



7 July 2021

The Chairperson, Portfolio Committee on Trade and Industry, Mr. Duma Moses Nkosi



South African Parliament  
Cape Town, South Africa

Honourable Mr. Nkosi

**Subject: APC submission on Copyright Amendment Bill 2017**

We are writing to you as a response to your committee's call for submission of comments to selected sections of the Copyright Amendment Bill and Performers' Protection Amendment Bill.

The Association for Progressive Communications (APC) is an international network of civil society organisations founded in 1990 dedicated to empowering and supporting people working for peace, human rights, development, and protection of the environment, through the strategic use of information and communications technologies (ICT). APC currently has more than 20 members based in Africa, and therefore has a keen interest in communication and internet related policies on the continent.

In May 2020, APC and the International Federation of Library Associations and Institutions (IFLAI) wrote a letter to the President of the Republic of South Africa, Mr. Cyril Ramaphosa, encouraging the signing of the Bill. The letter disputed claims by the Mission of the European Union that the reform process would conflict with international law. The letter commended the Department of Trade and Industry for the research and consultation with stakeholders in the development of the Bill, as well as the timeliness and significance of the consultative process at a time when there is great need for nation states to align several laws with the digital age and address significant problems around the governance of right holders.

In this submission to your committee, APC would like to express its support for all the new sections on "General exceptions from copyright protection", "Specific exceptions from copyright protection applicable to all works", "Temporary reproduction and adaptation", and "Reproduction for educational and academic activities", found in clause 13 (sections 12A, 12B, 12C and 12D, respectively). APC also supports clause 19 (section 19B), which outlines the "General exceptions regarding protection of computer programs" and clause 20 (section 19C), whose exceptions are in respect of libraries, archives, museums and galleries.

In our support, we reiterate that the proposed law will promote inclusion with regard to education, research, and access to information. The urgent adoption of these amendments is more important now than ever, in the face of the COVID-19 pandemic, when access to information is critical and stands to empower most of the South African citizenry, and in particular marginalised groups including people living with disabilities. The Copyright Amendment Bill has appropriate provisions that will contribute to promote inclusion and equity, will ensure the development of an open learning environment, and will increase knowledge sharing.

It is our sincere hope that our submission contributes meaningfully to the swift passage of the Copyright Amendment Bill into law without further delay.

Sincerely,

Association for Progressive Communications