



Blind Foundation response to the Discussion Paper on the Implementation of the Trans-Pacific Partnership Agreement issued by MBIE, March 2016.

The Blind Foundation is the main provider of rehabilitative, support and advocacy services for blind and low vision New Zealanders. The Blind Foundation has approximately 12,000 clients throughout the country.

Our Purpose

To enable people who are blind or have low vision to be self-reliant and live the life they choose.

Our Vision

Life without limits

Kahore e Mutunga ki te Ora

Four Key Priorities

1. Independent living
2. Access for all
3. Reach more people
4. Building a Foundation for the future

The Blind Foundation advises government, business and the community on inclusive standards to ensure that the people we represent can participate and contribute equally. We have four major contracts with government. We value our relationships with officials and Ministers. We seek to act as a trusted advisor and specialist on the blindness sector. We are a long serving and expert provider of services to the sector

The Blind Foundation is pleased to submit the following comments in response to the MBIE's paper on the implementation of TPPA by New Zealand.

We have restricted our comments to items which specifically affect our ability to deliver accessible information services to print disabled people in New Zealand by the production of re-formatted works such as braille, large print, audio or electronic texts: as such, all our comments relate to the Intellectual Property Chapter.

Access to information is a key requirement for any citizen, and in the absence of content being produced at source in an accessible format, it is necessary that the Blind Foundation puts its resources to work so that content can be provided in a format which is useable by our community.

To this end, the Blind Foundation has appreciated the exception under Section 69 of the existing Copyright Act which enables us and other bodies prescribed for the purpose of producing accessible formats for people with a print disability to do so without contravening copyright.

We further welcome the intention outlined in the discussion document to protect this exception, specifically with respect to the circumvention of Technical Protection Measures (paragraphs 42, 45, 46 and Annex 1).

Without the protection of this exception, it would be virtually impossible for the Blind Foundation to transcribe printed information into accessible formats, as around two-thirds of content we produce originates from electronic files provided by the publishers. Without the ability to circumvent TPMs, this would be rendered virtually useless to us. The result would be a marked reduction of accessible content in New Zealand and the consequent impacts this would have on an already deprived section of the population when it comes to accessible information.

While we welcome the continued protection of this exception, we do believe that it is time to update the language currently used in Section 69 (and even more so in the Discussion Paper) to reflect changes in technology and modern terminology.

While braille remains a critically-important format for blind people, other accessible formats are also important, such as audio, large print and electronic text. We would suggest the use of “reformat a work to enable access for people with print disabilities”, but we would welcome an opportunity to discuss the final terminology with Government at an appropriate time during the legislative process.

For the time being, we welcome the intention of the New Zealand Government to specifically maintain this exception. We further draw attention to the comments we recently submitted in response to the discussion paper on whether to ratify the Marrakesh Treaty, which we believe should be read in conjunction with this response.