

# Outdated copyright law 'blocks access by students'

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SOUTH African copyright law needs to be updated and changed to "maximise effective access to learning materials", experts say.

Access to education and educational materials was already difficult for many South Africans, and outdated and "vague" copyright law meant that South African academics and students were either not getting the best use out of copyrighted material, or not even getting access to them, according to a new research report compiled by the Shuttleworth Foundation and the University of the Witwatersrand.

The report is to be publicly released in book form at the Cape Town Book Fair on Saturday.

The researchers recommend that SA's Copyright Act of 1978 be updated to deal with the internet and electronic knowledge material, to remove its "vagueness" and eliminate contradictions with other legislation.

They also recommend that the 50-year term of copyright protection be retained, and not extended as in other African countries.

The researchers' main concerns were the exceptions and limitations embedded in the act, which were said to be vague and not explained by a body of case law. This led to an underutilisation of what was available to people seeking knowledge in SA, said University of Cape Town legal expert Tobias Schonwetter.

Dr Schonwetter's legal lead of Creative Commons SA, a volunteer organisation hosted by the university and linked to the US nonprofit organisation of the same name, which aims to expand the range of creative works available by releasing copyright licenses free of charge to the public.

He said copyright legislation created a limited monopoly because it gave the author and publisher exclusive rights to a work for a certain period of time, which led to higher prices.

Also, the developed world often pressed for developing markets to impose on themselves copyright laws that were stricter than their own, so that the publishers in the developed markets could make more money, Dr Schonwetter said.

It was true that SA's copyright law needed updating, but free-access proponents argued for access to knowledge without taking into account the rights of creators, said Publishers' Association of SA executive director Brian Watwarowa.

Changes to SA's intellectual property laws needed to balance the rights of the consumer with the rights of the creator, he said.

"They (free access proponents) are arguing that Africa should be a recipient. We argue that Africa as a continent consumes about 13% of the books published worldwide, and contributes about 2% and declining ... We need to create a 'safe' knowledge production environment so that African authors (are given an incentive to) produce," Mr Watwarowa said.

Allowing consumer rights to supersede would kill SA's publishing industry.

While it was true South African-produced books were often expensive compared to those produced abroad, publishers there could take advantage of huge, literate markets, he said.

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