

Copyright and Books for All

Copyright law is there to protect the rights of authors and publishers, so you can't scan and adapt someone else's copyright work whenever you feel like it. However, both the law (Copyright and Visually Impaired Persons Act 2002) and the Copyright Licensing Agency allow copying of material for people with disabilities. When you make an Accessible Copy of copyright material, you almost always do so under a licence from the Copyright Licensing Agency (CLA). There are two licences that are relevant for Scottish schools.

CLA Schools Photocopying Licence

The Copyright Licensing Agency (CLA) photocopying licence held by schools allows 'Accessible Copies' of books and other learning materials to be made for 'Authorised Persons' who 'are unable to read or access' the ordinary printed book. Up until 1st April 2008, the licence only allowed copies to be made for pupils who were visually impaired or physically disabled, but from 1st April 2008, the licence was extended to cover made for pupils who are 'visually impaired or otherwise disabled'.

In Scotland, the licence is held by the local authority and so this means that any employee of the local authority can legally make and supply an accessible copy to any pupil who is 'visually impaired' or 'otherwise disabled', in the local authority (i.e. not just your own school).

A 'visually impaired person', in accordance with s.31F (9) of the Copyright, Designs and Patents Act 1988 is someone:

- "(a) who is blind;
- (b) who has an impairment of visual function which cannot be improved, by the use of corrective lenses, to a level that would normally be acceptable for reading without a special level or kind of light;
- (c) who is unable, through physical disability, to hold or manipulate a book; or
- (d) who is unable, through physical disability, to focus or move his eyes to the extent that would normally be acceptable for reading."

A pupil is 'otherwise disabled' in accordance with s.1 of the Disability Discrimination Act 1995 if:

'he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities'.

The licence has some conditions:

- You cannot make an Accessible Copy if one exists commercially – you should buy a commercial copy.
- You cannot make a copy of an 'excluded work' – see the CLA web site www.cla.co.uk for a list of excluded books.

- You (the local authority) must possess an original copy of the book.
- You can make a copy “in digital or audio format, large or small print copies or embossed copies (whether produced in Moon or Braille or otherwise) or in other formats”.
- You don't have to ask permission from or notify the publisher.
- The accessible copy must contain a statement that “it is a copy of the original work made under a CLA Licence for the personal use of a visually impaired or a disabled person and that it may not be further copied (including any electronic copying or transmission) or dealt with without permission or save as may be permitted by law.”
- The copy must contain the title, author and publisher and the published edition from which the copy is made.
- You can add facilities for navigating around the book and you can change colours and size of text and illustrations but you cannot alter the text itself – you can't re-write the book.
- The school “may only charge for the supply of an Accessible Copy an amount which does not exceed the cost of making and supplying it”.
- You can't give the accessible copy to someone outside your local authority.

CLA Print Disability Licence

The Print Disability licence is for organisations who want to make and supply Accessible Copies to people outside their own organisation. So, for example, if you want to give an Accessible Copy to a pupil or someone in another local authority, you need a Print Disability licence.

The Print Disability licence is free and you can download it from the CLA web site. It must be signed by someone who represents the local authority. The terms and conditions of the Print Disability licence are similar to the schools' licence. The main differences are:

- You can share the Accessible Copy with pupils or staff outside your local authority.
- You can give 'intermediate copies' to other organisations who hold a CLA licence – for example you could share a text file that you made for a Braille book.
- You must keep records of all copies made and the organisations to whom you give any Intermediate Copies.
- You must notify CLA and/or the rightsholders when you make an Accessible Copy.

Digital files from publishers

The CLA licences cover making accessible copies from paper books – they don't apply to digital files that you may have got from the publisher, or eBooks. When you ask a publisher for a digital file of a book, make sure you get permission to use it the way you require.