

# Decolonising Copyright

*Building our creative & Information Economy*





# Programme

## Panel Facilitator - Redi Tlhabi

<b>8.00 - 8.45</b>	Tea/Coffee & Registration	
<b>8.45</b>	Participants Seated in Senate Room	
<b>9.00 - 9.10</b>	Purpose of the Event & Agenda	Tusi Fokane, ReCreateSA
<b>9.10 - 9.20</b>	Performance	Mandy Vundla
<b>9.20 - 9.35</b>	FILM	
<b>9.35 - 9.45</b>	Welcome & Intro to Speakers	Prof Adam Habib
<b>9.45 - 10.20</b>	Keynote	Prof Ruth Okediji
<b>10.20 - 10.40</b>	Perspectives and Reactions	Interested Parties
<b>10.40 - 11.00</b>	The Right to Own, Earn and Create	Ben Cashdan, ReCreateSA
<b>11.00 - 11.10</b>	Intellectual Property, Copyright and the Bill of Rights	Justice Zak Yacoob
<b>11.10 - 11.20</b>	4IR, Artificial Intelligence and growing the information Economy	Prof Daniel Mashao
<b>11.20 - 11.30</b>	Access to affordable learning materials in our schools	Mugwena Maluluke, General Secretary of SADTU
<b>11:30 - 12:30</b>	Discussion	
<b>12:30</b>	Lunch	



## Panelists



**Ruth L. Okediji** is the Jeremiah Smith Jr. Professor of Law at Harvard Law School and Co-Director of the Berkman Klein Center for Internet and Society at Harvard University. Her current research focuses on the regulation and ownership of publicly funded technologies, the protection of traditional knowledge, and the intersection of Artificial Intelligence and copyright law. Prof Okediji is a graduate of University of Jos and Harvard Law School.



**Ben Cashdan** is a filmmaker and television producer in South Africa. His work focuses on struggles for social justice in Africa and elsewhere, and the impact of market-based economic policies and globalisation on the poor. Ben is Executive Producer of The Big Debate. Ben also has extensive experience in public policy and was an economic advisor in the Mandela presidency from 1995 to 1996.



**Justice Zak Yacoob** retired as a judge of the Constitutional Court after 15 years' service on 31 January 2013. He Completed BA LLB at University of Durban-Westville at end of 1972 and practiced at the then Natal Bar as junior and senior counsel until 31 January 1998. He is recognised in national and international legal circles for his contribution to the socio-economic rights jurisprudence of our country and has attended many international conferences, largely on human and socio-economic rights.



**Daniel Mashao** is the Executive Dean of the Faculty of Engineering and the Built Environment at the University of Johannesburg. His interests include the application of the fourth industrial revolution on government public services. He obtained a PhD in Electrical Engineering at Brown University, Rhode Island, USA in Artificial Intelligence in 1995.



**Mugwena Maluleke** is an education activist and an advocate for quality public education and serves on local and international bodies that advocate and represent the views of the teachers, educationists, students and NGOs- some of the organizations are: General Secretary: SADTU, Vice President: EDUCATION INTERNATIONAL(EI) and Deputy Chairperson: Global Campaign for Education(GCE). His qualifications include: Bachelor of Arts (BA), Primary Teachers Diploma (PTD), Masters in Labour Law (LLM), Master of Business Administration (MBA)



## ABOUT RECREATE

As much as we are creators, we are users of existing cultural products. Currently our work can be blocked through censorship by those who claim to own our culture. Moreover we often do not own the work we create. And many of us have been disadvantaged by an exploitative system which fails to pay us for our work. Growing the digital economy requires innovation. South Africa is at a disadvantage to other countries with flexible copyright laws that support creativity.

### THE RIGHT TO CREATE

Current law lacks many modern exceptions to copyright. We need these exceptions to make original work and to exercise our freedom of expression. We lack the right to: **1)** Adapt to the future, **2)** Create accessible copies for people with disabilities, **3)** Remix, transform and re-interpret, **4)** Research, including through data mining, indexing and search, **5)** Create educational works, **6)** Digital archiving, **7)** Use works in public places, **8)** Incidental use of background content and **9)** Parody and satire.

We also need a fair use test to ensure that all uses of works are fair to the creator.

### THE RIGHT TO OWN

Current law makes the commissioner of many works the default owner of our art. This restricts ability of many to distribute, re-mix and profit.

### THE RIGHT TO EARN

Current law does not adequately protect us against abuses and exploitation. Collective management organisations (CMOs) have formed monopolies. They charge others for our work and claim to “represent” us. But we lack power to act as members in their governance. CMOs must have a fiduciary duty to creators, be subject to member governance, and be subject to government oversight on the reasonableness of their expenditure and payouts.

### THE COPYRIGHT AMENDMENT BILL

The Copyright Amendment Bill will help creators by expanding their ability to earn from, own and create copyright protected works and begin the process of addressing the issues facing our creative sector. When it comes to Fair Use of copyrighted materials we applaud the approach taken in the Bill, which increases access without substituting in the market of the original creator. We look forward to playing our part in a dynamic, inclusive and decolonised creative economy with the support of the Copyright Amendment Bill and the Performers Protection Amendment Bill.

