

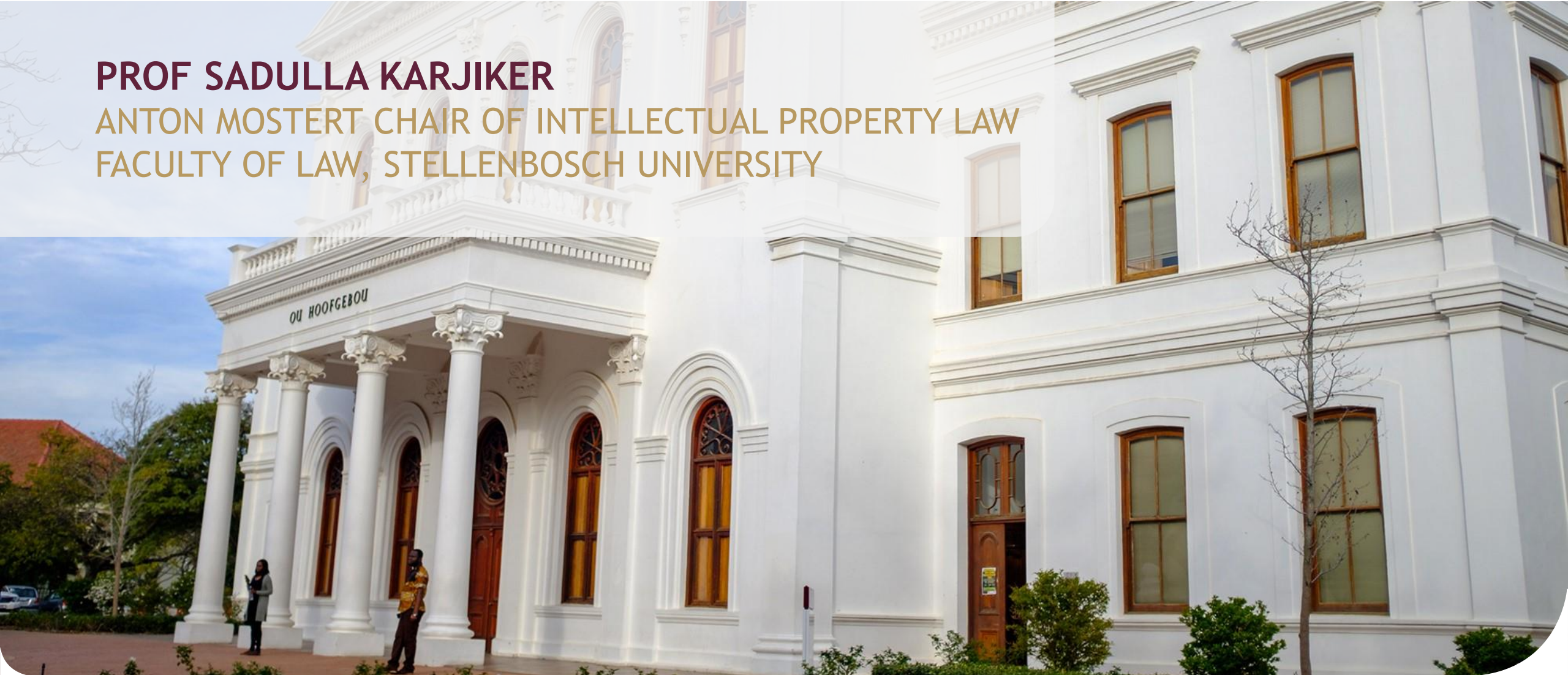
Copyright Amendment Bill

The Anton Mostert
CIP
Chair of Intellectual Property

Stellenbosch
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forward together
sonke siya phambili
saam vorentoe

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Where did the CAB come from?



DTI has provided no satisfactory answer!



Where did the CAB come from?



What are our minimum expectations?



Copyright Act 98 of 1978

“S40(1)(a) The Minister shall appoint an advisory committee consisting of a judge or a senior advocate of the Supreme Court of South Africa as chairman and such *ex officio* and other members as the Minister may from time to time determine.

...

(3) The advisory committee may from time to time make recommendations to the Minister in regard to any amendments to this Act ... and shall advise the Minister on any matter referred to it by the Minister.”

Failed state and its consequences...



- State capture, corruption, incompetence
- Unaccountable and dysfunctional government
- Is it reasonable to think that DTI was the exceptional “island of excellence”?
- Who set the agenda for the Bill?

The captured agenda?



- “Apartheid era legislation” rhetoric
- Whose interests are being served?
 - Big Tech
 - Developments since 2015
- Copyright as scapegoat
 - Stealing the next generations’ future in the process

- “[F]air use in America simply means the right to hire a lawyer to defend your right to create. ... It **costs too much**, it **delivers too slowly**, and what it delivers often has little connection to the justice underlying the claim. The legal system may be tolerable **for the very rich**. For everyone else, **it is an embarrassment** to a tradition that prides itself on the rule of law.” Lessig *Free Culture: The Nature and Future of Creativity* (2004) 187 (emphasis added)



This is bigger than copyright...



- Pursuing specific interests while ignoring the glaring lack of procedure, taking advantage of (i.e., capturing) a dysfunctional state institution, failing to demand accountability and transparency
- It undermines what it purports to promote
- Paying lip service to the rights enshrined in the constitution
- Making a mockery of the constitutional democratic state
- The zebra does not survive by people thinking it is okay if they are only targeting a particular stripe, regardless of the consequences...

Blind SA and Marrakesh Treaty

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- Let's avoid using the beneficiaries as a Trojan horse for other agendas
 - Using the uncontested nature of these changes to pursue other agendas is unconscionable and despicable
 - What it does illustrate is the mercenary nature of the proponents of the Bill, and the poor drafting quality of the Bill
 - Excise the provisions from the Bill to avoid opportunistic behaviour of lobbyists



QUESTIONS?

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Photo by Stefan Els