

To: Mr. A. Hermans

Portfolio Committee on Trade and Industry, Parliament, Cape Town

Date: 27 January 2022

Dear Mr. Hermans,

**Re: Copyright Amendment Bill – Submission 2022**

Thank you for giving the public a further opportunity to make written submissions on the Copyright Amendment Bill.

I am Lanette Fouché, Principal of a Primary School in Germiston, with over 40 years' experience in education.

In July 2021, I made submissions in support of the Copyright Bill, especially the fair use clause and the exceptions for education and libraries, but also for libraries and other information services. I was happy that the Bill provided useful and appropriate exceptions for teaching and learning and that many of the problems experienced by educators in the past would be resolved. Alas, this does not seem to be the case with the new proposals as per the advert for comments dated 6 December 2021.

As you know schools have been under siege as such during the COVID-19 pandemic and have had much disruption in our teaching and learning programmes. Having to provide teaching materials online has been a particularly difficult task due to the outdated copyright laws which do not allow for copying or digitising in the electronic space.

Regarding the new proposals in the Bill, I am particularly unhappy about the requirement for 'lawfully acquired' for personal copies, which removes so many sources of learning material for personal copying purposes. Also, adding conditions like fair use factors, plus fair practice plus what I believe to be the Berne 3-step test onto some exceptions in the Bill is onerous and impractical. This will create immense problems for teachers and course-coordinators who try their best to provide appropriate and up to date material for their learners. By adding these conditions, how will educators be able to interpret or apply them before making copies? This will surely make educators reluctant to use the material for fear of infringing copyright. This is an unnecessary and unfair burden placed on educators before they can even use material for their teaching programmes.

Please leave the Fair Use Clause as it was in July 2021 and the exceptions for education, academic activity, libraries, etc. They are practical and very helpful for educators. The new proposed amendments create unfair obstacles for educators who are under constant pressure to provide adequate and relevant teaching material for their learners.

Please take my concerns into account and remove these problematic sections urgently.

Thank you,

Lanette Fouché (Mrs)

Principal