17 July 2018

The Honourable Ms. J Fubbs
Chairperson
Portfolio Committee on Trade and Industry
Parliament of the Republic of South Africa
CAPE TOWN

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Dear Ms. Fubbs

ENDORSEMENT OF THE COMMENTS BY UNIVERSITIES SOUTH AFRICA (USAf) ON SPECIFIC CLAUSES OF THE COPYRIGHT AMENDMENT BILL [B13-2017] AS SUBMITTED ON 17 JULY 2018

On behalf of the Committee of Higher Education Libraries of South Africa (CHELSA), I wish to place on record our endorsement of the comments and recommendations made by Universities South Africa (USAf), as drafted by Ms. Denise Nicholson, regarding the specific clauses of the Copyright Amendment Bill (B13-2017).

CHELSA is representative of the academic library directors of the 26 public universities in South Africa and is an acknowledged community of practice of Universities South Africa (USAf). As academic libraries and librarians, we are responsible for providing and facilitating physical and digital access to, as well as making students and academic staff aware of the appropriate use of, information and knowledge resources in support of the teaching, learning and research mandates of universities.

We believe that appropriate and balanced copyright legislation is crucial not only for the acknowledgement and preservation of existing knowledge, but also for the generation of new knowledge through the creative, intellectual and research processes encouraged and undertaken at universities. However, we notice that text and data mining, which is very important for research and other forms of knowledge production, is not addressed in the Bill despite it being recommended by many stakeholders in submissions and at public hearings in August 2017.

As a critical partner to teaching, learning and research in higher education, we engage on a daily basis with the ubiquity of technology and the impact of the digital domain on the use of knowledge resources. Therefore, we wish to commend the Committee for recognising the urgency and importance of including fair use provisions, as well as exceptions for education, research, libraries, archives, museums, galleries, and for persons with disabilities, which will ensure alignment with international treaties and especially support national policies pertaining to Open Science.
We trust that the comments and recommendations made by USaf, and supported by CHELSA, on the specific clauses will be considered accordingly.

We wish you, the Portfolio Committee and the Technical Team well with your deliberations.

Your sincerely

[Signature]

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CHAIRPERSON

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