

SADC/EU NEGOTIATIONS ON EPA: ESTABLISHING A MECHANISM FOR REGIONAL CONSULTATION ON IMPORTANT ISSUES RELATING TO CULTURAL INDUSTRIES, COPYRIGHT AND RELATED RIGHTS WITHIN THE SADC REGION

MANGOCHI, MALAWI 10 TO 14TH OCTOBER, 2004

FINAL COMMUNIQUE

We, the participants to the SADC Regional Seminar on Establishing a Mechanism for Regional Consultation on important issues relating to Cultural Industries, Copyright and Related Rights within the SADC Region held in Mangochi, Malawi from 10 to 14th October, 2004 under the auspices of TRINNEX in co-operation with the Copyright Society of Malawi (COSOMA);

- Having studied and discussed country reports and issues concerning cultural industries, copyright and related rights within the SADC region;
- Having listened to and discussed papers presented by the representatives of organizations such as the World Intellectual Property Organization (WIPO), International Federation Reprographic Rights Organization (IFRRO), Africa Region Industrial Property Organization (ARIPO) and other resource persons;
- Noting that since the last SADC Copyright and Related Rights Seminar in Mangochi in 1994 considerable progress in terms of legislation, fighting piracy, establishment of Collective Management Organizations, sensitization of stakeholders, accession to international treaties relating to copyright and related rights has been achieved in the region but at various national levels;
- Noting that SADC/EU negotiations of economic partnership agreements exclude cultural industries;

Have agreed to issue this communiqué.

1. COPYRIGHT AND RELATED RIGHTS

While noting that there has been considerable progress in the formulation, review and amendment of copyright and related laws in member States, the seminar however, observes and recommends that:

- (a) all SADC member States should enact modern legislations on copyright and related rights which comply with international standards;
- (b) SADC member states should harmonize legislations on copyright and related rights;
- (c) all national copyright and related rights laws should be compatible with the SADC protocol on culture, information and sports;
- (d) the SADC Secretariat should consider establishing a regional body to coordinate the activities of Collective Management Organizations and Copyright Offices within the region;
- (e) SADC Secretariat should assist countries without Collective Management Organizations and Copyright Offices to establish them in order to be in line with their counterparts in the region;
- (f) Noting that only two Collective Management Organizations administer mechanical rights, SADC Secretariat should conduct a study on the various mechanical rights collective management systems, such as the NORDIC system, in order to establish and develop a system suitable for the region. TRINNEX is kindly requested to assist;

- (g) SADC member states should create a working group in the region to look into modalities of strengthening regional integration.

2. CULTURAL INDUSTRIES

The Seminar participants noted that cultural industries are major instruments of economic, educational and cultural development. The participants, therefore, recommend that:

- (a) SADC should conduct a regional study on the contribution of cultural industries to the economies of the member States;
- (b) Governments within the SADC region should invest in the cultural industries for the benefit of the region;
- (c) Member States should utilize the existing SADC website to provide information and to publicize their activities;
- (d) Member States should provide financial assistance to the cultural sector by setting up national cultural funds;
- (e) Member States should provide technical support towards the improvement of national and regional capacity in the creation and production of cultural goods and services;
- (f) SADC should create a database on cultural industries.

3. PIRACY

Realizing that piracy and trade in counterfeit goods is still rampant in the region despite efforts that have been made since 1994 to curb the scourge and that this affects the economic, social and cultural development of the region, participants recommend that:

- (a) Member States should organize regular educational sensitization seminars for law enforcement agencies

such as the Police, Customs, Judiciary and Trade Officers;

- (b) Member States should establish strong units under the Police Departments to conduct anti-piracy activities;
- (c) Member States should bring to force appropriate legislation where such does not exist which guarantees the specific rights of those affected by piracy;
- (d) SADC should organize regular sensitization programs for law enforcement agencies in the region with assistance of organizations such as SARPCCO and World Customs Organization;
- (e) SADC should organize attachments for the national anti-piracy units in order to exchange experiences with their counterparts in other countries;
- (f) SADC should coordinate activities for the sharing of information on piracy within the region;
- (g) SADC member states should provide speedy remedies for copyright infringements through establishment of Intellectual Property Courts.

(4) TRAINING AND CAPACITY BUILDING

The seminar participants noted that there is inadequate education on copyright and related rights issues. Participants, therefore, recommend that:-

- (a) Member states should introduce courses in copyright and related rights in their universities and institutions of higher learning;
- (b) As an interim measure the existing institutions offering these subjects within the region should be utilized;

- (c) SADC and member States should organize seminars on copyright and related rights for policy makers at the regional and national levels;

(5) INTERNATIONAL CO-OPERATION

Participants noted the important role of international co-operation and support in the matters relating to copyright, related rights and cultural industries. Participants, therefore, recommend that:-

- (a) On the ongoing SADC/EU Negotiations of Economic Partnership Agreements (EPAs), member States should ensure that the cultural industries sector actively participates at both national and regional levels;
- (b) Member States should avail themselves to the offer made by IFRRO/KOPINOR to assist in the establishment of reprographic rights organizations where none exist.

(6) FOLLOW UP PROGRAMME OF ACTION

- (a) Member States are urged to take up concrete action based on recommendations made in this seminar and report on the progress at the next seminar.
- (b) As a follow-up on this seminar, the SADC Secretariat, with assistance of TRINNEX, should organize a regional seminar for the cultural industries sector to sensitize them on the SADC/EU negotiations of Economic Partnership Agreements (EPAs).

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- (b) The Malawi Government and, in particular Ministry of Youth, Sports and Culture, for hosting the Seminar;
- (c) TRINNEX for financial assistance given towards the hosting of the Seminar;
- (d) COSOMA for the preparation and coordination of the activities to the Seminar;
- (e) WIPO, IFRRO, ARIPO and the resource persons for accepting to present papers on different topics relating to copyright and neighbouring rights and cultural industries;
- (f) Member states of SADC for participating in the Seminar.

ADOPTED AT MANGOCHI, MALAWI ON WEDNESDAY, 13 OCTOBER, 2004 BY PARTICIPANTS FROM BOTSWANA, MALAWI, MOZAMBIQUE, NAMIBIA, SOUTH AFRICA, SWAZILAND, TANZANIA, ZAMBIA AND ZIMBABWE