



IP at Risk

On 15 March 2019, Prof Sihawukele Ngubane published an article on bizcommunity.com, titled, **When academic writing no longer pays, writing stops**. The article is a comment on the Copyright Amendment Bill tabled by the National Council of Provinces. The aim of the bill is to allow “.. for the extension of exceptions to copyright when the use is ‘for education’ of academic works” (Ngubane, 2019), making knowledge to students and lecturers more accessible and affordable.

Prof Ngubane asserts that although the intentions of this bill are noble, it will have negative consequences. In extending the copyright exceptions, the creators of knowledge will no longer be compensated accordingly for their work, and as a result, the motivation to produce knowledge will dry up. The impact of this, in time, will be a repository of old and irrelevant material and this in turn will force South Africa to have to import knowledge at a cost. This view is supported by Dlamini (in Phakathi, 2019) who states that the Bill would be responsible for the “recolonisation” of our curriculum.

The author goes on to say that creators of knowledge invest their time, money and labour into their writings which benefits society at large and should be compensated for it. It is the way they make a living.

The author states further that although there are safeguards incorporated into the Bill to ensure fair usage, taking a matter to court to defend one’s right to earn a living from one’s own work can be a protracted and costly exercise.

As the Bill is yet to be passed, the author urges the President to send the Bill back to parliament for further review.



In searching for further articles on this topic, I realised that it is a very contentious issue with many articles written and interviews conducted. The general opinion seems to be that the Bill should be reconsidered. According to Lavizzari (2019) this Bill will also cause South Africa to breach it's international obligations on Copyright.

The topic of the article piqued my interest, given that I had a conversation with a doctoral student earlier this week with regard to the protection of her Intellectual Property (IP) when submitting her thesis for examination. At Da Vinci, confidentiality agreements are signed by all staff and in addition non-disclosure agreements are signed where necessary.

The article also gave rise to the thought that one of the key performance elements of university ranking is research output. Should the Bill be passed and academic works dry up, this may have an impact on the ranking of South African universities internationally.

Bibliography

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