



Mr. Sunge Kalumo
Industry, Trade and Tourism Committee
Parliament of Malawi, Parliament Building
P/Bag B362, Capital City, Lilongwe 3
By email: skalumo@hotmail.co.uk

7 March 2025

Re: Call for Submissions Bill No. 1 of 2025 – Companies, Registrations and Intellectual Property Centre; And Bill No. 2 of 2025 – Copyright (Amendment)

Dear Mr. Sunge Kalumo,

The Malawi Library and Information Consortium (MALICO) and our partner, Electronic Information for Libraries (EIFL), appreciate the opportunity to express our support for Bill No. 1 of 2025—Companies, Registrations and Intellectual Property Centre, which establishes a Companies, Registrations and Intellectual Property Centre; and Bill No. 2 of 2025—Copyright (Amendment), which amends the Copyright Act to accommodate the new Centre.

In particular, Bill No. 2 designates the new Centre as the Copyright Office, and transfers responsibility for administering the Copyright Act from the Copyright Society to the new Copyright Office. Separating these functions is commendable. It also aligns with standard international practice. Under current law, the Copyright Society is responsible for both implementing the Act generally and administering a copyright collecting society.

However, when the agency responsible for administering the copyright law is also responsible for collecting fees on behalf of copyright owners, an inherent conflict of interest exists. In addition, when the agency that regulates the collecting society is the collecting society itself, a further conflict of interest is created. Bill No. 2 eliminates these conflicts, and additionally empowers the new Registrar of Copyright “to provide oversight of copyright collecting societies.” This is not to criticize the Copyright Society or to suggest that it has not operated in good faith - the problem is one of structure, not personnel. The new structure will clarify for stakeholders, such as libraries and other institutional users of the copyright system, as well as for the general public, the role and responsibilities of each agency. MALICO looks forward to working with the new Copyright Office to address shortcomings in the Copyright Act (2016), especially around uses of digital materials for education and research.

If Parliament is open to an amendment to Bill No. 1, we suggest that one of the members of the Centre be a representative of the National Librarian. Libraries play a unique role in the copyright system, and serve as an effective proxy for the interests of the general public.

We would be happy to answer any questions you may have concerning this submission.

Yours sincerely



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The Malawi Library and Information Consortium (MALICO) is a membership organisation of over 50 university libraries, college and polytechnic libraries, research libraries, public libraries and special libraries. MALICO provides access to a wide range of scholarly e-resources for members, and leadership in access to knowledge issues in support of education, research and development, including copyright, licensing and open access.

EIFL (Electronic Information for Libraries) works with libraries to enable access to knowledge in developing and transition economy countries in Africa, Asia Pacific, Europe and Latin America. The EIFL Copyright and Libraries programme advocates for a fair and balanced copyright system, and supports librarians to become advocates for access to knowledge. In Malawi, EIFL partners with the Malawi Library and Information Consortium (MALICO). More information: www.eifl.net