



## ANC WESTERN CAPE

### SPEAKER'S NOTES ON THE COPYRIGHT AMENDMENT BILL [B13-2017]

**06 March 2023, Public Hearings in Overstrand Municipality Banquet Hall,  
Hermanus, Western Cape Province**

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I, THEO O. VIKOR (name/s) from the AFRICAN NATIONAL CONGRESS (name of organisation),  
**SUPPORT** the Performers Protection Amendment Bill (PPAB) No 24 of 2016 as it is presented.

We note that the enactment of the PPAB is inter-twined with, and dependent on the enactment of the Copyright Amendment Bill, (CAB) no 24 of 2016.

We further note and support the overall thrust and purpose of the CAB which is to:

- a) provide a comprehensive copyright system across all levels and intersecting levels, that draws and adapts international best practice systems to suit our national context.

However, while supporting the Bill, I submit that the current Clause 12A to 12D) on "fair use" must distinctly and unambiguously differentiate between copyright of works for example of music composers, photographers and other such sub-sectors within the overarching arts and culture sector, and the copyrights of authors of academic and educational works. The mere existence of sub-sectors within the overarching sector attests to the need for us to be cautious about applying a "one size fits all" lens when refining this critical DRAFT Clause 12 (A to D).

Members of the creative sector continuously advise and inform us that the specific needs, challenges, and distribution channels of each sub-sector is different from the sub-sector where an author produces academic work.

We therefore submit that an additional sub-clause be added to the current Clause 12. This additional sub-clause (being 12E) must explicitly state what would constitute and differentiate between for a musical composition/authorship and academic literary works.

Our proposed wording for the additional sub-clause 12E is:

"Notwithstanding S12A and S12D, any use by or for persons benefitting from or engaged in primary or secondary education, or further and ongoing education, adult literacy and adult education shall be deemed "fair use", provided that the use is restricted to literary works or in respect of other categories of works and performances is limited to instances where no licence is available within a reasonable time, and at a reasonable price".

Lastly, we support and recognise that the potential in the creative economy has not been fully explored and sufficiently monetized for many South African creatives. We note the rather unfortunate practice or corporate bullying that have for years exploited and drawn fortunes in extortion of unknowing creatives in the various industries, including racialised exclusion suffered by many black creatives as a function of the apartheid laws.

In Conclusion, the Creative Industries in the arts, culture and heritage have a great potential of contributing to tourism and employment possibilities for small scale entrepreneurs, alleviating unemployment and contributing to the fiscus. But this role and contribution must be protected by a policy and legislative environment that grows and develops the sector with safeguards to protect their intellectual property and rights. **WE REITERATE OUR SUPPORT TO THE PPAB & CAB Amendments as proposed.**

Date: 6 MAR 2023 Name/s: Theo Olivier Signature: 



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THE COPYRIGHT AMENDMENT BILL [B13-2017]**

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Hermanus, Western Cape Province**

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I, THISO OLIVERA (name/s) from the ANC (name of organisation),  
**SUPPORT** the Performers Protection Amendment Bill (PPAB) No 24 of 2016 as it is presented.

We note that the enactment of the PPAB is inter-twined with, and dependent on the enactment of the Copyright Amendment Bill, (CAB) no 24 of 2016.

We further note and support the overall thrust and purpose of the CAB which is to:

- a) provide a comprehensive copyright system across all levels and intersecting levels, that draws and adapts international best practice systems to suit our national context.
- b) realise the resolutions in this regard taken by the 55<sup>th</sup> Conference of the ANC which is the current ruling party in government.

The afore-mentioned resolution speaks to the exploitation of our artists and their creative products by private companies. This exploitation results in our artist and creatives dying as paupers. It is therefore not surprising that the 55<sup>th</sup> Conference resolved that the CAB and PPAB must urgently be passed by Parliament and enacted/signed into law by the President.

We welcome the attempt to give effect to the policy and legislative directives of the ruling party in government and their alliance and social compact partners. We appreciate that amendments advocated by the South African Democratic Teacher's Union (SADTU) towards ensuring free or very low-cost education material for the disenfranchised masses of our people has been successfully incorporated into the CAB. We support the said clauses in the CAB.

In Conclusion, the Creative Industries in the arts, culture and heritage have a great potential of contributing to tourism and employment possibilities for small scale entrepreneurs, alleviating unemployment and contributing to the fiscus. But this role and contribution must be protected by a policy and legislative environment that grows and develops the sector with safeguards to protect their intellectual property and rights. **WE REITERATE OUR SUPPORT TO THE PPAB & CAB Amendments as proposed.**

Date: 6 MAR 2023 Name/s: T. OLIVERA Signature: 