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Department:
Trade, Industry and Competition
REPUBLIC OF SOUTH AFRICA

THE NATIONAL ASSEMBLY

QUESTION FOR WRITTEN REPLY

QUESTION NO. 294

Dr D T George (DA) to ask the Minister of Trade, Industry and Competition:

(a) What are the reasons that there has been a delay in tabling a resolution for the accession of the Republic to the Marrakesh VIP Treaty and (b) how does the delay align with the commitment to uphold the rights of the visually impaired? NW332E

REPLY:

- (a) Because an international agreement will be binding on South Africa, the country must be able to maintain its international obligations in terms of the Treaty to which it has acceded. In order to accede to the Marrakesh Treaty, it is necessary therefore to finalise amendments to the Copyright Act, Act 98 of 1978. The Copyright Amendment Bill that addresses these matters was passed by the National Assembly recently, for referral to the President for assent.
- (b) The Constitutional Court found Section 13 of the Copyright Act to be unconstitutional. In its order, the court read into the Copyright Act, 1978 an exception that allows persons who are blind and visually impaired to convert published works into accessible formats without the consent of the copyright holder. The judgment thus offered the blind and visually impaired remedies with immediate effect. This exception is valid for a period of 2 years until 20 September 2024 pending the approval of the Copyright Amendment Bill, to ensure that the rights of the blind and visually impaired are not compromised. Clause 19D of the Copyright Amendment Bill extends to persons with disabilities such as learning disabilities, dyslexia etc and not only for the blind and visually impaired.

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