



Office of the LIASA President

P O Box 1598

Pretoria,

Mr. D Nkosi,

Chairperson: Portfolio Committee on Trade and Industry, Parliament

The Library and Information Association of South Africa (LIASA) is a member of the International Federation of Library Associations and Institutions (IFLA) and is the SAQA-awarded Professional Body for the Library and Information services sector in South Africa. Through this, LIASA is mandated to contribute to national skills development aligning with LIASA's goals to unite, develop and empower all people in the library and information field. Furthermore, LIASA's scope of services encompasses all South Africans and supports national development through access to information. The integral role that libraries and information services entities play in education and research cannot be emphasised too greatly given it being crucial to access to knowledge, innovation and socio-economic development in our country. Together with the National Council for Library and Information Services, LIASA played a major role in the drafting of the Library Transformation Charter and LIS Policy for South Africa. The important functions and roles that libraries and information services entities play in our democracy were formally acknowledged by Minister Nathi Mthethwa and many other African Ministers in their Cape Town Declaration signed on 14 August 2015, and the Durban Communique signed on 6 July 2018.

LIASA believes that the Bill is compliant with the SA Constitution and international IP commitments. LIASA fully supports the abovementioned sections in the Copyright Amendment Bill for libraries, archives, museums and galleries, education and research, as well as for persons with disabilities, which were modelled on or adapted from international and regional copyright and library research, DTI research and commissioned WIPO research, WIPO studies on limitations and studies and treaty proposals for libraries, archives and education. As a member of the Africa Group, South Africa fully supported these proposals. Many of the provisions were adopted from the Electronic Information for Libraries (EIFL)'s model copyright law which was drafted by IP legal and library copyright experts in various countries around the world, including South Africa.

LIASA noted the President's referral of the Bill for Parliamentary review in 2020, wherein he made specific reference to Sections 12A, 12B, 12C, 12D and 19B and 19C on the grounds that these provisions 'may be found to be unconstitutional'. These Sections relate in total to the limitations and exceptions for libraries and related entities, as well as education and research, all of which also affect people with disabilities, authors, creators, innovators and software producers, etc. LIASA is of the view that all these exceptions speak to our Bill of Rights and expresses concern that they may be thought to be 'unconstitutional'. Currently, the Copyright Act No. 98 of 1978 has no provisions for museums and galleries, nor persons with disabilities. The Act itself has no provisions for libraries and archives, nor education and research. There are only a few limited exceptions for them in the Regulations (Section 13) and these relate to the analogue world in which photocopying is the general mode of reproduction.

Executive Committee Members:

Ms N Crowster (President), Mr N Hardy (President-Elect),
Ms S Moerat, Ms R Senyolo, Mr S Mokhabukhi, Mr T Morajane,
Ms L Ntaka, Mr W van der Walt





LIBRARY AND INFORMATION ASSOCIATION OF SOUTH AFRICA

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LIASA welcomes and supports the limitations and exceptions in the Copyright Amendment Bill. The Bill addresses the needs of libraries and related entities in the 21st century, including responding to the Fourth Industrial Revolution developments. Libraries, largely in the Higher Education sector, have embarked on digitisation and digital curation programmes and have created institutional repositories and/or research archives but the current copyright law creates ongoing barriers and challenges for them thereby impacting on the notion of open access. Where libraries have innovated to aspects such as artificial intelligence, 3D productions, augmented reality, and so on, the current copyright laws are a barrier to development and expansion in these important areas and the entry to the Fourth Industrial Revolution. The limitations and exceptions in the Bill address the constitutional rights of access to information, education, non-discrimination, and many others as set out in the Bill of Rights. They address the statutory mandates of libraries, archives and related entities which have been standard internationally accepted practices for centuries, but now extend to the digital world. Some of the exceptions in the Bill are already permitted in the current law except they do not extend to the digital environment, such as resource sharing, interlibrary loans, preservation, replacement of works, etc. Some of the exceptions and limitations also support and facilitate Open Access, Open Licensing and Open Science programmes, to which Government has committed.

It is indeed puzzling that the provisions intended to advance the SA-EU Open Science Project (including open data), the DHET's Open Educational Resources Project, and the National Site Licensing Project for Open Access scholarly publishing that involves the DHET, DSI, Academy of Science of South Africa, Universities South Africa, National Research Foundation and other national research bodies, have been targeted for review as possibly being 'unconstitutional'. By removing the limitations and exceptions in the Bill, these entities are not able to properly carry out their responsibilities to provide access to knowledge, training, provision of teaching, learning and research materials, or digitise and preserve collections (including our documentary and cultural heritage) for perpetuity.

LIASA is aware that the Bill has recently been retagged and that the Bill will now follow a new path via the provinces. Copyright reform in South Africa is long overdue. The process has also been long and drawn out since 2015. The library and educational sectors need this Bill more than ever, especially in view of the COVID-19 pandemic, which has starkly shown the shortcomings of our current copyright law. LIASA earnestly requests that Parliament and the provinces approve the abovementioned sections and the rest of the Bill as a matter of urgency.

LIASA would like to be considered for the online oral presentations on 4 or 5 August 2021 and awaits your confirmation in this regard.

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Ms N Moerat, Ms R Senyolo, Mr S Mokhabukhi, Mr T Morajane, Ms L Ntaka, Mr W van der Walt





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Yours Sincerely

A handwritten signature in black ink that reads "Nikki Crowster". The signature is written over a dotted line.

Nikki Crowster
LIASA President (2018-2021)

8 July 2021

ABOUT LIASA

LIASA is the SAQA recognised Professional Body for the Library and Information Services (LIS) sector according to the NQF Act 67 of 2008 and a voluntary association that represents persons engaged or interested in LIS and millions of users and potential users of libraries in South Africa. LIASA aims to unite, develop and empower all people in the library and information field. It represents the interests of and promotes the development and image of library and information services in South Africa.

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