

# ***OPEN ACCESS SEMINARS***

***Open with Purpose: Taking Action to Build Structural Equity and Inclusion***



# Programme

**Programme Director: Adrian Galley**

**Friday, 4th December 2020**

<b>15:00 - 15:10</b>	Intro & Welcome	Adrian Galley
<b>15:10 - 15:25</b>	Copyright vs Access to Knowledge: Global Equity & Inclusion at Risk?	Ms Teresa Hackett
<b>15:25 - 15:35</b>	Discussion & Question Time	
<b>15:35 - 15:50</b>	The Copyright Amendment Bill in 2020: Diversions, Debates & Delays	Prof Jonathan Klaaren
<b>15:50 - 16:05</b>	The Cost & Benefit of Open Source to Content Creators	Prof Malebakeng Forere
<b>16:05 - 16:20</b>	The COVID-19 Publication Race: Less Access, More Citation Pollution	Prof Kirstin Krauss
<b>16:20 - 16:50</b>	Discussion & Question Time	
<b>16:50 - 17:00</b>	Closing Remarks & Thank you	Adrian Galley

**Monday, 7th December 2020**

<b>15:00 - 15:10</b>	Intro & Welcome	Adrian Galley
<b>15:10 - 15:25</b>	How Fair Use has Helped Me as an Academic from Africa	Prof Dick Kawooya
<b>15:25 - 15:35</b>	Discussion & Question Time	
<b>15:35 - 15:50</b>	Copyright Bill Delays Perpetuate the Book Famine for People with Visual Impairments	Christo De Klerk
<b>15:50 - 16:25</b>	Art & Activism in the Copyright Amendment Bill	Unathi Ndiki
<b>16:25 - 16:50</b>	Discussion & Question Time	
<b>16:50 - 17:00</b>	Closing Remarks & Thank you	Adrian Galley

# Panellists



## **MS TERESA HACKETT**

Copyright vs Access to Knowledge: Global Equity & Inclusion at Risk?

Teresa Hackett is Copyright and Libraries Programme Manager at EIFL (Electronic Information for Libraries) where she has overseen the delivery of a unique copyright service for libraries in EIFL partner countries, the development of copyright resources in multiple languages, and the provision of technical support to libraries and governments.

At EIFL, Teresa has helped to grow a dynamic network of specialist copyright libraries in over 30 countries, many of whom have achieved success in improving national laws. She participates in negotiations at the World Intellectual Property Organization (WIPO) for copyright laws that are consistent across borders and that recognize the public interest role of libraries, especially in the digital environment. She has also contributed to 22 member states joining WIPO's Marrakesh Treaty for persons with print disabilities.

Prior to joining EIFL, Teresa was Director of the European Bureau of Library, Information and Documentation Associations (EBLIDA), worked on European Commission's library research programme, and was Electronic Information Services Manager at the British Council in Munich, Germany.

From 2011-2015, Teresa was a member of IFLA's Committee on Copyright and other Legal Matters. In 2018, she was awarded the IFLA Medal in recognition of distinguished contribution to IFLA and international librarianship, particularly in the field of copyright and enabling equal access to information. In 2015, Teresa was awarded a Flash Grant as an agent of social change by the Shuttleworth Foundation for her copyright work.

Teresa is a qualified librarian and a graduate of legal studies. She lives in Dublin, Ireland.

# ***Panellists***



## **PROFESSOR JONATHAN KLAAREN**

The Copyright Amendment Bill in 2020: Diversions, Debates & Delays

Jonathan Klaaren has a BA from Harvard, an MA from the University of Cape Town, a JD from Columbia University, an LLB from Wits and a PhD in Sociology from Yale University. He is a Professor at the University of the Witwatersrand, Johannesburg, at the Law School and with Wits Institute for Social and Economic Research (WISER). He supervises, researches, and writes in human rights, competition law/economic regulation, and socio-legal studies. He has many publications and his recent monograph is from 2017 with edited volumes from 2017 & 2019. His current research interests are in the African legal profession (including access to justice), African IEL, access to information, and migration and law.

# Panellists



## PROFESSOR MALEBAKENG FORERE

The Cost & Benefit of Open Source to Content Creators

Malebakeng Agnes Forere is an associate professor of law at the School of Law of the University of the Witwatersrand, Johannesburg. She specialises in Foreign Investment Law and Intellectual Property Law, particularly patents and copyright, which include the protection of indigenous knowledge. She has been very instrumental in the drafting of the Performers Protection Bill 2018 under the Task Team established by the former Department of Trade and Industry. Further, she has conducted several training workshops for the DTI staff on issues relating to international trade and investment, and intellectual property law. Her main interests in the field of copyright and neighbouring rights are: the protection of authors/artists/publishers rights especially ownership and remuneration; harmonisation of laws in the African continent to respond to the digital wave of content storage, distribution and communication to the public. Examples of her work illustrating her enthusiasm in the rights of content creators are as follows: a journal article titled "Protecting Copyrights and Neighbouring Rights in Southern Africa: A need for Regulatory Convergence" published by the African Journal of International and Comparative Law housed at the University of Edinburgh. Another work that deserves to be mentioned is titled "Keeping up with the developments in technology: a look into the music industry and the copyright laws in Southern Africa" published with South African Journal of Intellectual Property Law housed at the University of Cape Town.

Professor Forere holds an LL.M from the University of Essex, UK and a PhD (magna cum laude) from the University of Bern, Switzerland. She is an admitted Advocate of the High Court of South Africa, Witwatersrand Local Division.

Prior to joining the University of the Witwatersrand, she lectured various legal subjects at the University of KwaZulu-Natal; key among the courses that she lectured was intellectual property focusing specifically on access to medicines.

Professor Forere has published extensively in accredited South African journals and in international listed journals. She is the sole author of the book titled *The Relationship of WTO Law and Regional Trade Agreements in Dispute Settlement: From Fragmentation to Coherence* (Kluwer Law International, 2015). Forere is a member of African International Economic Law Network and the Society of International Economic Law. She has done consultancy works for local and international institutions such as the World Bank.

# Panellists



## PROFESSOR KIRSTIN KRAUSS

The COVID-19 Publication Race: Less Access, More Citation Pollution

Since 2000, Professor Kirstin Krauss has worked at five different South African universities. He currently is a Professor in the School of Computing at the University of South Africa (UNISA). He has over 34 publications (journals, conferences, book chapters), focused mostly on research in the areas of ICT for Development, Critical Ethnography, and Higher Education. He has done editorial work for a number of journals and conferences. He has managed grants and projects for Deloitte Consulting Pty Ltd – Africa Unit (2011), UNESCO (2009/10), KwaZulu-Natal Department of Health (2007/8), and the Andrew W. Mellon Foundation (2014 – 2016). In his most recent roles at Rhodes University (2012 - 2016) and the University of South Africa (UNISA) (2017+) he focused predominantly on postgraduate student development and supervision capacity building. He has a research association with KU Leuven to act as co-promotor in a research group focussing on fraud detection and questionable publishing. He has been invited and acknowledged by a number of associations and universities to do guest lectures on a variety of Information Systems trends, teaching, and methodology related matters. Kirstin holds a South African National Research Foundation Y2-Rating, in the Information Systems sub-areas of Critical Social Theory and ICT for Development. He is a member of the Association of Information Systems and served as Education Chair for the AIS Special Interest Group on Global Development.

# Panellists



## PROFESSOR DICK KAWOOYA

How Fair Use has Helped Me as an Academic from Africa

Dr. Dick Kawooya is an Associate Professor and Assistant Director of the School of Information Science, University of South Carolina. Dick was Interim Director of SLIS for the academic year 2018-19. Dick close to 18 years of research, teaching and advocacy work in different areas of intellectual property focusing on copyright and access to knowledge, intellectual property and innovation, and intellectual property and the informal economy in Africa. Dick is also interested in foundation issue, LIS education and teaching of research methods. Between 2006 and 2010, he served as Lead Researcher for the African Copyright and Access to Knowledge (ACA2K) Project. Between 2010 and 2014, he was part of the African Innovation Research and Training Project and network, Open AIR, under which he studied the role of Intellectual Property (IP) in the transfer of innovation between informal and formal sectors in Africa's emerging informal economies, with a specific focus on the nascent electric vehicle industry. Most recently, Dick consulted with the World Intellectual Property Organisation (WIPO) on the study of innovation and intellectual property in the developing countries, case study of Uganda.

# Panellists



## MR CHRISTO DE KLERK

Copyright Bill Delays Perpetuate the Book Famine for People with Visual Impairments

Christo de Klerk is a founding member and the first chairman of the Peninsula branch of the S A Blind Workers Organisation (now Blind SA) and also at various stages served as chairman of the Western Cape, Witwatersrand and Egoli Blind branches. Currently he hold its portfolio for Braille. Christo has also served periods on the national executive of the S A National Council for the Blind and Vice President. He is currently an exco member of the South African Braille Authority which is the braille authority and standard setting body for braille in South Africa. Christo is also the past president of and has also served on various committees of the International Council on English Braille (ICEB) where he served on the committee which developed the new Unified English Braille Code (UEBC) since 1991 until its international adoption in 2004. Christo developed braille translation tables for all South African languages for the Duxbury Braille Translation System and for Afrikaans for the LibLouis Braille Translator for which I am currently creating a table for isiXhosa/isiZulu. Christo has also created an Afrikaans braille translation table for the MBraille iPhone app. Christo holds an LLB degree and is an admitted Advocate of the Cape Town Bar.

# *Panellists*



## **MS UNATHI NDIKI**

Art & Activism in the Copyright Amendment Bill

Ms Unathi Ndiki is a musician and performing artist. Unathi is also a Right2Know Campaign activist, with an interest in increasing access to information for all in South Africa, and protecting freedom of expression especially on the internet.



## ABOUT RECREATE

As much as we are creators, we are users of existing cultural products. Currently our work can be blocked through censorship by those who claim to own our culture. Moreover we often do not own the work we create. And many of us have been disadvantaged by an exploitative system which fails to pay us for our work. Growing the digital economy requires innovation. South Africa is at a disadvantage to other countries with flexible copyright laws that support creativity.

### THE RIGHT TO CREATE

Current law lacks many modern exceptions to copyright. We need these exceptions to make original work and to exercise our freedom of expression. We lack the right to: **1)** Adapt to the future, **2)** Create accessible copies for people with disabilities, **3)** Remix, transform and re-interpret, **4)** Research, including through data mining, indexing and search, **5)** Create educational works, **6)** Digital archiving, **7)** Use works in public places, **8)** Incidental use of background content and **9)** Parody and satire.

We also need a fair use test to ensure that all uses of works are fair to the creator.

### THE RIGHT TO OWN

Current law makes the commissioner of many works the default owner of our art. This restricts ability of many to distribute, re-mix and profit.

### THE RIGHT TO EARN

Current law does not adequately protect us against abuses and exploitation. Collective management organisations (CMOs) have formed monopolies. They charge others for our work and claim to “represent” us. But we lack power to act as members in their governance. CMOs must have a fiduciary duty to creators, be subject to member governance, and be subject to government oversight on the reasonableness of their expenditure and payouts.

### THE COPYRIGHT AMENDMENT BILL

The Copyright Amendment Bill will help creators by expanding their ability to earn from, own and create copyright protected works and begin the process of addressing the issues facing our creative sector. When it comes to Fair Use of copyrighted materials we applaud the approach taken in the Bill, which increases access without substituting in the market of the original creator. We look forward to playing our part in a dynamic, inclusive and decolonised creative economy with the support of the Copyright Amendment Bill and the Performers Protection Amendment Bill.

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