



DRAMATIC, ARTISTIC and LITERARY
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Affiliated to the International Confederation of Copyright Societies – CISAC
Member of the International Federation of Reproduction Rights Organisations – IFRRO
Reg. No. 1967/005018/07

26th March 2020

Dear Chief Librarian / Copyright Officer

All South African Universities

Publishers' assistance universities during the COVID-19 national disaster period

The Publishers' Association of South Africa (PASA) and the Dramatic, Artistic and Literary Rights Organisation (DALRO) realise that Universities are also affected deeply by the disaster period, including having to provide remote online access to learning and teaching materials.

PASA and DALRO wish to assist you and have decided on a number of proposals to present to you. Please see the attached memorandum.

Should you have questions or further proposals, kindly contact DALRO at transactional.requests@dalro.co.za. Please feel free to contact us again as needs arise during the disaster period.

Best wishes to you and your institution.

Signed:

PASA

Mr. Mpuka Radinku: _____

Executive Director

DALRO

Mr. Lazarus Serobe: _____

Managing Director

Publishers' assistance to universities during the COVID-19 national disaster period

Background

As a consequence of South African universities applying containment policies for the COVID-19 pandemic, there will be a marked increase in the need for online distribution of licensed and other works for remote access by students and teaching staff. For resources, where distance and remote access is not already enabled by publisher services and product, universities may need to reproduce licenced works beyond the DALRO-mandated limit as access to library on-site resources may be curtailed.

Members of the Publishers' Association of South Africa (PASA) and the Dramatic, Artistic and Literary Rights Organisation (DALRO) have agreed to the following measures to assist universities in support of their online teaching and learning activities during the COVID-19 national disaster period.

Academic and scholarly publishers have agreed to these measures.

Affected materials

These measures apply to

1. Ancillary materials normally made available to lecturers
2. Printed materials not available digitally that universities need to digitise now for access on secure electronic networks of the university.
3. Digital materials available under a restricted university-wide licence that need to be accessible remotely.

Here are more details:

Specific measures for the national disaster period

- 1. Ancillary materials like PowerPoint slides normally made available to lecturers*

These materials can be made available

- * to students on the university learning materials system and
- * for use by lecturers in audio-visual tutorials and teaching sessions or distance education sessions.

Please cite the works properly as indicated in the example below.*

To see publishers' materials available for this use, go to the PASA website at:

<http://www.publishsa.co.za/COVID-19Assistance> . This webpage will be updated regularly. In relation to such materials, and others, more information is available from various publishers via the PASA website.

If there is a need for specific ancillary materials not listed on the web page, lecturers may either contact the publisher as per the PASA web page <http://www.publishsa.co.za/COVID-19Assistance>, or contact DALRO at transactional.requests@dalro.co.za.

2. Printed materials not available digitally that universities need to digitise now

These materials might include titles on reserve or frequently used items currently only in printed format and of which the university has lawfully acquired print copies. Students would normally have accessed these materials at the library or on e-reserves within permitted limits on-site or walk-in only.

We request that before any digitisation begins you source all possible avenues for obtaining digital versions and engage directly with aggregators. For example, a publisher might have made material more widely available under licence agreements we have with JSTOR and Proquest. The titles may therefore be available digitally through these suppliers, even if the particular library does not have access. This can be arranged through contacting the aggregator or DALRO to facilitate.

If these avenues have been sourced unsuccessfully, universities may apply to DALRO on a case-by-case basis to make digitised copies of such print materials and host them on the normal university infrastructure within the normally permitted limits, where such infrastructure now also allows remote access to affiliated students.

Please cite the works properly as indicated in the example below.*

3. Digital materials available under a restricted university-wide licence that need to be accessed remotely

Universities may apply to DALRO to allow a case-by-case emergency licence, lifting these restrictions, and for universities to host the digital materials on the normal university learning materials system. If necessary, DALRO will liaise with the publisher.

Apply to DALRO for the use of such materials at transactional.requests@dalro.co.za.

For avoidance of doubt: the centralised emergency DALRO mandate would only apply to works that are not available in online or distance education products or services offered by publishers.

This emergency licence is valid for the “access period”, being the period during which this pandemic crisis continues and at least to 30 September 2020 [or other suitable date], perhaps extendable on objective criteria [which criteria include the evolving market of distance and online education and the availability of original published products serving this market].

Copyright protection

* Please cite the works properly as indicated in the example below:

“© Some rights reserved. This time-limited emergency licence (Covid-19) permits non-commercial use, distribution, and reproduction in any medium, provided the original author and source are credited in the customary fashion and provided re-used snippets link back to the original available from the publisher. The moral rights of the author have been asserted.”

Status quo

The current DALRO licence as already arranged between universities and DALRO as mandated by publishers will continue.

Some publishers have already contacted universities to make their specific arrangements related to the disaster period. These arrangements are not affected by this communication unless otherwise decided and shared by the publishers.

Generally, publications by academic and scholarly publishers are available digitally and students and lecturers can continue to buy them online. There should therefore be no need to expand the normal licence DALRO affords universities to reproduce and distribute more than the agreed quantity. Thus, for whole textbooks to be made available online on university learning materials systems there should be no need, where those titles are available commercially for purchase or access.

Further measures as needed by universities

PASA and DALRO cannot foresee universities' developing needs during this period. Universities are therefore invited to approach DALRO with any further requests at transactional.requests@dalro.co.za