



EDUCATIONAL INSTITUTIONS IN ZAMBIA ARE REQUIRED TO SIGN A COLLECTIVE LICENCE WITH ZARRSO

For immediate release

Brussels, Belgium, and Lusaka, Zambia – 12 May 2021

In January, the Attorney General of Zambia clarified that educational institutions that copy copyright protected works must sign a licence with Zambia's Reproduction Rights Society. IFRRO, the International Federation of Reproduction Rights Organisations, and ZARRSO, the Zambia Reproduction Rights Society, have welcomed this advice from the Attorney General about the legal situation in Zambia.

ZARRSO represents both Zambian authors and publishers and foreign authors and publishers and is authorised by those rightsholders to issue licences on their behalf, including licences authorising the multiple copying of copyright content in universities.

The clarification by the Attorney General was needed, as recently, some universities refused to practically implement the licensing agreement with ZARRSO, claiming that the Copyright Act of Zambia allows students and pupils to copy works, free of charge. This interpretation was opposed by ZARRSO. Guidance on interpretation of the Act was then sought by both parties.

On 25 January 2021, Honourable Mr. Likando Kalaluka, Attorney General of Zambia, issued an interpretation of the Copyright Act in a letter to the Patents and Companies Registration Agency. In his letter, the Attorney General stresses that *“reproduction is restricted and should not be made by means of an appliance capable of producing multiple copies. Educational institutions therefore require licences to reproduce copyrighted works where they use an appliance capable of making multiple copies and where they use copyrighted works as part of their study material to students on a multiple scale.”*

He further advises that *“for the avoidance of doubt, the reproduction of more than one copy of a copyrighted work would constitute infringement in the absence of a licence.”*

He concludes that *“it is mandatory for learning institutions to obtain reproduction licenses from the Zambia Reproduction Rights Society if such reproduction does not fall within the limits placed by the law.”*

It is therefore now clear that all educational institutions in Zambia that copy copyright-protected works by means such as photocopying, scanning or printing, should negotiate a collective licence with ZARRSO. All public and private universities have been informed about the Attorney General's interpretation, and ZARRSO is now working to sign licences with them all, as soon as possible.

The Chief Executive of the International Federation of Reproduction Rights Organisations (IFRRO), Caroline Morgan, welcomed the interpretation and commented that “*copyright law has for decades allowed teachers and students to copy works while also giving a proper remuneration to the rightsholders. The interpretation by the Attorney General of Zambia confirms that the law permits teachers and students to copy works, provided they pay a fee to the rightsholders for the copying. I hope that in the next weeks and months, licensing negotiations will resume, and the Zambian authors and publishers will be fairly remunerated for the use of their works in the education sector.*”

The Chief Executive of ZARRSO, Ruth Simujayangombe, expressed their excitement and commented that “*we are so delighted to have an official interpretation given by the Attorney General which strengthens the previous interpretations that have been rendered on the copyright reproduction license for institutions of learning in Zambia. We are very excited because this paves a way for remuneration of rightsholders who invest so much into creating the works yet for a long time they have been deprived of their economic incentive. The interpretation gives clear guidance on the copyright reproduction license that ZARRSO offers to institutions of learning. There can only be quality education when there is quality literary works available, and this can only be achieved when authors and publishers are adequately remunerated.*”

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Notes to the Editor:

IFRRO is the international network of collective management organisations operating in the field of text and image (known as Reproduction Rights Organisations, or RROs). IFRRO has 156 member organisations from over 80 countries, including in 17 countries in Africa. 106 are RRO members and 50 are Creator or Publisher Association members. Further information about IFRRO is available at www.ifrro.org.

ZARRSO is mandated by authors and publishers to offer licences for the use of copyright-protected works in Zambia. Since it was created, ZARRSO has signed licences with universities, schools, copy shops and other institutions. ZARRSO became a member of IFRRO in 2010. Further information about ZARRSO is available at www.zarrso.org.

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