



# LIMPOPO LEGISLATURE

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## NEGOTIATING MANDATE

**To** : The Chairperson: SC on Trade and Industry

**Name of Bill** : COPYRIGHT AMENDMENT BILL

**Number of the Bill** : [B13D – 2017]

**Date of Deliberation** : 17 May 2023

**Vote of the Legislature** : Provincial NCOP Permanent Delegates to negotiate in favour of the Bill with the proposed amendments.

## PROPOSED AMENDMENTS

### Clause 5 Insertion of section 6A in Act 98 of 1978

“royalty” **new definition** means a percentage of the total turnover or revenue generated on the exploitation of a literary work or music work. This definition is aimed at avoiding an artist not being paid if there is no profit.

### Clause 15 Insertion of section 12A in Act 98 of 1978

Section **12A**: The proposed doctrine of “fair use” is too wide and may subject artists to exorbitant litigation in an attempt to challenge the use of their work under the doctrine of fair use. Section 12A should be deleted and the Department should conduct an economic assessment of the impact of introducing fair use doctrine in South Africa.

**Clause 25 Amendment of section 22 of Act 98 of 1978**

Section 22(3) should be deleted as it limits the commercial availability of the work to a period of 25 years from the date of commencement of the agreement. It will mean that applications for the rights to use the work post 25 years would have to start afresh, which may be too difficult.



**HON MOKABA M  
CHAIRPERSON**

**DATE**

**PORTFOLIO COMMITTEE ON ECONOMIC DEVELOPMENT, ENVIRONMENT  
AND TOURISM  
LIMPOPO LEGISLATURE**