**MEDIA STATEMENT**

**WORKSHOP ON COPYRIGHT AMENDMENT BILL EMPOWERS SELECT COMMITTEE IN PREPARATION FOR PUBLIC HEARINGS**

In a workshop hosted yesterday by the Select Committee on Trade and Industry, Economic Development, Small Business Development, Tourism, Employment and Labour on the Copyright Amendment Bill ahead of scheduled public hearings, delegates heard how digital advancements that have changed the copyright landscape in significant ways.

The Chairperson of the committee, Mr Mandla Rayi, said the proposed copyright legislation has attracted a lot of attention in the media and this workshop will empower committee members as they interact with the public during the Bill’s public participation process.

Prof Malebakeng Forere of the University of the Witwatersrand was one of the copyright experts attending the workshop. She spoke about the influence of the current digitisation and online consumption era, in which many digital items, such as books, are replacing physical products. This poses challenges for the committee as it embarks on drafting legislation that seeks to provide copyright protection in the digital environment.

Prof Forere said content creators have a right to reproduce their work or licence it to others. However, with the development in technology, new rights now exist that are not provided for in law. “Advancement in technology means copyright is one of the fields that has to be versatile. With advancement in technology, reproduction is rampant. There is a shift now in the mode of consumption. We consume things online and we are choosing what we want to listen at the time we want to.” Newcomers in the market are concerned with how our laws will impact them, she said.

The committee heard earlier that South African legislation favours fair dealing, a provision in legislation for exceptions in certain circumstances. Prof Owen Dean of the University of Stellenbosch University also spoke about fair use, which is used in the United States. However, Prof Forere cautioned against use of fair dealing in light of lengthy legislative processes. “Fair use and fair dealing argument is always around certain special cases. I come from a school of thought that trusts the courts to interpret the law. If there is a list of special cases, courts will not go and get something which is so remote.”

Prof Forere also spoke about the World Intellectual Property Organisation Copyright Treaty, which fills the space created by the absence of laws regulating digital technology and which introduced a new right that did not exist under the Bern Convention.

“Copying is rampant and the internet is the facilitator of that,” Prof Forere pointed out. Service providers have devised online protection measures to protect rights online, referred to as technological protection measures (TPMs). “Traditional copyright law was intended to protect the rights of owners. Online is different; one could find himself without protection. TPMs are therefore intended to enforce IP [intellectual property] policies, protect the rights of owners, as well as protect consumers.”

She cautioned that if Parliament ratifies internet treaties, South Africa will be obliged to observe certain obligations, including providing adequate legal protection of TPMs and providing remedies against those who circumvent them. “Without TPMs, copyright owners online are left bare.”

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