



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

COMMITTEES SECTION
Portfolio Committee on Trade and Industry
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MEMORANDUM

TO: STAKEHOLDERS ON THE COPYRIGHT AMENDMENT BILL

FROM: Ms J Fubbs
Chairperson: Portfolio Committee on Trade and Industry

Date: 17 May 2018

SUBJECT: Communication to stakeholders on Copyright Amendment Bill

The Portfolio Committee on Trade and Industry has received correspondence from a number of stakeholders raising their concerns about the proposal made by the Department of Trade and Industry (DTI) on a two-phased approach for the Copyright Amendment Bill. The DTI has proposed that the Committee adopts an approach where the Copyright Review Commission's (CRC) recommendations are fast-tracked and the other aspects proposed in the current Amendment Bill be dealt with after further consultation by the DTI in a second Amendment Bill, to be introduced at a later date.

Given that the CRC issues are long outstanding and that the plight of musicians has been ongoing for a number of years with no relief, as well as the interlinkage between the Copyright and Performers' Protection Amendment Bills, the Committee is under pressure to fast-track the Copyright Amendment Bill, so that the Performers' Protection Amendment Bill can also receive attention during this 5th Parliament. The Committee is cognisant of the wide ranging concerns from various creative sectors that is purported to be ignored if the two-phased approach is adopted.

It should be noted that although this proposal has been received from the DTI, the Committee has not formally adopted it and is considering the merit of all clauses in the Amendment Bill against the DTI's proposal. The Committee would like to assure stakeholders that all submissions received are being taken into account, as well as any additional proposals made.

A further concern was raised around the technical panel. The Committee would like to allay the fears of stakeholders by stating the following:

- It remains the prerogative of the Committee to appoint panel members which happens through a rigorous process involving all political parties represented on the Committee.
- Any panel member appointed receives its instructions from the Committee and would be required to advise on the following:
 - the appropriateness of the terminology used in the Bill, to avoid the criticism raised by the public against the terminology used in the Bill as introduced;
 - whether the policy positions identified by the Committee, not the technical panel, is correctly reflected in the final draft; and
 - whether the proposed policy areas will comply with international copyright law.

Your understanding is appreciated

Joannance Tubbs

17 May 2018