

Legal Regulation & Education: Doing the Right Thing?

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Copyright and disability - beyond DRM

In 2013 the World Intellectual Property Organisation (WIPO) held a special session of its Standing Committee on Copyright and Related Rights (SCCR) to organise a diplomatic conference in Marrakesh to prepare a Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities - the Marrakesh Treaty to Improve Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. While even this document proved to be controversial with rights holders, it continues a tradition of discussing the interaction between copyright law and disability that focuses on specific disabilities (typically visual impairment, sometimes hearing impairment) and specific media (typically print, including digital print, rarely audio-media) However, developments in information technology challenge the notion that issues of access to information for the disabled and long term ill and copyright law can be compartmentalised in this way. This paper discusses two case studies, Microsoft's Sensecam and Sonormed's „Tinnitracks“ to show how novel, IT enabled medical technologies can create tensions between disability rights and copyright outside the traditional fields of interest. Sensecam is a tool that supports Alzheimer sufferers through creating "digital memories", Tinnitracks alleviates the impact of Tinnitus by digitally manipulating music files so that it "cancels out" the auditory symptoms of tinnitus. In both cases, existing copyright has the potential to prevent the technologies from achieving the desired effects. The paper concludes by arguing for a more principle based approach to reconcile disability and copyright law.