The Canadian Context

Cynthia Archer
ARL Membership Meeting
October 10, 2012
Washington, DC
Copyright Act – selected clauses

Section 29 of the Act is replaced by the following

29. Fair dealing for the purpose of research, private study, education, parody or satire does not infringe copyright

The Act is amended by adding the following after section 32:

32.01 (1) Subject to this section it is not an infringement of copyright for a non-profit organization acting for the benefit of persons with a print disability to make a copy, in a format specially designed for persons with a print disability, of a work and to send the copy to a non-profit organization in another country for use by persons with print disabilities if the author of the work that is reformatted is (a) a Canadian citizen of permanent resident within the meaning of subsection 2(1) of the Immigration and Refugee Protection Act; or

(b) A citizen or permanent resident of the country to which the copy is sent
(8) In this section, “print disability” means a disability that prevents or inhibits a person from reading a literary, musical or dramatic work in its original format, and includes a disability resulting from

(a) severe or total impairment of sight or the inability to focus or move one’s eyes;

(b) the inability to hold or manipulate a book; or

(c) An impairment relating to comprehension
Supreme Court of Canada Interpretation

Supreme Court of Canada (SCC) made judgments in July 2012 on a number of disputed interpretations of copyright law including one in which the SCC interpretation was that “The Internet is simply a technological taxi that delivers a durable copy of the same work to the end user.”

Definition - 1.0 Accessible Formats

Content must be perceivable and operable by persons with visual, perceptual, or physical disabilities and be useable with assistive devices, such as screen readers and screen reading software. Formats need to comply with the Accessibility Laws within Canada, including the Information and Communication Standards of Ontario Regulation 191/11, the Accessibility for Ontarians with Disabilities Act, 2005 (www.elaws.gov.on.ca/html/source/regs/english/2011/elaws__src_regs_r11191_e.htm#BK19).
Model License

Persons with Visual, Perceptual or Physical Disabilities.

Licensed Materials must be provided in a format accessible to Authorized Users with visual, perceptual, or physical disabilities. In the event that the Licensed Materials are not Accessibility compliant, as defined in 1.0, the Member Institution shall have the right to modify or copy the Licensed Materials in order to make it useable to Authorized Users, within the framework of this Agreement.
OCUL Project

This project will enhance the ability of university libraries in Ontario to provide barrier free access to textual resources (books, documents, journals) for students and faculty with various kinds of reading disabilities.

The project has two related components:
OCUL Project Components

1. A secure, easy to use web application for discovering and downloading digital books in accessible format

2. A multi-media information toolkit for librarians and library administrators to help them better understand their obligations under the AODA legislation with respect to the provision of accessible content