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**Press Release**

**For Immediate Release**

**Rushing the Copyright Amendment Bill through Parliament will compromise SA’s literary and publishing industry**

*14 November 2018. Cape Town.*

A controversial Copyright Amendment Bill is on the verge of being introduced to the South African National Assembly for its Second Reading. The Publishers’ Association of South Africa (PASA) questions whether the Bill will benefit those that rely on copyright in creative works.

The Publishers’ Association of South Africa:

\* supports amending the outdated aspects of the current Copyright Act (1978)

\* is in favour of copyright legislation that encourages the creation and general availability of copyright-protected literature which will support creativity, innovation, industrial growth and socio-economic advancement

\* encourages South Africa to ratify important international treaties to help the country operate successfully in the international copyright environment. This includes the Marrakesh Treaty for print-impaired persons.

The current Bill before the Parliamentary Portfolio Committee on Trade and Industry, however, threatens the rights and livelihoods of authors and publishers – especially of educational works. This threat was demonstrated by an impact study commissioned by PASA from PricewaterhouseCoopers (PwC) in 2017. This study followed on the development of many provisions of the Bill in a policy vacuum and with insufficient impact assessment undertaken by Government.

The PwC study projected that the publishing industry will lose approximately R2.1 billion per annum in sales revenue – creating a gaping leak in the already precarious publishing industry, and adversely affecting authors’ income.

Dr Nicol Faasen, PASA’s Legal Affairs Chair, cautions that the Bill itself is deeply flawed and is not based on clear policy fundamentals. “This Bill is a result of a rushed and unhelpful process that will not serve South Africa’s interests,” he states. “PASA has participated in the consultation process in good faith, only to find that the damaging provisions of the Bill remain materially unchanged and that there is simply no meaningful impact assessment in relation to any of the substantive provisions, apart from the study commissioned by PASA.”

The Bill will allow the use of copyright materials with greater freedom and under more generous exceptions to copyright – generally termed “fair use” – than under the current Copyright Act. In fact, the Bill could be interpreted to allow extensive use of copyright material, unauthorised by copyright holders and without remuneration to them.

“In all fairness, financial returns to authors and publishers must be a priority, but we expect that the benefits for authors from the new royalty sharing provisions will be largely illusory, and that their rights will be undermined by extensive new exceptions under which there will be no remuneration at all,” says Mpuka Radinku, PASA’s Executive Director. “If this Bill is passed, we expect that it will lead to job losses in the literary and publishing industry that South Africa can ill afford.”

PASA notes with concern the legal opinion Parliament received from the Department of Justice that the provisions in the Bill allowing these exceptions “do not invade the rights [of rights holders] any more than it needs [sic] to in order to achieve its purpose”. PASA also notes that the Department of Justice received a specific and narrow brief and therefor the legal opinion does not deal with other contentious issues like contract override allowed for in the Bill.

**About the Copyright Amendment Bill**: The Copyright Amendment Bill was introduced to Parliament in May 2017 to amend the Copyright Act of 1978 and its earlier amendments. Amendments to this Act are intended among other things to update the Act to accommodate the digital era. The Portfolio Committee for Trade and Industry is currently processing the Bill before presenting it to the National Assembly, possibly later in November.

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