

Freedom of Expression Institute

Presentation to the Portfolio
Committee on Trade and Industry

Copyright Amendment Bill
03 August 2017



1. Presentation Outline

1. Freedom of Expression and Fair Use

- Ms Tusi Fokane – Executive Director

2. Practical examples of where Fair Use is important to South African creatives

- Mr Ben Cashdan – Filmmaker
- Ms Mandy Vundla – Poet



2. About FXI

- FXI is an NGO established in January 1994:
 - Promote and defend right to freedom of expression;
 - Oppose censorship;
 - Promote access to information;
 - Promote access to media and ICTs



FREEDOM OF EXPRESSION INSTITUTE

3. Freedom of Expression

- S16(1): Everyone has the right to freedom of expression, which includes –
 - (a) Freedom of the press and other media;
 - (b) Freedom to receive or impart information or ideas;
 - (c) Freedom of artistic creativity; and
 - (d) Academic freedom and freedom of scientific research



4. Fair Use

- Enabler of the free flow of information and freedom of expression.
- Positive development for user rights – balancing test.
- Positive development for criticism/review, news reporting comment/illustration, parody/satire/caricature/pastiche ...

5. Practical examples of Fair Use

Expressive

- Illustration / Satire (eg. The Daily Show)
- Incidental Use (eg. Virtual Reality)
- Free creative expression (eg. poetry, art, VR)

6. Practical examples of Fair Use

Non-Expressive

- Artificial Intelligence
- Machine learning

7. The Case for Open Uses

“Such As”

- Technological Innovation
- Users will use
(hence the test of fairness is really all that matters)



8. Q&A

Thank you!

Freedom of Expression Institute

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