



## PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

The Portfolio Committee on Trade and Industry hereby publishes specific clauses of the *Copyright Amendment Bill [B13-2017]* and the Memorandum on the Objects of the Bill for public comment. The specific clauses are as follow:

1. Clause 1, par (j): The definition of “visual artistic work”.
2. Clause 5: Section 6A(4): The minimum content of the agreement related to
3. royalty percentages.
4. Clause 5: Section 6A(5): The issue of retrospective application .
5. Clause 7: Section 7A(4): The minimum content of the agreement related to royalty percentages.
6. Clause 7: Section 7A(5): The issue of retrospective application.
7. Clause 7: Section 7B(3)(a)(i) read with section 7B(5): Reciprocal application of the resale royalty right.
8. Clause 7: Section 7B(6): Retrospective application of an artist’s resale right.
9. Clause 9: Section 8A(4): The minimum content of the agreement related to royalty percentages.
10. Clause 9: Section 8A(5): The issue of retrospective application.
11. Clause 11: Section 9A(1)(aA): Log Sheets.
12. Clause 11: Section 9A(4): Failure to record acts or to report constituting an offence and the penalty for that offence.
13. Clause 12: Section 11 - Nature of copyright in programme-carrying signals.
14. Clause 15: Section 15: Panorama rights and incidental use.
15. Clause 22: Section 21(3): New process for commissioned work aimed at giving the author more rights.
16. Clause 25: Section 22B(7): Transitional provisions to provide for existing Collecting Societies.
17. Clause 25: Section 22C(3)(c): Reciprocity applying to pay-outs of royalties by Collecting Societies to foreign countries.
18. Clause 25: Section 22D(2)(b) and 22D(3): How Collecting Societies should pay royalties out and what to do with funds if they cannot find the copyright owner or performer.
19. Clause 27: Section 27(6): Increased penalties for infringement. Provision for fines when the convicted person is not a natural person.
20. Clauses 29 and 30: Copyright Tribunal:
  - a. Section 29: Composition.
  - b. Section 29A(3): No power to review administrative action by the Commission.
  - c. Section 29E: Proceedings of the Tribunal.
21. Clause 37: Transitional provision.

Members of the public are invited to submit written comment on these clauses only by Monday, 9 July 2018. Comments received after the closing date will not be considered. Should you require a copy of the draft amended Bill, please contact the Committee Secretaries (details below).

All correspondence should be addressed to Ms J Fubbs, Chairperson: PC on Trade and Industry and marked for the attention of Mr A Hermans, Box 15, Parliament, Cape Town 8000.

Kindly direct all enquiries and written submissions to the Committee Secretaries, Mr A Hermans, Mr T Madima, and Ms Y Manakaza.

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