From: Janina Sajka
Date: Fri, Jun 20, 2003 5:28 PM
Subject: Re: Copyright Office Sec. 1201 Rulemaking

Thank you for the opportunity to provide additional information regarding our request for an exemption to the prohibition on circumvention of
technological measures that control access to copyrighted works. Our responses to your questions follow.

Question: How many Ebook are on the market that have the "read aloud" function disabled for which another audio source is not available on the market,
e.g., audio book?

Answer: With a single exception noted below, it is not easy to discover how many, or which titles allow (or disallow) "read aloud"
functionality. With the exception of a single on line bookseller, no one provides this information where consumers can readily access it.

A far more important response to this question, however, is that an audio book is simply not the equivalent of an Ebook with read aloud functionality.
The difference is significant:

*   Audio books are clearly more pleasant to listen to. However, they may not be as useful. A dictionary on audio cassette, for example, would be
very cumbersome to use. In general, titles which are customarily used to access random bits of information do not lend themselves well to audio
narration.

*   Ebook with the read aloud feature may not be pleasant to listen to, but they provide invaluable functionality for which the blind reader has
no good alternative. Using technical reference titles in electronic text form is a superior means to ascertain facts and figures. Discovering the
spelling of someone's name, for example, is rarely possible in audio book format, but straight forward in .

So, while readers who are blind might prefer audio books for leisure reading, business and educational activity is far better supported in . In
such circumstances, the quality of the narration is not the priority. Rather, accurate access to data is. Indeed, we believe any reader would prefer a
format that provides text, whether on paper or on screen, when random access to facts is needed. No one would choose audio books for this kind of
reading. Audio books have been used for such content with persons who are blind simply because print is not an option. Now that electronic text can be
an option, it must be made available and accessible.

Question: What is the default setting on the Adobe Reader -- read aloud on or
read   aloud off?

Just in the past few weeks Adobe has released Adobe Reader 6.0, which now incorporates access and read aloud functionality. Our issues with the
Adobe Ebook Reader itself appear to have been substantially resolved with this new release.

Question: What percentage of all Ebook titles offer no read aloud function?

The Australian on line bookseller, www.ebooks.com, is the only outlet which routinely provides information regarding the status of "read aloud"
functionality for its titles. The following figures were provided by www.ebooks.com and reflect the percentage of titles with "read aloud" enabled
available from www.ebooks.com:

      62% of the titles in Adobe Ebook format
      28% of the titles in Microsoft Reader format
      0% of the titles in Mobipocket and Palm format

We were unsuccessful in our attempts to obtain similar data from www.amazon.com and www.barnesandnoble.com.

Question: What percentage of those that do not offer the read aloud function are available in another accessible format such as talking books?

Answer: As noted above, the audio book format of "talking books" and are really dissimilar media with very different strengths. To answer
more precisely for availability in any other accessible format, however, is more difficult. We do not have actual figures at this time. Since only
approximately 10% of published titles are produced in accessible, alternate formats, we would expect a significant number of to be unavailable in
any other accessible format. Certainly, best selling titles are most likely to be made available in multiple formats, including accessible ones. More
obscure titles, technical titles, industry and interest specific titles, are less likely to be available in any other format. The very expensive
examples provided in our original filing come from this latter category.

Question: Is Bookshare an option for any published book that would serve accessibility needs?

We regard BookShare as a valuable service which might well serve print disabled readers even better in the future. Today, most titles published on
BookShare have been scanned and converted to text by individuals members on a voluntary basis.

A far more exciting development is the recent donation of all of O'Reilly's Safari titles to BookShare in pristine, unencrypted XML files (see
http://www.bookshare.org/oreilly/). Because the O'Reilly titles are provided in well structured electronic files, they can be converted by computer into
truly usable electronic formats including braille and digital talking book format in the new ANSI Z39.86-2002 standard (see
http://www.loc.gov/nls/z3986/). We would be thrilled for other publishers to follow this example.

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