

To: Mr. Hermans,  
Parliament of South Africa.

Dear Mr. Hermans,

**Re: Copyright Amendment Bill – Call for Comments 6.12.2021**

I am writing in my personal capacity as a teacher at a school in Johannesburg. Thanks for the opportunity to comment on the Bill once again.

I was a librarian for many years before I retired a few years ago and then started teaching, so I am very aware of the lack of copyright exceptions for libraries, archives and other information services, as well as for teaching and learning. I am also aware of the drawn out process the Bill has taken through Parliament. I have also read many of the myths and misinformation that people against the Bill have put in the media to confuse the public. It seems they do not understand how the Bill will resolve many of the critical issues in our education system.

When I was a librarian at a tertiary institution, I was faced with copyright problems daily, as we had digitisation projects which were hampered by the copyright law. We had to get permission for every item we needed to digitise, which was time-consuming, costly and frustrating. If we wanted to place copies of our academics' publications on our institutional repository, we had to get permission first, even though the authors were our own academics. If we had to replace damaged or lost works, we had to get permission, or buy new ones, depending on whether permission was granted or not, even though some of them were old but still in copyright. Sometimes we did not get permission or rightsowners did not respond, and we were then not able to proceed with digitisation and preservation of our special collections, architectural maps and other important documents in our library. This left gaps in our digital collections, but more seriously, it affected access to those materials for our researchers, lecturers and students. Many of them were not available online so without being digitised, they were essentially inaccessible to our users and researchers.

Now as a teacher, I have experienced similar problems with copyright. Especially during the COVID-19 lockdown periods over the past 2 years, I have been very aware of the limitations in the current copyright law, especially around the making of online copies, sharing material via email or other digital formats, and digitisation for teaching and learning



purposes. We have often had to use alternative materials that are not always the same standard or are less informative than we need, because we do not have budgets to pay for copyright clearances. If our librarians or media teachers, want to read books out aloud via YouTube or other e-platforms, they have to get permission. This has always been a function of libraries and education in the print environment, but now we are required to get permission to do this activity online.

The current copyright law is totally outdated, inadequate, and lacks provisions for people with disabilities. The Bill's fair use provisions and useful exceptions for education, libraries, etc. will help teachers, learners, media staff, library and other staff, and those who have various disabilities.

I am very surprised and dissatisfied with the new proposals advertised in the media in December 2021. They seem to make all the helpful exceptions in the Bill more onerous and even prohibitive with additional conditions before one can copy a copyright work. This will create problems for teachers when collecting teaching materials and may even stop them from using them at all. Also, the requirement for 'lawfully acquired' works is ridiculous as many people depend on library collections and donated works for their reading materials. They also erode the fair use provisions which would help teachers, researchers, learners and others in the digital space. They also create a burden on libraries and other authorised entities with regard to accessible formats for people with disabilities.

I am writing this submission in the hope that the Committee will understand the real problems that copyright causes in our education system and libraries. I hope that they will realise that adding new barriers to the dedicated exceptions that already have limitations will just exacerbate the situation in our schools and universities. I urgently request that you withdraw all these amendments and re-adopt the version of the Bill that was commented on in July 2021.

Thank you,

Sincerely



J. Johnson (Mrs)