have your say: specific clauses of the copyright amendment bill [B13-2017] and the memorandum on the objects of the bill

the portfolio committee on trade and industry hereby publishes specific clauses of the Copyright Amendment Bill [B13-2017] and the Memorandum on the Objects of the Bill for public comment.

the specific clauses are as follow:

- clause 1, par (i): The definition of “visual artistic work”.
- clause 5: Section 6A(4): The minimum content of the agreement related to royalty percentages.
- clause 5: Section 6A(5): The issue of retrospective application.
- clause 7: Section 6A(4): The minimum content of the agreement related to royalty percentages.
- clause 7: Section 6A(5): The issue of retrospective application.
- clause 7: Section 7A(4): The minimum content of the agreement related to royalty percentages.
- clause 7: Section 7A(5): The issue of retrospective application.
- clause 7: Section 7B(3)(a)(i) read with section 7B(5): Reciprocal application of the resale royalty right.
- clause 7: Section 7B(6): Retrospective application of an artist’s resale right.
- clause 9: Section 8A(4): The minimum content of the agreement related to royalty percentages.
- clause 9: Section 8A(5): The issue of retrospective application.
- clause 11: Section 9A(1)(aA): Log Sheets.
- clause 11: Section 9A(4): Failure to record acts or to report constituting an offence and the penalty for that offence.
- clause 12: Section 11 - Nature of copyright in programme-carrying signals.
- clause 15: Section 15: Panorama rights and incidental use.
- clause 22: Section 21(3): New process for commissioned work aimed at giving the author more rights.
- clause 25: Section 22B(7): Transitional provisions to provide for existing Collecting Societies.
- clause 25: Section 22C(3)(c): Reciprocity applying to pay-outs of royalties by Collecting Societies to foreign countries.
- clause 25: Section 22D(2)(b) and 22D(3): How Collecting Societies should pay royalties out and what to do with funds if they cannot find the copyright owner or performer.
- clause 27: Section 27(6): Increased penalties for infringement. Provision for fines when the convicted person is not a natural person.
- clauses 29 and 30: Copyright Tribunal:
  - section 29: Composition.
  - section 29A(3): No power to review administrative action by the Commission.
  - section 29E: Proceedings of the Tribunal.
  - clause 37: Transitional provision.
Members of the public are invited to submit written comment on these clauses only by Monday, 9 July 2018. Comments received after the closing date will not be considered. Should you require a copy of the draft amended Bill, please contact the Committee Secretaries (details below).

All correspondence should be addressed to Ms J Fubbs, Chairperson: PC on Trade and Industry and marked for the attention of Mr A Hermans, Box 15, Parliament, Cape Town 8000.

Kindly direct all enquiries and written submissions to the Committee Secretaries, Mr A Hermans, Mr T Madima, and Ms Y Madikanza.

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