

# Chapter 6

## University Education and Intellectual Property in the Digital Era: Whither Botswana?

**John Kiggundu**

*University of Botswana, Botswana*

### ABSTRACT

*The national level of Intellectual Property Law covers national legislation and policy as well as common law, while at the international level it covers international treaties and conventions to which Botswana is a signatory. The Mission of the University of Botswana is to advance the intellectual and human resource capacity of the nation and the international community. In this regard, the goal of this paper is that the University plays a central role in the development of intellectual property law and policy and in the protection of intellectual property at the University and the nation at large. The University must articulate its position on intellectual property issues so as to influence national policy and legislation as well as international developments in intellectual property in the digital era. The area that greatly affects the University of Botswana in its core business is copyright. Accordingly, this paper focuses mainly on issues arising in copyright especially in the digital era and how they affect the University's core business. The paper covers the duration of copyright, licensing agreements, the cost of digital information, the preservation of digital information, distance learning, the protection of indigenous knowledge systems, and the development of intellectual property education.*

### INTRODUCTION

Intellectual property rewards and protects the fruits of intellectual endeavour. The subject covers patents, industrial designs, trade marks, utility models, copyright and neighbouring rights, and

confidential information (Briscoe & Kiggundu, 2001, p. 1; Kiggundu, 2007, p. 26). Although it is a very complex area of the law, it is unique in that it affects us all as mankind on a daily basis: the food we eat; the drinks we consume; the medicines we use; the books and journals we read; the music we listen to; the information and communication technology we utilize; the

DOI: 10.4018/978-1-4666-1556-4.ch006

electronics and electrical gadgets that we use; and the cars we drive.

Intellectual Property law is at two levels: national and international. The national level covers national legislation and policy as well as the common law. Examples in Botswana the Industrial Property Act (1996) and the Copyright and Neighbouring Rights Act (2000). At the international level it covers international treaties and Conventions to which Botswana is a signatory. Examples include the International Convention for the Protection of Industrial Property 1883 as amended; the Berne Convention for the Protection of Literary and Artistic Works 1886 as amended; the Universal Copyright Convention 1952; the Convention for the Protection of Performers, Phonograms and Broadcasting Organisations (the Rome Convention) 1961; the Convention for the Protection of New Varieties of Plants (UPOV) 1961 as amended; and the Agreement on Trade-Related Intellectual Property Rights including Trade in Counterfeit Goods (TRIPS) 1994.

The Vision of the University of Botswana is to be a leading academic centre of excellence in Africa and the world. Furthermore, the Mission of this University is to advance the intellectual and human resource capacity of the nation and the international community. The University's core business is teaching and research. These two activities are inextricably intertwined with intellectual property. The thesis of this paper therefore is that the University must play a central role in the development of intellectual property law and policy and in the protection of intellectual property at the University and the nation at large. The University must articulate its position on intellectual property issues so as to influence national policy and legislation as well as international developments in intellectual property in the digital era.

As noted above, intellectual property is a broad and rather complex area of the law. The area that greatly affects the University of Botswana in its core business is copyright. Accordingly, this paper focuses mainly on issues arising in copyright

especially in the digital era and how they affect the University's core business. The object of copyright law is to protect creative individuals such as authors and artists from having their work copied or reproduced without their authorization. Copyright is fundamentally different from a patent, a design or a mark in that legal protection is automatic. This means that a work protected by copyright does not have to be registered with a government agency in order to gain legal protection. Copyright is a form of property which may be sold or licensed for use by others, typically by way of a contract for the publication of the work (Briscoe & Kiggundu, 2001, p. 16). This paper analyses copyright issues relating to the duration of copyright; licensing agreements; the cost of digital information; the preservation of digital information; distance learning; the Botswana Copyright Office and Collecting Society; the protection of indigenous knowledge systems; and the development of intellectual property education, and makes proposals for the reform and development of law and policy in the copyright arena at University, national and international level.

## **THE ISSUES**

### **Duration of copyright**

The traditionally accepted period for the duration of copyright is the life of the author and fifty years after his death (Copyright and Neighbouring Rights Act (2000): s.10 (1)). In the case of a work of joint authorship, the economic and moral rights of the authors are protected during the life of the last surviving author and for fifty years after his death (Copyright and Neighbouring Rights (2000): s.10 (2)). When the fifty years expire, the material that is the subject of copyright falls into the public domain and can be used freely by anyone. However, the United States of America changed its law and increased the period to seventy years (The Copyright Term Extension Act (1998)). Through

6 more pages are available in the full version of this document, which may be purchased using the "Add to Cart" button on the publisher's webpage:

[www.igi-global.com/chapter/university-education-intellectual-property-digital/65871](http://www.igi-global.com/chapter/university-education-intellectual-property-digital/65871)

## Related Content

---

### Adoption of PBL to Online Environments: Student's Perspectives

Fatih Gursul, Hafize Keserand Sevinc Gulsecen (2010). *International Journal of E-Adoption* (pp. 19-34).  
[www.irma-international.org/article/adoption-pbl-online-environments/44960](http://www.irma-international.org/article/adoption-pbl-online-environments/44960)

### Effects of Deep Learning Technologies on Employment in the Field of Digital Communication Systems

Thomas Alan Woolmanand Philip Lee (2021). *International Journal of Innovation in the Digital Economy* (pp. 35-42).  
[www.irma-international.org/article/effects-of-deep-learning-technologies-on-employment-in-the-field-of-digital-communication-systems/287754](http://www.irma-international.org/article/effects-of-deep-learning-technologies-on-employment-in-the-field-of-digital-communication-systems/287754)

### Delineating the Meaning and Value of Development Informatics

Graeme Johanson (2011). *ICTs and Sustainable Solutions for the Digital Divide: Theory and Perspectives* (pp. 1-18).  
[www.irma-international.org/chapter/delineating-meaning-value-development-informatics/46708](http://www.irma-international.org/chapter/delineating-meaning-value-development-informatics/46708)

### Lessons on Implementation and Sustainability of M-Health Solutions in South Africa: The Case of Momconnect Project in South Africa

Idon-Nkhenso Sibuyiand Vincent Horner (2021). *Perspectives on ICT4D and Socio-Economic Growth Opportunities in Developing Countries* (pp. 127-152).  
[www.irma-international.org/chapter/lessons-on-implementation-and-sustainability-of-m-health-solutions-in-south-africa/264341](http://www.irma-international.org/chapter/lessons-on-implementation-and-sustainability-of-m-health-solutions-in-south-africa/264341)

### Universal Broadband: An Analysis of Global Stakeholders and the Pursuit of the Common Good

David J. Yates, Joseph W. Weissand Girish J. Gulati (2012). *Digital Economy Innovations and Impacts on Society* (pp. 131-150).  
[www.irma-international.org/chapter/universal-broadband-analysis-global-stakeholders/65874](http://www.irma-international.org/chapter/universal-broadband-analysis-global-stakeholders/65874)