HSRC Intellectual Property Day

POETRY COMPETITION

On April 26, 1970 WIPO Convention came into force and the day was chosen as the World IP day by the WIPO member states to increase general understanding of what IP really means. Every year this day celebrates creativity, and contribution made by creators and innovators to the development of societies across the globe all the while raising awareness of how patents, copyright, trademarks and designs impact our daily life. This year WIPO has declared Digital Creativity: Culture Reimagined as the theme of World IP Day 2016.

Taking cue from this year's IP Day theme and to give you, the HSRC staff an opportunity to understand the role played by intellectual property, we are asking you to put pen to paper and let us know in a poem! The IPTTO IP Poetry competition is looking for contributions from staff members from all over the HSRC. You are encouraged to focus on the World IP Day theme i.e. Digital Creativity: Culture Reimagined, contemplate writing on topics related to IP, cultural creativity, innovation, etc.
Share your thoughts in a poem for a chance to win a prize. Last date for Submission – April 20 2016.

What does intellectual property mean to you?

HSRC Intellectual Property Day: April 25, 2016

Be sure to attend the HSRC IP day on 25 April 2016 for an interesting discussion on issues surrounding our cultural future and to find out if you are a WINNER!

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Cultural Future on Indigenous Knowledge

THEME: Digital Creativity: Culture Reimagined

By Nomusa Biyela

25 April 2016

Library and Information Services

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Outline

- **Phase 1**: "Digital Creativity: Culture re-imagined"
- a) What is Culture & Digitisation
- b) Digitised inventions shared globally
- c) How some HSRC work link with the theme:
- Digitised Intellectual Discourse: "Poverty, Inequality and Suffering in the Country"
- Digitised Gender Summit
- **(Audio & Digital Video Recording 1 & 2 to be played)**
- d) Launch of the HSRC Institutional Repository to further enhance global knowledge sharing
- e) Opportunities & Challenges
- **Phase 2**: "Cultural Future on Indigenous Knowledge"
- **(Digital Video Recording 3 to be played)**
- a) What is Indigenous Knowledge (IK)
- b) Problem statement
- c) Objectives
- d) Findings
- e) Recommendations:

Conclusion: (Digital-audio 4 to be played)

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What is Digitisation

- ## Phase 1

- **Digitisation** is the codification of information or knowledge for a specific purpose **(Akinwale 2012, 4)**

- It is the transfer of information and knowledge from analogue to digital format. It includes the management of digitally born materials **(DAC 2010)**

- **Digitisation** is connected with interest in the management of knowledge in the technological environment including cultural heritage resources **(Akinwale 2012, 4)**

- Codified knowledge can be preserved for a long time and also shared globally

- The importance of digitisation has been demonstrated in various industries including cultural heritage institutions like libraries, museums and archives **(Akinwale 2012, 4)**

- Challenges include the understanding of technical implications like **Digital Rights Management**

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Digitised Invention shared globally
(Smith 2016)

This is William Kamkwamba

A New Kind Of Human

At the young age of 14, in poverty and famine, and without any formal education, he built a windmill to power his family's home. Since then, he has built a solar-powered water pump that supplies the first drinking water to his village. He did all of this by educating himself through his local library.

Digitised Invention shared globally
(Smith 2016)

Jack Andraka, the Teen Prodigy of Pancreatic Cancer

A high school sophomore won the youth achievement Smithsonian American Ingenuity Award for inventing a new method to detect a lethal cancer
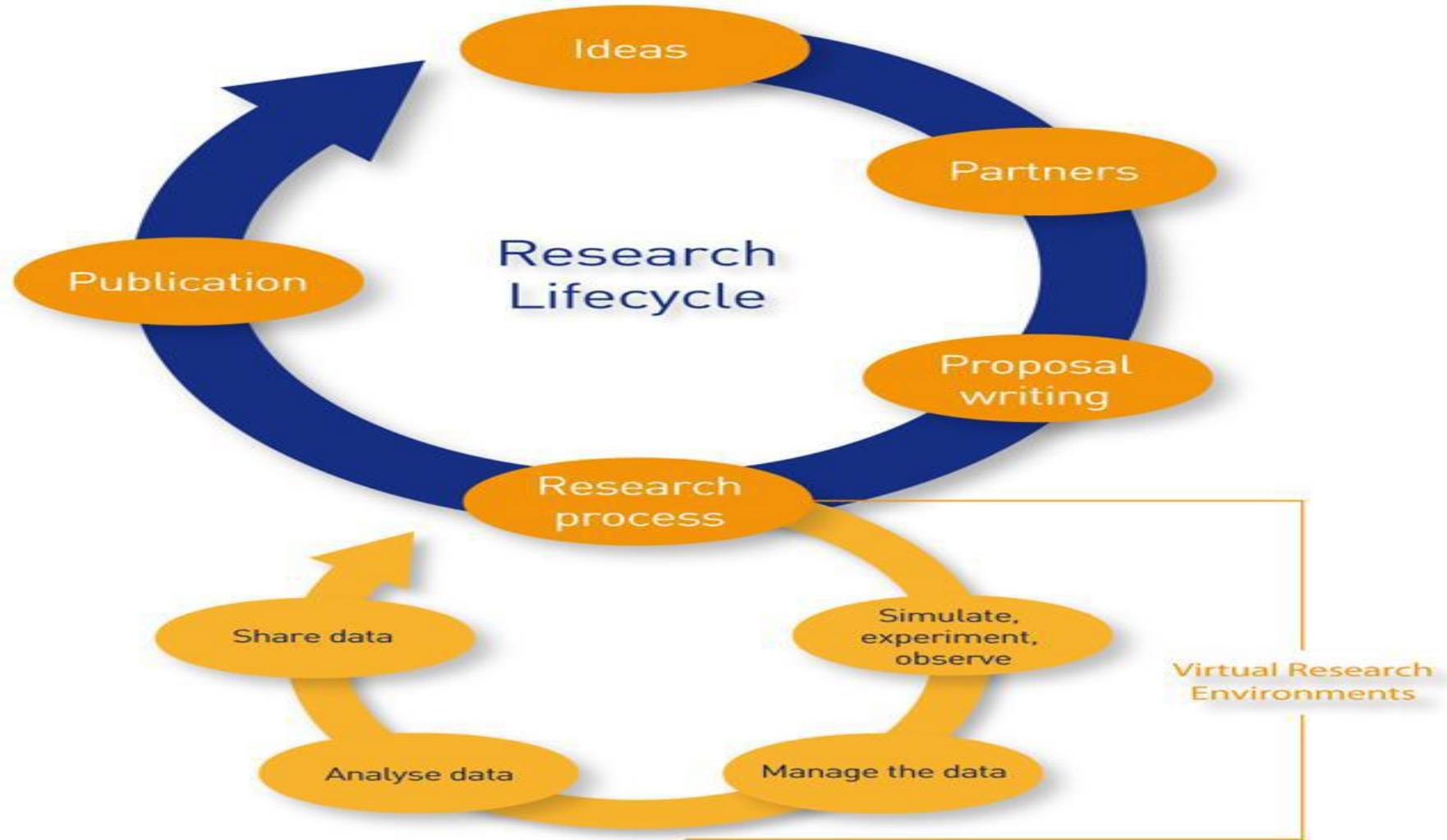

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HSRC in line with 'Digital Creativity' trend

- How some HSRC work link with the theme: "**Digital Creativity: Culture re-imagined"**
  - "Poverty, Inequality and Suffering in the Country"
  - "Digitised Gender Summit"
  - What is the state of copyright authority of the HSRC digitised audio-visual materials
  - To foster partnership among affected units in order to enhance preservation, accessibility and protection of digitised materials
  - (Audio & Video recordings played)

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HSRC Research Output Collection

- **14 March 2016**: Launch of the HSRC Institutional Repository

- Global visibility of the HSRC Research Output collection has been further enhanced

- The culture in which knowledge is managed and shared further re-imagined

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HSRC Press, Repository & Data shared in the Digital Space

Access to HSRC Heritage Resources Re-imagined
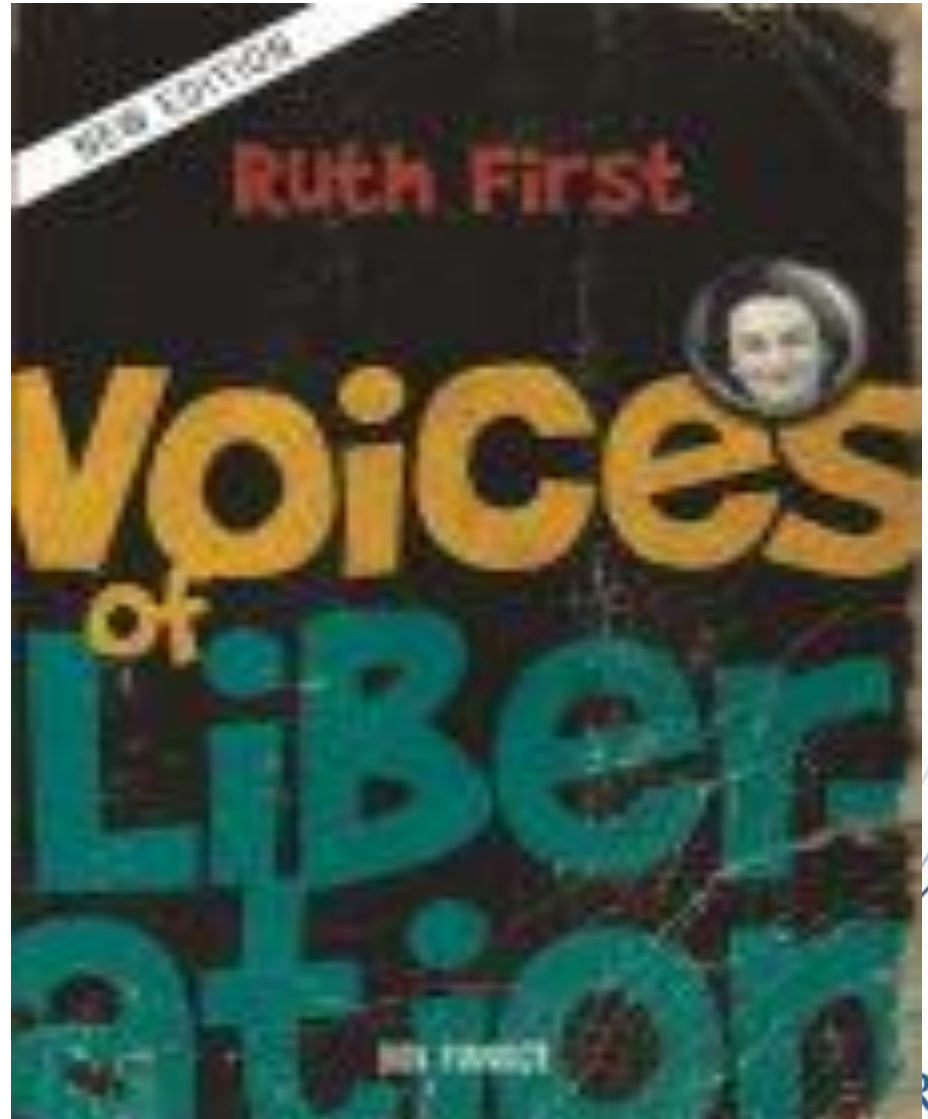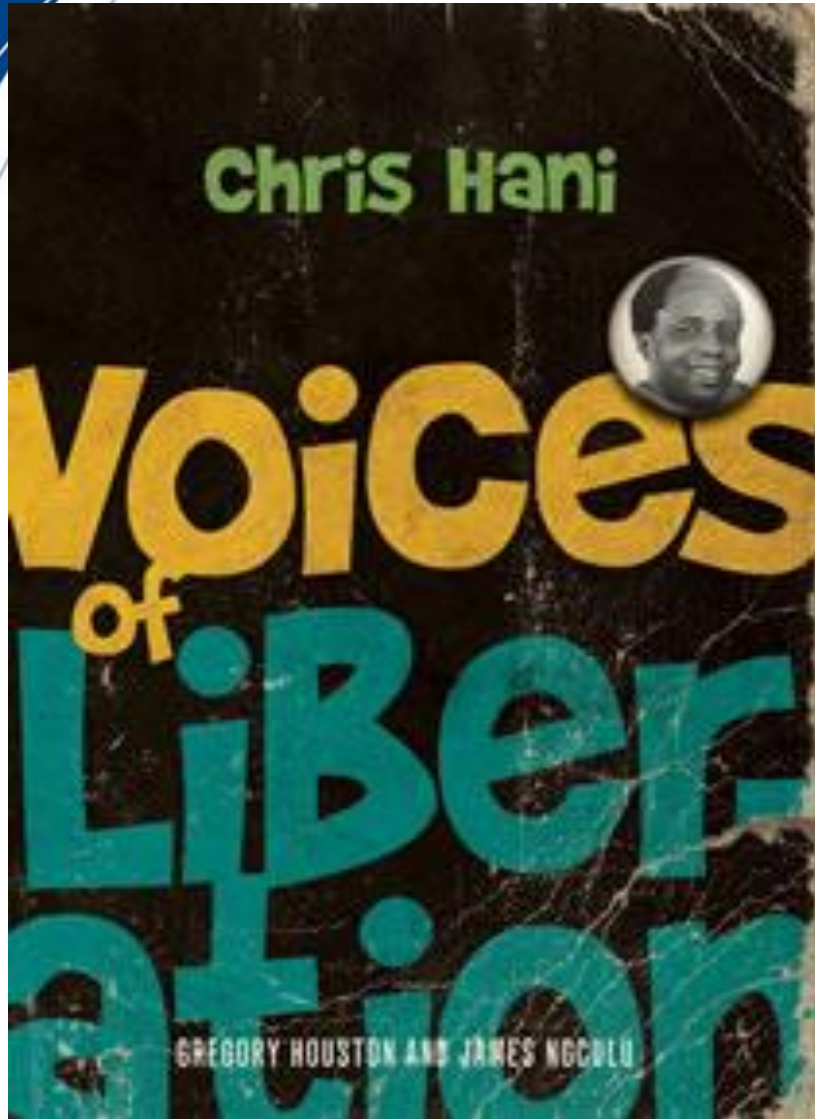
Precautionary Measures:
South African Intellectual Property Laws?

Digital Rights management

Opportunities in the digital age

- To become **empowered digital citizens** with competency in using various computer application programmes

- To become effective **downloaders** of content but also **uploaders** and thus contribute to the world of knowledge

- To become **life long learners (Smith & Goosen 2016)**

- African Union Heads of States (2010) advocates for the use of information and communication technologies (ICT) for sustainable development. This is critical in reducing **Poverty and Inequality in Africa (like Global online marketing of Cultural Products)**

- **(**Technology turning the world around but masses still alienated: **MMM online money-lending scheme enriching the digitally literate)**

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What is indigenous knowledge (IK)

- **Phase 2**: **(Digital video recording 3 to be played)**

- National Research Foundation **(NRF, 2006)** defines **IKS** as the complex set of knowledge and technologies existing and developed around specific conditions of population and communities indigenous to a particular geographic area and their interfaces with others **(Green 2007).**

- Various domains include tangible; intangible & artistic

Problem Statement

- Traditional management tools **<u>NOT</u>** offering enough solutions to IK management challenges

- Modern tools cannot offer absolute solutions either as during digitisation process as IK is transferred from analogue to digital format, IK sometimes loses its intrinsic and moral values. Ownership rights are sometimes compromised

- IK is misappropriated and sometimes gets lost forever. North-South manipulation and dependency syndrome is still a challenge

- **<u>IKS Bill, 2014</u>** to save indigenous communities from this risk.

Objectives

- To establish the various domains of IK that were commonly used for daily survival in the Dlangubo village.

- To establish methods and tools that were used to manage and preserve IK.

- To determine the ownership protocols for the various IK domains and what they knew about the South African intellectual property law system.

- To determine the use and role of libraries, databases and ICTs in managing and preserving IK.

- To develop a model to manage and preserve IK

Crop farming yields (In-situ traditional method of managing IK)

Livestock keeping

Beadwork & Beaded attires

Handcrafted shoes

Grass mat & weaving tool

Wood work & Shield work
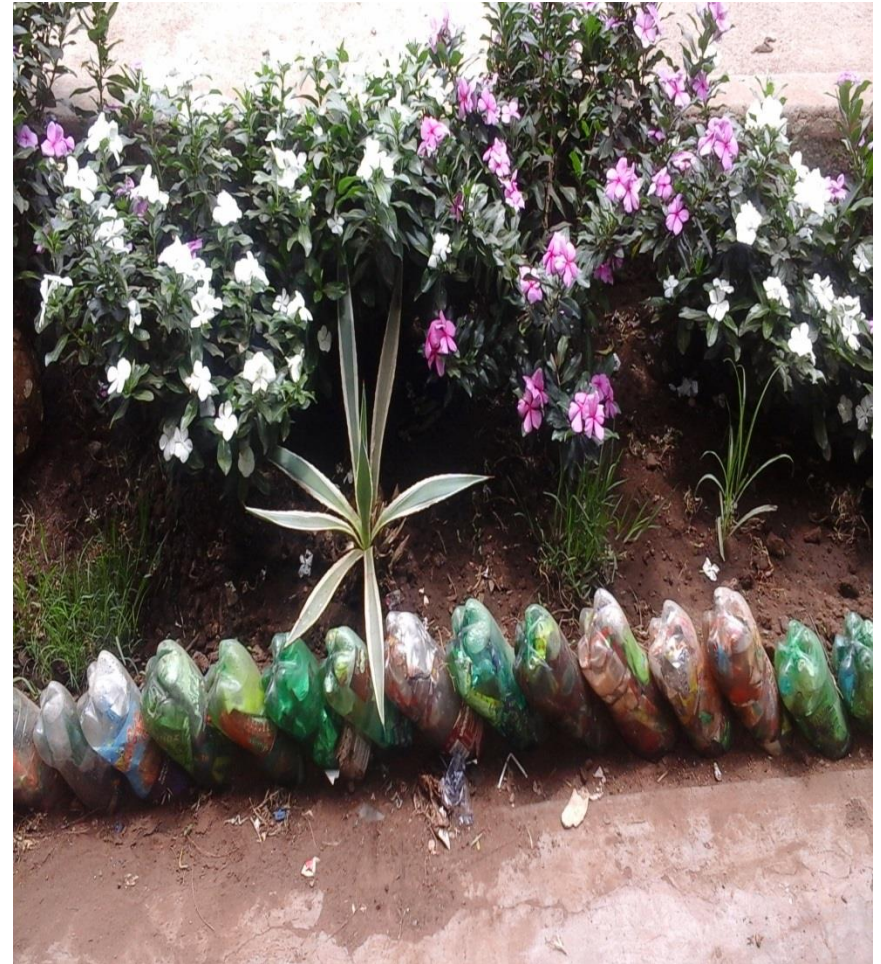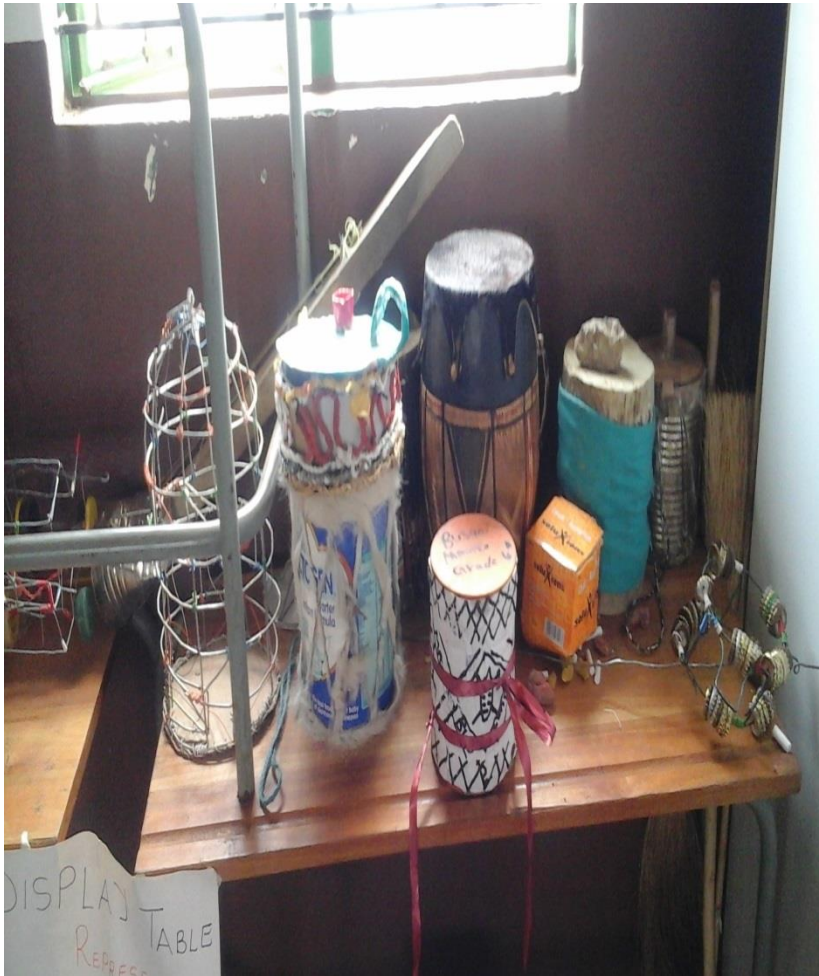
Artistic & intangible IK

Reverend & Mrs Mthethwa

Monument house for Rev Mthethwa

Fasimba Primary School IK
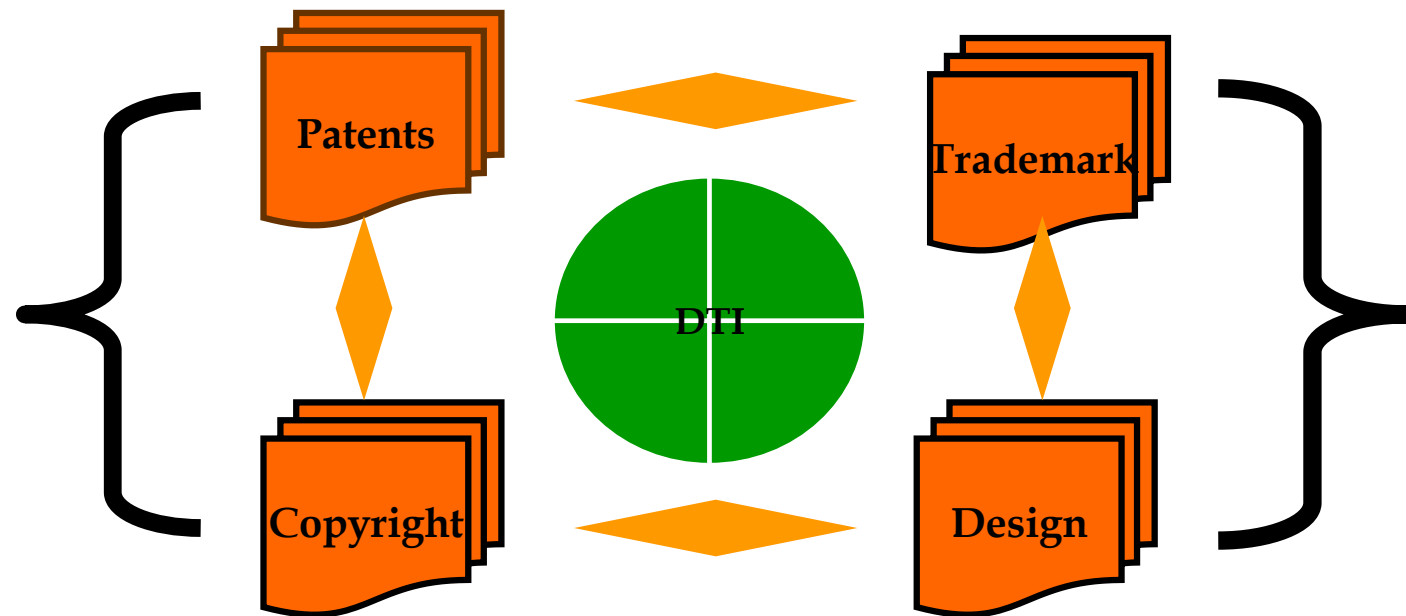
Findings of the research study

- Domains of IK highlighted above
- In-situ preservation methods of IK predominantly used
- Ex-situ preservation methods used at a limited rate
- **Communal ownership rights** prevalent
- Community did not know about the South African Intellectual Property Rights
- ICT & Libraries were used at a low rate in managing IK

Recommendations

- South African Government Policies to sufficiently reach indigenous communities – like the **IKS Bill of 2014, Gazetted in March 2015** to be rolled out to indigenous communities

- **Innovative Approaches** critical in the way IK is managed in the Digital Era – To Supplement Traditional Methods & NOT Replace Them

- **Educational programmes** in line with the identified information needs of indigenous communities critical

- **Multidisciplinary partnership approach** critical in addressing IK management challenges

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Critical to strengthen the voice of indigenous people in the SA-IP Laws (Legal Dept to elaborate)

IP Laws Amendment Bill (DTI, 2007)

Patents

Trademark

DTI

Copyright

Design

Patents

Granted fr a new invention

Trademarks

Protects signs produced graphically

Design

Protects the pattern or shape

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Domains of IP Laws in South Africa
(Legal Dept. to elaborate)

Patent Act 57 of 1978

- It is granted for a new invention. It awards exclusive right to an inventor to prevent others from making, selling, distributing or using their invention without licence or authorisation for a fixed period of time.

Trademark Act 194 of 1993

- A trade mark is defined as a mark used by a person to identify and distinguish goods or services from goods or services of another person.

- **Design Act 195 of 1993**

- It allows for the registration of both aesthetic and functional designs. Aesthetic design is applied to any article whether for the pattern or shape or the ornamentation thereof

- **Copyright Act 98 of 1978**

  - It is exclusive right granted to the original creator of the work. Literary, musical or artistic works - the person who first creates the work

Author's Rights (Nicholson 2015)

- Author/creator owns copyright but can belong to a third party:-

- •to the institution - institutional policy

- •to a newspaper or employer – in course and scope of employment

- •by commission

- •assignment to a publisher

- •inheritance (goes to heirs)

- •Insolvency – (goes to creditor(s))

- Authors do not have to sign away all their rights under Copyright. Always attach an Author's Addendum and retain some rights – You only need to give a **non-exclusive licence** to publishers (this can be verbal or in writing).

- An **exclusive licence or full copyright assignment** to a third party must be in writing and signed by both parties.

Digital Rights Management (DRM)
(Legal Dept. to elaborate)

- DRM refers to a collection of systems used to protect the copyrights of electronic media. These may include digital music and movies as well as other data that is stored and transferred digitally **(Nicholson 2009, 2)**

- DRM systems comprise of a number of technological components including encryption, a surveillance mechanism, databases of works, owners and users, license management functionality and technological protection measures.

- DRMs are also known as electronic copyright management systems, or Intellectual Property Management & protection Systems.

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Conclusion: Praise poem by an 'Imbongi'

- **<u>Phase 4</u>**: Interview audio script for the interviewer and interviewee

- Written and recited by the owner Siyabonga Zungu

VN850057ImbongiNqoleni.WMA

Conclusion

IF YOU WANT TO GO FAST, GO ALONE
IF YOU WANT TO GO FAR, GO TOGETHER

AFRICAN PROVERB

THANK YOU

"Umuntu ngumuntu ngabantu"
"Motho ke motho ka batho"

- **NBiyela@hsrc.ac.za**

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