

APC Access to knowledge / IP / Media Piracy Workshop

7 April 2010, Sunnyside Park Hotel, Johannesburg, South Africa

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Natasha Primo and her APC team hosted a recent Access to Knowledge workshop in Johannesburg which had the purposes of: a) sharing the results of its recent South African media piracy research (IDRC Project #104333) and b) locating this study on the demand for access to cultural goods within the broader spectrum of access to knowledge space in South Africa. The workshop invited speakers from several IDRC current and past projects as well as other South African groups to present their work in the Open Access knowledge space.

“At its core, copyright law should mediate and create a balance between the interests of the creators of content and those of the public. Historically, it was intended to provide effective rights protection to the creators and reasonable access to the public in order to encourage creativity and innovation. Progressively - and more so as we enter deeper into the digital realm - the existing intellectual property treaties and bilateral trade agreements serve to tilt the balance in favour of copyright holders (who are mostly in developed countries) and away from the public interest and in the interest of development. Thus, these agreements have since restricted the public from access to knowledge, and have also, for the most part, prevented developing countries from being able to use digital copyrighted material.” – invitation to the A2K workshop

The workshop hosted about 40 participants from various sectors including representatives from the South Africa department of trade and industry (dti), public works, the CSIR, NGOs, media firms and other private sector.

Willie Currie (APC) followed Anriette’s workshop opening with a few words about the shifts of policy 1.0 to policy 2.0. He mainly noted that we are steering from what was once a domain of governance with one agency of control towards a policy paradigm of co-governance which sees more distribution of power and voice. Andrew Rens made his passionate plea for changes to the South African Copyright Act of 1978 in his presentation as well as mentions some of his recent publications including the [Report on the South African Open Copyright Review \(Shuttleworth foundation\)](#).



Following Andrew’s presentation, the participants broke out into six table presentations which one was able to attend for around 30-40 minutes before switching to another table. Presenters included:

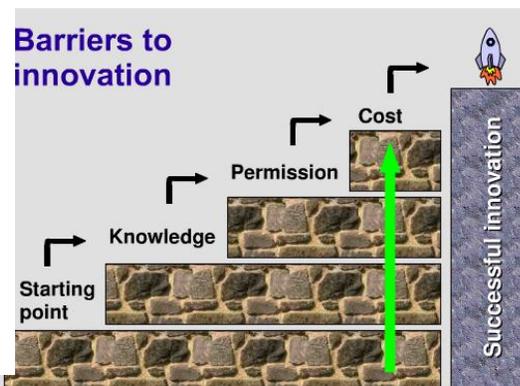
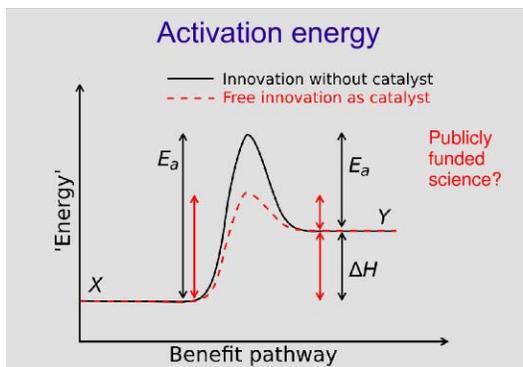
ACA2K partners (104501): Tobia Schonwetter, Pria Chetty, Andrew Rens

PALM Africa (104502) & New Scholarly Communication project: Eve Gray

Media Piracy Project (104333): Natasha Primo and her research team, Tanja Bosch & Libby Lloyd

Open Source (IDRC-funded project, 102509 AVOIR was referenced): Derek Keats

Under his no more secret science banner, Prof Keats [opened his Open Source discussion](#) with the new South African policy on publicly financed research and development regulation as being prohibitive to Free and Open Source Software. His presentation runs through the barriers to innovations from costs to permissions. His activation energy diagram shows how free innovation like open source development take less energy (thus resources) to initiate and to move forward compared to proprietary software which is why most start-up IT companies today who are receiving venture capital are usually those making use of open source products.



Other presentations included Intellectual Property laws and access for the visually impaired (Jace Nair from the SA National Council for the blind) and Open Standards (Aslam Raffee from Global Communities, Sun Microsystems).

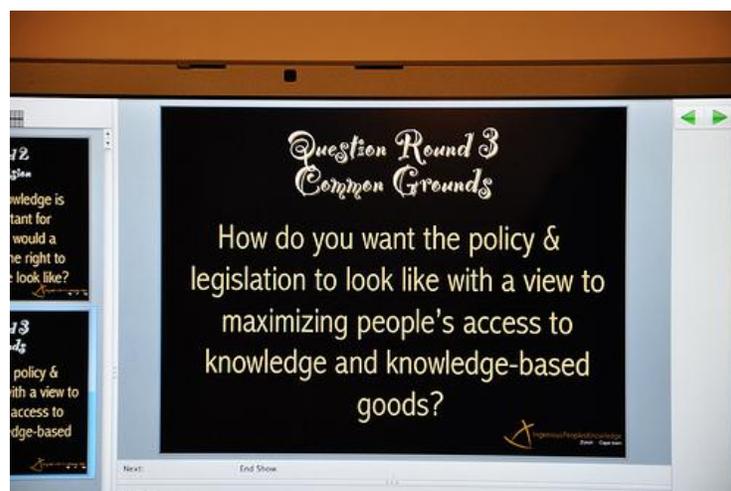


Jace Nair, National Executive Director of the [SA National Council of the Blind](#) (SANCB) was most passionate in rallying the participants to support the [Treaty for the Visually Impaired](#) which will again be reviewed at the WIPO meeting in June 2010. Poor development of the limitations and Exceptions of copyright for the visually impaired was one of the research findings by ACA2K. According to Nair, the percentage of published material available for the visually impaired in South Africa is less than 5% while accessibility to visually impaired material in indigenous languages is even lower between 0.5 – 1 %.

SA Publishers are not obliged to produce materials for the visually impaired and in reality, such materials for the visually impaired is provided for a small market and is not seen to be financially lucrative. Nevertheless, the publishers offered to allow NGOs to reproduce materials without copyright but with the stipulation that the SANCB did not support the international treaty. SANCB chooses to continue its fight for changes in the international law. At the last WIPO session, the European Union and the African bloc were the only two groups which opposed the Treaty. The SANCB is hoping to organize a workshop in May 2010 in order to draft a declaration to take to WIPO the following month. The Council is approaching each of the ministries and departments for their support to the submission.

Aslam's presentation gave us a run through open standards and formats within technologies which exist today. The discussion revolved around the rationale for open data formats (when technologies become obsolete and the hassle of retrieving data from the old system). He advocates that organizations save their documents in open formats and use devices and software with open standards.

In the afternoon, Kerryn McKay presented the African Commons Project's (TACP) current social media campaign for changes to the Copyright Act. TACP (bloggers for our Nov 2009 Acacia Forum) was also taking notes for the A2K session which will soon be posted on a public wiki. The dti also made a statement on its current progress with work on copyright and intellectual property (including the conclusion of their own copyright research studies) with a clear indication that such policy will be steered towards approaches which promote economic growth. With that statement, the workshop broke out into a world café style approach and discussed questions like "How do you want the policy & legislation to look like with a view to maximizing people's access to knowledge and knowledge-based goods?"



The discussion at my own table revolved around a search for a balance between the rights-based and economic growth approaches. In the final session on the way forward, ideas were

shared on how the group could work together on a campaign for access to knowledge changes in South Africa. Some wanted to use the energy from the FIFA copyright issue to start tackling some of the discussion topics such as the parallel importation of goods for the visually impaired as the SA National Council of the Blind will be try to bring a declaration to WIPO in a few months time. Natasha mentioned that the Media Piracy project has remaining funds for advocacy of their project and will use the feedback from the workshop to plan out its activities. Eve Gray also mentioned that she is willing to collaborate with those interested in building value indicators for their current Scholarly Communications project. Overall, the workshop succeeded in bringing intellectual property issues of the disadvantaged and for education purposes to the fore to a diverse group of participants. Access to knowledge remains an important issue which still needs continued awareness to all parties including NGOs in order to voice for balanced policy formulation to reach those at the department and ministries.



Workshop photos such as those shown in this report can be found at:

<http://www.flickr.com/photos/africancommonsproject/sets/72157623793508246/>