

Open Letter Minister Rob Davies

The Rt. Hon. Minister Rob Davies
Minister of Trade and Industry
By e-mail

12 June 2017

Dear Minister Davies,

Copyright Amendment Bill [B13-2017], 16 May 2017

I am writing to you in my capacity as the Anton Mostert Chair of Intellectual Property Law at Stellenbosch University concerning Copyright Amendment Bill [B13-2017] (the “2017 Bill”) published by the Department of Trade and Industry (“DTI”) on 16 May 2017. The Portfolio Committee on Trade and Industry has invited interested individuals and stakeholders to submit written comments on the 2017 Bill by 19 June 2017.

The 2017 Bill is yet another example of the poor quality of drafting by the DTI, in its capacity as the custodian of intellectual property legislation in South Africa. In fact, the drafting in the 2017 Bill is so bad that there is ample evidence to suggest that the persons responsible are not well versed in the legal principles of copyright law, or, indeed, our existing legislation.

In light of the aforementioned, and the serious consequences of some of the proposals in the 2017 Bill, I hereby call upon you to: first, extend the period within which written submissions must be made, in order to give interested stakeholders an adequate opportunity to make the necessary representations; and, second, to ensure that the 2017 Bill, as currently drafted, is not passed as legislation.

Please note that while I have not had the opportunity to consider the proposed amendments to the Performer’s Protection Act 11 of 1967 — given the time that I have already committed to producing written comments on the 2017 Bill — there is every reason to suggest that those proposed amendments are equally problematic, based on related matters in the 2017 Bill.



I urge you to take these concerns seriously, as these are not matters about which we can afford to adopt a cavalier approach. If we are serious about boosting economic activity in the areas of innovation and research in South Africa, we need to ensure that our legislation supports that goal. That which is currently proposed in the 2017 Bill suggests that our commitment to encouraging and supporting the production of intellectual endeavour rings hollow.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'S. Karjiker', written in a cursive style.

Prof Sadulla Karjiker