

**SOUTH AFRICAN
COMPOSERS APPEAL TO
THE PARLIAMENTARY
PORTFOLIO COMMITTEE ON
THE 2017 DRAFT OF THE
COPYRIGHT AMENDMENT
ACT**



GABI LE ROUX

Veteran Composer / Producer (Mandoza “Nkalaklatha” etc.)

- Current Copyright Law still determines “Pay for Use”, however in the Digital Era, the practical implications of “Safe Harbour” legislation directly resulted in the **Value Gap**. That legislation was well-intended, to give opportunities for much-needed Information Technology to flourish. However, it came at a price.
- Lessons to learn from the above? “Fair Use” may have great advantages for Technology and Multinational Tech Companies right now, but can we soon be tossing aside the Moral Right to earn a living from - and the Creative Integrity of Intellectual Property? Search for a Balance. Perhaps the answer lies in technology itself. Block Chain, Smart Contracts etc.
- 25 Years Assignment...Dickens Clause. Outdated, because (as for Sound Recordings) no longer do Record Labels etc. go through the same massive expense of Artist development, Production Costs, Hard Copy Manufacture & distribution and Video, Marketing Costs...Therefore their need to recoup and then profit from their Investment has become much more simplistic. 25 years seem well-excessive. Also, it cannot read “*a period of*” but rather “*a period not exceeding*”...even 5 years seems too long, most assignments between Artists and Record Labels / Publishers don’t last longer than 5 years, including Options, why should Composers / their Estates be deprived of an income when most of the time these Catalogued works are either deleted or sold off for less than original cost?
- Round Table - Before Bill is passed, DTI should show the same level of Commitment toward **Creatives** to have a Round Table event, similar as the one afforded to the **Users** FXI / Google, etc.

ERNESTINE DEANE

Veteran Composer / Performer (*Moodphase5ive*)

- Copyright Royalties from Airplay makes things possible Success of Moodphase5ive Compositions generated income and opportunities to tour and perform live, both SA and Europe, etc.
- Regulated Music Performance Environment Travelled extensively in Europe, later settled in Germany where environment is regulated i.t.o. venues as vendors of GEMA (70,000 members) Cue Sheets, play-lists common at venues and makes it easier for GEMA in protective administration of Copyright for Composers.
- SA Musicians too often die Paupers Errol Dyers' recent passing illustrated how, in an unregulated environment just a little bit of Regulative Structure can bring dignity and some level of Financial stability for Artists. Errol died largely unrecognised by the larger population for his exceptional talent and contribution to Kaapse Culture. Yet his membership of SAMRO provided his Family with a Funeral Policy and a Pension fund as somewhat of a legacy to this great South African. Imagine how proper Copyright legislation can provide a better structure and stability for our entire Creative Economy?

Locnville

Iconic SA Pop Duo - 10 years/ Producers / Composers

- Current Copyright Law is outdated i.t.o. requirements for Digital Era, but also it also does not provide a Regulatory structure for the reporting and revenue collection from Performance of Copyrighted Songs. Especially at Concerts and Venues Internationally there are provisions for Cue Sheets or playlists, etc. These should also become mandatory in SA and enforced under Copyright Law.
- Blurred lines between “Fair Use” - “Fan Use” - “unfair abuse” It’s easy to talk about “fair use” for things like Education, but a hot new Pop Song in a Student environment is far more likely to be disseminated on everyone’s devices within minutes. It’s also not feasible to leave every such possible infringement up to a Court to decide if the use is actually “fair” or not?
- Tech Companies and Internet Platforms Their Executives are paid Billions to find new ways of making them more Money, they are well protected for their work. Composers only have their Creations to earn a living from. If you steal any other’s tangible property or use it unauthorised, it is a Crime. Why should Intellectual Property be any different? There should be Penalties for unauthorised use.

VICKY SAMPSON

Veteran Iconic Artist Composer & Performer (*"African Dream", etc.*)

- The Value of a Song 22 Year career to date, resulting directly from the Composition of 1 Song. Provided personal development, career opportunities and financial income for entire Family.
- South African Brand Travelled extensively to perform this Song, promoting South Africa and its Brand. It also lead to many other opportunities for more Composed works in Performance Repertoire.
- Domestic Healing and Social Cohesion African Dream came at a critical time in SA History and the value of the IP manifested in many ways, brining previous adversaries together and providing hope for a New Democratic Nation. How can such value not be acknowledged in the form of a Protection of Copyright for the Composer?

KWESTA VILAKAZI

Current Top SA Hip Hop Composer / Performer (“Ngud” etc.)

- Current Copyright Law Is still very open for non-compliance, especially when it comes to Live events. The Amended Bill should not only protect us, but serve to promote our SA IP/Copyright?
- Hip Hop as a Global Genre, but local impact The role of Hip Hop and how a Global Genre can be a vehicle to carry our SA Culture, as well as provide thousands of Career opportunities, that will build a significant Music Economy to add to the GDP, provided our Copyrights are protected! We need our Local Copyrighted Content to be developed as a Revenue Source! We DO have a Clause that can do that without % Prescription. *
- Fair Use Already most of the current SA Hip Hop hits are available free on the Internet and no revenues are collectable on that? There’s no chance that “fair use” will improve that loss of revenue, we need more

THE ***Local Content*** CLAUSE WE PROPOSE READS AS FOLLOWS:

(2) under section 39 of the Copyright Act, which provides the following:
“(2) In respect of the broadcasting industry’s role in promoting the growth of South African local content in order to develop and protect the national cultural identity and character, and to strengthen the economic development and social cohesion of the country through its cultural and creative sectors; the Minister shall, in consultation with the Minister responsible for communication and the relevant industry stakeholders, from time to time make regulations prescribing the quota ratios for local music and visual content for television and radio broadcasting.”

We urge the Committee not to miss this opportunity to do something good, positive and revolutionary for the South African cultural and creative industries of our FUTURE CREATORS!

“If our Music is not played...Our Bills don’t get paid”