



Country report <Namibia>

Annual report to the IFLA CLM committee
Singapore 2013

This report is a short account of the activities of the Namibian activities

Copyright

New legislation

- ***Trade Agreements, Privacy, Anti-Terrorist Law and ACTA***

At this stage, there is nothing to report on trade agreements, privacy issues or anti-terrorist laws. In addition to these treaties, the Anti-Counterfeiting Trade Agreement (ACTA) is a multilateral treaty governing multiple aspects of intellectual property, including copyright. As of February 2012, ACTA has been signed by 31 countries, but has not been ratified by any. As far as I can established no formal discussion on ACTA have been instigated by the Namibian Government.

- ***TMP/DRMs***

Technical Protection Measures (TPM) is provided for under Sections 28(1) and (2), which stipulate that a person infringes copyright if he:

- a. manufactures or imports for sale or hire any device designed or adapted to circumvent any device that is intended to prevent or restrict a reproduction of a work or impair the quality of the copies so made;
- b. removes or alters any electronic rights management information without the consent of the owner of the copyright;
- c. distributes, imports or communicates to the public an infringing work from which the (electronic) rights management information has been removed and while knowing or having reason to know that such information has been removed from the work in question.

Proposed legislation

So far, all the proposed legislative changes to the 1994 Act have been incorporated into the current Amendment Bill,

However, we are also studying various proposals and recommendations from our international stakeholders such as IERMO and DALRO (an RSA RRO)

Pending legislative issues

The Intellectual Property Amendment Bill (Traditional Knowledge) is still pending and was passed in November 2011 by Parliament and currently awaits signature by the President. This Bill has been very controversial, with various versions, and with strong opposition from the majority of stakeholders. It proposes to amend four IP Acts, including the Copyright Act. It creates a whole new layer of works under copyright protection. IP legal experts claim that this legislation is totally impractical and should rather be considered under 'sui generis' legislation.

Legal Matters

New legislation

The legislation in place in Namibia is called the Namibian Copyright and Neighbouring Rights Protection Act, Act 6 of 1994. The 1994 Act was amended in 2001 and the process is still on-going. The plan is to finalise the amendments by the middle of this year and have it tabled in Parliament before the end of the current financial year.

The Ministry of Information and Communication Technology is the custodian of the Copyright Act. The Directorate Audio-visual Media and Copyright Services deals with the day-to-day activities related to copyright issues, Namibia has been a member to the Bern Convention 1886, for the Protection of Literary and Artistic works. Namibia is signatory to the two WIPO Internet Treaties namely; WCT and WPPT of 1996. We will definitely accede to the two afore-mentioned treaties as soon as the Copyright Bill had been passed in Parliament; we have also acceded to the TRIPS Agreement, the process of which is spearheaded by the Ministry of Trade and Industry

Law cases

Namibia as a small country with a population of 2, 1 million so far no arrogate cases has been reported yet.

Advocacy/Lobbying activities

The Government and private and civil societies play a combined role in the fight against piracy in the following manners:

- a. Assisting officials from law enforcement institutions to obtain training from inter-governmental organizations, such as WIPO and UNESCO on issues related to the fight against piracy and counterfeiting; and
- b. Assisting in the establishment of collective management organizations, such as Namibian Society of Composers and Authors of Music (NASCAM) and NAMRRO.

The Ministry of Information and Communication Technology is contemplating has spearheading the establishment of an anti-piracy organization in Namibia as a result of the newly reputable Namibia Reproduction Rights Organisation (NAMRRO) with licensing, collection activities and advocacy activities.

The Department, continue to lobby to various A/O/Government departments for more appropriate copyright and access to knowledge legislation. Many Government officials receive information materials on copyright activities such as “**Basic Fact About Copyright**” and online information pertaining to copyright materials.

We also lobby at the annual celebration of the WIPO day (26 April) whereby we invite all the stakeholders to the celebrations and pay tribute to authors, artists, innovators and creators, who are among the contributors to the economic, social and cultural developments of societies everywhere who through their works created and shaped our lives.

The other lobby activity was during the World Music Day that was celebrated this year at different towns of the country that has attracted a large number of musicians and stakeholders and this contributed to awareness of copyright in Namibia

Educational activities

The Ministry of Information and Communications Technology has developed an annual Public Awareness Campaign programme that is carried out in collaboration with the two collective management organizations. It includes copyright information-sharing seminars and workshops at institutions of higher learning, targeting lecturers and students alike.

The annual MICT IPR Information-sharing Programmes where NAMRRO and NASCAM conduct joint seminars and workshops at institutions of higher learning are doing wonders in terms of education

and informing lecturers, students, regional councils and members of the general public about the significance of IP as a tool for socio-economic development.

The Police and Customs officials are also trained on the above subject from time to time by the officials from the two collective management organizations and the Ministry of ICT.

Copyright awareness workshops are offered at university and school campuses. NAMRRO, the rights organization, held a copyright information workshop for tertiary institutions in early 2012.

Strategic plans for the future

The ability of copyright to affect access to information is multi-dimensional and can be understood in two principal ways. On the one hand, copyright protection is an incentive for creative minds to continue in their work, ensuring that they can, in turn, generate new works in the market, based on the information that their novelty has brought. This is an issue of crucial public interest.

It will be also in to the public interest that, in certain defined conditions, the public will and shall have free access to copyrighted works because this sustains the innovation cycle that feeds societal development and renewal. Therefore as Namibia play a leading role in the Africa Group at WIPO and is currently involved in the discussions on the Draft WIPO Treaties including the Beijing Treaty on Audiovisual Performance. I continue to encourage copyright at library services meetings and to Government officials.

Other issues

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