

REPUBLIC OF SOUTH AFRICA

**SELECT COMMITTEE AMENDMENTS
TO**

**COPYRIGHT
AMENDMENT BILL**

[B 13D—2017]

*(As agreed to by the Select Committee on Trade and Industry,
Economic Development, Small Business Development, Tourism, Employment and
Labour (National Council of Provinces))*

[B 13E—2017]

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AMENDMENTS AGREED TO

COPYRIGHT AMENDMENT BILL

[B 13D—2017]

CLAUSE 1

1. On page 3, from line 12, to omit paragraph (b) of the definition of “authorized entity” and to substitute:

(b) an entity, including a government institution or non-profit organization that provides education, instructional training, adaptive reading or information access to persons with a disability on a non-profit basis as one of its primary activities or institutional obligations;”.

2. On page 3, from line 16, to omit paragraph (d).

CLAUSE 5

1. On page 5, in line 23, to omit “**Share**” and to substitute “**Equitable remuneration or share**”.
2. On page 5, in line 33, after “receive”, to insert “equitable remuneration, or”.
3. On page 5, in line 33, after “received”, to insert “;”.
4. On page 5, in line 35, after “author’s”, to insert “equitable remuneration or”.
5. On page 5, in line 45, after “author’s”, to insert “equitable remuneration or”.
6. On page 5, in line 47, after “author’s”, to insert “equitable remuneration or”.
7. On page 5, in line 53, after “author’s”, to insert “equitable remuneration or”.

CLAUSE 7

1. On page 6, in line 27, to omit “**Share**” and to substitute “**Equitable remuneration or share**”.
2. On page 6, in line 37, to omit “have the right” and to substitute “be entitled to receive equitable remuneration, or”.
3. On page 6, in line 37, after “received”, to insert “;”.
4. On page 6, in line 39, after “author’s”, to insert “equitable remuneration or”.
5. On page 6, in line 49, after “author’s”, to insert “equitable remuneration or”.

6. On page 6, in line 51, after “author’s”, to insert “equitable remuneration or”.
7. On page 6, in line 56, after “author’s”, to insert “equitable remuneration or”.

CLAUSE 9

1. On page 9, in line 11, to omit “**Share**” and to substitute “**Equitable remuneration or share**”.
2. On page 9, in line 13, to omit “have the right” and to substitute “be entitled to receive equitable remuneration, or”.
3. On page 9, in line 14, after “owner”, to insert “,”.
4. On page 9, in line 15, after “performer’s”, to insert “equitable remuneration or”.
5. On page 9, in line 24, after “performer’s”, to insert “equitable remuneration or”.
6. On page 9, in line 26, after “performer’s”, to insert “equitable remuneration or”.
7. On page 9, in line 30, after “performer’s”, to insert “equitable remuneration or”.
8. On page 9, in line 41, after “of”, to insert “equitable remuneration or”.

CLAUSE 15

1. On page 13, in line 43, to omit “of ownership”.

CLAUSE 22

1. On page 17, in line 43, to omit “Any” and to substitute “An authorized entity, or any”.
2. On page 17, in line 44, after “disabilities”, to omit “, including an authorized entity,”.

3. On page 18, after line 8, to insert:

(3) A person with a disability, or someone acting on their behalf, including an authorized entity, may make an accessible format copy of a work for the personal use of the person with a disability or otherwise may assist the person with a disability to make and use accessible format copies where the person with a disability has lawful access to that work or a copy of that work.

4. On page 18, in line 12, after “work”, to omit “referred to in subsection (1),”.

CLAUSE 24

1. On page 19, in line 25, after “of”, to insert “equitable remuneration or”.

CLAUSE 26

1. On page 20, in line 24, after “of”, to insert “equitable remuneration or”.
2. On page 20, in line 52, after “of”, to insert “equitable remuneration or”.
3. On page 20, in line 55, after “such”, to insert “equitable remuneration or”.
4. On page 20, in line 56, after “collect the”, to insert “equitable remuneration or”.
5. On page 20, in line 57, after “such”, to insert “equitable remuneration or”.
6. On page 21, in line 7, after “recover”, to insert “equitable remuneration or”.

CLAUSE 27

1. On page 21, in line 31, after “payment of”, to insert “equitable remuneration or”.
2. On page 21, in line 34, after “payment of”, to insert “equitable remuneration or”.
3. On page 21, in line 49, after “of”, to insert “equitable remuneration or”.
4. On page 22, in line 27, to omit “and royalties, or both” and to substitute “equitable remuneration or royalties, or any combination thereof”.
5. On page 22, in line 39, after “of”, to insert “equitable remuneration or”.
6. On page 22, in line 40, after “fees”, to insert “, equitable remuneration”.
7. On page 22, in line 41, after “collected”, to insert “equitable remuneration or”.
8. On page 22, in line 43, after “collected”, to insert “equitable remuneration or”.
9. On page 22, in line 55, after “of”, to insert “equitable remuneration or”.
10. On page 22, in line 56, after “of”, to insert “equitable remuneration or”.
11. On page 22, in line 57, after “regarding”, to insert “equitable remuneration or”.
12. On page 23, in line 25, after “distribute”, to insert “equitable remuneration or”.
13. On page 23, in line 28, after “as”, to insert “equitable remuneration or”.
14. On page 23, in line 30, after “of the”, to insert “equitable remuneration or”.
15. On page 23, in line 36, to omit “Royalties” and to substitute “Equitable remuneration or royalties”.
16. On page 23, in line 42, after “the”, to insert “equitable remuneration or”.
17. On page 23, in line 44, after “distribute the”, to insert “equitable remuneration or”.

18. On page 23, in line 44, after “which the”, to insert “equitable remuneration or”.
19. On page 23, in line 46, after “the”, to insert “equitable remuneration or”.
20. On page 23, in line 50, after “over the”, to insert “equitable remuneration or”.
21. On page 24, in line 1, to omit “royalties” and to substitute “equitable remuneration or royalties”.

CLAUSE 29

1. On page 25, from line 15, to omit subparagraphs (ii) and (iii) and to substitute:
 - (ii) provides a service to another person to enable or assist such other person to circumvent an effective technological protection measure, which they know will, or is likely to be used by another person to, infringe copyright in a work protected by an effective technological protection measure;

CLAUSE 31

1. On page 26, in line 51, after “permitted”, to insert “by law, including”.
2. On page 27, from line 3, to omit subsection (2).
3. On page 27, from line 15, to omit subsection (3) and to substitute:
 - (2) A person engaging the services of another person for assistance to enable such person or user to circumvent a technological protection measure shall maintain a complete record of the particulars of the—
 - (a) other person, including their name, address and all other relevant information necessary to identify them; and
 - (b) purpose for which the services of such other person has been engaged.

CLAUSE 33

1. On page 28, in line 46, after “of”, to insert “equitable remuneration or”.

CLAUSE 35

1. On page 30, from line 52, to omit paragraph (cG) and to substitute:
 - (cG) prescribing the standard elements for agreements to be entered into in terms of this Act, to ensure that rights or protection afforded by this Act are duly provided for;
2. On page 31, in line 14, to omit “various forms of use” and to substitute “resale royalty rights”.
3. On page 31, in line 15, after “prescribing”, to insert “the period within which distribution of equitable remuneration, or”.
4. On page 31, in line 18, after “unclaimed”, to insert “equitable remuneration or”.

5. On page 31, in line 20, after “of”, to insert “equitable remuneration or”.

CLAUSE 37

1. On page 33, in line 16, after “of”, to insert “equitable remuneration and of”.
2. On page 35, in line 36, after “of”, to insert “equitable remuneration and of”.

CLAUSE 40

1. On page 36, in line 24, to omit “on a” and to substitute “24 months from the date of publication in the *Gazette*, or an earlier”.
2. On page 36, after line 24, to add:
 - (2) The definitions for ‘accessible format copy’, ‘authorized entity’ and ‘person with a disability’ contained in section 1 come into operation upon the date of publication.
 - (3) Section 19D comes into operation upon the date of publication.

LONG TITLE

1. On page 2, in the third line of the long title, after “**for**” to insert:

equitable remuneration or
2. On page 2, in the fourth line of the long title, after “**of**” to insert:

equitable remuneration or

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