

To whom it may concern

I write in response to the call for public comments on the Copyright Amendment Bill.

I am a retired librarian and educator, and continue to work as a researcher and author. I have extensive experience in relation to intellectual property rights. My career in South African libraries culminated in my appointment as South Africa's first National Librarian and Chief Executive of the National Library of South Africa in 2000. Subsequently I served as the Secretary General of the International Federation of Library Associations and Institutions (IFLA) based in The Hague, the Netherlands, which has a world-wide membership and is the leading international voice of libraries. I have also taught library and information studies as a professor at UNISA, the University of Pretoria, and the University of Wisconsin-Milwaukee, USA.

As the author of a major internationally published textbook on international and comparative librarianship, and of approximately 200 scholarly publications, I have first-hand experience of the barriers to knowledge that impede such scholarly research and writing world-wide, and especially in South Africa

There are several matters of great concern. Here I can outline only two of my concerns.

1. In respect of access to information for the blind and the partially sighted, I find it a disgrace and a tragedy that delaying tactics are still preventing the signing of the Bill, and hence, South Africa's ratification of the Marrakesh Treaty. I know from serving as the Secretary General of IFLA at that time, that it took many years of international advocacy (in which we participated) to laboriously craft the Treaty. By December 2022, 117 states had ratified it. These include the USA, all the members of the European Union, the United Kingdom, Australia, Canada, Japan, and all our BRICS partners (Brazil, the Peoples Republic of China, Brazil, and the Russian Federation). These countries have decided that the human rights of their visually disadvantaged people outweigh any putative economic considerations. However, our South African blind and partially sighted have to wait even longer while, due to its questionable retagging as a Section 76 Bill, our Copyright Amendment Bill makes its way laboriously through the National Council of Provinces.

2. It is disheartening that in this day and age it is still necessary to emphasize in our country a point that is blindingly obvious to all, including the leaders of the above-mentioned governments: the obvious point that *access to information and knowledge is critically important for our country's future*: for scholars, students, researchers, managers, leaders. Access to information is key to economic development in all sectors, and essential for the development of a literate and well-informed population. Barriers enshrined in current legislation impede this.

If I may cite personal experience: I would not have been able to write my book or many of my scholarly articles that have been published in internationally recognized scholarly journals, if I had not received assistance from the University of Wisconsin-Milwaukee in the USA. How many up-and-coming young South African academics have such access? Most of them have to rely on what can be provided for them by their South African university libraries. Our libraries must be empowered to serve our people with the copyright provisions that apply to libraries in the wealthy countries of the Global North, and increasingly of the

Global South. Figuratively speaking, we currently have to compete internationally with one hand tied behind our back.

Opposition to the exceptions and limitations to copyright by parties arguing for the interests of foreign copyright holders is hypocritical in the extreme. All we want in the Bill is the fair use provisions *that are already in place in the wealthy Western countries*. They became wealthy at least in part because they had untrammelled access to information and knowledge when their economies were developing, but now they place obstacles in the development path of countries of the Global South.

These obstacles are immoral and must fall.

Respectfully submitted

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