

Re: WESTERN CAPE LEGISLATURE – CALL FOR COMMENTS ON CAB B13D-2017

I am Patricia Ramela-Mothopeng and am grateful for the opportunity to comment on the Copyright Amendment Bill B13D-2017. These comments are submitted in my personal capacity.

I am a resident of Cape Town and work as Faculty of Business and Management Sciences Librarian at the largest university in the Western Cape, with over 32,000 students. I have many years' professional library experience in the tertiary sector, having worked in Eastern Cape, Gauteng, and the Western Cape.

My colleagues and I, together with our students, experienced a terrible time during the pandemic lockdown. Firstly, at very short notice, we all had to move online, and our campus libraries were closed. There was no access to our print collections, newspapers, videos and other multimedia, or other collections in the library. Academics and students had to move to digital platforms, and librarians had to provide them with digital resources very quickly. There was a real panic when resources could not be accessed, had not been digitised, and were necessary for specific courses. Copyright permission had to be obtained, or alternative material used.

I always knew that South African copyright law was old and outdated, but I did not realise how restrictive it really was until then. Anything needing to be placed on a digital platform, or needing to be converted, digitised or format-shifted, had to be cleared for copyright first. eBooks were not easily available, so librarians had to find alternative material or apply for permission to assist academics and students. Our budgets were stretched so we didn't always have money to pay for additional copyright fees. It is such a pity that the Bill hadn't been enacted at the time of the lockdown. It would have resolved so many of the challenges my colleagues and I and our academic community had to face on a daily basis.

After perusing the Copyright Amendment Bill B13D-2017, approved by the National Assembly in September 2022, I am happy to see that the Bill will be very helpful to librarians and other information services. It also introduces fair use (with four criteria), which is more flexible than our current fair dealing. It has practical exceptions for academic activities, education, people with visual, hearing, and other disabilities, as well as for archives, museums and galleries. It also allows copies of at least 50% state-funded manuscripts to be placed in open access repositories, which will provide so many more resources for our staff and students. The Bill is a great improvement on the current Act.

I hope that the Western Cape Legislature, and the other Provincial Legislatures, will recognise the benefits of this Bill for the library, research, and educational sectors, and other stakeholders. I hope the Bill will be passed as soon as possible. I do not require a slot for an oral presentation.