

# Licensing: Experiences and perspectives from Africa

by Brian Wafawarowa

## Chapter 3



**IPPA**  
international  
publishers  
association

**LICENSING PRACTICES IN A GLOBAL DIGITAL MARKET**  
Published by the International Publishers Association  
**OCTOBER 2020**



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*Designed by EDEP IMAGEN Y PRODUCCIÓN GRÁFICA S.L.*

### **ACKNOWLEDGEMENTS**

*Edited by José Borghino, Emma House and James Taylor.*

*IPA is grateful for the valuable contributions from all those involved. A special thank you to the expert authors, IPA members, IFRRRO, CMOs, the members of the advisory board and, to Kopinor for their expertise and financial support which has made this possible.*

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# LICENSING: EXPERIENCES AND PERSPECTIVES FROM AFRICA



## CONTENTS

|          |   |    |
|----------|---|----|
|          | EXECUTIVE SUMMARY .....   | 4  |
| <b>1</b> | INTRODUCTION .....  | 5  |
| <b>2</b> | A FEW INSTITUTIONAL INITIATIVES .....   | 7  |
| <b>3</b> | TRADITIONAL LICENSING .....   | 8  |
|          | 3.1. Local licensing .....  | 8  |
|          | 3.2. Cheaper editions for the tertiary market. ....                               | 9  |
|          | 3.3. Local licensing for scholarly research published outside the continent. .... | 9  |
|          | 3.4. Licensing general fiction .....  | 9  |
|          | 3.5. Licensing Children's Books .....   | 10 |
| <b>4</b> | LICENSING IN THE DIGITAL ERA .....  | 11 |
|          | 4.1. Traditional licensing in a digital environment. ....                         | 11 |
|          | 4.2. Education licensing of digital content .....                                 | 11 |
|          | 4.3. New technology needs, partnerships and licensing .....                       | 12 |
|          | 4.3.1. New business models and licensing agreements. ....                         | 12 |
| <b>5</b> | CHALLENGES AND THE WAY FORWARD. ....  | 13 |
|          | 5.1. Expensive transition .....   | 13 |
|          | 5.2. Unsustainable alternatives and interventions .....                           | 13 |
| <b>6</b> | CONCLUSION .....  | 14 |

# EXECUTIVE SUMMARY

Africa is a continent with a huge, largely untapped publishing potential. With young people accounting for three quarters of the population, the need for education is self-evidently critical and the book publishing industry has a vital contribution to make. Whilst statistics on the size of the entire African publishing market are lacking, in South Africa, a PWC study rates publishing bigger than music, video games and film, noting the substantial contribution that publishing makes to the economy and employment. This potential is clearly important to policy makers considering how best to support local publishing, especially when looking at education, book procurement and copyright policy, given the dependence of African publishers on their domestic education sector.

In recent years licensing by African publishers has grown modestly with initiatives led by the African Publishers Network (APNET), The Global Book Alliance (GBA) and WIPO facilitating trade both between African countries and with the rest of the world. Many examples exist of this type of licensing activity including for schools' editions; low-price editions of higher education textbooks; local licences for scholarly research; and general publications for translation. Licensing has facilitated access to copyrighted works for African citizens for cultural, education and scholarly research purposes (at affordable prices). It has also allowed some African publishers to expand into global markets, especially in children's literature and folklore. Importantly, translation rights licensing has led to the repatriation of African children's stories published in France to Africa with obvious cultural significance. This is the first time that African stories which had been published in France were available in the printed form in Africa.

Digitization in education is also creating further scope for licensing. Whilst the digitization process has been slower than in more industrialised nations due to infrastructural issues, it is now accelerating.

Publishers are creating a growing body of digital content to meet the needs of e-learning in schools and universities, leading to the development of a wealth of new licensing and distribution arrangements. Business models are changing and new players such as mobile companies are entering the market, partnering with publishers to provide new content distribution channels. Schools are licensing content rather than purchasing books and publishers can offer other services such as assessment tools alongside their traditional products.

As challenges around infrastructure are overcome, the next challenge is financing the digital transition and finding suitable business models to ensure a return on investment, while maintaining affordability for educational institutions. In the meantime, there is a mistaken belief among government and education authorities that "digital" should mean "free", and that copyright law is in some way a barrier. There are moves to amend the law to allow technology companies to package other peoples' content with their technology for educational purposes without compensation to the authors and publishers of the original work, to devastating effect for authors and publisher alike.

African publishers have managed to sustain themselves and expand their outreach through licensing with positive outcomes for their countries, especially in education. They are moving forward rapidly with developing the technological capabilities to innovate and supply digital resources and solutions. But they need the confidence that the traditional international copyright regime will continue to ensure that authors and publishers are properly compensated if they to be enabled to play their critical role in the economic and social development of the continent ■



# 1 INTRODUCTION

Measuring the size of the global book publishing industry can be challenging. It is made up of tens of thousands of small-to-medium publishers as well as a score of large multinationals. Government and industry statistics about publishing and other parts of the media and entertainment sectors exist in some (developed) countries but not in other (developing) ones. The result is a very mixed bag of data and guesstimates.<sup>1</sup>

When the IPA last attempted a comparison of the relative sizes of the global Media and Entertainment (M&E) industries in 2014, book publishing came in ahead of movies and entertainment, magazines, video games and music in that order.<sup>2</sup>

Few numbers are available for the range of M&E industries across Africa. However, the South African experience suggests that book publishing can indeed be the anchor of an African M&E sector. Though on a much smaller scale, the respective turnovers within this sector in South Africa reflects the global scenario: at (South African Rand) R3.828 billion, the book sector is bigger than music (R915 million), video games (R3.0 billion) and takings at the box office for film (R1.2 billion), though smaller than radio (R5.0 billion), consumer magazines (R8.1 billion) and TV (R40.8 billion).<sup>3</sup> This further suggests that in addition to the crucial role that it plays in education and social development, the book publishing sector has the potential to play a much larger role in employment and economic development, something that the continent needs desperately.

1 The IPA in collaboration with the World Intellectual Property Organisation (WIPO) is trying to remedy this by surveying global publishing markets annually. The survey is still in its initial stages but there are promising signs of its future utility. See the 'Creative economy' section of WIPO's *World Intellectual Property Indicators 2019*, pp 185-207: [https://www.wipo.int/edocs/pubdocs/en/wipo\\_pub\\_941\\_2019.pdf](https://www.wipo.int/edocs/pubdocs/en/wipo_pub_941_2019.pdf)

2 <https://www.internationalpublishers.org/images/aa-content/ipa-reports/ipa-annual-report-2013-14.pdf>

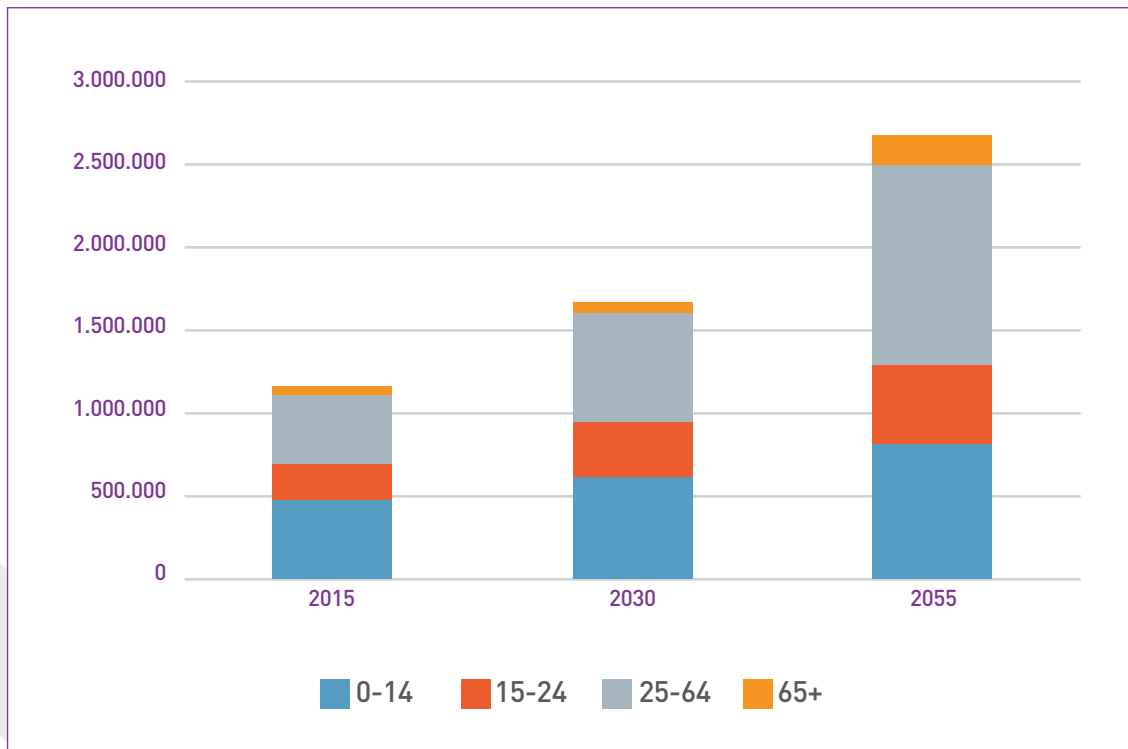
3 PwC, *Entertainment and Media Outlook:2018-2022, An African Perspective*, 9th annual edition, September 2018, <https://www.pwc.co.za/outlook>

**TURNOVER OF MEDIA AND ENTERTAINMENT INDUSTRIES IN SOUTH AFRICA**  
 (South African Rand, Billions)



This optimism is buoyed by the UN's estimates that, in 2015, Africa's 226 million youths (aged 15-24) accounted for nearly 20% of the African population and that, if one includes all people aged below 35, this proportion increases to 'a staggering three quarters of Africa's population'. Furthermore, 'the share of Africa's youth in the world is forecast to increase to 42% by 2030 and is expected to continue to grow throughout the 21st century, more than doubling from current levels by 2055'.<sup>4</sup> This youthful population needs development through education and the book sector has a critical contribution to make.

**POPULATION PROJECTIONS FOR AFRICA**



<sup>4</sup> <https://www.un.org/en/africa/osaa/peace/youth.shtml>



The amount of licensing happening among publishers across the African continent and beyond with the rest of the world is not properly documented. As such, this study relies on what has been observed in the market and at different book events. A comprehensive study that looks at and measures licensing on the continent would be invaluable.<sup>5</sup>

Considering Africa's relatively young population with its huge literary, educational and development needs, the continent should be doing a lot better. It is important therefore that **when policymakers look at the African book sector, they not only view it as a low contributor measured against global benchmarks, but also acknowledge its full potential and the contribution that it could make to social and economic development with the right global policies around copyright and licensing.**

As a conservative estimate, on average, approximately 80% of book publishing across the African continent is in educational books.<sup>6</sup> This overdependence on the education sector by the local industry reduces scope for licensing and trade in published materials between countries on the continent and with the rest of the world. It also makes the publishing sector very vulnerable to adverse policy developments, as education is the anchor for the whole publishing industry.

As in most of the world, curricula in Africa are very country specific. As a result, the use of education materials is generally confined to the country of origin. Despite this, there is significant licensing of trade books and non-textbook materials across the continent, as well as important licensing activity with the rest of the world, especially in the areas of fiction and non-fiction. National book and copyright policy changes are likely to have a significant impact on licensing as African publishers' ability to license their materials will very much depend on how their national laws are aligned to global standards. Where copyright standards are more aligned, it is easier for African publishers to sell and negotiate favourable terms on their publications.

## 2

## A FEW INSTITUTIONAL INITIATIVES

**Many initiatives have had positive impacts on the licensing activities among African publishers. Two examples are APNET and the Global Book Alliance.**

Founded in 1992 in Harare, Zimbabwe, and now headquartered in Accra, Ghana, the **African Publishers Network (APNET)**<sup>7</sup> is a pan-African, non-profit organisation bringing together 41 publishers' associations to strengthen indigenous publishing. Among its other activities, APNET's matchmaking of different publishers at specific book fairs has boosted licensing and intra-African trade among publishers. The **Global Book Alliance (GBA)**<sup>8</sup> is a collaboration of bilateral, multilateral and non-governmental organisations that seeks to make children's books more accessible in local languages through publisher collaborations and market stimulation. The publishing collaborations are among African publishers from different parts of the continent.

<sup>5</sup> Acknowledging the fundamental importance of creating a reliable statistical basis for strategic planning and political advocacy for African publishing, the Africa Action Plan Committee of the International Publishers Association (IPA) has included as one of its 5 Transformation Goals 'Leveraging Data for Advocacy and Digital Transformation'. The IPA's Inclusive Publishing and Literacy Committee has also stressed the need for this kind of basic information to be gathered. See the IPA's *Lagos Action Plan*: <https://internationalpublishers.org/images/aa-content/events/other-ipa-events-2019/Lagos-Action-Plan-Report-Website.pdf>

<sup>6</sup> The ratio of education to general publishing varies from country to country. Less developed markets are more dependent on educational publishing but even in more developed markets like South Africa, Nigeria and Kenya educational publishing still accounts for between 70% and 90% of the total market. [André Breedt, Nielsen Book Data Presentation, IPA African Publishing Congress Nairobi, April 2019]. The last comprehensive study on African publishing points out that as much as 95% of African publishing on average is education: Paul Brickhill, Chris Chirwa, and Bengt Lindahl, eds, *Changing Public/Private Partnerships in the African Book Sector*, ADEA Publications, 2006

<sup>7</sup> <https://african-publishers.net/>

<sup>8</sup> <https://partnerships.usaid.gov/partnership/global-book-alliance>

**More recent initiatives like WIPO's Publishing Circles are likely to increase licensing between African countries and with the rest of the world.** Following up on its Yaoundé High Level Conference on African Publishing<sup>9</sup> in November 2017, WIPO has established a Publishers' Circle Charter<sup>10</sup> that aims to assist African publishers through global mentorship programmes and collaboration among African publishers and their counterparts from the rest of the world. Book fair fellowship programmes (e.g. Istanbul) also exist as an opportunity for African publishers to meet other publishers from around the world and explore co-publishing and licensing opportunities.

The expanding digitization of learning materials and the development of learning tools with digital assets and interactive capabilities is also creating scope for licensing as publishers acquire digital content and assets to augment their textbooks. It is critical therefore that, when they revise copyright laws, legislators consider the increasing role that licensing will play in the development of suitable learning materials and tools. **The African continent needs a regime of copyright laws that adhere to global treaties and enable its publishers to license their materials to the rest of the world and to acquire content that is needed by the local market and education sector.**

For a more detailed view of initiatives over the last 40 years see Hans Zell's *Indigenous Publishing in Sub-Saharan Africa: A Chronology and Some Landmarks*<sup>11</sup>.

## 3 TRADITIONAL LICENSING

As well as the institutional initiatives described above, **individual companies have also undertaken their own initiatives to license books to other African countries and the rest of the world.** Examples of these include Sub-Saharan Publishers in Ghana, New Africa Books in South Africa and East Africa Education Publishers in Kenya.

Many African publishers have been licensing materials to and from other publishers, including in other territories for some time. Traditionally this has included licensing within the same market or territory for other editions, for example schools' editions; licensing cheaper international editions for higher education; negotiating local licenses for scholarly research published outside the continent; and licensing of general publications (for example fiction) to other markets. **These licenses have allowed small trade markets in Africa to expand into global markets and have ensured that much needed scholarly research about Africa initially published in Europe and America, is also accessible to African students and scholars.** The licenses also ensure that novels and other creative work from much smaller local trade markets are expanded into the larger African education markets. If local copyright protection is weakened, then this significant aspect of African publishing will be lost.

### 3.1. Local licensing


The biggest form of local licensing between markets is the sale of licences for adaptation for the school market. Due to lower general reading habits among the adult population in Africa, trade titles are hardly viable. Many publishers have extended the market for such books by adapting them for the schools' market. Marketing to schools requires experience, infrastructure and specific expertise, which trade publishers lack. Therefore, many of them sell the adaptation rights to educational publishers and receive royalties from sales on schools' editions. A very good

<sup>9</sup> <https://www.internationalpublishers.org/news/813-educational-publishing-and-the-development-agenda>

<sup>10</sup> [https://www.wipo.int/edocs/mdocs/copyright/en/wipo\\_hl\\_cr\\_yao\\_17/wipo\\_hl\\_cr\\_yao\\_17\\_charter.pdf](https://www.wipo.int/edocs/mdocs/copyright/en/wipo_hl_cr_yao_17/wipo_hl_cr_yao_17_charter.pdf)

<sup>11</sup> [https://www.academia.edu/40687022/Indigenous\\_publishing\\_in\\_sub-Saharan\\_Africa\\_A\\_chronology\\_and\\_some\\_landmarks](https://www.academia.edu/40687022/Indigenous_publishing_in_sub-Saharan_Africa_A_chronology_and_some_landmarks)





example of this is the licensing of Richard Rive's *Buckingham Palace* by a small trade publisher (David Philip Publishers) to a major international education publishing house (Macmillan South Africa). The licensing arrangement generated much needed revenue for the small publisher through the education market. Due to the dominance of the education market, there are many such examples on the continent. The licences are often expanded to include other African languages taught in schools. One example is the biographies of eminent persons, which are adapted for the schools' market and translated into other languages.

### 3.2. Cheaper editions for the tertiary market

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Many publications that are used in African colleges are produced by leading academic publishers based in the USA and Europe. These books are critical for the delivery of tertiary education in Africa, but the original overseas publications are usually too expensive or inappropriate for the local context. **While most international companies have issued these cheaper local editions through their own local subsidiaries, some have licensed the production of local editions to African publishers, thereby giving them greater scope and enabling local students to have access to cheaper, locally produced, international publications.** In more mature markets like South Africa and Egypt, local publishers have licensed their academic material into other countries in their region. The instability of local currencies and tariffs on imported materials has steadily undermined licensing in this regard, but it was quite a thriving arrangement in the 1990s.

### 3.3. Local licensing for scholarly research published outside the continent

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Some of the key research about Africa has been published outside the continent by companies like Africa World Press and the Red Sea Press in New Jersey, and ZED Books, Pluto Press and James Currey Publishers in London. Their publications on Africa are crucial to African scholarship and are in high demand among academics and researchers in African universities and research centres. In many cases, these publications are produced by African scholars based abroad. For those few publishers that venture into publishing such work, the local market has proved to be too small for a viable print run. All these companies have had arrangements to license local editions to make sure that these highly specialized academic and scholarly titles are available to Africans. **The local publishers have also relied on publishers in Europe and the USA to access larger African scholarship markets through co-publications, joint print runs and shipping copies to each other.** This proved quite expensive but with more modern production technologies such as on-demand printing, they are now exchanging files for local printing of African editions.

### 3.4. Licensing general fiction

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Fiction travels better than educational textbooks. **Many African publishers have licensed their fiction to international publishers, expanding their markets beyond their own countries and continent.** This has been mainly driven by initiatives like LITPROM<sup>12</sup> at the Frankfurt Book Fair, the APNET match-making programmes mentioned above, Agence Culturelle d'Afrique,<sup>13</sup> the

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<sup>12</sup> <https://www.lit-across-frontiers.org/resources/litprom/>

<sup>13</sup> <https://www.lit-across-frontiers.org/literary-europe-live/>

Goethe Institut<sup>14</sup> and many others that seek to promote African literature across the globe and has resulted in many translation opportunities for African publishers. But some individual African publishers have also taken their own independent commercial action to license books into other markets. A few examples are East African Educational Publishers (EAEP)<sup>15</sup> in East Africa and David Philip Publishers<sup>16</sup> in South Africa (which bought the rights to many publications from New Africa Books) and more recently younger publishers like Cassava Republic.<sup>17</sup> Other South African publishers, like Tafelberg (an imprint of NB Publishers)<sup>18</sup> and Jonathan Ball Publishers,<sup>19</sup> sell rights to international publishers successfully, while the local outfits of international publishers like Random House and Macmillan also have arrangements where fiction that is originated in South Africa is also published in other global markets.

East Africa's success story with Ngũgĩ wa Thiong'o — who has been writing in his mother tongue, Gĩkũyũ, through EAEP before being translated into several other languages — continues with the publication of his latest work *Kenda Mũiyũru: Rũgano rwa Gĩkũyũ na Mũmbi*, in EAEP's African Classics Series,<sup>20</sup> which according to the company will also be translated into many other languages. The origination of Ngũgĩ's books in Gĩkũyũ and their translation into several international languages is another indication of how African publishers have had and continue to explore broader opportunities for their publications through licensing.

### 3.5. Licensing Children's Books

**The greatest success story for African publishers' licensing activity has been in children's literature and folklore.** The Nairobi Children's Book Fair is dedicated to children's books and attracts publishers from all parts of the continent and elsewhere. **Publishers like Ghana based Sub-Saharan Africa Publishers<sup>21</sup> have built their businesses on selling their children's books to the local market and then on to the African and world markets through licensing.** They have also taken many titles from other countries and published them in West Africa. Sub-Saharan African Publishers have a significant presence at Frankfurt Book Fair and Bologna Children's Book Fair where they have won the Bologna Prize for the best children's books, Africa region. While Sub-Saharan Africa Publishers has a great presence in Ghana and publishes other kinds of books, their strength lies in their children's book list and how they have succeeded in licensing their leading titles to the rest of the continent and the world. They have also bolstered their list with titles acquired from other African countries. A further success for African children's books is the repatriation of children's stories published by EDICEF,<sup>22</sup> an imprint of Hachette, in France through a licensing collaboration between African Christian Press<sup>23</sup> in Ghana and New Africa Books<sup>24</sup> in South Africa. The deal included translation rights to English and other African languages. Some of the publications were first published by Ruisseaux d'Afrique<sup>25</sup> in Cotonou, Benin. The transaction had both financial and cultural significance as the series constituted some of the top African illustrated children's stories that had been published in France but were not available in published form in Africa.

14 <https://www.goethe.de/ins/za/en/ueb/auf/ssa.html>

15 <https://www.eastafricanpublishers.com/>

16 <https://publishsa.co.za/members/david-philip-publishers-pty-ltd> (trading as New Africa Books)

17 <https://www.facebook.com/CassavaRepublic/>

18 <http://www.tafelberg.com/en/about-us>

19 <http://www.jonathanball.co.za/>

20 <https://www.eastafricanpublishers.com/the-african-classics-series/>

21 <http://www.africanbookscollective.com/publishers/sub-saharan-publishers>

22 <https://www.hachette.fr/editeur/edicef>

23 <http://www.africanbookscollective.com/publishers/africa-christian-press>

24 <https://www.newafricabooks.com/>

25 <http://www.ruisseauxdafrique.com/>

Some of the best and most comprehensive catalogues of African children's literature like that of EDICEF and the African Writers Series<sup>26</sup> are owned by companies based in the USA and Europe. Though not yet announced publicly, **there is an effort to repatriate a catalogue of top French-language literature to Africa through licensing.**

## 4 LICENSING IN THE DIGITAL ERA

The use of digital content and the introduction of e-learning has been slow on the African continent due to many issues. These include low internet bandwidth, unreliable connectivity and the high cost of infrastructure development. Beyond these challenges, digital presents greater opportunities for further licensing of African content and enables African publishers to license materials from other parts of the world. For education, the licensing of other education materials beyond print and static illustrations has the potential to improve the learning experience and learning outcomes for African children and students. While licensing will remain important for print materials, digital has the potential to make it even more so.

### 4.1. Traditional licensing in a digital environment

Digital production technology is accelerating licensing of print among African publishers by making the transfer of files easier, cheaper and quicker. This is also making publishing across languages and countries easier through the sharing of the same illustrations across many languages where cultural and educational contexts permit. The earlier books of Ngũgĩ wa Thiong'o took a long time to be translated into other languages but **Jalada Africa<sup>27</sup> published Ngugi's latest short story 'Ituika Rĩa Mūrūngarū' simultaneously in 30 African languages by having many translators working at the same time in different parts of the continent — something that would have been impossible before the advent of digital.**

### 4.2. Education licensing of digital content

Many countries in Africa are beginning to implement digital content and e-learning in schools and universities. One example of such initiatives includes Kenya rolling out interactive books that are preloaded on tablets, starting with a few selected subjects for primary schools.<sup>28</sup> Kenya's Ministry of Information, Communications and Technology (ICT) is rolling out the Digital Literacy Programme which aims to deliver devices to millions of learners in primary schools. Another example is the ambitious plan announced by the South African President to start rolling out a comprehensive programme of learning materials on tablets across the whole education system including rural schools.<sup>29</sup> In higher education, even rural universities like South Africa's University of Venda have started comprehensive deployment of digital content onto tablets.<sup>30</sup>

26 [https://www.goodreads.com/list/show/73176.African\\_Writers\\_Series](https://www.goodreads.com/list/show/73176.African_Writers_Series); and [https://en.wikipedia.org/wiki/African\\_Writers\\_Series](https://en.wikipedia.org/wiki/African_Writers_Series)

27 <https://jaladaafrica.org/>

28 <https://www.idgconnect.com/idgconnect/analysis-review/1006542/kenya-integrating-books-education>

29 <https://businesstech.co.za/news/technology/304720/government-is-giving-every-south-african-learner-a-tablet-heres-who-is-getting-theirs-first/>

30 <http://sabceducation.co.za/news-module/4515-first-year-univen-students-receive-tablets-with-digital-textbooks>

## 4.3. New technology needs, partnerships and licensing

In anticipation of the move to digital content, many educational publishers in many African countries are gearing themselves up to deliver. Doing so requires new digital assets in the form of videos, as well as learner management systems and software to introduce interactivity and feedback. A lot of this content, systems and skills are not available in traditional publishing companies and in some cases they are not even available in the country. Publishers have had to license content and learner management platforms from technology companies or other publishers, or they have had to enter into distribution and content aggregation arrangements with companies that do have these capabilities.

Sometimes, publishing houses have had to license digital assets from companies that have seen a gap in the market and developed these assets. An example of this is **Edukite Learning**<sup>31</sup> in India who have developed huge banks of assets across many subjects and is either selling or licensing them to African publishing houses that are beginning to deliver their content digitally and develop interactive books.

While many publishers have mainly concentrated on delivering offline digital content through tablets and laptops, some have also started partnering with mobile service companies to render on-line content, courses and assessment systems. An example of this is the partnerships between Vodacom and some publishers in South Africa, **eKitabu** in Kenya, and **Eneza Education** in Kenya, Ghana and the Ivory Coast. On the education side, schools are creating comprehensive learning communities by looping in parents, thereby empowering them to participate more in their children's learning through such activities as supervised homework. For example, D6 Communicator creates such learning communities across 2,500 schools globally, including many countries in Africa.

### 4.3.1. New business models and licensing agreements

**As traditional books are augmented by digital content and interactive learning systems, and as traditional textbooks are converted into sophisticated learning tools, the business models of African publishers and their agreements with authors are changing significantly.**

Some publishers are having to revisit their agreements with authors in order to be a lot more flexible and be able to combine traditional text and illustrations with digital assets, feedback and assessment systems. In some cases, it has become necessary for publishers to be outright owners of content and pay authors out.

Publishers that have acquired or developed digital assets are building more sophisticated learning tools that can transform the learning experience and improve learning outcomes. These learning tools generate more revenue from schools that can afford and are willing to pay for them. Parents are also willing to pay for communication and school management services that enable them to participate more in their children's learning.<sup>32</sup>

Publishing companies can offer and license digital assets to schools and education companies that are increasingly offering services beyond traditional content. These services include assessing learners and coming up with remedial interventions to improve learning outcomes. Others are going further to include school and learner management systems that integrate the home and learning environment into a holistic learning experience. Publishing companies that have licensed or developed digital assets are selling them as stand-alone items to companies that seek to develop further learning tools, and to education institutions that seek to use these assets or combine them with other teaching and learning aids.

31 <http://www.edukitelearning.com/>

32 URL <https://d6.co.za/education/products/d6-school-communicator/>



Global initiatives like **Worldreader**<sup>33</sup> have created access to less serviced communities in Africa and other parts of the world while generating revenue for local publishers. Through their eBook programmes in Ghana, Kenya and Nigeria, Worldreader's App is subscribed to by more than 335,000 users and has paid more than USD 2 million to publishers in Africa and India for their content<sup>34</sup> — yet another illustration of how digital technology is enhancing the licensing of African content and generating more revenue for African publishers.

## 5 CHALLENGES AND THE WAY FORWARD

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As already stated, the use of digital content and e-learning is being hampered by antiquated infrastructure, low internet bandwidth and a lack of digital readiness among schools and educators. While this is being rapidly overcome by training and infrastructural development, **the greatest challenge for African publishers is the creation of alternative business models that can ensure a return on investment in technology and digital content on the one hand and ensure that schools and colleges can afford their new offering, on the other.**

### 5.1. Expensive transition

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Just having text on a screen will not improve education outcomes or the learning experience. More advanced interactive materials and learning tools are needed to achieve this, but these materials and tools cost more and must be retailed at a higher price, despite the perception among educators and education authorities that digital is cheaper. The costs of building digital infrastructure in schools and colleges is making the transition to digital content and e-learning even more expensive. The cost of the transition is exacerbated by the dual requirements of print and digital that schools and colleges find themselves in, which ironically results in both print and digital being more expensive to use.

### 5.2. Unsustainable alternatives and interventions

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The higher costs of digital, especially in this transitional phase has led some education authorities to question its viability and to pursue alternatives that are proving to be unsustainable — including amending copyright law, state provisioning of digital materials, and the use of Open Education Resources (OERs) that are not adequately curated to meet learning needs. **There is a mistaken belief among many government and education authorities that digital technology will open access to education and learning materials.** Their concern is that copyright protection as provided by current law will thwart this greater access. **In some African countries there are moves to amend copyright to ensure greater access in the digital environment by enabling technology companies to package and distribute content for education purposes without adequate compensation to authors and publishers. Due to the critical role that educational publishing plays in sustaining the whole African publishing sector, this is likely to have a devastating effect.** In other countries there are moves to amend policies to force publishers to surrender their copyright on materials that are procured in schools or to force publishers to grant perpetual licenses. Neither of these practices are viable if what one wants to achieve is a strong and stable, indigenous educational publishing sector producing high-quality resources that utilize local stories created by local authors and put together by skilled local publishers.

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<sup>33</sup> <https://www.worldreader.org>

<sup>34</sup> 'A Peek Inside African Publishing', Ed Nawotka, *Publishers Weekly*, February 15, 2019 <https://www.publishersweekly.com/pw/by-topic/international/international-book-news/article/79286-a-peek-inside-african-publishing.html>

# 6 CONCLUSION

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Through licensing, African publishers have managed to expand their operations by accessing global markets, while bringing in much needed publications to support African education, and repatriating African content published elsewhere in the world. Given the continent's limited digital capabilities, licensing will remain predominantly print-based for some time, whether the content is licensed between African publishers or from overseas. Though rather slow now, licensing of digital materials and services is growing steadily and will no doubt eventually become the dominant mode in due course. **As we move into a new digital environment and copyright laws are amended accordingly, it is critical that these laws continue to ensure that authors and publishers are adequately and sustainably compensated, especially relative to new players in the sector.** Traditional rightsholders should be better enabled to license their content to technology companies that want to play in the education space or work with them to get content more effectively to learners.

African law makers have to look beyond the current rather small scale of the sector in Africa and consider the greater role that local publishing can play in creating employment, contributing to economic and social development and earning forex through exports and licensing of African published works. For this to be realized, African publishers need adequate copyright protection — no less than their global counterparts. A good balance between user and copyright holder rights will enable the industry to play a critical role in educational, social and economic development, while still allowing fair and compensated access for users ■





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