

From: Art.4(1)(b) <[redacted]@evartists.org>
Sent: lundi 10 août 2015 16:22
To: Art.4(1)(b) (TRADE); Art.4(1)(b) <[redacted]@adagp.fr>
Subject: RE: Copyright Amendment Bill-South Africa

Cher Art.4(1)(b),
merci de ton message.
I saw the news just before leaving and think we should submit a position.

As concerns the resale right, it's definitely good news.
5% on resale price without threshold nor ceiling is very good. - What it means "or prescribed by the Minister" I don't understand because there seems to be no frame set for the Minister to change the principle in any direction.
"Commercial resale" appears to express that any commercial merchant takes part in the sale - I hope its sufficiently clear. An argument for openness in the wording is the appearance of online resale and there might come new forms. Basically I find the term "commercial resale" an improvement.

With the addition of an definition of craft works under 1.d, the following works would become affected by resale right through the definition of "artists work, ... (c) works of craftsmanship..." if subject to commercial resale:

(d) the insertion after the definition of "country" of the following definition:
"craft works" means works of pottery, glasswork, sewing, knitting, crochet, jewellery, tapestry, woodwork, lace work, embroidery, paper tolling, folk art and hand-made toys";
That is also very positive to settle legal certainty.

Much emphasise on preventive rules for circumvention of the inalienable right. Also good, hopefully the artists dare apply their rights.

Room for improvement exists for the need to introduce an:

INFORMATION RIGHT, which is key to any efficient management of the right; best with combination of some enforcement right, such as the right of the authors/ her CMO to control the accounts in case of justified doubts of correct and complete information.

MANDATORY COLLECTIVE MANAGEMENT also indispensable for efficient management, in particular for the international management, when works are bought in SA and resold in Europe, Australia or USA (of course they will also introduce the resale right); how could an individual author follow up the sales?

I am just about back from a little break and will have to work on it more in detail. I am looking forward to a fruitful exchange of ideas!!

Amitiés,
Art.4(1)(b)

-----Original Message-----

From: Art.4(1)(b)@ec.europa.eu [mailto:Art.4(1)(b)
Art.4(1)(b)@ec.europa.eu]
Sent: Montag, 10. August 2015 14:25
To: Art.4(1)(b)@evartists.org; Art.4(1)(b)@adagp.fr
Subject: FW: Copyright Amendment Bill-South Africa
Importance: High

Dear Art.4(1)(b), dear Art.4(1)(b)

I don't know if you have already left for vacation...

We have been informed very late of this public consultation in South Africa on the Copyright

Amendment Bill. I must confess that I haven't had time yet to see the text in details...

Besides several negative aspects (the introduction of a kind of US-style "fair use" (not the tradition in SA), compulsory licenses for certain exceptions, etc.) we can welcome the introduction of a resale right...

Does EVA plan to submit written comments (short deadline 27.8.2015)?

If you do, I would be pleased to receive them when publicly available.

The Commission will certainly react more officially later in September during the process of adoption of the new law.

Thanks and have nice holidays

Amitiés

Art.4(1)(b)