

International copyright trends & Access to Knowledge (A2K) initiatives in Africa

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Why international trends are important

- Copyright is a statutory monopoly, characterized by its international nature
- National laws come from international treaties & agreements
- Creators, publishers, custodians and consumers of information - need to be vocal in international law-making bodies and national legislative process

Key international organizations

- The World Intellectual Property Organization (WIPO) – www.wipo.int
- The World Trade Organization (WTO) - www.wto.org

International copyright trends

- To shrink the public domain
- To restrict access to knowledge
- To strengthen protection
- To erode information-users' rights

Censorship = licences, digital rights anagement (DRM) and restrictive copyright laws

WIPO Broadcasting Treaty

- New layer of IP rights for broadcasting organizations
- Would restrict access to public knowledge, stifle technological innovation, affect educational programmes..
- Strong opposition to the Treaty
- WIPO agreed to split the ‘traditional’ broadcasting” and “Internet technologies”

WIPO Development Agenda

- Development Agenda, proposed by Argentina and Brazil – supported by Friends of Development Group & Africa Group
- Good opportunity for WIPO to act strategically
- Joint statements to WIPO – IFLA/eIFL/EBLIDA
- WIPO General Assembly in 2007 – will decide on best way forward

Draft Treaty on Access to Knowledge (A2K)

- Proposed by Friends of Development (incl. South Africa)
- Civil societies, IFLA and eIFL.net drafted A2K Treaty, to –
 - Restore balance
 - Provide guaranteed minimum levels of exceptions and limitations;
 - Provide checks and balances between rights holders & users;
 - Support and promote new business models of open access and open source software
- Yale University 2006 & 2007 conferences - Social Global Movement

International pressures on African countries

- Have to adhere to very strict copyright rules
- Offered “good policies” and “good institutions”
- Industrialized countries did not have such restrictions
- Developed countries “kicking away the ladder” from developing countries
- Free Trade Agreements (FTA)s with TRIPS Plus IP Chapter

FTA pressure in Africa

- Morocco - first African country to sign a US FTA
- Southern African Customs Union (SACU) under pressure to sign FTAs with TRIPS Plus
- SACU rejected the EFTA and US FTA.
- US is now pursuing other trade & investment agreements

Cultural heritage - dilemmas

- Exploitation by foreign consortia
- Control of African content by foreign institutions
- Majority of Africans are cut off from African resources in commercial archives
- Solutions need to be found for developing countries

Lock-up of resources

- Official public documents outsourced
- Not easily accessible to the public
- Public pays over and over
- Expensive to buy back African research –
- Open Access a better option

Knowledge control

- Power, politics, monopolies and commodification
- “Knowledge is Power”
“Control of Knowledge = Greater Power”
- Knowledge/digital divide widens
- “No pay – no way!”

Copyright situation in Africa

- Copyright vs. collective ownership
- Imposed under colonial rule
- Restrictive laws affect access to knowledge
- Cross-border exchange hampered
- Librarians & educators excluded from legislative process
- Too strict copyright laws mean more non-compliance!

Why should librarians be concerned?

- Committed to freedom of access to information and free flow of information
- Support balanced copyright
- Restrictive copyright laws threaten their core business

“Overprotection of copyright could threaten democratic traditions, and impact on social justice principles If copyright protection is too strong, competition and innovation is restricted, and creativity stifled.” (IFLA)

International A2K initiatives

- IFLA – (1700 member organisations/150 countries) – www.ifla.org
- eIFL.net - (member organizations in 50 developing/in-transition countries) - www.eifl.net
- EBLIDA (150 European library/archive associations, etc.)- www.eblida.org
- Commonwealth of Learning – (53 Commonwealth countries) – www.col.org
- Consumers International – www.consumersinternational.org

International A2K initiatives (cont'd)

- Transatlantic Consumers' Dialogue (TACD) – www.tacd.org
- Consumer Project on Technology (CPTech) - www.cptech.org
- A2K Global Social Movement (Yale University, USA)- <http://research.yale.edu/isp/>
- Copy South (Kent Law School, UK – www.copysouth.org)

“African Access to Knowledge Alliance”

- Harmonization recommended in 2004
- African Copyright Forum, Uganda, 2005 –
“African Access to Knowledge Alliance” (AAKA) set up -
www.nlu.go.ug/acfconf.htm - (temp website)
- Ugandan Chapter, registered in 2005
Continental Body, registered in 2007
- Copyright reviews/research and collaborative projects on
A2K – Lobby group at WIPO

Regional A2K initiatives

- Access to Learning Materials for Southern Africa Project – www.access.org.za
- Open Society Initiative for Southern Africa (OSISA) – www.osisa.org
- African Digital Commons - www.common-sense.org
- SADC-CDE (formerly Southern Africa Research Development Centre (SARDEC)) - www.sardec.org.bw

South African A2K initiatives

- Creative Commons/iCommons (South Africa) - [icommons.org](http://creativecommons.org)
- Wits Education Policy Unit (EPU) – <http://www.wits.ac.za/Humanities/Education/EPU>
- Wits Link Centre - <http://link.wits.ac.za/>
- Centre for Policy Education Policy Development (CEPD) – www.cepd.org.za
- Consumer specialists and tertiary sector –
 - Promoting institutional repositories & open access publishing
 - Researching issues affecting access to knowledge

SA National A2K initiatives

- The National Research Foundation (NRF) – advocacy role re: National Electronic Theses & Dissertations Repository - www.nrf.ac.za
- Academy of Science of South Africa - NaRVIC Initiative - to implement open access policy framework - www.assaf.co.za

Conclusion

- Africans have a great deal to offer to global knowledge-sharing. They also deserve to share in the benefits of that knowledge.
- Enshrine users' rights in a balanced international framework
- Africans must become more pro-active in the global copyright debate and A2K initiatives

Thank you!

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