

18 July 2018

From: Wandile Dlamini, Fees Must Fall activist

To: Hon J Fubbs

Chairperson of the Portfolio Committee on Trade and Industry

And to: Hon LC Theko, Chair, Sub-Committee on the Copyright Amendment Bill
Parliament of the Republic of South Africa

For attention: Mr. A. Hermans at ahermans@parliament.gov.za

And: Mr T Madima at tmadima@parliament.gov.za

And: Ms Y Madikanza at ymanakaza@parliament.gov.za

Dear Honourable Fubbs and Honourable Theko

**WRITTEN SUBMISSION BY THE #FEESMUSTFALL MOVEMENT
COMMENT ON SPECIFIC CLAUSES OF WORKING DRAFT OF THE COPYRIGHT AMENDMENT BILL
(2017) [B13-2017]**

1. The #FeesMustFall Movement is a student-led protest movement that began in October 2015. Protests started at the University of Witwatersrand and spread to the University of Cape Town and Rhodes University before rapidly spreading to other universities across the country.¹
2. The #FeesMustFall Movement thanks the Portfolio Committee of Trade and Industry for the opportunity to make a written submission regarding specific clauses of the Copyright Amendment Bill [B13-2017] released for public comment.
3. South Africa, by many measures, is the most unequal society in the world. Inequality, measured by the Gini coefficient (a measure in which 0 is perfect equality and 1 perfect inequality), is a staggering 0.66. Disturbingly, inequality has increased since the fall of apartheid.²
4. Working people cannot afford basic necessities. A shocking 60% of black African workers earn less than R4,125, confirming that poverty, inequality and race in South Africa go hand-in-hand.

¹ <https://en.wikipedia.org/wiki/FeesMustFall>

² <https://edition.cnn.com/2015/10/27/africa/fees-must-fall-student-protest-south-africa-explainer/index.html>

5. Higher education is often touted as the key to alleviating poverty. Although State funding and university scholarships do exist, for many families university fees that can cost upwards of R40 000, making higher education an unattainable dream.
6. Access to learning materials is an increasing barrier to education. Books in South Africa normally cost the same as in the wealthiest countries of the world. A new copy of a recent novel by a South African author often cost over R200. Textbooks for some courses cost over R1000. For this reason, few students rely on traditional book markets to supply their reading for class.³
7. The #FeesMustFall Movement support the fair use (section 12A) and educational use (section 12D) provisions in the Copyright Amendment Bill. These new rights will clarify that copyright law protects the rights of students and of teachers to make private research and study copies, including in course packs, to facilitate access to our constitutional right to education.
8. We particularly support the focus of the Bill on combatting excessive pricing. It costs very little to print a book in South Africa. The primary cost of a book, particularly one in digital form, is the cost of intellectual property rights. Copyright law should therefore work to ensure that the price demanded for access to intellectual property is not excessive, particularly for the exercises of constitutionally protected rights like education, access to information and free expression.
9. We support the provisions of section 12D that make uses of whole works permissible in circumstances when the work is not available on “reasonable terms and conditions,” or “are not for sale in the Republic or cannot be obtained at a price reasonably related to that normally charged in the Republic for comparable works.” These provisions are needed to permit the use of works that are not put on the market here, or are subject to price gouging.⁴

³ See *Students hurt by pricey textbooks*, Mail and Guardian, <https://mg.co.za/article/2014-10-03-students-hurt-by-pricey-textbooks>

⁴ See, e.g., *Most expensive e-books in SA cost more than a car*, <https://mybroadband.co.za/news/internet/121250-most-expensive-e-books-in-sa-cost-more-than-a-car.html>