



# RIGHT 2 KNOW

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## **INTRODUCTION**

1. The Right 2 Know Campaign submits its previous submission as to reiterate our cause. Our position on the bill has not changed thus please receive the R2K 2021 submission on the copyrights amendment bill as well as few additions.
2. The Right2Know Campaign (R2K) is a nation-wide coalition of people and organisations concerned with promoting openness and the free flow of information, particularly the right to access information and freedom of expression.
3. R2K's campaign is coordinated through voluntary working groups in the Western Cape, Gauteng, KwaZulu-Natal, as well as an elected national working group consisting of representatives from key civil society organisations, community groups and social movements across the country.
4. R2K's vision is to seek a country and a world where we all have the right to know – that is to be free to access and to share information. This right is fundamental to any democracy that is open, accountable, participatory and responsive; able to deliver the social, economic and environmental justice we need. On this foundation, a society and an international community can be built in which we all live free from want, in equality and in dignity.

5. R2K would like to thank the Portfolio Committee of Trade and Industry for the opportunity to make a written submission regarding specific clauses of the Copyright Amendment Bill [B13-2017] released for public comment yet again.

## 6. **FAIR USE**

We support the proposal to add a public interest exception to copyright that would permit all “fair use” of a copyrighted work. This provision will clarify that organisations like R2K and other activists campaigns can go about their work free from potential private censorship by copyright holders.

7. As an advocacy organisation that promotes freedom of expression and the promotion of equality, one of our core activities is the creation of materials to convey messages that inform and motivate the public. We regularly produce, for example, popular pamphlets, posters, videos and other media content. In this, we must often use images, quotations, and references to the works of others. Sometimes this use of other works is to criticise or review the works of others – e.g. to critique a speech or publication. Other times we use images, sounds and text from our culture to illustrate a point.
8. The law favours previously privileged profit seeking private interests. The current bill also is simply outdated, it was a bill passed during apartheid. It is vital for South Africa to rid itself of apartheid laws, these laws favoured a minority making them invaluable under democratic South Africa. Post 1994 we are now in a post apartheid era and the laws need to also reflect the demographics and commitment to democracy and equality.
9. The current bill also is not clear on how it is applied; it leaves many loopholes. The addition of a "Fair Use" clause would make our rights more clear because all of our uses are for purposes different than those originally served by the creator and never substitute for the work in the market, which leaves us often wondering whether we can, for example, include images of our cities, logos of corporations, scenes from videos, quotes of the words of others, and other technical copies of copyrighted works in our advocacy. We are a non-profit organisation, we cannot hire lawyers to interpret our rights or licence our advocacy uses of copyrighted works from others.
10. The proposed fair use provision will help us by making clear our public interest rights. Now we will know that we can use any work, by any user, for any purpose as long as our use is fair. We find the test for a "Fair Use" to be clear. We are a country that is not just about recognising people as only consumers but also creators, and any creator is equally a consumer and so is vice versa, therefore it is important to

design policies that reflects and honours this, Fair Use clause honours this and seeks to make sure that both ends are equally enjoyed in a fair manner.

11. We also support the additional clarifications in the specific exceptions in the Copyright Amendment Bill. We particularly support the broadening of the right to incidental use of copyrighted works and for the use of works in public spaces. We often rely implicitly on the existence of such rights when we make advocacy films or photographs from our protests and other events in public places.

#### **12. Retrospective compensation**

We commend Parliament for its progressive work on the Copyright Amendment Bill and call on it to resist the calls of moneyed interests to water down our public rights.

13. The Right 2 Know campaign continues to support the passing of the copyrights amendment bill. We believe it is important for this bill to have been passed a long while back and we hope this time there will be no more delays in passing the bill. We continue to support the compensation and we continue to support the implementation of the creation of equity in the arts industry.

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