

# Print disability and access to specialized versions of copyrighted materials

## Print disability and U.S. copyright law

Under the [Chafee amendment to U.S. copyright law](#), individuals with a *certified print disability* may be provided copies of copyrighted materials:

*Notwithstanding the provisions of section 106, it is not an infringement of copyright for an authorized entity to reproduce or to distribute copies or phonorecords of a previously published, nondramatic literary work if such copies or phonorecords are reproduced or distributed in specialized formats exclusively for use by blind or other persons with disabilities.*

Note a key difference here to the Access4All work etc. is that an individual cannot "self-assert" that they are eligible for specialized access to otherwise copyrighted material; they must be certified as having a print disability under guidelines like these: [https://www.bookshare.org/\\_/membership/qualifications](https://www.bookshare.org/_/membership/qualifications).

The [HathiTrust](#) has been planning to provide enhanced access and versions of the full text of copyrighted volumes to individuals who have a certified print disability under the guidelines of the Chafee Amendment. To provide such a service requires a means of identifying that an individual is eligible for this service, i.e. that the individual has been appropriately certified to have a print disability. If institutions or other appropriate attribute authority could provide an attribute to HathiTrust that indicated that a given person is eligible for print-enhanced versions of books etc. (i.e. has been certified to have a print disability), then HathiTrust could much more easily support such a service.

From [http://www.hathitrust.org/updates\\_july2011](http://www.hathitrust.org/updates_july2011):

### *Access for users who have print disabilities*

*.... users at partner institutions who are certified as having a print disability will be eligible to view the full text of all in copyright volumes in HathiTrust that are or had previously been held in the partner institution's library system. In order to gain access institutions will need:*

- *To be configured for authentication to HathiTrust via Shibboleth, (see <http://www.hathitrust.org/shibboleth>)*
- *To have provided HathiTrust with information about their print holdings*
- *To have a local process by which eligible users have been certified as having a print disability*
- *To convey certification status through a new Shibboleth eduPersonEntitlement attribute*

One possible approach to supporting this use case with an attribute value has been defined in the [Shibboleth Login guidelines](#) for HathiTrust:

*\*eduPersonEntitlement (optional) – to offer enhanced access to content. We will be using the entitlement to allow enhanced text views of all works (public domain and in-copyright) to users at member institutions who have a print disability. Note that this service has not yet expanded beyond its pilot implementation at the University of Michigan.*

- <http://www.hathitrust.org/access/enhancedText> - attribute value for users who have a print disability
- <http://www.hathitrust.org/access/enhancedTextProxy> - attribute value for those accessing works on behalf of users who have a print disability



*An addition from Mike Grady: I was a part of defining these values, and a part of defining the potential use case for this "enhancedTextProxy" value. This value would typically be used for, at least at a Higher Ed institution, the staff in the office which provides support services for students with disabilities. These are often the staff (perhaps along with staff in the Library) who have been tasked with converting resources into a form that various students need. And these are the staff who may need to assess whether a given adapted version in HathiTrust is sufficient to meet a given student's needs, or whether they'll need to look elsewhere (or do the adaptation themselves) for an adapted version that does. And who will support the student if they have problems accessing adapted content in HathiTrust. In order to be able to do all of those tasks, they'll need to have the capability to get to these same adapted versions, but operate under a policy of doing so only for the specific support of a student who is themselves eligible for the content.*

- <http://www.hathitrust.org/access/standard> - attribute value for standard use. This attribute value is not required but is provided for Identity Providers that prefer to enter an entitlement value for all users.