

January 2022

To: Portfolio Committee on Trade & Industry Parliament of South Africa
Email: ahermans@parliament.gov.za, tmadima@parliament.gov.za,
msheldon@parliament.gov.za, ymanakaza@parliament.gov.za

We write today on behalf of Wikimedia South Africa, the volunteer driven non-profit chapter for South African Wikipedia (the free online encyclopaedia) editors and free knowledge contributors.

We are writing to express our concern regarding the proposed amendments to clause 13; sections 12 A-D in the Copyright Amendment bill [B13 B-2017). Specifically regarding the proposed elimination of parts outlined in section 12A that refers to enumerated purposes to which fair use exceptions, might be applied to. We note with concern that clarity on the fair use based public benefit copyright exceptions will be reduced by removing these parts from section 12A; thereby unintentionally limiting its benefit for the general betterment of society as a whole.

As such we advise that Parliament not eliminate “research” and other similar terms from among the specifically listed purposes that the fair use exception outlined in section 12A could be applied to.

Wikipedia, the free online encyclopaedia, relies on volunteer editors who have a layman's understanding of copyright law. Adding such explicit exceptions will help our community of unpaid volunteer editors to better understand their rights when using copyright excepted works to expand and improve free knowledge projects such as Wikipedia.

Instead we advise that additional exceptions be added to section 12A to reinforce the clearly outlined fair use exceptions and to enhance its benefit to the general public and provide greater clarity. Wikimedia South Africa suggests that the following is added to section 12A in addition to the “research” purpose:

- criticism or review of that work or of another work;
- reporting current events;
- comment, illustration, parody, satire, caricature, cartoon, tribute, homage or pastiche;

- ensuring proper performance of public administration.

We would like to highlight and expand on “*reporting current events*” as an example of an explicitly mentioned exception and how it expands the public interest in the context of Wikipedia.

In order for Wikipedia articles to be created and made reliable; references from independent third party sources need to be added.

By explicitly adding an exception for reporting current events to section 12A it will be easier for journalists to do their jobs when reporting the news. This, in turn, will increase the number of journalistic reports on an event or subject that is notable. It will also make it easier for volunteer editors of Wikipedia to write articles by increasing the source material used to create said articles and make them more reliable. Notwithstanding that, reports written by many different journalists from different points of view helps Wikipedia editors to develop articles that have an even more *neutral point of view*. Developing a neutral point of view is an ongoing process that is important to creating reliable encyclopaedic articles on Wikipedia.

Yours sincerely,

Douglas Ian Scott
Lead advocacy volunteer
Wikimedia South Africa
douglas.i.scott@gmail.com

&

Bobby Shebangu
President
Wikimedia South Africa
bobbyshabangu@gmail.com