

Public Statement on the process to assist RU academics with Dramatic, Artistic and Literary Rights Organisation (DALRO) permissions amid the COVID 19 Emergency Remote Teaching, Learning & Research

Introduction

This Statement is meant to provide clarity to the RU community about what the Library can or cannot do in the process of assisting academics with the DALRO/Copyright permissions to enable them to make ethical and legal choices about copyright issues in online teaching and research in the wake of the COVID-19 outbreak. We have received a number of queries from some academics and students for clarification on access to learning resources, copyright permissions for educational use and generally what is allowed or not allowed within the copyright impediments to a rapid shift to remote instruction.

It might be worth clarifying that, the role of streamlining DALRO processes and related copyright protocols is not the responsibility of the Library per se, however, by virtue of being custodians of knowledge and copyrighted materials, this role is implied, and the Library is willing to assist as much as it possible can. DALRO operates with two types of licenses: The Blanket licence and the Transactional licence. Rhodes University subscribes to a Transactional Licence Agreement with DALRO. The administration of this process is handled by the respective Faculties and Departments in consultation with the Registrars' Division for approval. With regards to DALRO costs, the Finance Division recently issued a notice on Toplist on how costs related to the Covid-19 will be funded. Until now, the Library has never been involved in this process.

What is in place that academics at Rhodes can access or do? Academics can use:

1. The existing Transactional Licence Agreement with DALRO

Transactional licensing is a pay-per use service where institutions pay for the re-use of specific works. These are specific published works to be distributed to a specific group of people, enrolled in a specific course at a specific time. You will have to provide the following information to DALRO:

- Name of institution
- Name of lecturer or staff member
- Department or course code
- Type of reproduction (Course pack, intranet, short loan, single item handouts, and/or CD-ROM)
- Number of Students
- Page numbers to be copied
- The bibliographic information of the work permission is needed for. (Title, publisher, ISSN/ISBN etc.)

NB: There is a huge administration involved with this model

Which items can you apply for under the Transactional Licence?

All copyrighted materials require obtaining the necessary permissions to legally reproduce such materials. The list of materials that fall with the scope of both local and international copyright laws, includes:

- Literary works, including journal articles, books, computer programs and other "compilations" (including texts of examination papers, whether published individually or in collections, by other institutions)
- Online writing, such as a blog or series of articles
- Musical works, including lyrics
- Pantomimes and choreographic works (if they have been recorded)
- Pictorial works (includes illustrations, images, maps, charts, photographs and architectural plans), graphics, sculpture
- Movies and other audio-visual works
- Sound recordings
- Architectural works

Final approval is required from the Copyright Officer of the University. Where this office (Copyright officer) resides at Rhodes is not clear, some think the Library is the place. In some institutions it is a shared responsibility between the office of the Registrar (for policies) and the Library/Faculties for operations.

2. DALRO Transactional Requests during Covid-19 environment

DALRO has pronounced that: Universities may apply to DALRO to allow a case-by-case emergency licence, to lift restrictions and allow universities to host digital copies of materials, on the normal university learning materials system. For avoidance of doubt: the centralised emergency DALRO mandate would only apply to works that are **not available in online** or in distance education products or services offered by publishers. It is, however, of critical importance to note that certain publishers allow for materials to be included in course packs (see point 4 for a list of these publishers) without having to obtain the rights to do so. Please check this list prior to applying for copyright clearance in order to avoid paying money unnecessarily.

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].

To coordinate the application process, lecturers can submit these requests directly to DALRO at transactional.requests@dalro.co.za to handle the related administration. If necessary, DALRO will liaise with the publisher. For more details, visit www.dalro.co.za

NB If lecturers want to use material which are currently only available in printed format in the Library (with no electronic version available), the Library will make digitized copies available within the normally permitted limits on a case-by-case basis.

3. Availability of textbooks for remote access:

3.1 Online availability of textbooks via Kortext, Proquest and other content providers

3.1.1 Free materials:

Linked to the above stipulations by DALRO, the procurement of textbooks generally poses a challenge for libraries. In a non-COVID19 environment, certain prescribed materials would be available via the short-loan sections at the Library or one of the branch libraries. The demand for electronic versions of prescribed or recommended materials has increased due to the closure of access to libraries. In this regard, electronic versions of some materials, normally available on short-loan, have now been made accessible online. In this regard the Library has taken advantage of the Kortext programme offered to Educational institutions in SA and world-wide during the shutdown period. The programme is termed "Free Student eTextbook Programme (FSTP)" led by Kortext, a digital eTextbook provider, registered in England and Wales, and Govtech in SA. The Library is delighted to inform the RU community that, due to the closure of our libraries during the lockdown period, the Library-Kortext partnership will provide students with access to digital copies of key titles selected from the RUL short loan print collection. In addition, a number of publishers have also made resources freely accessible during the Covid-19 period. A list of these free resources can be viewed at <http://ru.za.libguides.com/c.php?g=174194&p=7354906>.

The free offer is applicable for a limited period of time (3 months) and/or up to the end of September 2020 - the longest. Beyond this free period there are serious financial implications for the Kortext deal. The risk is that some academics might want to continue with this service beyond the Free COVID 19 period, and the Library budget for Information Resources will not be able to support this business model.

3.1.2 The Kortext Business Model

The Kortext model requires individual copies be purchased for each student and/or lecturer. The challenge with the Kortext business model is that it differs from the Library collection development model. Kortext operates like an ebook shop where each student or lecturer buys her/his copy and a single sign on (SSO) and authentication is provided through the VLE integration. CHERTL has been brought on board in the discussions of providing access to this resource beyond the free Covid-19 era as the library collection development policies do not accommodate this model due to various factors including limited budgets. At this stage it is not clear how the university will fund this initiative beyond the free Covid-19 period (June or September 2020).

3.2. Acquiring prescribed/recommended books during lockdown

The biggest challenge currently faced by the Library is that certain prescribed textbooks are either:

- Available only in print format. As per legislation, portions of these materials can be digitized and made accessible via the Virtual Learning Environment (VLE) platform. It should be noted that digitizing the complete item is perceived to be illegal and is not allowed. The Library will continue placing orders for these materials, and like our short loan collection, portions of these will be digitized and made available on a case by case request.
- Available as e-textbooks but not in way that the library can make accessible to a wider community. Content providers such as Kortext and Vitalsource can, on behalf of the publishers, make textbooks available online using the pay per user business model. The Library Acquisitions staff

are able to assist in determining the availability of these materials, but may not be able to provide access to materials based on business models and/or the current restrictions that the South African Copyright Law enforces. Should you wish to obtain access to these materials, please contact the relevant Faculty Librarian liaison staff.

3.3. Purchased materials:

3.3.1. Access to online orders since lockdown

In order to provide online copies of materials, 100 copies of the most heavily used prescribed and/or recommended textbooks in short loan (50 from the Law Library and 50 from the Main Library) have been matched against the lists of academic publishers around the world, that have partnered with Kortext, Proquest and Ebsco. Thus far, 19 e-titles have been sourced from the Kortext deal and made accessible via the Online Public Access Catalogue (OPAC) on the library website.

Since the lockdown, the Library has continued to receive large numbers of orders for eBooks from academics in preparation for the rollout of the online education strategy. Additional e-titles requested have been purchased, processed and made accessible via the OPAC. To date, the library holds **521 e-titles** of and 118 print copies of new books. Since this is consortium catalog with other libraries in the Eastern Cape, you will have to click on lists 7 & 8 for Rhodes library lists. To browse all new eBooks and print books acquired since the national lockdown, [click here](#). The “New eBooks lists” will be continually updated and displayed periodically as more titles are being added by providers. This means students will have access to an eBook version of the book via the Library catalogue, which can be accessed at anytime, anywhere, from any device, as long as there is Internet access.

We would like to encourage academics to continue placing orders through the Information Resources grant as per normal.

4. Course Packs and Copyright (Licensed Rhodes Library Databases)

Some of the database licenses to which the Rhodes Library subscribes, allow for Authorized Users (RU staff and students) to incorporate reasonable portions of the Licensed Material into printed and electronic course packs to be used in the course of instruction and, or in virtual and managed environments hosted on a Secure Network.

The licences for the following databases allow use of content for print and or electronic course packs:

[The American Chemical Society](#) (All Current Journals and Legacy Archives), [Anthrosource](#), [Association for Computing Machinery \(ACM\) Digital Library](#), [BioOne Complete](#), [Emerald Collections](#), [NewsBank](#) collections (Apartheid Global Perspectives 1946-1996, Rand Daily Mail Archive (1902-1985), World Newspaper Archive- Africa Newspapers, Access World News: Research Collection), [Sage Journals Premier 2019](#) package, [Royal Society of Chemistry Gold Package](#), [Wiley Online Database Model 2019](#) package, [HeinOnline](#) Collections, [PressReader](#), [Taylor and Francis Online Social Science & Humanities \(SSH\)and Science &Technology \(ST\)](#) collections.

These licenses further stipulate that each item should carry appropriate acknowledgement of the source, listing title and author of the work and copyright owner. All copies need to be deleted or destroyed when

they are no longer used for a particular course of instruction. Should you have any queries regarding this, please contact Rhodes Library Faculty Liaison.

Regarding all other online resources, downloading a journal article from a research database, duplicating it and uploading that document to a RU Connected site or creating printed course packs, will require a DALRO application. In instances where printed course packs and or electronic course packs are not specified in the database license agreements, the South African National Licensing Information Consortium (SANLIC) is currently writing to publishers to request permission for this on behalf of all their University members and you will be notified accordingly, of any changes.

PLEASE NOTE: the list of accessible Journal titles (with links) that are listed under each database on the OPAC, are the subscribed titles that fall within the Rhodes licensed agreements.

When there is a need to remotely access digital materials, which fall under a restricted university-wide license, DALRO has agreed to allow a case-by-case emergency license, lifting these restrictions, allowing the digital materials to be hosted on the learning system. Please also refer these request to your faculty Liaison Librarian.

4.1 Exceptions to Copyright permissions:

Public Domain materials:

Materials that are in the public domain do not require copyright permissions. Please consult the South African Copyright Law, or the equivalent legislation if the origin of the work is from another country, to determine if works fall within the public domain area, or are copyrighted. Wits University Library's [Libguide](#) in this regard will provide information pertaining to the South African Copyright Law.

Creative Commons:

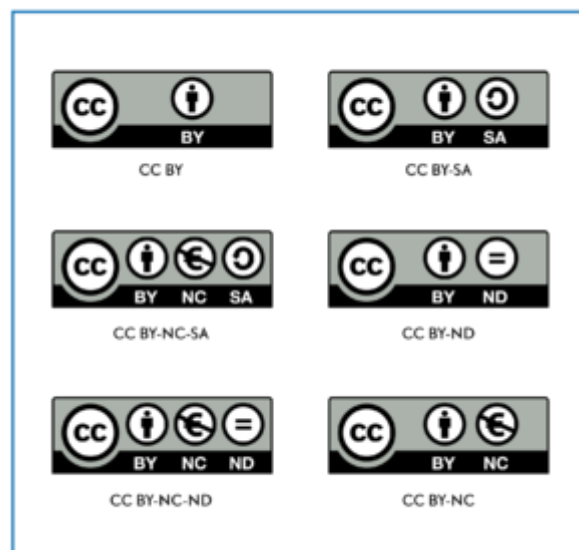
The use of [Creative Commons](#) license stipulations allow for the creators of work to assign certain types of licenses to their works. **Creative Commons** is a system that allows you to legally use “some rights reserved” music, movies, images, and other content — all for **free but with certain conditions required**.

The Creative Commons Licenses are:

- CC BY (Attribution)
- CC BY-SA (Attribution-Share-Alike)
- CC BY-ND (Attribution-No-Derivatives)
- CC BY-NC (Attribution-Non-Commercial)
- CC BY-NC-SA (Attribution-NonCommercial-ShareAlike)
- CC BY-NC-ND (Attribution-NonCommercial-ShareAlike-NoDerivatives)
- CC0 (No Rights Reserved)
- Public Domain Mark (No Known Copyright)

For an explanation of each of these, please see “[Open Content – A practical guide to using Creative Commons Licences](#)”

FIGURE 2: THE SIX VARIATIONS OF THE CC LICENCES



Lastly we would like to encourage the use of open access (OA) resources where they are available. If you are unsure if resources are OA, you are welcome to contact your Faculty Liaison Librarian. In addition we also urge the Rhodes Community to apply Creative Commons Licences to their own works, allowing the world to access knowledge without creating barriers to access.

In the wise words of Elizabeth Gadd (2020) “The virus is reminding us that the purpose of scholarly communication is not to allocate credit for career advancement, and neither is it to keep publishers afloat. Scholarly communication is about, well, scholars communicating with each other, to share insights for the benefit of humanity. And whilst we’ve heard all this before, in a time of crisis we realise afresh that this isn’t just rhetoric, this is reality.”

Issued by: Nomawethu Danster

Director: Library and Information Services

28 April 2020