



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, Cornie Meyer (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.

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".

