

# DISPUTE RESOLUTION UPDATE

## IN THIS ISSUE

### **CONVERGENCE AND NEW MEDIA: DEADLINE FOR SUBMISSIONS ON THE COPYRIGHT AMENDMENT BILL EXTENDED TO 7 JULY 2017**

On 28 June 2017, our Convergence and New Media team published an [article](#) reviewing the [Copyright Amendment Bill \[B13-2017\]](#). Among other aspects of the Bill, Janet MacKenzie and Judith Njuguna's article discusses the proposed amendment to s22(3) which limits assignments of copyright to a period of 25 years commencing from the date of the assignment. Earlier this week the Portfolio Committee on Trade and Industry announced the 7 July 2017 extension. We provide further detail regarding how to submit comments below.

#### **Comments can be emailed to:**

Mr A Hermans at [ahermans@parliament.gov.za](mailto:ahermans@parliament.gov.za) by no later than Friday, 7 July 2017

#### **Enquiries can be directed to:**

Mr A Hermans – (021) 403-3776

#### **All correspondence should be addressed to:**

Ms J Fubbs, Chairperson: PC on Trade and Industry and marked for the attention of Mr A Hermans.

# CONVERGENCE AND NEW MEDIA: DEADLINE FOR SUBMISSIONS ON THE COPYRIGHT AMENDMENT BILL EXTENDED TO 7 JULY 2017

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Current and future copyright owners will no doubt welcome the extra time to consider and potentially object to the Bill.



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#### Copyright Amendment Bill [B13-2017] - Comments deadline extended

Submissions must be received by no later than 07 July 2017.

The Portfolio Committee on Trade and Industry invites you to submit written comments on the [Copyright Amendment Bill \[B13-2017\]](#).

#### The purpose of the Bill is to:

- amend the Copyright Act, 1978, so as to define certain words and expressions;
- allow for the reproduction of copyright work;
- provide for the protection of copyright in artistic work;
- provide for the accreditation and registration of Collecting Societies;
- provide for the procedure for settlement of royalties disputes;
- allow fair use of copyright work;
- provide for access to copyright works by persons with disabilities;
- provide for the protection of authorship of orphan works by the State;
- provide for the establishment of the Intellectual Property Tribunal;
- provide for the appointment of members of the Intellectual Property Tribunal;
- provide for the powers and functions of the Intellectual Property Tribunal;
- provide for prohibited conduct in respect of technological protection measures;
- provide for prohibited conduct in respect of copyright management information;
- provide for management of digital rights;
- provide for certain new offences;

Interested individuals and groups wishing to comment are kindly requested to forward written submissions to the Committee by no later than Friday, 7 July 2017.

# CONVERGENCE AND NEW MEDIA: DEADLINE FOR SUBMISSIONS ON THE COPYRIGHT AMENDMENT BILL EXTENDED TO 7 JULY 2017

CONTINUED

*Comments can be emailed to Mr A Hermans at [ahermans@parliament.gov.za](mailto:ahermans@parliament.gov.za) by no later than Friday, 7 July 2017*



Public hearings have been scheduled for 27, 28, 29 June 2017.

Comments can be emailed to Mr A Hermans at [ahermans@parliament.gov.za](mailto:ahermans@parliament.gov.za) by no later than Friday, 7 July 2017.

Enquiries can be directed to Mr A Hermans on tel (021) 403-3776.

*All correspondence should be addressed to Ms J Fubbs, Chairperson: PC on Trade and Industry and marked for the attention of Mr A Hermans.*

Issued by: Ms J Fubbs, Chairperson: Portfolio Committee of Trade and Industry.

## Background

The Copyright Amendment Bill ("the Bill") seeks to align copyright with the digital era and developments at a multilateral level. The existing Copyright Act, 1978 (Act No. 98 of 1978) ("the Act"), is outdated and has not been effective in a number of areas. The creative industry is impacted upon; educators are hampered in carrying out their duties; researchers are restricted to further developing research; and people with disabilities are severely disadvantaged by having limited access to copyright works. For this reason, a need exists for Intellectual Property ("IP") legislation to be consonant with the ever evolving digital space; to allow reasonable access to education; to ensure that access to information and resources are available for persons with disabilities; and to ensure that artists do not die as paupers due to ineffective protection. The latter is supported by the experience of the power imbalance, vulnerabilities and abuse taking place in the music industry which Government was called to address. The Bill is consistent with the Draft National Policy as commented on and the recommendations of the Copyright Review Commission ("the CRC") chaired by retired judge Ian Farlam, and is linked to the National Development Plan ("NDP"), in that it seeks to ensure consistency and coherence in aligning the approach of various Government Departments to IP matters. The proposed provisions in the Bill are strategically aligned with the treaties that South Africa reviewed, amongst others, the World Intellectual Property Organisation ("WIPO") digital treaties namely the WIPO Copyright Treaty ("WCT"); the WIPO Performance and Phonograms Treaty ("WPPT"); the Beijing Treaty for the Protection of Audio Visual Performances; and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. The alignment is for purposes of ensuring effective governance, social protection, employment creation and reduction of inequalities. The amendment of the Act means that South Africa will be able to accede to international treaties and conventions which require domestic legislation to be consistent with international imperatives.



**CLICK HERE** to find out more about our Convergence and New Media team.

## OUR TEAM

For more information about our Dispute Resolution practice and services, please contact:



**Tim Fletcher**  
National Practice Head  
Director  
T +27 (0)11 562 1061  
E tim.fletcher@cdhlegal.com



**Grant Ford**  
Regional Practice Head  
Director  
T +27 (0)21 405 6111  
E grant.ford@cdhlegal.com

**Timothy Baker**  
Director  
T +27 (0)21 481 6308  
E timothy.baker@cdhlegal.com

**Roy Barendse**  
Director  
T +27 (0)21 405 6177  
E roy.barendse@cdhlegal.com

**Eugene Bester**  
Director  
T +27 (0)11 562 1173  
E eugene.bester@cdhlegal.com

**Tracy Cohen**  
Director  
T +27 (0)11 562 1617  
E tracy.cohen@cdhlegal.com

**Lionel Egypt**  
Director  
T +27 (0)21 481 6400  
E lionel.egypt@cdhlegal.com

**Jackwell Feris**  
Director  
T +27 (0)11 562 1825  
E jackwell.feris@cdhlegal.com

**Thabile Fuhrmann**  
Director  
T +27 (0)11 562 1331  
E thabile.fuhrmann@cdhlegal.com

**Anja Hofmeyr**  
Director  
T +27 (0)11 562 1129  
E anja.hofmeyr@cdhlegal.com

**Willem Janse van Rensburg**  
Director  
T +27 (0)11 562 1110  
E willem.jansevanrensburg@cdhlegal.com

**Julian Jones**  
Director  
T +27 (0)11 562 1189  
E julian.jones@cdhlegal.com

**Tobie Jordaan**  
Director  
T +27 (0)11 562 1356  
E tobie.jordaan@cdhlegal.com

**Corné Lewis**  
Director  
T +27 (0)11 562 1042  
E corne.lewis@cdhlegal.com

**Janet MacKenzie**  
Director  
T +27 (0)11 562 1614  
E janet.mackenzie@cdhlegal.com

**Richard Marcus**  
Director  
T +27 (0)21 481 6396  
E richard.marcus@cdhlegal.com

**Burton Meyer**  
Director  
T +27 (0)11 562 1056  
E burton.meyer@cdhlegal.com

**Rishaban Moodley**  
Director  
T +27 (0)11 562 1666  
E rishaban.moodley@cdhlegal.com

**Byron O'Connor**  
Director  
T +27 (0)21 481 1140  
E byron.oconnor@cdhlegal.com

**Lucinde Rhodie**  
Director  
T +27 (0)21 405 6080  
E lucinde.rhodie@cdhlegal.com

**Jonathan Ripley-Evans**  
Director  
T +27 (0)11 562 1051  
E jonathan.ripleyevans@cdhlegal.com

**Belinda Scriba**  
Director  
T +27 (0)21 405 6139  
E belinda.scriba@cdhlegal.com

**Willie van Wyk**  
Director  
T +27 (0)11 562 1057  
E willie.vanwyk@cdhlegal.com

**Joe Whittle**  
Director  
T +27 (0)11 562 1138  
E joe.whittle@cdhlegal.com

**Jonathan Witts-Hewinson**  
Director  
T +27 (0)11 562 1146  
E witts@cdhlegal.com

**Pieter Conradie**  
Executive Consultant  
T +27 (0)11 562 1071  
E pieter.conradie@cdhlegal.com

**Nick Muller**  
Executive Consultant  
T +27 (0)21 481 6385  
E nick.muller@cdhlegal.com

**Marius Potgieter**  
Executive Consultant  
T +27 (0)11 562 1142  
E marius.potgieter@cdhlegal.com

**Nicole Amoretti**  
Professional Support Lawyer  
T +27 (0)11 562 1420  
E nicole.amoretti@cdhlegal.com

### BBBEE STATUS: LEVEL THREE CONTRIBUTOR

Cliffe Dekker Hofmeyr is very pleased to have achieved a Level 3 BBBEE verification under the new BBBEE Codes of Good Practice. Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

This information is published for general information purposes and is not intended to constitute legal advice. Specialist legal advice should always be sought in relation to any particular situation. Cliffe Dekker Hofmeyr will accept no responsibility for any actions taken or not taken on the basis of this publication.

### JOHANNESBURG

1 Protea Place, Sandton, Johannesburg, 2196. Private Bag X40, Benmore, 2010, South Africa. Dx 154 Randburg and Dx 42 Johannesburg.  
T +27 (0)11 562 1000 F +27 (0)11 562 1111 E jhb@cdhlegal.com

### CAPE TOWN

11 Buitengracht Street, Cape Town, 8001. PO Box 695, Cape Town, 8000, South Africa. Dx 5 Cape Town.  
T +27 (0)21 481 6300 F +27 (0)21 481 6388 E ctn@cdhlegal.com

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