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EI submission to the Select Committee on Trade and International Relations concerning the Copyright Amendment Bill [B13B -2017]

Dear Mr Hlupheka Mtileni,

Education International (EI) would like to support the progressive proposals to amend the South African Copyright Act.

Education International (EI) is a Global Union Federation that represents organisations of teachers and other education employees. It is the world's largest, most representative sectoral organisation of unions with more than 32 million trade union members in about 400 organisations in 170 countries and territories. Our African regional office is based in Accra and brings together approximately 121 member organisations from countries across the continent.

Access to quality teaching and learning materials plays a pivotal role in increasing the quality of education. The availability of textbooks and other materials for teaching and learning is a fundamental enabler of the universal right to education. Fair use of teaching and learning materials is also vital to achieve the United Nations Sustainable Development Goal 4 (SDG4) on inclusive and equitable quality education for all.

National and international copyright laws often limit access to needed material by restricting the scope of user rights and education exceptions, granting questionable and overbroad rights to rights-holders, and imposing burdensome obligations on educational institutions. These barriers negatively impact students and teachers in all countries, but are particularly damaging in the developing world where inequalities in accessing and creating research, educational materials, and other creative works hinder the enhancement of educational and cultural participation for all.

Currently, the commercial lobby, in particular international publishing conglomerates and music organisations, too often dominates copyright discussions at national and global levels and copyright legislation around the world does not work effectively for education. Restrictions on copyright exemptions for educational purposes place financial burdens on education systems and institutions, which already pay substantial licensing fees to provide students and teachers with access to essential learning materials. Education systems in developing countries are disproportionately affected by such copyright rules.

As previously indicated, Education International and our member organisations have been following the South African copyright reform with interest. South Africa has shown great


leadership at the international level at the World Intellectual Property Organisation to promote a fair copyright law that balances the rights of creators and users while at the same time taking into account complex educational and research realities. We do believe that if the Copyright Amendment Bill passes it will not only benefit the education and research communities in South Africa but will also be an inspiration for many other countries to follow suit.

We strongly support the amendment suggestions in section 12 D of the Bill which will give teachers, students and researchers the right to make fair use of any work for education and research purposes. This is essential for quality education and research. We also support the exceptions for libraries, as libraries provide the resources for education and research including for people with disabilities.

We hope that your Council will give positive attention and consideration to this submission, and that the Bill will be approved in the near future.

Kind regards,

David Edwards



General Secretary EI

