



Attention: Portfolio Committee on Trade & Industry Parliament of SA

Code for Africa wishes to register its support for the Copyright Amendment bill as it codifies both freedom of panorama (clause 14) and fair use (clause 13). With regards to the sections that are currently open for commentary we would like to voice our support for clause 13; sections 12A-D.

Code for Africa (CfA) is the continent's largest network of indigenous African civic technology and investigative data journalism laboratories, with over 90 staff in 21 countries. We build digital democracy solutions that are intended to give citizens unfettered access to actionable information that empowers them to make informed decisions and that strengthen civic engagement for improved public governance and accountability. We are firm believers in the power of open data and open source to better citizen's lives. Our interventions in these areas include building infrastructure such as the continent's largest open data portal, open.AFRICA, and largest open source civic software portal, commons.AFRICA, as well as the largest repository of investigative document-based evidence, source.AFRICA.

We are therefore in agreement with the contention of Wikimedia SA and other interested parties, that one of the most important inclusions for free knowledge in this bill is the codifying of fair use in South Africa. Fair use has been adopted by countries around the world to empower their creators, educators, journalists, and innovators. It also allows for the use of copyrighted work for certain specific social beneficial purposes like criticism, reporting, and education.

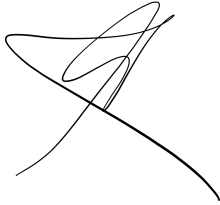
South African creatives and content creators are being hamstrung by a lack of fair use in our laws, whereas the rest of the world can freely use, reuse, and benefit from the work of South Africans.



Code for Africa is the continent's largest federation of civic technology and data journalism labs, with full-time staff and affiliate civic tech labs in: Burkina Faso, Burundi, Cameroon, Central African Republic, Côte d'Ivoire, Ethiopia, Ghana, Guinea, Kenya, Mali, Morocco, Niger, Nigeria, Senegal, Sierra Leone, South Africa, Sudan, Tanzania, Uganda & Zimbabwe



Journalism in particular would benefit greatly, if they were able, for example, to utilise archival footage to contextualise stories. Local tech startups that rely on geolocated visual information would also benefit. Under current legislation, a South African would never be able to get a product like Google Search built legally, as there is no explicit exclusion of copyright for such a use in our law. In fair use, such innovation is allowed to flourish as the extent of copyright exemptions is more flexible, while still protecting the copyrights of existing creators.

A handwritten signature in black ink, consisting of several overlapping loops and a long, sweeping tail that extends downwards and to the right.

09 July 2021