



MOTION PICTURE ASSOCIATION
OF AMERICA, INC.
1301 K STREET NW, SUITE 900E
WASHINGTON, D.C. 20005

Art.4(1)(b)

April 4, 2019

Dear Honourable President Ramaphosa,

I am writing to add the voice of my organization, representing major international film and TV producers Disney, Fox, NBC Universal, Netflix, Paramount, Warner Bros., and Sony Pictures, to those of many leaders in South Africa's creative sector who have pointed out the threat from two bills currently before you.

We share their concern: These two bills will harm the sustainability and growth of South Africa's audio visual industry. We therefore respectfully join them in requesting that you not sign them into law.

South Africa is a prime location for producing film and high end TV content. Your country's beauty and talented workforce have attracted major projects¹.

But the Copyright Amendment and Performers' Protection Amendment Bills will, if adopted, make South Africa less attractive to those who seek to invest, produce and conduct business – putting your own creators and artists at a disadvantage compared to their counterparts elsewhere. They will take away valuable "Fourth Industrial Revolution" jobs for young people.

We support the aims of the bills to update the country's copyright law and ensure creators are fairly remunerated. However, the bills' provisions undermine these goals by introducing an ambiguous regulatory framework that reduces the clarity and enforceability of rights in audio visual works. That creates risks that I fear will compel foreign investors to reconsider their choice of filming location.

Together with allies in other creative sectors, we have raised these concerns repeatedly in written and oral submissions to the applicable committees, offering constructive suggestions for language and approaches that *would* meet the important objectives of the bills. We support a sound and unambiguous legislative framework that addresses the needs of local creators and artists, supports the business of the international industry, and meets the requirements of international treaties.

President Ramaphosa, we respect and support your goals for transformation and economic development. With those goals in mind, we join your domestic industry in hoping that you will decide to return the Bills for redrafting and proper sector-specific impact assessments.

Thank you for your consideration. With your wise leadership in this matter, I believe that South Africa can fulfil its potential as a global production hub. I look forward to working together toward that goal.

Sincerely,

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¹For example: "Mandela: Long Walk to Freedom", "District 9", "The Avengers", "Tomb Raider", "The Dark Tower", "The Maze Runner", "Blood Diamond", "Mad Max", "Invictus", "Blended", "Safe House" and the television series "Black Sails".