



THE NATIONAL ASSEMBLY

QUESTION FOR WRITTEN REPLY

QUESTION NO. 3888

Mr E Mthethwa (EFF) to ask the Minister of Trade, Industry and Competition:

(1)(a) On which legal prescript does his department rely for allowing collecting societies to collect royalties and/or other payments on behalf of non-members and (b) under what circumstances is such collection of royalties allowed;

(2) whether, in instances where there is proof that an accredited collecting society is collecting on behalf of non-members, his department has and/or will undertake specific measures to address the conduct; if not, why not; if so, what are the relevant details? NW4113E

REPLY:

- 1(a) The applicable regulatory, legal framework is the Copyright Act 1978, Performers' Protection Act 1967 and Collecting Society Regulations of 2006. The Regulations of Collecting Societies deal with the implementation of this right administration. The current Regulations on Collecting Societies do not pronounce/ contain provisions stipulating that Collecting Societies shall collect only for their members.
- (b) The legal framework as cited above does not contain legal provisions which state that Collecting Societies must collect only for their members. A detailed response was previously provided for in response to question 2646. The CIPC's function is to regulate the accredited Collecting Societies and not to manage the day to day running of the Collecting Societies.
- 2) The CIPC has not been furnished with any proof that an accredited Collecting Society is collecting for non-members. There is also a duty on all Collecting Societies accredited by the CIPC to administer their members' rights effectively and efficiently. In carrying out this duty the Collecting Societies should engage each other in a transparent and fair manner to resolve



the dtic

Department:
Trade, Industry and Competition
REPUBLIC OF SOUTH AFRICA

membership matters. **the dtic** has embarked on a verification of membership project with the three accredited Collecting Societies.

-END-