

Margot Sheldon

From: [REDACTED]
Sent: Wednesday, 07 July 2021 10:46
To: [REDACTED] Tenda Madima; Margot Sheldon; Yvonne Manakaza
Subject: Written Submission to the Portfolio Committee on Trade and Industry re the Copyright Amendment Bill [B13B-2017]



Dear Sirs

I am the school archivist at St Andrew's School for Girls, Senderwood, Bedfordview. I have been given permission to make my submissions regarding the Copyright Amendment Bill by the Executive Head of the School, Mrs Ivanka Acquisto.

I am in favour of the amendments which give greater freedom to teachers, students and research workers in using copyrighted material and to libraries, archives, museums and galleries in making materials available and preserving them for generations to come.

I refer to particular sections of the Amendment Bill in my comments below:

General Exceptions from Copyright Protection

These exceptions are important in the school context where many students are now involved in distance learning or using tablets to receive, create and submit their

work.

Our staff and students acknowledge their sources of information, including direct quotations, in the Harvard (APA) manner, an acceptable way of citing references.

The school's use of copyright material would not be for commercial gain and would meet the requirements above.

Reproduction for educational and academic activities

12D. (1) Subject to subsection (3), a person may make copies of works or recordings of works, including broadcasts, for the purposes of educational and academic activities: Provided that the copying does not exceed the extent justified by the purpose. 20

(2) Educational institutions may incorporate the copies made under subsection (1) in printed and electronic course packs, study packs, resource lists and in any other material to be used in a course of instruction or in virtual learning environments, managed learning environments, virtual research environments or library environments hosted on a secure network and accessible only by the persons giving and receiving instruction at or from the educational establishment making such copies. 25

(3) Educational institutions shall not incorporate the whole or substantially the whole of a book or journal issue, or a recording of a work, unless a licence to do so is not available from the copyright owner, collecting society or an indigenous community on reasonable terms and conditions. 30

(4) The right to make copies contemplated in subsection (1) extends to the reproduction of a whole textbook— 35

(a) where the textbook is out of print;

(b) where the owner of the right cannot be found; or

(c) where authorized copies of the same edition of the textbook are not for sale in the Republic or cannot be obtained at a price reasonably related to that normally charged in the Republic for comparable works.

(5) The right to make copies shall not extend to reproductions for commercial purposes. 40

(6) Any person receiving instruction may incorporate portions of works in printed or electronic form in an assignment, portfolio, thesis or a dissertation for submission, personal use, library deposit or posting on an institutional repository. 45

If implemented these changes would be of considerable help to the school community for educational purposes, especially under lockdown conditions of the current pandemic.

These sections do not really have much impact on the school community except for access to journal articles which can be made available by the author and in the matter of citation, as before.

The school is very careful to have appropriate licences for the use of all the computer programmes installed on school-owned computers for teacher and student use and supplied on student-owned devices for learning.

The proposed amendments 3, 4, 5 and 9 above are very welcome and will enable archives to lawfully make back-up and preservation copies of materials, including using format-shifting for materials in obsolete formats. In addition the whole purpose of the school archives is to make material available for non-commercial use so allowing users to view whole works will make the archive more accessible. I am in favour of users signing a commitment to non-commercial use of material made available to them under these conditions.

I do not have specialist knowledge to enable me to comment on how the proposed amendments align with the international copyright treaties. However from a moral and human rights perspective, I believe it is important to make materials available to the blind, visually impaired and text-disabled in formats which make created works accessible to this group of people without infringement of copyright. Their reuse of materials would be bound by the limitations indicated in other sections of the Copyright Amendment Bill.

If necessary, I would be available for an oral presentation of my comments. I believe the proposed amendments would reduce the likelihood of infringement of the copyright law on individuals making use of copyrighted materials for personal study, education and research. They also provide for legitimate activities of libraries, archives, museums and galleries which was not allowed under the Copyright Act of 1978.

Yours faithfully

Alison Orpen

Alison Orpen
School Archivist



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Balance Integrity Grace Community Accountability Trust

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