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Ms. J Fubbs  
Chairperson: Portfolio Committee on Trade and Industry  
For Attention: Mr A Hermans  
South African Parliament  
Parliament Street  
Cape Town  
SOUTH AFRICA  
Email: [ahermans@parliament.gov.za](mailto:ahermans@parliament.gov.za)

30 June 2017

Dear Madam,

**SUBMISSION TO THE PORTFOLIO COMMITTEE ON TRADE AND INDUSTRY: COPYRIGHT AMENDMENT BILL 2017**

Puku Children's Literature Foundation is an advocacy group established in 2009 and involved in the promotion of the writing and publishing of children's literature in indigenous African languages. It operates an online newsletter that carries out book reviews of recently published indigenous language literature for children and has built up a network of authors and book reviewers.

Puku Children's Literature Foundation has a mission to become a reading promotion and book development agency involved in building and sustaining the ecosystem of African language children's books through annual festivals supported by network of authors, publishers, educators and parents connecting through physical and digital platforms. Puku has organized five isiXhosa children's literary festivals in Grahamstown and has participated and contributed to festivals and activities organized by its partners.

Puku Children's Literature Foundation (hereafter referred to as Puku) supports the separate submissions made by the Academic and Non-Fiction Authors' Association of South Africa, The Publishers Association of South Africa and the Dramatic, Artistic and Literary Rights Organisation and makes its submission, in particular, with regard to the use of literary works as follows:

**Executive Summary**

Puku welcomes the DTI initiative to amend the Copyright Act No. 98 of 1978 in order to update it with regards to developments in the digital age in line with international treaties.

Puku supports access to information and the right to education as an underlying objective of the Bill but is opposed to the extension of exceptions to education as provided for under the fair use provision in section 12(1) (a) (vii), 12A and 13B.

Puku submits that the use and promotion of indigenous language publishing in early childhood development is pivotal to improving literacy levels. The role of the publishing industry in general and

indigenous language publishing in particular contributes to the economy by providing the tools for literacy, which translate into economic levels. In its current form, the Bill will impact the potential growth of indigenous language publishing.

### **Detailed Submission**

- The WIPO Copyright Treaty provides for the protection of literary works in the digital space. Therefore the adoption of this treaty into the copyright Bill through the insertion of section 28P and 280(6) will ensure that right holders of literary works stand to benefit from use of their works on digital platforms and that will protect them against piracy.
- Puku submits that further exceptions for education under the fair use provision in section 12(1)(a)(vii), 12A and 13B are not the solution to access to information and the right to education. Puku maintains that the fair use provision needs to be re-drafted and its ambit should be narrowed because in its current form it is too broad in providing for educational use of a literary work in an institution for example. Under the current provision, it will be justifiable for an institution to make one digital copy of a book available to all its students within its repository. Given the rampant illegal photocopying around tertiary institutions, such exceptions will prove dire to the sustainability of the book sector.
- Puku submits that indigenous language publishing of children's literature provides the building blocks for early childhood development and these enhance literacy levels. In light of this it is important to provide quality and quantity works in these languages. Not all these works are economically viable as published works but are of significant value culturally and add to the cultural heritage of the nation. Therefore, indigenous language publishing has to flourish but in order for it to do so, there needs to be incentives for more authors to gainfully write in these languages and publishers to publish them. Unfortunately further exceptions and limitations restrict the remuneration needed to grow an indigenous language publishing industry. This is in conflict with the Industrial Policy Action Plan which seeks to avoid a shrinkage within industry. The Annual Book Publishing Survey Report 2013 reveals that educational publishing accounts for over 80% of the industry's turnover and indigenous language publishing accounts for 12%. The meagre turnover of 12% will be set to drop even further should the Bill be adopted in its current form.

Puku submits that the portfolio committee should reconsider the draft amendment Bill in light of the considerations mentioned above.



**Elinor Sisulu**

**Executive Director**

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Puku is exempt from tax and duties and approved in terms of Section 18A by the South African Revenue Services. It is governed by a diverse Board of Directors, with a wide range of skills and expertise in the fields of literature, education, information technology, research and governance.