



Honorable Joanmariae Louise Fubbs  
Member of Parliament  
Portfolio Committee on Trade and Industry  
For Attention: Mr. A Hermans, [ahermans@parliament.gov.za](mailto:ahermans@parliament.gov.za)

I am an award winning documentary filmmaker based in South Africa. I am a Cape Town-born filmmaker who returned from exile in 1990 and now live and work in Johannesburg. I have a Masters in History and began making documentaries in 1998. I formed Uhuru Productions in 2003 and has been the driving force behind the company ever since. I am the Chairperson of the Human Rights Media Trust, formed in 2004. Over the course of my time as a filmmaker, I have conceived and produced over 20 documentary films. Six of these films have been feature length documentaries, produced with significant international participation and have received critical acclaim and wide festival take-up.

I request to submit at the oral hearing.

I support an open fair use clause in the new copyright act, like they have in the US.

Documentary films reuse works, always. You can't watch a documentary and not see the transformation of one work into another. It is our job. It is how we tell stories.

We do not have the rights we need to do our craft in South Africa. The main right we need is an open and flexible fair use clause like they have in the United States. It is no accident that the US has both a liberal fair use clause and a thriving entertainment industry. One requires the other.

We do our work in the shadows in South Africa. Liberalizing our practice would help filmmakers feel confident in marketing their work whereas now they self-censor — they do not seek full exposure of their works due to copyright. They don't own their copyright, and so do not sell it. And they fear that international markets or broader South African markets will not permit the uses of other works they need to tell their stories.

We need a transformative use right. We need a right, like they have in the U.S. and

other fair countries, to use pieces of other content to tell a totally different story to a totally different market. That is not stealing, it is expression. Expression that should be protected.

I request to testify on the bill so I can explain the role of quotation and transformation in South African filmmaking.

Rehad Desai

A handwritten signature in black ink, appearing to read 'Rehad Desai', with a stylized, cursive script.

Producer Director Uhuru Productions