

Preservation of Newspapers and Images

A South African perspective
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WIPO INTERNATIONAL WORKSHOP ON
DIGITAL PRESERVATION AND COPYRIGHT
Geneva, Switzerland, July 15, 2008

- Emerging legal framework
- Social intent
- IP management
- UNESCO digital preservation study



Outline

- South African Copyright Act , 1978
- Indigenous Knowledge Systems (IKS) Policy 2004
- Intellectual Property Amendment Bill, 2007
- Protection of Indigenous Knowledge through the Intellectual Property System Policy, 2008

Legal framework

Community rights

Not adequately protected
Economic and social disadvantage

Protection by geographical indications (GI's)

- Wines and spirits
- Rooibos tea

Danger of misappropriation

- Commercial gain
- Secret and sacred
- Political sensitivity - privacy

International resistance

- North-South divide - FTA's
- WTO, WIPO, Convention on Biological Biodiversity (CBD).

Use of IP to protect IK

- Benefit sharing
 - Khoi/San communities – CSIR
- License to third party
 - Royalties on agreed terms (Mbube)
- Favoured by developed countries
 - Legislation through IP system lagging
 - Partnership imbalance

Contractual arrangements

- Mbube: *The lion sleeps tonight*
- DRUM Magazine
- DISA: Digital Innovation South Africa



Cultural heritage & copyright

- Content
- Central archive
- Guidelines
- Standards
- IP management
- Curation

Digital preservation

INSIDE SOUTH AFRICA: The Scourge of the Passes

While Vorster boasts about his efforts at detente in Africa there is little evidence that he is elsewhere near being about detente with the Black population inside South Africa. Let us take the application of the infamous pass laws for instance. Nearly 10 000 000 Africans were arrested and prosecuted under the pass laws during the 25 years of Nationalist Party rule from 1948 to 1973.

That staggering figure emerged when pass law statistics in the latest Survey of Race Relations were added to previous items going back to 1948. It exceeds the total number of Africans over the age of 14 in 1973 and is roughly equal to the present number of Africans, men and women, here in every reference book.

It is a staggering figure and difficult to comprehend. But if we imagine the arrest of all adult Africans, we begin to get some idea of the number of people involved.

Arrests under the pass laws are a daily reality for South Africa's African people, and while they continued, talk about detente had little or no meaning.

When whites talk fondly of detente, we should bear in mind that until the white system is changed we have not begun to even tackle the problem.

Police State

If the concept of a police state has any meaning, then that figure shows it applied to South Africa until, and unless, something is done about pass law prosecutions and arrests. The latest total shows that more than 500 000 people were prosecuted under the pass laws in a single year.

The number of pass law prosecutions had risen by nearly 175 000 when the latest figure was compared to that for 1960 - the year of the Sharpeville shootings and the temporary suspension of the pass laws. Since then the annual total of pass law prosecutions has not only risen in absolute figures, but also in a percentage of the African population over the age of 14.

It is a measure of the increase in the number of prosecutions for the years ending June 1972

and 1973, shows the figure of 31 5608 which is equivalent to 1413 trials for pass law offences every day of the year - Sundays and holidays included.

When homeland leaders met the Prime Minister for talks last month, P.W. Botha's Minister of Chasabula, asked for the abolition of infra control and the pass laws.

According to the official communication issued after the talks, Vorster said infra control could not be abolished as it was necessary for the "protection" of Africans already living in urban areas.

But as the Prime Minister's invitation, homeland leaders - with the exception of Chief Gqobu Buthelezi of KwaZulu - agreed to appoint representatives to discuss hardships caused by infra control.

In denying freedom of movement and freedom to seek work the system breeds such anger and creates such bitterness that it is beyond defence. In responding men risk their women and children as infants such misery and trauma that it is beyond excuse and alleviation. And all of it, remember, stems from the utterly discriminatory

principle that Africans must be treated differently.

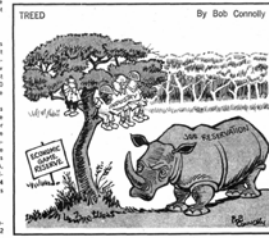
If Vorster is indeed in earnest about doing away with racial discrimination and setting South Africa on a bright new path, let him start by getting rid of the scourge of the pass laws.

Job Reservation goes on

The Industrial Tribunal which investigated job reservation in the building industry, has reported "discriminating" practices in the illegal use of Africans on skilled work.

Obviously skilled work on the building sites is reserved for Whites only. But with the serious shortage of White labour many employees are being forced to employ Black workers as plasterers, brick layers, carpenters etc. This, of course, is one other area in which one cannot expect any change from Vorster. Chief Benge and his White Building Workers' Union will not stand for it. After all, no worker such as these that have put Vorster in power.

As we have often said: meaningful



- Contractual agreement
 - Custodian/ Publisher
 - Consent to access and Use
 - Digital preservation
- Permission request/s
 - Individual owners
 - Consent to access and use
 - Co-ordinate with institution
- Best effort
 - Documentation
- Disclaimer

IP Management

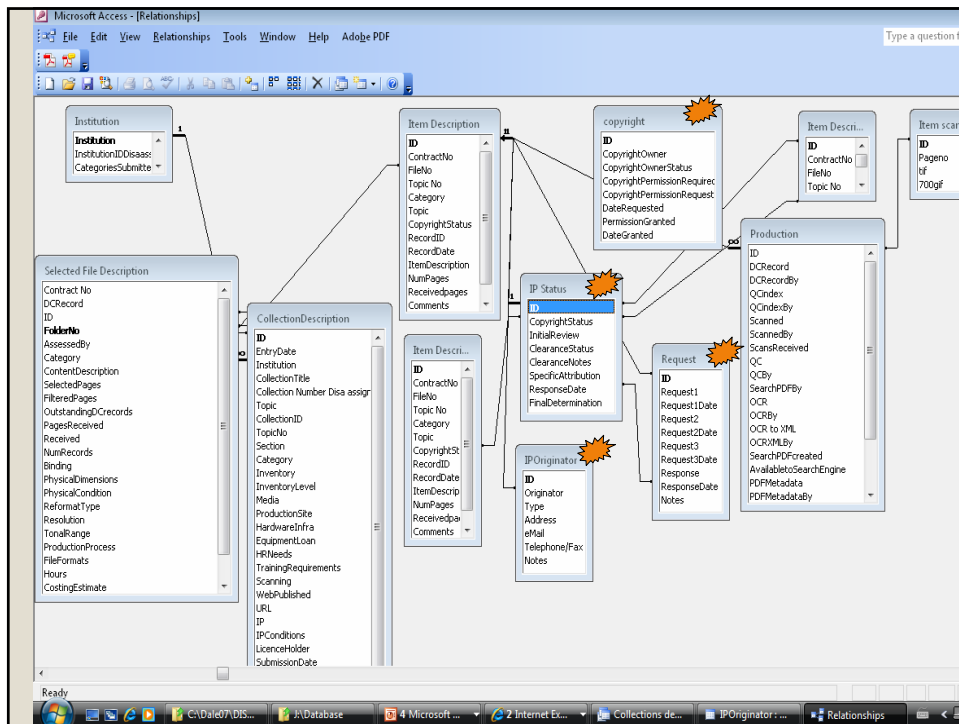
- Physical *access* for digital conversion
- *Reproduction* in electronic form
- Aggregation and archiving of materials of historical, educational, scholarly or other *non-profit* interest
- *Modify for preservation*, translation, quality control, delivery and other purposes

Consent to access and use

- Item/article level description
- Ownership ID
- Risk assessment
- Tracking
- Documentation
- Orphan works
- Disclaimer



Workflow



- Copyright definitions and restrictions
- Service to academic community
- Reliance on foreign funding
- Ownership of content
- Information as an economic commodity
- Open Access

Challenges of IP Rights Management



- Insufficient attention
- National legal and policy frameworks
- Advocacy and education
- Regional Centre of Excellence

• <http://www.disa.ukzn.ac.za:8080/disa/documents/aboutdisa/workshops/UNESCODiqPres/Final%20report%202%20Digital%20Preservation%20comparative%20study.pdf>

UNESCO Digital Preservation Research Project, 2006

National Council

- traditional cultures and social values
- traditional artistic, literary, musical and performing arts
- knowledge and expertise of IP law

National Database

- Electronic format, open to inspection
- Audit of Knowledge Management systems
- Community trust
- Preservation function

National Trust Fund

- Community claims

Intellectual Property Amendment Bill, 2007

- Legislative review
- Interdepartmental co-ordination
- Influence regional trading block
- IP policy in conducting trade negotiations and cultural relationships
- Not wait for international solutions

SA Policy Recommendations