



Marc Maurer, *President*

1800 Johnson Street Baltimore, MD 21230
Phone 410 659 9314 **Fax** 410 685 5653
www.nfb.org

STATEMENT OF THE NATIONAL FEDERATION OF THE BLIND

**United States House of Representatives
Committee on the Judiciary**

Competition and Commerce in Digital Books

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Mr. Chairman: My name is Marc Maurer, and I serve as President of the National Federation of the Blind. The National Federation of the Blind is the oldest and largest organization of blind people in the United States. Through our affiliates in each of the fifty states, the District of Columbia, and Puerto Rico, and our 700 local chapters, we seek to advance the rights of blind people by helping both the blind and the sighted to understand that blindness, in and of itself, need not be a tragedy. The real problem of blindness is not loss of eyesight, but misunderstandings and misconceptions about it that are prevalent in society. With proper training and opportunity, blindness can be reduced to the level of a mere physical nuisance.

The “proper training and opportunity” part of this equation cannot be overemphasized. Among the keys to opportunity are a good education and access to information. This is particularly true in the twenty-first century, when information is the coin of the realm. In order to succeed, blind people must have full and equal access to all forms of information, including the written word. But historically, access to written knowledge has been one of the greatest challenges faced by the blind. For most of human history, the vast majority of blind people did not have access to books at all. With the invention of Braille, and then of audio recording and playback technology, more books became available to us, but still the selection of titles to which we have access is extremely limited.

The Google settlement, if approved, will change all that. The agreement promises to make millions of titles available to a wide audience, including those who are blind or who cannot read print for other reasons. The terms of the settlement allow Google to provide the material it offers users “in a manner that accommodates users with print disabilities so that such users have a substantially similar user experience as users without print disabilities.” A user with a print disability under the agreement is one who is “unable to read or use standard printed material due to blindness, visual disability, physical limitations, organic dysfunction, or dyslexia.” The settlement, if approved, will therefore bring the printed word to as many as thirty million people who currently have limited access to it. Blind people will be able to search for books through

the Google Books interface and purchase, borrow, or read at a public library any of the books that are available to the general public, in a format that is compatible with text enlargement software, text-to-speech screen access software, and refreshable Braille devices. If this settlement is approved, blind people will have greater access to books than we have ever had in human history.

Currently, the blind have access to a relatively sparse selection of titles produced by government and nonprofit organizations dedicated to serving our needs. The primary source of reading material for most blind Americans is the National Library Service for the Blind and Physically Handicapped of the Library of Congress. While this service has done an outstanding job of providing books to the blind within budgetary constraints, it has, at most, perhaps 70,000 circulating titles in its collection. Furthermore, even if all methods of providing content in a format accessible to the blind, including commercial audio books, are taken into consideration, it is estimated that only 5 percent of the books published each year are ever produced in a format that can be used by the blind or others with print disabilities.

While the blind have for years been tantalized by the promise of greater access through e-books, which are inherently accessible, the sad fact is that no other provider of e-books has yet made its offerings accessible to the blind. Instead, publishers distribute their e-books through inaccessible devices and platforms, use digital rights management schemes to prevent screen access technology and other methods used by the blind from accessing these books, or both. Prior to this landmark settlement agreement, neither authors and publishers, nor any entity promoting e-book technology had ever consented to any system that would make such a large number of books immediately accessible to the blind and other Americans with print disabilities. The Google settlement therefore represents the only present prospect for blind people to access electronic texts. It is our hope and belief that the settlement will also represent a paradigm shift that will encourage other publishers and e-book distributors to make accessibility a priority.

Libraries are currently distributing e-books to borrowers. An increasing number of universities require students to use e-texts. Some state governments are contemplating replacing printed books with e-texts. A number of companies are distributing e-texts. The e-text market is expanding rapidly, and the Google settlement represents the only substantial effort to make this form of information usable by the blind. The technology exists to make all of this distributed information readily accessible to the blind. Unless an immediate effort to implement such a system is pursued, the result for employment for blind people will be devastating. Already the lack of information has meant that fewer than 50 percent of blind people in their school years will graduate from high school. Already the lack of information has contributed to an unemployment rate for the blind in excess of 70 percent. Already the lack of information

has prevented blind students from being able to matriculate in college courses of their choosing. Blind people are willing to pay for books, but they must be books we can read. The proposed Google settlement is a promise that this magnificent notion may become real.

It has been said that the proposed Google settlement is an effort to give judicial sanction to theft of intellectual property. This argument ignores the provisions of the settlement itself. Any author wishing to avoid the terms of the settlement may opt out. Those who do not opt out receive a very substantial portion of the revenue generated.

Some opponents of the settlement have propounded the argument that by including accessible provisions for the blind in the agreement Google has taken a position akin to that of "Robin Hood." Apparently, these opponents are saying that Google is taking what doesn't belong to it and justifying the theft by giving access to the blind. This is an argument without foundation. The blind are prepared to pay for books at the same rate and to the same extent that the sighted must do so. The settlement has no provisions to give intellectual property to the blind that is not already available to the sighted. The blind must pay as much for intellectual property as the sighted must. No different terms apply to blind people from those which apply to the sighted. The "Robin Hood" analogy fails because the blind don't get anything for free that the sighted don't get for free and because a "Robin Hood" must first steal the material. If the theft hasn't occurred, the transaction has to be characterized in some other way.

The Google settlement is, for the blind and many others, the next step in the democratization of knowledge. That process began with the introduction of the printing press and then, for the blind, with the invention of Braille. Now technology has arisen which transcends the traditional limitations of both print and Braille, promising to make millions of titles available to the blind in Braille or any other format of our choice. The narrow business interests of Google's competitors must not be allowed to block Americans who cannot read print from all of the opportunities that greater access to written knowledge will make available to them. It is time for the doors of the world's great libraries to be opened in welcome to everyone.

Thank you for the opportunity to present this testimony. If you have any further questions, please do not hesitate to contact the National Federation of the Blind.