

NATIONAL UNIVERSITY OF SCIENCE AND TECHNOLOGY
FACULTY OF COMMUNICATION AND INFORMATION SCIENCE
BACHELOR OF SCIENCE HONOURS DEGREE IN PUBLISHING STUDIES
PART I SECOND SEMESTER MAY 2013 EXAMINATIONS
IPU 2213 COPYRIGHT LAW, REPRODUCTION RIGHTS ORGANIZATIONS &
PUBLISHING AGREEMENTS

TIME: 3 HOURS

INSTRUCTIONS TO CANDIDATES

1. ANSWER QUESTION 1 AND ANY OTHER THREE (3) QUESTIONS
 2. QUESTION 1 CARRIES 40 MARKS AND EACH OF THE OTHER QUESTIONS CARRIES 20 MARKS
 3. IMPORTANCE IS ATTACHED TO ACCURACY, CLARITY OF EXPRESSION AND LEGIBLE HANDWRITING
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1. Gumede is a lecturer at a University where he teaches copyright law. He uses Sandura's book as the prescribed text on the course. The book consists of a commentary on the Copyright and Neighbouring Rights Act (Chapter 26.05) plus an appendix in which the text of the Act is reproduced. Gumede has compiled a set of lecture notes which he distributes to his students.

In the following independent situations consider whether any of the exclusive rights of the author are involved and whether the limitations and exceptions are relevant as defenses for any of the actions involved.

- i) Sandura discovers that some of Gumede's students who cannot afford to buy the prescribed textbook have photocopied parts of the book including the appendix. Discuss whether this constitutes an infringement of the exclusive rights of the author. Can the students rely on any of the limitations or exceptions on copyright for their defense. **(12 marks)**
- ii) Gumede discovers that Tawanda the owner of a local newspaper has copied his notes condensed, and distributed them to his journalists (reporters). Explain whether the condensation of the lecture notes for the purpose of distribution to the reporters is an infringement of copyright. Can Tawanda rely on any of the limitations or exceptions on copyright for his defense? **(12 marks)**

- iii) Sandura further discovers that Lwazi is translating the textbook into Ndebele and has concluded an agreement with Khumalo, a publisher, to have the translation published. Consider whether the translation of Sandura's book into Ndebele and the publication of the translation amounts to an infringement of Sandura's exclusive rights. Can Lwazi and/or Khumalo rely on any of the limitations or exceptions on copyright for their defense?

(16 marks)

2. Edward discovers a photograph of his aunt in the spare bedroom. He commissions Bongani, an artist, to paint an enlarged version of the photograph. They agree that Edward will pay Bongani US\$2000 for the painting. Bongani executes the commission.

- i) Comment whether the painting complies with the originality in order to qualify for copyright protection as an artistic work. **(10 marks)**
- ii) Who is the author of the painting and why? **(5 marks)**
- iii) Who owns the copyright in the painting and why? **(5 marks)**

3. Discuss the justification, procedure and objectives of establishing a Reproduction Rights Organization (RRO). **(20 marks)**

4. RRO operating models are tried and tested methods of successfully linking rights holders to their clients. Discuss the merits and demerits of three of these models. **(20 marks)**

5. A newly established Reproduction Rights Organization (RRO) requests a license from copy shops. The copy shops argue that they are mere "service providers" and should not be responsible for the actions of their clients. What issues are at stake and how would you tackle them as a representative of:

- i) Zimbabwe Intellectual Property Office (ZIPO). **(5 marks)**
- ii) The Reproduction Rights Organization (RRO). **(5 marks)**
- iii) The owner of the copy shop. **(5 marks)**
- iv) Ministry of Industry and Trade. **(5 marks)**

6. What are the main features of a good publishing contract? Contrast the interest of the author and publisher. **(20 marks)**

END OF PAPER