Ms. J. Fubbs  
Portfolio Committee on Trade and Industry  
PO Box 15,  
CAPE TOWN, 8000  
Republic of South Africa  

Date: 18 July 2018  
Our Ref: H9.6/gl.sw  
Subject: Comments on the Second Draft of the South African Copyright Amendment Bill, Shared by Mr. Hermans on June 20, 2018e

Dear Ms. Fubbs,

The International Federation of Library Associations and Institutions represents over 1300 members in nearly 140 countries around the world. It is the global voice of the library profession, speaking in favour of millions of libraries worldwide and their users.

We would like to thank the Portfolio Committee on Trade and Industry for welcoming comments from stakeholders, including internationally.

Following our comments submitted previously, we would like to express our strong support for the Committee’s decision to include provisions concerning uses by libraries and cultural heritage institutions and their patrons, as well as a broader fair use provision. These measures will make a major contribution to democratic access to information. The changes proposed are long overdue, and this reform is the right opportunity to adopt them.

In IFLA’s comments submitted in 7 July 2017, we underlined the many benefits that a fair use provision would bring to cultural heritage institutions and their users. Fair use has proven its merit in other countries. This approach does not only benefit users, creators, scholarship, research, innovation and the economy in general, but also will ensure that the law will adapt better to new and currently unforeseen uses. It certainly is beneficial to the work of libraries and the service they provide to their users, with a framework that adapts to new needs.

Regarding the specific clauses subject to this consultation, we adhere to the comments submitted by Universities South Africa (USAf) and Denise Nicholson (Expert Advisor to IFLA’s Advisory Committee on Copyright and Related Rights, and Official Copyright Advisor to the Library and Information Association of South Africa, the National Council for Libraries and Information Services (Ministry of Arts and Culture) and the Legal Deposit Committee (Ministry of Arts and Culture)).

[...]
In particular, we highlight the need for simple provisions on text and data mining, notably for research purposes, that ensure that once there is legal access to a text, there is also the potential to mine it.

We stay at your disposal for any questions.

Yours sincerely,

Gerald Leitner
Secretary-General, International Federation of Library Associations and Institutions