



DEAN WILLIAM MACPHERSON MP

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Mr. Cyril Ramaphosa
President of the Republic of South Africa
Department of Trade and Industry
Tuynhuys
Parliament
Cape Town
8000

Dear Mr. President

Copyright Amendment Bill:

It has come to my attention that the International Intellectual Property Alliance (IIPA) is currently lobbying the US government to reconsider South Africa's preferential trade access, thereby threatening billions of rand in exports as well as jobs.

The latest fallout with IIPA vindicates the DA's objection to the Bill. On the 18th of April 2019, the DA petitioned your office to the Bill back to Parliament. To date, we have heard nothing further.

IIPA's review application is asking the U.S. Government to consider of South Africa's eligibility as a Generalised System of Preferences (GSP) beneficiary developing country over what it claims are the Bill's failure to:

- provide "adequate and effective protection" of American copyrighted works and sound recordings;
- provide "equitable and reasonable access" to the South Africa market for American producers and distributors of creative materials.

Should such an application be considered and granted by the United States, it would have devastating consequences for our battered economy with 16% of total exports at risk of being wiped out.

At a time when unemployment is on the rise, with a staggering 10 million South Africans already unemployed, and an economy which is struggling to get out of a 'flat growth trap', the country cannot afford to lose access to an important market such as America.

The DA maintain that there are 5 main problems with the Bill that need to be rectified by the portfolio committee:

- The introduction of 'fair use' which gives individuals the right to use copyrighted work 'fairly', in essence to circumvent copyright protections and republish them without consent
- The Bill will undermine our commitment to international treaties such as the Berne Convention and the Agreement on Trade Related Aspects of International of International Property Rights.
- No Socio-economic Assessment Study (SEAS) was conducted by the DTI into the economic and trade related impact that the Bill may have, as is required by the Department of Planning, Monitoring and Evaluation for all new Bills.
- Local content producers and educational contributors will be severely prejudiced due to their works not being protected in South Africa and abroad. This could have devastating consequences for schools and universities.
- Insufficient public consultation on the final version of the Bill which contains clauses that were changed without input from stakeholders

Mr President, if you care as much about the economy and creating jobs as the DA, then we again implore you to refer the Bill back to Parliament. This will go a long way to heading off a review by the United States as a beneficiary of the Generalised Systems of Preference.

We need you to break your silence on this Bill so we can move forward on this important piece of legislation.

Kind Regards



Mr Dean Macpherson MP

Member of Parliament (DA)
Shadow Minister: Trade and Industry