

In reply to the comments filed by Steven J. Metalitz on behalf of the Association of American Publishers (AAP), Independent Film and Television Alliance (IFTA), Motion Picture Association of America (MPAA), National Music Publishers' Association (NMPA) and Recording Industry Association of America (RIAA), I would like to submit into the record of the current proceedings a paper entitled "Access to Works Published in Foreign Countries" which provides empirical evidence that supports the importance of access to foreign works for reading disabled persons. This paper was previously submitted to the April 2009 Copyright Office and USPTO consultation on reading disabilities.

Access to Works Published in Foreign Countries

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About Us

Malini Aisola: I work at Knowledge Ecology International. I am one of many U.S. citizens born abroad. I was born and raised in India, where I studied three languages: English, Hindi and Sanskrit. I moved to the United States with my parents, and later studied at the University of Illinois at Urbana-Champaign, and the graduate school of the University of Wisconsin-Madison. Today the primary language in which I work is English, but I find myself utilizing Hindi and Telugu almost as frequently. My sister, who resides in Europe, speaks English, Hindi, Dutch, French, Telugu, and some Mandarin Chinese and German. A few years before he died, my grandfather became visually impaired.

Meredith Filak: I am a U.S. citizen, educated at the University of Chicago. I tutor students with reading disabilities. I have a relative with severe vision problems, and a brother who had severe visual impairments until he underwent corrective surgery. In addition to English, I speak, read and write Japanese. I am a research fellow at Knowledge Ecology International.

Introduction

The proposal by the World Blind Union for a treaty for reading disabled persons includes as a core feature the ability to import and export copies of works that were created under limitations and exceptions to copyright for reading disabled persons. One reason to support the treaty proposal is to expand access to works in foreign languages.

People read for pleasure, education and work. In any country, there are people who speak foreign languages, either as their mother tongue or as a second language. In a world with equal access, disabled persons would be as likely as anyone to benefit from access to works published in foreign languages. Reading disabled persons would also benefit by having access to works in the same language that are published in foreign countries.

The Global Language Landscape

There are thousands of languages spoken in the world. Estimates and rankings vary by study, but the languages most commonly spoken by native speakers certainly include Chinese (most commonly Chinese Mandarin), Hindi, Spanish, English, Arabic, Portuguese, Bengali, Russian, French, Italian, Japanese, German, Javanese and Telugu. Attached is a table of 30 commonly spoken languages.

UNITED STATES

According to the 2000 U.S. Census, among people aged 5 and above in the United States, 47 million people speak a language other than English at home. This constitutes 18 percent of the population, an increase from 14 percent in the 1990 census and 11 percent in the 1980 census.¹ While over 300 languages are spoken in the United States, Spanish is the most pervasive non-English language, and is spoken by 28.1 million people. Among the other significant populations speaking languages other than English are 2 million Chinese speakers, 1.6 million French speakers, 1.4 million German speakers, 1.2 million Tagalog speakers, and one million each speaking Vietnamese and Italian.

Languages Most Frequently Spoken at Home Other Than English

Source: *U.S. Census Bureau, Census 2000 Summary File 3*

Language	Population
Spanish	28.1 million
Chinese	2 million
French	1.6 million
German	1.4 million
Tagalog	1.2 million
Vietnamese	1.0 million
Italian	1.0 million
Korean	0.9 million
Russian	0.7 million
Polish	0.7 million
Arabic	0.6 million

EUROPEAN UNION

According to a February 2006 survey prepared for the Director General for Education and Culture,² the language most commonly spoken in Europe is English. Some 13 percent of Europeans speak English as their first language, and another 38 percent speak English as a second language. Together 51 percent of Europeans speak English. The most commonly used language in Europe by mother tongue (18 percent), and second most common by total speakers (32 percent) is German. The next most used languages in Europe are French and Italian, spoken by 26 percent and 16 percent, respectively.

1 Language Use and English Speaking Ability: 2000. Census 2000 Brief
<http://www.census.gov/prod/2003pubs/c2kbr-29.pdf>

2 Europeans and their languages. *Special Eurobarometer 243/Wave 64.3* February 2006.
http://ec.europa.eu/public_opinion/archives/ebs/ebs_243_en.pdf

Languages Most Frequently Used in the EU- %

Source: *Europeans and their Languages, Special Eurobarometer, February 2006*

Language	Mother Tongue	Foreign Language	Total
English	13%	38%	51%
German	18%	14%	32%
French	12%	14%	26%
Italian	13%	3%	16%
Spanish	9%	6%	15%
Polish	9%	1%	10%
Russian	1%	6%	7%

Fifty six percent of Europeans speak a language other than their mother tongue. Twenty eight percent have mastered two languages other than their mother tongue. Eleven percent have mastered three or more languages excluding their mother tongue. Additionally, it is estimated that one in five Europeans are active language learners.

The European Commission's studies on the topic suggest that language skills are correlated with education, employment mobility and higher incomes. In fact, some 83 percent of Europeans surveyed believe that knowing foreign languages is or could be useful for them personally, and 53 percent consider this to be very useful. Sixty seven percent of Europeans surveyed reported that languages' teaching should be a political priority.

Linguistic Diaspora and Regional Dominance

Ethnic diaspora and an increasingly connected society have led to the proliferation of many languages on a global scale. English offers a prime example of worldwide, non-contiguous linguistic prevalence. While it is not the most commonly spoken language (as measured in number of speakers), is an official, secondary, or de facto dominant language of over 60 nations, including: Antigua and Barbuda, Australia, The Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei, Cameroon, Canada, Dominica, Ethiopia, Eritrea, Fiji, The Gambia, Ghana, Grenada, Guyana, Hong Kong (People's Republic of China), India, Ireland, Jamaica, Kenya, Kiribati, Lesotho, Liberia, Malawi, Maldives, Malta, Marshall Islands, Mauritius, Micronesia, Namibia, Nauru, New Zealand, Nigeria, Pakistan, Palau, Papua New Guinea, Philippines, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Swaziland, Tanzania, Tonga, Trinidad and Tobago, Tuvalu, Uganda, United Kingdom, United States, Vanuatu, Zambia, and Zimbabwe. Portuguese occupies a similar status in Angola, Brazil, Cape Verde, East Timor, Guinea-Bissau, Macau (People's Republic of China), Mozambique, Portugal, and São Tomé e Príncipe.

Many languages, such as Spanish, Arabic, and German, serve as the primary language for entire

regions. Spanish is dominant in South, Central, and parts of North America, including Argentina, Bolivia, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Spain, parts of the United States, Uruguay, and Venezuela. Arabic dialects are dominant throughout Algeria, Bahrain, Chad, Comoros, Djibouti, Egypt, Eritrea, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Niger, Oman, Palestinian Territories, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates, Western Sahara, Yemen, Mauritania, and Senegal. German is spoken across an entire region of central Europe, including Austria, Belgium, Germany, Italy (South Tyrol), Liechtenstein, Luxembourg, Poland, and Switzerland.

These different linguistic formations—diasporic and contiguous—are each uniquely affected by restrictions on international access. For languages such as English and Portuguese, where speakers are many and scattered, diversity forms a key component of that language's literary corpus. English offers a body of written work that reflects the diversity of its speakers. Portuguese is likewise the common language for a number of unique cultural and geographic styles. It is essential that reading disabled persons be able to participate in this literary diversity.

Contiguous linguistic regions, on the other hand, experience a different set of issues when dealing with international access restrictions. These regions often possess a shared history, along with a tradition of literary cross-pollination. In these circumstances, restrictions on international access serve to fracture and stifle what was previously an international literary dialogue. For example, Belgian students are exposed to a great deal of German literature; if, however, these same students lose their vision later in life, they could easily be denied access to those same works which they read as students, due to nation-specific copyright issues.

Access to Accessible Works in Foreign Languages

In the U.S., support for the creation of accessible works is focused on English, the most dominant spoken language. As of April 21, 2009, the total number of titles available in accessible format through the RFB&D website was 46,705. Of these, non-English titles account for only 1-2% of the entire catalog. There are more than 45,000 titles available on BookShare, but only about 40 German and 1200 Spanish works.

There are three areas in which a treaty on international exceptions for accessible works would greatly benefit reading disabled people.

First. The sharing of works between countries that have a common dominant language will improve the availability of accessible works for their reading disabled citizens. For example, works that are published and made accessible in the U.K. would, for the first time, become available to reading disabled persons residing in Australia, Barbados, Bangladesh, Canada, India, Hong Kong, Kenya, Pakistan, Singapore, South Africa, Uganda, United States, New Zealand and other countries where English is spoken. Citizens of smaller nations with fewer resources to create accessible works are particularly affected by current restrictions on the export and import of accessible works. These reading disabled individuals have little to no access to accessible works available in other countries with which they share a common language.

Second. The global sharing of accessible works would expand access for persons whose mother tongue is different from the official language of their country of residence. A treaty providing for the global distribution of accessible works would allow an Arabic speaker living in London greater access to accessible works in Egypt and other Arabic speaking countries. A native Spanish speaker who lives in the United States and is reading disabled could enjoy access to the collection of more than 20,000 accessible Spanish language works managed by the Argentina based Tiflolibros.

Third. Access to libraries of accessible foreign language works would benefit those reading disabled persons who speak foreign languages in addition to their native tongue. Fifty six percent of Europeans speak one or more languages excluding their mother tongue. In fact, 38 percent of Europeans are non-native speakers of English. Language skills are considered useful for business, education, travel, entertainment and personal satisfaction. Global sharing of accessible works would provide reading disabled persons with foreign language skills the opportunity to avail themselves of valuable multilingual resources and participate more fully in the global environment. For example, accessible Spanish texts would be invaluable to a reading disabled businessman who seeks to successfully operate a business in Latin America.

Concluding Comments

As persons who speak and use English, we are confident that reading disabled persons in the United States would benefit from access to the English language collections that are available outside of the United States.

As persons who speak more than one language, we are confident that reading disabled persons in the United States would benefit from having access to the foreign language collections that are available outside of the United States.

As persons concerned about reading disabled persons everywhere, we are confident that persons living outside the United States would benefit from access to the U.S. collections of accessible works.

Top 30 Languages by Number of Speakers

Data source: *Ethnologue: Languages of the World*, 15th ed. (2005) & Wikipedia.org.

	Language	approximate number of speakers	Where is it spoken as an official language?
1.	Mandarin Chinese	NATIVE: 873 million 2nd: 178 million TOTAL: 1.051 billion	OFFICIAL: People's Republic of China, Republic of China, Singapore
2.	Hindi	NATIVE: 370 million 2nd: 120 million TOTAL: 490 million	OFFICIAL: India, Fiji
3.	Spanish	NATIVE: 350 million 2nd: 70 million TOTAL: 420 million	OFFICIAL: Argentina, Bolivia, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Spain, United States (New Mexico, Puerto Rico, Uruguay, Venezuela
4.	English	NATIVE: 340 million TOTAL: 510 million	OFFICIAL: Antigua and Barbuda, Australia, The Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei, Cameroon, Canada, Dominica, Ethiopia, Eritrea, Fiji, The Gambia, Ghana, Grenada, Guyana, Hong Kong (People's Republic of China), India, Ireland, Jamaica, Kenya, Kiribati, Lesotho, Liberia, Malawi, Maldives, Malta, Marshall Islands, Maritius, Micronesia, Namibia, Nauru, New Zealand, Nigeria, Pakistan, Palau, Papua New Guinea, Philippines, Rwanda, Saint Kitts and Nevs, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somolia, South Africa, Sri Lanka, Swaziland, Tanzania, Tonga, Trinidad and Tobago, Tuvalu, Uganda, United Kingdom, United States, Vanuatu, Zambia, Zimbabwe.
5.	Arabic	NATIVE: 206 million 2nd: 24 million TOTAL: 230 million [World Almanac est. total 255 million]	OFFICIAL: Modern Standard Arabic: Algeria, Bahrain, Chad, Comoros, Djibouti, Egypt, Eritrea, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Niger, Oman, Palestinian Territories, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates, Western Sahara, Yemen. Hasaniya Arabic: Mauritania, Senegal NATIONAL: Mali Note: These figures combine all the varieties of Arabic. Some data sources, e.g. CIA World Fact Book, World Almanac, Ethnologue, treat these varieties as separate languages.
6.	Portuguese	NATIVE: 203 million 2nd: 10 million TOTAL: 213 million	OFFICIAL: Angola, Brazil, Cape Verde, East Timor, Guinea-Bissau, Macau (People's Republic of China), Mozambique, Portugal, São Tomé e Príncipe.
7.	Bengali	NATIVE: 196 million TOTAL: 215 million	OFFICIAL: Bangladesh, India (Tripura, West Bengal)
8.	Russian	NATIVE: 145 million 2nd: 110 million TOTAL: 255 million	OFFICIAL: Abkhazia (part of Georgia), Belarus, Kazakhstan, Kyyrgyzstan, Russia, Transnistria (part of Moldova).
9.	Japanese	NATIVE: 126 million	OFFICIAL: Japan, Palau

	Language	approximate number of speakers	Where is it spoken as an official language?
		2nd: 1 million TOTAL: 127 million	
10.	German	NATIVE: 101 million 2nd: 128 million TOTAL: 229 million	OFFICIAL: Austria, Belgium, Germany, Italy (South Tyrol), Liechtenstein, Luxembourg, Poland, Switzerland
11.	Punjabi	Western: 60 million Eastern: 28 million TOTAL: 88 million	OFFICIAL: India (Punjab) NATIONAL: Pakistan
12.	Javanese	76 million	OFFICIAL: Indonesia (esp. Java)
13.	Korean	71 million	OFFICIAL: North Korea, South Korea
14.	Vietnamese	NATIVE: 70 million 2nd: 16 million TOTAL: 86 million	OFFICIAL: Vietnam
15.	Telugu	NATIVE: 70 million 2nd: 5 million TOTAL: 75 million	OFFICIAL: India (Andhra Pradesh)
16.	Marathi	NATIVE: 68 million 2nd: 3 million TOTAL: 71 million	OFFICIAL: India (Daman and Diu, Goa, Maharashtra)
17.	Tamil	NATIVE: 68 million 2nd: 9 million TOTAL: 77 million	OFFICIAL: India (Tamil Nadu), Singapore, Sri Lanka
18.	French	NATIVE: 67 million 2nd: 63 million TOTAL: 130 million	OFFICIAL or NATIONAL: Belgium, Benin, Burkina Faso, Burundi, Cameroon, Canada, Central African Republic, Chad, Comoros, Congo-Brazzaville, Congo-Kinshasa, Côte d'Ivoire, Djibouti, Equatorial Guinea, France, French Polynesia, Gabon, Guernsey, Guinea, Haiti, India (Karikal, Pondicherry), Italy, Jersey, Lebanon, Luxembourg, Madagascar, Mali, Martinique, Mauritius, Mayotte, Monaco, New Caledonia, Niger, Rwanda, Senegal, Seychelles, Switzerland, Togo, United States (Louisiana), Vanuatu.
19.	Urdu	NATIVE: 61 million 2nd: 43 million TOTAL: 104 million	OFFICIAL: India (Jammu and Kashmir), Pakistan.
20.	Italian	61 million	OFFICIAL: Croatia (Istria Country), Italy, San Marino, Slovenia, Switzerland.
21.	Turkish	NATIVE: 60 million 2nd: 15 million TOTAL: 75 million	OFFICIAL: Bulgaria (Kurdzhali Province and areas of South and East Bulgaria), Cyprus, Turkish Republic of Northern Cyprus, Turkey
22.	Persian	54 million	OFFICIAL: Afghanistan, Iran, Tajikistan.
23.	Gujarati	46 million	OFFICIAL: India (Gujarat, Daman and Diu, Dadra and Nagar Haveli).

	Language	approximate number of speakers	Where is it spoken as an official language?
24.	Polish	46 million	OFFICIAL: Poland
25.	Ukrainian	39 million	OFFICIAL: Ukraine, Transnistria (part of Moldova).
26.	Malayalam	37 million	OFFICIAL: India (Kerala, Lakshadweep, Mahe).
27.	Kannada	NATIVE: 35 million 2nd: 9 million TOTAL: 44 million	OFFICIAL: India (Karnataka).
28.	Oriya	32 million	OFFICIAL: India (Orissa).
29.	Burmese	NATIVE: 32 million 2nd: 10 million TOTAL: 42 million	OFFICIAL: Myanmar.
30.	Thai	NATIVE: 20 million 2nd: 40 million TOTAL: 60 million	OFFICIAL: Thailand.