

ACADEMIC AND

NON - FICTION

AUTHORS'

ASSOCIATION OF

SOUTH AFRICA

**ANFASA**  
Dedicated to empowering authors

**IZINDABA**

**ZABABHALI**

**NEWS FOR AUTHORS**

**The ANFASA newsletter**

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## FROM THE EDITOR

We have something of a mixed bag for you with this issue. We had intended to focus on the Google Book Settlement, but a promised article is taking longer than expected, so that topic has been held over. Nonetheless, we're able to offer two articles dealing with what authors give away *gratis*.

The first article is about the SciELO project which will enable users to gain free access to top, quality controlled South African academic journals on the internet – fantastic news for students and the academic community. The second article recounts the anger of some authors at finding their books available for free on an American website. The two articles are, of course, unlike. One is about scholarly journals and the other is about popular fiction, one about knowledge and the other about entertainment. If there is any point to be made about their juxtaposition it is that sometimes authors have good reason to give free access to their works, and sometimes they do not.

Authors, of course, are a tremendously varied lot, with as wide a range of opinions as of talents, and genres in which they apply those talents. One doesn't imagine that anyone would argue with the professional fiction author who is fed up at finding his works freely available to download, depriving him of the royalties from sales. But what about academic authors? Should they be persuaded to go the Open Access route when the need for financial reward is less than the spread of free information and the pressure to publish? And what about "author pays" models?

ANFASA itself can't hold a position on this because ANFASA is the sum of its parts, of its author members – and that's exactly why members' opinions are so important. We like to think that these two articles will provoke some members into response – even perhaps into doing some research and sending in articles of their own, because one of ANFASA's objectives is to stimulate constructive dialogue within the author community.

The ANFASA Grant Scheme for Authors (AGSA) award ceremony features in the newsletter every year. This time, two of the grantees, Joline Young and Nicholas Ashby, offer very personal takes on that event, and it's

quite illuminating to see how differently they reacted to it.

Last, but definitely not least, Lee-Ann Tong has contributed another of her copyright quickies. This latest quickie is about the choice an author makes between assigning copyright or granting an exclusive licence to publish. ANFASA holds that it is crucial for authors to understand the difference between the two.

I happen to be writing this editorial on 23 April, World Book Day. To mark the day, Refiloe Serai wrote an article for City Press about the culture of reading in South Africa and how the vernacular is faring in the literary industry. It's a rather good article, but I'm really bothered by its emphasis on children's books and novels to the virtual exclusion of non-fiction works. Why, when people speak of a "literary work" do they nearly always mean "a work of literature" – especially when a cursory look around any bookshop will reveal that it stocks at least twice as many non-fiction as fiction works?

Most of us are aware of the priority the Department of Arts and Culture has placed on writing and publishing in indigenous languages. One of the really interesting questions in this context is the extent to which **non-fiction** writing in indigenous languages is seeing the light of day. And if it is not, why isn't it? We hope the ANFASA members will want to engage with this debate, and look forward to your letters or articles for the next issue of this newsletter.

ANFASA member Professor Nhlanhla Maake, interviewed for the article mentioned above, had this to say about South Africans: "People tend to read (if at all) for information but not for knowledge or ideas." Do you agree with Prof Maake?

Monica Seeber  
Editor-in-chief

**Hot off the press!!**  
Just as this newsletter was about to go out we received an e-mail so germane to the topic of Open Access that we had to squeeze in a comment about it. See below!!



## FROM THE CHAIRMAN

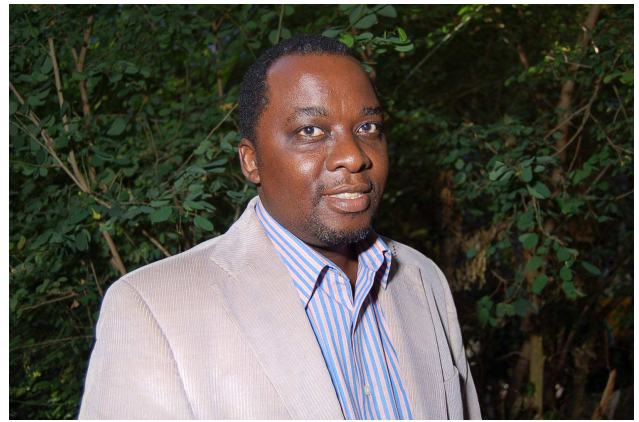
One of the most highly appreciated features of ANFASA, according to members' comments, is the newsletter, and on behalf of the Board I should like to thank the editorial team for their hard work in maintaining high standards and providing thought-provoking articles in every issue.

In the first issue the newsletter covered diverse topics: the National Research Foundation Rating System; Cultural Diversity; a report on the ANFASA Grant Scheme for Authors (AGSA) award ceremony by one of the winners; an interview of Epainette Mbeki by one of the ANFASA newsletter editors. The second newsletter was the first themed issue, and took up the hot topic of the marginalisation of black authors in academic institutions, a debate which continued in the October 2008 issue with important contributions from academics and publishers. The last newsletter of 2008 put the spotlight on the members, with profiles of the 2008 AGSA winners, details about members' recent and upcoming publications, and news of awards to two of our most illustrious members, Lewis Nkosi and Luli Callinicos. And every issue of the newsletter included a short piece on copyright which managed to be both lively and interesting.

We have every confidence that the four issues of the newsletter in 2009, of which this is the first, will be equally varied in content, thought provoking and topical. But the success of the newsletter does not only depend on the editorial team members. It is more likely to grow into a significant online publication if the members themselves respond to it and contribute to it.

It is in this spirit that I urge you to come forward with your comments and contributions and that I wish the members of ANFASA a fruitful year in their writing endeavours.

Sihawu Ngubane



Professor Sihawu Ngubane, Chairman of the ANFASA Board



## **OPEN ACCESS PUBLISHING: UNLOCKING PEER-REVIEWED SCHOLARLY WORKS TO THE BENEFIT OF SCIENCE**

Press release of ASSAf, The Academy of Science of South Africa, March 2009.

The Academy of Science of South Africa (ASSAf) is leading the establishment of an Open Access platform for high-quality South African scholarly journals. The plan is supported and funded by the Department of Science and Technology.

Led by the Academy's Scholarly Publishing initiative, the proposed platform will enable users worldwide to access a wide range of the top peer-reviewed South African academic journals in full on the internet, at no cost. The project is led by Susan Veldsman, a specialist in the field of Open Access, who has been newly appointed as Director of the Scholarly Publishing Unit. She has been working in the information science sector for over twenty years, with a focus on Open Access journals. She has previously been the project coordinator of the South African Site Licensing Initiative and the project manager at Electronic Information for Libraries (eIFL.)

Publication of journals in Open Access format unlocks peer-reviewed scholarly works in their entirety to the end-user. The articles are in digital format, available online at no cost and free from most copyright and licensing restrictions. The project is inspired by a wide-reaching movement towards the implementation of online journals, pioneered by the Scientific Electronic Library Online (SciELO) project, based in Brazil. This fully indexed platform has been successfully implemented in eight countries, mostly in Latin America, with others being in the developmental phases. SciELO South Africa will be the first site of this growing system on the African continent.

SciELO focuses on developing countries where few citizens have access to traditional peer-reviewed academic journals in printed form. Journals are the primary vehicle for communicating the most current scientific findings to the public. Limited access leads to a low rate of usage of these publications and thus

to the phenomenon known as 'lost science'. Creating an Open Access platform for these journals will assist greatly in overcoming the obstacles of price and accessibility, and will enhance the international visibility of South African research. Each journal considered for inclusion is required to conform to stringent quality control standards, ensuring that only the best journals are published online. Actual usage by scholars and scientists is monitored by the indexing system in various ways, including journal impact factors and article citation and download statistics.

"These are exciting times to live in," says Veldsman, who projects the growth of e-research following the implementation of SciELO South Africa. "South African researchers will have the ability to be more competitive in an international context. SciELO South Africa can bring about real change in our country."



## JK ROWLING LEADS FIGHT AGAINST FREE BOOKS SITE SCRIBD

Harry Potter author is among writers shocked to discover their books available as free downloads

Alison Flood

[guardian.co.uk](http://guardian.co.uk), Monday 30 March 2009

The publishers of bestselling authors JK Rowling, Aravind Adiga and Ken Follett have been shocked by the news that their authors' latest books are available to read for free on a US website. Internet users can not only read free copies of *The Tales of Beedle the Bard*, *The White Tiger* and *World Without End* at Scribd.com, but also download the text onto their computers to edit as they see fit.

Neil Blair, Rowling's lawyer, said the Harry Potter downloads were "unauthorised and unlawful" and that the website had been asked to take them down. "We are aware of this and we've asked them to take them off," he said. "They are quite helpful and they act immediately, but they won't police it themselves."

The San Francisco-headquartered company was set up in March 2007 and claims to have more than 50 million readers a month, with more than 50,000 new documents uploaded by users every day. The Obama campaign used it to publish policy documents, and the site has recently signed a deal with some US publishers to post books and extracts with permission. Tammy Nam, Scribd vice president for marketing, said that its policy was to "immediately remove copyrighted material when we receive notices from copyright holders", but that it had received no take down notice from Rowling's lawyers. "Our community is generally very good at policing itself and let us know when they come across copyrighted works or other inappropriate material," she added, saying that Scribd also has a copyright management system which contains "tens of thousands of works that have been entered or flagged as copyrighted - so that if anyone tried to upload anything in that system, they're immediately denied".

Rowling's novels aren't the only ones to be available from Scribd. A quick search throws up

novels from Salman Rushdie, Ian McEwan, Jeffrey Archer, Ken Follett, Philippa Gregory, and JRR Tolkien. "We are monitoring this and are concerned about it," said Mark Le Fanu, general secretary of the Society of Authors. "Internet piracy is increasing," he continued, advising authors to monitor sites such as Scribd.

The bestselling science fiction author Christopher Priest is one author who has already been in touch with Scribd over a copy of his 1981 novel, *The Affirmation*, though he suggests "99% of writers aren't aware it's going on". "Scribd.com were very courteous and immediately took it down, but since then it's gone up again," he said. "It's very annoying ... I'm a writer and I write for a living, I don't want to have to do this." According to Priest the threat to copyright extends beyond the loss of a few sales. In a letter to writers' magazine *The Author* he suggested that the threat is "not going to go away and it becomes a greater threat with every passing week ... Pretending it doesn't matter is not in my view an option," he continued. "A few downloads here or there are not going to make a measurable difference to book sales, but treating the text as something that is available to be used or adapted in some unspecified way is a different matter."

Adiga's publisher, Toby Mundy at Atlantic Books, said that Adiga's publishers around the world would be taking action. "We're in the copyright business," he said. "We can't be complacent about this." Priest agreed. "The music industry has been practically ruined by this. The film industry is fighting hard and it's got lots of money. The book industry is the poorest of the lot - we are vulnerable."

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## **HOT OFF THE PRESS – BATTLE OVER OPEN ACCESS ERUPTS ON 24 APRIL AT A SENATE MEETING OF THE UNIVERSITY OF MARYLAND, USA**

*The Senate's Faculty Affairs Committee had put forward a resolution comprising four specific suggestions:*

- For the University President, Professor Dan Mote, to advocate for Open Access journals at a national level;*
- To urge libraries to educate academic staff members about the cost of journals;*
- To encourage academics to publish their research in Open Access journals; and*
- To deposit their findings in Open Access databases whenever possible.*

*According to the chairman of the Faculty Affairs Committee, the resolution was prompted by the high cost of academic journals. It was not intended as university policy but was rather "intended to spark discussion about other options for journal access". But while all present acknowledged the need to cut library expenses, some academics argued that the language of the proposal was "too strong to count as a mere suggestion and would eventually lead to university policy".*

*Arguments in favour of the resolution included that students are increasingly turning to online search engines like Google, rather than going to the library. It was also said that online publications don't require authors to assign their copyrights to a publisher, so authors retain the rights to their works. Information would be more accessible. And then there was the whole question of falling library budgets and rising costs.*

*Arguments against focused largely on branding and reputations. "Open Access will kill the journals you need during your career," said Claire Moses, women's studies professor and editorial director since 1977 of the journal "Feminist Studies". Her argument was that Open Access journals are detrimental to the*

*visibility and research status of the university. Moreover, there were vast differences between scientific and humanities journals, and the proposal didn't take the needs of different disciplines into account.*

*The debate was apparently quite heated, and lasted longer than half an hour, but in the end the resolution was defeated by 37 votes to 24, "due to perceived impositions on academic freedom".*

*This issue is central to research publishing in South Africa. What have ANFASA authors got to say about it? Send your contributions to the editors of this online publication.*

## THE ANFASA FUNCTION AT THE NORWEGIAN EMBASSY – REFLECTIONS BY TWO GRANT-WINNERS

### Joline Young

There is something magical about receiving a prize, but when I received the e-mail from ANFASA telling me that I had received an author's grant to complete my research on the Forgotten People of Simon's Town, I felt an elation that I cannot describe. The support I received from ANFASA was not only financial – after years of struggling to write part-time, hold down a full-time job and run a family, someone was telling me that they would support my project so that I could take some time out to get it done. What an endorsement!

When the invitation to attend the Authors Grant Award Evening at the Pretoria home of the Ambassador of Norway arrived, I didn't know what to expect, but I was excited.

It was amazing to meet so many accomplished people in one evening. One who stood out, for me, was a fellow award-winner, Zimitri Erasmus. I also connected well with Luli Callinicos, one of the judges. Luli is a historian, writer, mother, former anti-apartheid activist and close friend of the late Ruth First, and one of her many contributions to the South African literary landscape is her autobiography of Oliver Tambo. Among other outstanding women I met that evening were Eleanor Sisulu, Shoba Ponnappa from the British Council, who was also one of the judges – and yet another grantee, Helen Douglas, who is writing a book about keeping a safe house for the ANC in the 1980s.

As the evening gathered momentum we were called up to receive our awards. Kundayi introduced each grantee eloquently and then we were all presented with elegantly framed certificates by Ambassador Tor Christian Hildan and Winston Mohapi, a member of the ANFASA Board.

To me, the function was important for a number of reasons. It gave us the chance to meet and thank the people who have given us such unqualified support for the projects we are working on, and it also gave our hosts the

opportunity to meet us and find out about the projects they are supporting. Importantly, it gave the grantees the opportunity to interact and network with each other. I have come back from this experience highly inspired and dedicated to completing my project with excellence. As I sit typing away on my laptop, I am acutely aware that without ANFASA's support this would not have been possible.

### Joline Young

Joline is a part-time researcher at the Heritage Museum in Simon's Town where she worked on the diary of Imam Saban who lived in Simon's Town in the late 1800s and early 1900s and researched entries that he made in his diary, one of which was the Muir St Murder "which I uncovered, after a single entry that the Imam made in 1907, that three Indians were hung in Cape Town".

Joline is writing a book on the "Forgotten People of Simon's Town". It will be a historical monograph that looks at the people of colour who formed a vibrant community there, starting from the first runaway slaves in the 1800s to the last person of colour to be forcibly removed from Simon's Town in 1975.



Joline Young (left) with Zimitri Erasmus

## Nicholas Ashby

ANFASA's director, Kundayi Masanzu, successfully countered my concerns about the expense of travelling to Pretoria for a two-hour gathering and my conviction that my usually not very forthcoming presence at parties would go un-missed at the formal handover. After all I'd already been granted one. This left me with one last dilemma: one internet carbon emissions calculator reckoned that my travelling upcountry would deposit half a ton of dark matter into the sky. This weightiest of worldly concerns was inexplicably difficult for me to state, nor did I.

It was a clear and pleasant evening as we gathered in the tasteful stealth of Waterkloof, and Kundayi introduced the projects that the 2008 grants will aid in bringing to fruition. Each sounded tantalising and I must admit to some pride in knowing that mine is amongst such rich seams being dug out of our past and present. The grant has certainly opened up a small ocean of time for me to get along with my project.

I had travelled from Johannesburg to Pretoria that day by rail. The overcrowded ordeal is, I suspect, a regular one for the many seemingly impoverished passengers with whom I shared the trip and for whom commuting is an unpredictable and potentially dangerous activity; a little like their lives, I guess - more so than mine, at any rate. The enforced impromptu shuttling from one train to another and then back again, to get aboard carriages where some passengers had to force open doors or climb through windows, and the long un-apologised-for delays, implied utter lack of respect for passengers and was probably representative of wider attitudes to the poor. In Pretoria, after taking a look at the Union Buildings, I killed some time at the nearest coffee shop I could find – in a five star hotel. When I inquired about public transport to Waterkloof I was told that only a taxi could get me there – at a hundred and fifty rands. The taxi-driver who took me to Waterkloof got quite lost. For him Waterkloof was like driving into another land.

Several projects that the 2008 grants are helping to fund are to do with marginalised sectors. The work of those grant recipients will no doubt go towards a better understanding of how the myriad forces that work against the

closing of these wealth gaps can be slowed and reversed.

Nicholas studied drama at the University of Cape Town and, skipping military conscription, he set forth on his travels immediately upon graduating – mostly in the Middle East, working for a time as an English teacher in Cairo. In 1988 he returned to South Africa to work as an actor, based in Johannesburg and doing theatre, TV and film work. In 1998 he moved on to Russia, and later to Taiwan, to work as a language trainer.

His book project is about the setting up of a radio station in Port St Johns in 1979. IT was the first 'independent' multiracial broadcaster in South Africa to attempt to break the monopoly of the SABC, taking advantage of the apartheid regime's system of Bantustans. The book will be partly an inquiry into the origins and nature of the SABC's support, through its programming, of separate development.



Nick Ashby with Elinor Sisulu, ANFASA Honorary Member



ANFASA judges Luli Callinicos and Shoba Ponnappa in conversation with Elinor Sisulu

## COPYRIGHT QUICKIE\*

Lee-Ann Tong

### QUICKIE NO.2: LICENCES AND ASSIGNMENT

Nine different types of works are eligible for copyright under the Copyright Act 98 of 1978: literary works, artistic works, musical works, cinematographic films, broadcasts, computer programs, published editions, programme-carrying signals, and sound recordings. For each of these works, there are a number of specific acts that only the owner of copyright is allowed to do. For example only the copyright owner may reproduce the work or publish it and he or she is therefore able to stop others from performing either of these acts. A person who does any of the prohibited acts without the authorisation of the copyright owner may be liable for copyright infringement. In order to avoid infringement, one either needs to get authorisation from the owner in the form of a licence to do the specific act, or one needs to acquire ownership of the copyright.

Licences:

A licence to do any of the acts simply means that the copyright owner has undertaken not to sue the person performing the act in question. The copyright is not transferred to the licensee. A licence can be "exclusive" or "non-exclusive". An exclusive licence means that **only** the licensee is authorised to do the specific acts. Even the licensor is not allowed to do the acts in respect of which the exclusive licence has been granted. An exclusive licence has to be in writing and signed by the licensor whereas a non-exclusive licence need not be in writing and the licensor/copyright owner may grant multiple non-exclusive licences to do the same act in relation to the work. A non-exclusive licence may even be inferred from the conduct of the copyright owner.

Assignments/Transfer of ownership:

The copyright owner may divest himself or herself completely of the whole or part of the copyright by assigning the rights to another person. Once this has been done, the assignor no longer has any title to the rights and cannot do any of the acts which were the subject of the assignment without permission of the new owner.

Of course, it is a bit more complicated than this quickie explanation. Sometimes, licences look

like assignments and vice versa, and sometimes the net effect is very much the same. If you are ever in the position where you need to decide whether to license or assign your copyright, do make sure that you understand the legal implications of your choice **before** you agree to anything.

\*Note: this article is intended for information purposes only and is not to be construed as legal advice. If you need legal advice, contact the ANFASA office or an attorney.

**IZINDABA ZABABHALI, the ANFASA newsletter, carries items of interest to the members, but it also depends on the members to make it a lively and stimulating publication. Members are encouraged to send their contributions, whether serious or humorous, contemplative or controversial.**

**The editors reserve the right to shorten contributions, if necessary.**

**Opinions expressed here are not necessarily those of the editors or of ANFASA.**