of the

. - : ernet offers namelessness and a individual sitting stat mis off from the

R ' -lder ' s topographic point may be doing pirated plants of the copyrighted

Thursday to the economic hurt of the right of first publication holder.

Technology, therefore be said as a ' mixed approval ' , the negative terminal of which has

: . ght violation international in character.

criology such as digital sound tapes, high quality digital broadcasts, character acknowledgment scanners, and recordable compact phonograph record threaten to pry easier and more hard to observe. ' These engineering allow plagiarists

quality transcripts of copyrighted stuffs at minimum cost and effort. 2 grade of technological control is necessary, one time a literary text is

ia. 1able in a digital signifier, neglecting which, it does non take long before the _ils quarry to the malignant neoplastic disease of buccaneering, and flourish, to the pockets of the plagiarists. .. cially true for plants in digital format which shall non merely profit the

L- ' . D'. allenged but besides the sighted populace every bit good.

R interview with Bhushan Punani, Executive Director, Blind People ' s '-wi, he justly opined, that publishing houses will non let to give electronic: erary plants due to the fright of violation of right of first publication by manner of emphasised that publishing houses are after all making concern, and they have bt? : : their commercial involvements every bit good.

S other issue, as to why publishing houses disable entree to their e-book az-c ' s, is because, audio book rights in an electronic book is besides sold and may non be authorised to do an electronic book in a ' disabled: orntat, for they no longer have the right of first publication in the sound rights therein.

Tocopherol: , purpose of the sound publishing house is to do a sound recording of the zavailable for sale commercially, normally in the signifier of a cassette or compact r. ' ut besides, more late, as a digital merchandise available for download z4rz_tion via the Internet. 3 As a consequence, the two package Giants - Adobe and

l: s, ft offering screen reader packages in their eBook reading systems have \$ r. A±ed the option to the writer to disenable the text-to-speech synthesist

_re or the TTS entree characteristic itself in certain ebooks on the petition of

' . oshers due to the sale of audio rights in a work since in this ' internet age ' ,

___ sound recordings of electronic books bask a market. As a effect,

with print disablements may no longer hold entree to all files in an zssible format " .

grouch Emmert, Intellectual Property in the Uruguay RoundNegOtiatiflg Strategies of the Western Industrialized Countries, 11 Mich J Intl L 1317, 1328-35 (1990) .

See M. Kaufman, The Enforceability of State " Shrink Wrap " License Statutes in Light of Vault Corp. v. Quaid Software, Ltd. , 74 Cornell Rev 222, 225 (1988) .

George Kerscher and Jim Fruchtermafl, The Soundproof Book: Exploration of Rights Conflict and Access to Commercial EBooks for People with Disabilities,

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Vol. 7, No. 6, First Monday June 2002) , hypertext transfer protocol: /
/firstmonday.org/iSSueS/i5Sua7_6/n

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As engineering is non moral sensitive, it does non separate between. -
copying and illegal copying. ' However, people with disablements do non
with this reading, since the eBook is delivered as electronic text and
recorded human address, and since turning off entree prevents them reading
the eBook. 2

Though, we have digital rights direction engineering, it is still babyhood and
requires considerable investing and therefore, for many publis- - may non be
economically feasible as ' it is expensive to construct these digital lock.
inexpensive to pick them'3 and therefore may non happen favor on the
econorr publication.

it is besides our low enterprise to measure the bing prc'v amendment to the
bing Indian right of first publication legislative act for such visually chaL
individuals, taking inspiration from foreign statute laws of advanced ecor
peculiarly the United States and the United Kingdom, in the face R '
enormous potency that this digital epoch holds for them.

However, an enabling amendment clause to the Copyright Act, - licenses to do accessible transcripts of legitimately acquired " copyrighted " works have any effect on India ' s pact committedness.

Towards that end, we have looked into the Berne Convention a- ' limitations and exclusions ' clause⁴ of it, to analyze whether any devehxi has taken topographic point on the international graduated table to carry through the entree demands of Thursday. disabled to literary plants. More significantly, we have besides exhai.- considered the reading of article 13 of the TRIPS Agreement r- reproduces the Berne three measure trial in about same diction) , delivered omega a WTO Dispute Settlement Panel in the instance titled ' United States - Section 11

1. T. C. James, Copyright Law of India and the Academic Community, Vol. 9, JTPR 2 May 2004.

2. The Soundproof Book: Exploration of Rights Conflict and Access to Commercial E3: Peoples with Disabilities by George Kerscher and Jim Fruchterman First Monday, V: - 6 (June 2002) , URL: http://firstmonday.org/issues/issue7_6/kersCher/index.html

3. Mark Aronica and Erica S. Pen, Content Distribution and Digital Rights Mi- : available at cyber.law.harvard.edu/policy/DRM.htm

4. Article 9 (2) of the Bernie Convention.

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It he US Copyright Act ” and is the lone determination of the Dispute Settlement Body on the application and reading of Article 13 of the TRIPS boulder clay day of the month.

A examination of article 13 is indispensable for the present instance as it serves as a wide rule on the standard of which restrictions and exclusions to the sole rights of the right of first publication holder can be imposed in ‘ special instances ‘ . Now, whether, exclusions to copyright can be legislated into being to supply freedoms in favour of such category of individuals is an analysis we have embarked upon. Furthermore, the reading of article 13 is important non simply because we are besides portion of this new planetary universe order but the enabling statute law which we duly enact must besides allow importing of accessible formats of copyrighted stuff, in the absence of which it would be illegal to portion or administer foreign copyrighted plants on the Internet. It is towards that end, that the TRIPS Agreement becomes expedient to peruse as it is the common international denominator for protecttffl of rational belongings, (besides referred as a “ one-shoen ts-all ” rational decently government) 2 and has 151 nations³ on its signer map.

In these Hagiographas, our endeavour shall be to heighten the independency of unsighted people and avoid the linguistic communication of commiseration and halt making this divider of ucky ‘ and ‘ unlucky ‘ and halt stating ‘ they ‘ and ‘ we ‘ . One may be vulnerable to A±is at any clip of life and so sharing a common experience with them..

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A±scrimination. 4 Discrimination is after all rough dogmatism.

It is non right to do a individual dependant when he wants to be a productive ztd aresporisible citizen. Therefore one should non change over such people who can e beginning of inspiration into an object O commiseration.

What is disablement and who are the ' disabled'- glade ' false impression ' Disability is an establishment which any individual may fall in any clip in life destined irresistible impulse. It could be due to assorted grounds such as iccidents, disfunction or malfunction of an organ, disease. Not all people who are considered to be ' disabled ' are born handicapped. Helen Keller, the blindd eaf is one such individual who was visited by such effects, about one and a half old ages after her birth as a effect of an unwellness. There are many who: ome to be in this class either temporarily or permanently and each individual a: different phase of their life.

Disability is universally a major public wellness job. It transcends all ' olitical or geographical barriers and boundaries, it affects non merely the rdividual but besides the household. On a macro perspective¹ it affects the universe at rge.

Disability is non a calamity or a shame. Neither is it a term of a narrow import. Though the word ' disability ' has come to be associated with certain signifiers of

1. Keport of the TRIPS Panel in the United States - subdivision iiOcS) ot the US CoVytt Act, Pars

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6. 0 (document symbol WT/DS160/P ' dated 15 June, 2000) .

2. Amit Gupta and Aditi Patel, A Human Rights Approach to TRIPS, (2004) 7
5CC (1) 61.

3. This statistic is as on 27 July 2007. Cf.

i1 e/otg6_ " '

4. As, Patricia Wright puts it, " all handicapped people share one common
experience that ' s favoritism " Cf. Justice S.B. Sinha, Disability Law vis-a-vis
Human Rights, (200) C. 0) 11.

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disablement such as blind, deaf, dumb... etc. , nevertheless, it is a term of a
much wider extension and encompasses all those Acts of the Apostles
and activities which a person - though not considered as a ' disabled ' stricto
sensu, may not be able to perform.

In our interaction with Dr. Madhumita Pun, Executive Director, Society Child
Development, she opined that disablement is not a province which can be
strictly defined but a status where the individual is under a physical,
mental, or social inability to participate in the normal activities of life. It is in
this sense, the deficiency or of a part or capacity of organic structure being.
This, she emphasised, is not a ' Functional Disability.

Compared and contrasted with other minority groups, handicapped people have more in common with the general population members. It is a common observation that disabled kids are about ever brought up by non-handicapped female parents and male parents, in the company of non-disabled sisters and brothers.

They may get married non-disabled partners and may hold kids who are non-disabled.

The Discriminatory Attitude of the Society

Notwithstanding, there are jobs of favoritism. The physical or mental disability of the handicapped has to confront the societal response of the 'average public', which sub-consciously or consciously see them as a load on society, and incapable of doing any important part to the society which adds another dimension to their disability i. e. , societal disability.

In India, the attitude of the society against individuals with disabilities is highly discriminatory and such individuals with disabilities are often castigated as being seen as some sort of penalty for past wickedness. Loaded with these sorts of thought the society returns to pigeonhole the image of a handicapped as an unfortunate victim who has to acquire sympathy and commiseration and assistance from others. ' 1

In the visible radiation of the abovementioned societal worlds, Dr. Pun, competently points that it is not the person who is handicapped, but the society.

In the visible radiation of the abovementioned societal worlds, Dr. Pun, competently points that it is not the person who is handicapped, but the society.

In our position the so called normal individual who can non accept differences who creates favoritism is the 1 who is really the so called disa because despite being blessed with all his modules integral, he fails to appreca either because he can non appreciate or decline to appreciate the difference wi-x may be a differentiation in grade of ability, much less a disablement as the word come to be ' tainted ' into being.

Peoples have ever had uncertainties about the ability of individuals with disabili Ji to be productive members of society. This is peculiarly true for view:

challenged people. Peoples view them as least capable of the batch. They stigmatized as a category of individuals wherever they go, as kids in schoc employees as grownups and the larger bulk of the so called ' abled popu frequently choose to avoid them.

But we must state our readers that their capablenesss have the ability to sur hapless outlooks of the sighted universe. Today, the visually challenged persa-

1. Dr. Mohammed S. Hussain, Rights and Dignity of Persons with Disability, (2002) PL

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disabilites for visually c. The are in schoolte vitamin D public

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a^? oviding his services in of import professions such as a instructor, a civil
retainer even a attorney reasoning before the highest Court of the land.

To exemplify, it will he of important relevancy to cite the observations of

ie Supreme Court in the instance of NFB v. UPSC ‘ , where a blind attorney
has competently

gued the instance stand foring the National Federation of the Blind (NFB)
against

e Union Public Service Commission (UPSC) .

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In this instance, the UPSC denied unsighted campaigners to vie for the Indian Administrative Services and the elite services. National Federation of the Blind,

Junior representative organic structure for the visually handicap people in India moved the

Supreme Court under article 32 of the Constitution seeking for a writ in the nature of mandamus to allow the blind campaigners to vie for the Indian Administrative Service and the elite services and farther to supply them the

facility of composing the civil services scrutiny either in Braille book or with the help of a Scribe.

The suppliant was represented by Mr. S. K. Rungta who himself was visually challenged and the Hon'ble Court deeply appreciated his lawyering accomplishments and capableness.

The Supreme Court stated:

' Mr. Rungta has argued his instance with extreme lucidity. Mr. Rungta was to the full familiar with all the relevant annexure the request. He referred to the relevant pages in the bulky paper book with perfect easiness. We did not experience even for a minute that the instance was being argued by a visually handicapped attorney. Mr. Rungta ' s public presentation before us amply proves the point that the visually disabled individuals can execute the occupations entrusted to them with equal efficiency. '

Therefore, one can detect that the Honourable Supreme Court has non merely displayed its sensitiveness to the demands of the visually challenged for an equal position in this democratic society guaranting them a platform to turn out their virtue and extend equal chances to them every bit good. But has besides acknowledged that

disability is non a barrier to efficient public presentation and towards that end

appreciated the attempts of Mr. Rungta.

Dr. Sam TaraporeVala¹ the co-ordinatOr of the Saint francis xaviers Resource Centre for the Visually Challenged and a professor at St. Xavier ' s College, Mumbai holds the sentiment that:

“ Every individual is alone ; each person, irrespective of disablements, is every bit gifted or talentless as everyone else... Hence, there is no range for a visually challenged pupil non being able to work in any peculiar profession.

“ 2

Nature, as God has created it, everybody is different, and each individuals is a alone and a particular human being. Ciper is perfect and ciper can be. Perfection is God. We as human existences should hold the forbearance and dynamism

1. Air 1993 Scandium 1916: 1993 2 SCC 411.

2. Excerpted from hypertext transfer protocol: / /www. educationPk1sdocom u1Story. asp? ae1EJl ' 2ART

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to accept the differences and avoid utilizing the linguistic communication of commiseration tainted with – black blood of favoritism.

Dr. Mohammed S. Hussain in his Article titled ' Rights and Dignit Persons with Disability ' is extremely critical about the linguistic communication, we, insensiti. and casually utilize to mention to the ' disabled ' alternatively to a ' person with a disabl- He sums up the construct, really attractively and competently and suggests that one shcz non ' patronize ' any individual with a disablement and avoid doing syrnpath remarks and utilizing the linguistic communication of commiseration.

In his words:

“ Put the individual before the disablement out of regard for indivi... singularity and worth. Mention to an person as a “ individual with one disablement ” or an “ person who has a disablement ” instead than a “ disa individual ” or a “ handicapped person. ” Make mention to “ people w disablements ” instead than “ the handicapped ” . The word “ handicapped ” , as a nci implies discreteness or entire disablement. “ The handicapped ” do non constiL a group apart from the remainder of society. Legislation on disablement has advance the self-respect, self-government and equality of persons disablements. Hence, one should non name the blind as blind and

the deaf I deaf ; better name them or turn to them as individuals with ocular impairr and individuals with listening/hearing damage severally. ”

It is besides non far from the truth that some in the handicapped batch discri-' against themselves either influenced by the attitudes of their able bodied or possibly as an alibi to sit back. Such individuals feel that they cannc:

anything that an able individual can make and either prefer or take to settle with psychotic belief. It has been justly said that ' God helps those who help themselves this universe is full of illustrations of people who though are disabled yet two struggled to get the better of their defects and have achieved what even the able may non be able to accomplish.

Therefore, one can state, that, disablement is more of a disability of a head. anything else, to really what that peculiar disablement refers to L- traditional sense of the term. In kernel, these people are non ' disabled ' - - word it positively, they are ' differently abled ' .

The World Program of Action refering Disabled Persons to accomplish t engagement and equality provinces:

“ Persons with disablements should be expected to carry through their R: society ' and run into their duties as grownups. The image of deciliter, : a^? individuals depends on societal attitudes based on different factors that rr the greatest barrier to engagement and equality. We see the disa: _ - shown by the white caner crutches, hearing AIDSs and wheelchairs, bu the

individual. What is required is to concentrate on the ability, non on the Dis of handicapped individuals. ”

On similar lines is a study – The Drumhead Thesis on Education a[^]-rs succinctly states:

1. hypertext transfer protocol: //www. un. org/esa/socdev/enab1e/diswpa02. htm # Equalization

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“ [... Inow it is believed that the handicappeds are non individuals missing in abilities. Actually they have assorted potencies which, through proper instruction and preparation can be harnessed and developed. The handicapped do non necessitate clemencies or commiseration but sympathetic apprehension. Alternativly of charity they need chance. They do non necessitate alms but (perfect) suited occupation chances. They want sympathetic apprehension instead than emotional look. ”

Therefore, the clip has come when we have to fling old superstitious notions associatingt he disabled with their past life wickednesss and like superstitious notions. No more, can we and should we afford to handle them as objects of commiseration or ridicule. We must. rnderstand that, this universe is non perfect and each individual, irrespective of the: egree, has the freedom to lend to the best of his capacity. It is towards that vitamin D, we are under a pious responsibility to make an environment where such individuals are a portion of the societal mainstream and must authorise them

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in all possible ways and: neans. It is merely in this mode, can we name ourselves a genuinely democratic society where every individual enjoys the opportunity to take part on equal footings in the avelopment of the society and it is merely towards that terminal, that the term ' access ' assumes critical significance.

Access - A Civil Right

Information is an priceless societal resource and entree is a civil right of the handicapped. Therefore, entree to instruction is a necessary status for human freedom and ' while instruction is of import for all, for the handicapped acquiring a good instruction can be a affair of endurance. ' 1 Education is cardinal in accomplishing the human rights of the handicapped and handiness is the premier demand to do individuals with disablements independent.

Without entree, instruction, rehabilitation, services, employment, a meaningful societal, civil and political life becomes about impossible. Handiness can be the most important determiner in charting out calling options for the Persons with Disabilities. 2 The handicapped privation occupations and instruction as they want to be like everyone else. Blind and partly sighted people have the same information demands like you and me. They are equal participants in a democracy and by virtuousness of being a human being, they are entitled to all the cardinal and legal rights and warrants as any ordinary citizen of the land. But such words look nice on paper and legal paperss with the Government Seal upon

it.

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In a presentation given to the Information Meeting which preceded the WIPO Standing Committee on Copyright and Related Rights on 3rd November, 2003, David Mann of the World Blind Union (WBU) 3 stated as follows:

1. Cf Including Children and Youth with disabilities in Education – A Guide for Practitioners, Anita Julka, p. 3 available at <http://www.ncert.nic.in/sites/inclusiveeducation/Draft%20manual%20DEGSN.pdf>
2. Annual Report, Office of the Chief Commissioner for Disabilities, p. 12 available at <http://www.ccdisabilities.nic.in/reports/1-15.pdf>
3. The World Blind Union is a major Nongovernmental organization with over 150 states as members. It is recognized by the United Nations.

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“ If we accept that entree to information is a right, so it follows that any hindrance to entree to information is a denial of that right. Barrier can be economic ; they can be technological, and they can be legal. ”

The WBU accepts that right of first publication is in itself a legitimate signifier of moral and economic protection for Godheads of content and for those who add value original work. WBU asserts nevertheless that the ability to curtail Acts of the Apostles in regard R plants and other subject-matter protected by right of first publication jurisprudence should be balance:

against the right of blind and partly sighted people to read the same matter as their fellow citizens, at the same clip and at no extra cost to the individual. 2

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The large challenge lies in realization of such rights, particularly in a developing state like India, where the Government frequently resorts to the ' funds crunch formula excuse when it comes to taking a stock of the state of affairs as regards progressive implementation. 3

In our interaction with Mr. T. D. Dharia, Deputy Chief Commissioner for T! -e Disabled, we learnt that many visually challenged pupils do not acquire Braille :

books on clip, which is required by them, in pursuit of their regular course of education. These books arrive really tardily and not when the academic session commences. He points out the position, that ' access ' is so a cardinal right: ' :

the handicapped, and they should be provided with books in their format, merely as an ordinary school-going child in India has access. In the same vein, he also acknowledged the restriction of resources on the part of the Government and lamented that handiness is dependent on the economic development and capacity and that is one job which is doing hindrance.

The demands of visually challenged people have been compactly encompassed:

within the aim expressed by the WBU: the right to the same stuff, at the same clip and on the same footings as those enjoyed by people without such impairment. 4 This statement is peculiarly relevant in the Indian context.

1. Mann, David: Presentation by the World Blind Union (WBU) , Information Meeting on Dig.
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Content for the Visually Challenged, WIPO, November 3, 2003, available at:
<http://www.wipo.int/documents/en/melgs/2003/digvjim/pdf/djiim03pf.pdf> ;

referred in Standing Committee on Copyright and Related Rights, 14th Session (May 1 to 5, 2006) , Automated Rights Management Systems and Copyright Limitations and Exceptions, Garnett, p. 27, SCCR/14/5] .

2. Cf. Standing Committee on Copyright and Related Rights, 14th Session (May 1 to 5, 2006) (Automated Rights Management Systems and Copyright Limitations and Exceptions, Garnett, p. 27, SCCR/14/5.

3. In India governments concerned are yet to take steps to guarantee the execution proviso for “ handicapped ” . The governments are taking undue advantage of the term “ within the bounds of their economic capacity ” . They have been utilizing this term as a defense mechanism to negate the right granted by the legislative act. [Cf Saurabh Jaiswal, Where does Indian disablement jurisprudence stand in the present international scenario? , (2004) PL WebJour 121.

Justice S.B. Sinha, opines that ‘ Once it is recognised that the rights of the PWDs flow not only from the legislative act but besides from the cardinal rights enumerated in the Constitution, State can no longer pardon itself from protecting the (cardinal) rights of the PWDs evidences of fiscal restraints. ‘ [

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Cf Justice 5. 5. Sinha, Disability Law vis-a-vis Human Rigl-. , (2005) 3 SCC U) 1] .

4. Standing Committee on Copyright and Related Rights, 14th Session (May 1 to 5, 2C Automated Rights Management Systems and Copyright Limitations and Exceptions, Garnett, p. 33, SCCR/14/5.

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As commented by Shapiro:

“ In the long tally, integrating will be society less. A good instruction allows a handicapped pupil, one twenty-four hours to go a worker and a taxpayer, instead than a dearly-won revenue enhancement burden. 1

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Our right of first publication jurisprudence, though, is in conformance with international criteria, . ith to the satisfaction of the legislative assembly, that notwithstanding, it requires, dressing the demands of the people with ocular damages to hold just access to information merely as the general public has. This ' access ' demand can non e easy realised as the general public and the visually challenged public S circumstantially situated otherwise and the publishing house caters to the demand of the! jority, which is the sighted public and is moderately justified in making so vice concern is non tantamount to charity and it is a cardinal right of every siness to deduce legitimate net incomes from its commercial activity. But that is non ivalent to reason that those who have particular demands must be left to for themselves. As a society, we ought non to sort and supply in such a mode that it introduces a prejudiced intervention. Let us see the ' nous manners through which the blind can read.

Manners of Percept

The blind people have small relation with the print universe inasmuch as ting an chance to read the text is concerned. They can merely read with the LP of haptic perceptual experience - the six dotted codification invented by Louis Braille who nmself was a unsighted person. The Braille codification is the linguistic communication of the blind and A±ir print equivalent.

Pertinent are the positions of Ms. Anuradha Mohit, the first blind adult female curate of the National Institute for the Visually Handicapped who holds a ong expostulation to the use of the word " print handicapped " . Harmonizing to

her - ' me blind are non print disabled. They can read print but in raised signifier - the Braille codification. "

The other manner which the visually challenged can grok informations, is by the

. They can listen to the contents of a work and therefore get information.

This

audio method where the contents of the stuff are read out to a individual with

intellectual disablement can go on by straight reading out the contents with the

assistance by a human reader. However, this may not be ever possible for

him as he is not a machine ' and may not be ever available to help his brethren at

the latter ' s case.

The other method of reading out the contents of a work is through a cassette recorder in which such information has been recorded, or read by a computing machine with a voice synthesist which is packaged in a screen reading package. Like Braille books, the sound tapes have traditionally been considered to be the most

widely recognised specialised formats in usage over the past 30 odd years.

This is contained in sound books which are normally distributed.

compact discs, cassette tapes, digital formats or electronic books popularly known and abbreviated as e-books which is basically an electronic (or digital)

I Cf. Justice S13. Sinha, Disability Law vis-a-vis 1-human Rights, (2005) 3
SCC (J) 1.

7W - B 1

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Copyright Law Deskbook

equivalent of a conventional printed book. Such books can be easy use a ...-
text-to-speech package or computing machine screen readers unless they
are protece: Digital Rights Management (DRM) engineerings which may do
unaccessible due to their mutual exclusiveness certain hardware or package
Thi advantage in this signifier of engineering is that it affords maximal
flexibleness tu visually challenged or blind user in that he can read the
contents of the woct a 4 many times as he wants and more so at his
convenience. On the somersault s entering a book takes clip, nevertheless
one time produced in a digital forma: monetary value of doubling it is zero.

For books non available in accessible signifier, readers with print disabibi
either rely on a human reader or on a scanning system. Reliance on a
reader is expensive and non ever available when entree is needed. Optz
Character Recognition Software (OCR) is another medium which can corr
image of a book with the aid of a scanner into clear text. Scaning an e-i book
with OCR package can take hours, and the ensuing text will hae

acknowledgment errors. 1 Kurzweil 1000 and OpenBook are illustrations of C.: 3 Softwares.

We besides have Digital Talking Books, thanks to the DAISY technologT a - : Digital Accessible Information System) brought by the DAISY ConsortiurL - not-for-profit association under Swiss Law) whose vision² is ' that all publS information, at clip of release to the general population, be available accessible, extremely functional, characteristic rich format and at no greater cos: individuals with print disablements ' and whose mission is ' to develop, integrate promote international DAISY criterions, engineerings and implememar schemes to enable planetary entree by people with print disablements to informnar provided by mainstream publishing houses, authoritiess, and libraries in a manner ; . — will besides be of benefit to the wider community. '

The speaking books produced by them comprises of Digital Talking & A ; ' : digital text editions, or a combination of synchronised sound and text editions — - existent recorded human address, and goes in front in contrast to the ' traditr speaking book ' , peculiarly the characteristic of handiness and pilotage from

to indicate within the book, that has ne'er earlier been possible with a human - production of a print book. The book is a multimedia representation of a prr publication.

It is a blessing for person who is blind or visuaily challenged as he/she is a to voyage through a DAISY book by traveling among the headers, Cha and <https://assignbuster.com/copyright-law-under-the-braille-scanner-theology-religion/>

pages. Depending upon how the book is produced, images with descriptions, may be included, along with even more elaborate pilotage. Reading devices - these stuffs enable users to put bookmarks for subsequently reference. 3

The Consortium recognises that ' the current international Torahs do non it easy for libraries for the blind or print disabled to bring forth and exc

1. Cf The Soundproof Book: Exploration of Rights Conflict and Access to Commercial EBook People with Disabilities by George Kerscher and Jim Fruchterman, First Monday, Vol - 6 (June 2002) , hypertext transfer protocol: //firstmonday. org/issues/issue7_6/kersther/index. htni1

2. hypertext transfer protocol: //www. daisy. org/about_us/mission. asp # mission

3. See [http://www. daisy. org/about_us/giaq. asp # a_25](http://www.daisy.org/about_us/giaq.asp#a_25)

Copyright Law Under the Braille Scanner

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= xoks, diaries, and magazines on an international footing. ' 1 It is aware of the

= - a^? T that digital speaking books can be copied and used ifiegally and to protect

- : Dpyrighted stuffs from falling quarry to the negative terminal of engineering, it shall

- rplement security steps where needed.

<https://assignbuster.com/copyright-law-under-the-braille-scanner-theology-religion/>

bL. - : The other format is ' the BRF format [which] is the criterion contracted

rade II) digital Braille format. I3RF files may be used to bring forth difficult transcript

R A± embossed) Braille, read with a refreshable Braille show or be back translated

standard computing machine text for usage with a address device. ' 2 A refreshable Braille splay is an electro-mechanical device for exposing Braille characters, normally

- agency of raising points through holes in a level surface. 3 This information can rerefore be stored in an digital sound file, tapes, computing machine disc or over the riemet with a package to read to them. Ocular and print handicapped individuals make

tensive and increasing usage of advanced engineerings such as electronic Braille,

- : mputer screen readers and text-to-speech syrththesizers. 4

We acknowledge the fact, that the methods described in the foregoing: aragraphs suffers from certain restrictions, for case that Text to speech

-oftware sounds mechanical (robotic) or that it normally takes longer to read: rinted stuff utilizing readers, taped texts, scanners, and computing machine voice

- nthesizers and such a reader is unable to plane a page or interpret images,
 . but

l z is such methods which is the best that is available boulder clay day of the
 month.

Another manner of communicating which reaches them is big print such as

R decree offered by Windows runing system by manner of a screen
 magnifier.

owever, this manner of communicating depends upon single demands and is
 rgely meant for the partly sighted. It is of no usage for a individual who is
 blind.

The above stated manners, with the exclusion of human reader, involves

: onversion of books in ' accessible formats ' . And transition involves
 duplicate

hich implicates copyright Torahs and the necessity to obtain permission as
 the

: Tocopherol: mplete work is being duplicated and just covering
 commissariats do non allow

= stematically reproducing transcripts of the work. 5 But before that since
 right of first publication

2w has long earlier been intemationalised, it is of import to research whether

<https://assignbuster.com/copyright-law-under-the-braille-scanner-theology-religion/>

ny international attempts have been made to pull out an exclusion in favor of
mz- V ' the blind.

it ol a R

' 1. hypertext transfer protocols: //www. daiSy. org/abOut_US/Strategy. aSp
nternational_copYright_Law 2. hypertext transfer protocol: //www.
bookshare. org/web/SUPPOrtFAQ. html # S

3. Cf hypertext transfer protocol: //en. wikipedia.
org/wiki/Refreshable_3raille_disPlaY

4. Introduction by the Author, Standing Committee on Copyright and Related
Rights, 14th Session (May 1 to 5, 2006) , Automated Rights Management
Systems and Copyright

– . – – **Restrictions and Exceptions, Nic Gamett, p. 307,
SCCR/14/5.**

- - . - Address synthesists are an end product device that substitutes
computer-generated address for the screen messages that sighted users
read. [Cf Elizabeth M. McKenzie and Kathleen E. Casey, Using Adaptive
Technology to Supply Access to Blind, Law-Vision, and Dyslexic Patrons, 168,
90 Law Libr. J. 157 (1998)] .

5. The lone exclusion is subdivision 52 (O) permits the devising of a upper
limit of three transcripts of a book (including a booklet, sheet of music, map,
chart or program) by or under the way of the individual in charge of a public

library for the usage of the library if such books is non available for sale in India.