

COVID-19 COMMUNICATION

Emergency measures for copyright clearance – Western Cape universities

Prepared by: Publishing Liaison Office (PLO) – CHEC

Tuesday, 14 April 2020

Following the outbreak of the COVID-19 pandemic and subsequent lockdown procedures implemented nationwide on Friday, 27 March 2020, the Dramatic, Artistic and Literary Rights Organisation (DALRO) and Publishers' Association of South Africa (PASA) have put measures in place to assist university lecturers and students to access essential teaching and learning materials during this pending disaster period.

With a marked increase in the need for online distribution of licensed and other works, CHEC will continue to assist the four public universities in the Western Cape with the stipulated emergency measures for copyright clearance through its Publishing Liaison Office (PLO). These measures relate (and may extend) to the following:

1. Ancillary materials

Academic publishers are making various *ancillary materials* (including PowerPoint slides, case studies, test banks, tables, diagrams, etc.) available to lecturers and students where possible. These materials can be used on the respective universities' *learning management systems (LMS)* and in any *audio-visual tutorials and/or online sessions* that have been put in place for continuous and remote study and teaching activities.

A dedicated [PASA webpage](#) can be consulted for ongoing and updated support of how publishers are assisting lecturers and students in this regard. CHEC can be consulted on required materials to determine whether they are made available through these support measures. (The necessary copyright citations must be included as stipulated in *section 4* below.)

2. Case-by-case applications (transactional requests)

Universities may need to reproduce licenced works beyond the DALRO-mandated limit as access to on-site library resources may be severely limited and digital copies need to be made available on LMS. This includes making *digital copies of printed materials* or allowing *digital resources available under restricted licences* to be accessed remotely. Lecturers and/or administrators need to apply for copyright clearance through [CHEC's online system](#) for digitised copies and such applications will be handled on a *case-by-case basis* in deliberation with DALRO.

This applies in the following cases:

- *Printed materials* legally acquired by universities (incl. titles on reserve or frequently used items available as print-only) where digital versions cannot be obtained and/or sourced.
- *Digital resources* only available under restricted university-wide licences that need to be accessed remotely on an LMS. (Restrictions may be lifted based on each case.)

Please note: This centralised emergency DALRO mandate would only apply to works that are not available in online or distance education products or services offered by publishers. (The necessary copyright citations must be included as stipulated in *section 4* below.)

3. Blanket licences and exceeding the permissible extent

Where universities have a *blanket licence agreement*, standard reporting procedures continue through CHEC allowing for print and digital copies to be made available within the *permissible extent parameters*. In cases where there is a justified need and reason to exceed the extent of copying, requests can be made through [CHEC's online system](#) with an indication of how it will be exceeded with relevant motivation. A transactional request will then be submitted to be cleared in deliberation with DALRO (refer to *section 2*).

4. Copyright protection

All works made available under these emergency measures must be cited as follows:

© 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.

Please note: This emergency licence is valid for the “access period” being that during which the pandemic crisis continues or otherwise communicated by DALRO.

SIGNED



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