

INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE

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SPECIAL MENTION

SOUTH AFRICA

Illegal commercial photocopying plagues the U.S. publishing industry in South Africa. Photocopy shops in and around university campuses, as well as facilities being abused in libraries and similar on-campus venues, are decimating the market for educational publishers. Business publishers experience widespread copying of their books by commercial end-users. In addition, the business software industry reports high levels of piracy — particularly commercial end-user piracy. IIPA encourages the Department of Justice to take an active role in tackling these problems by ensuring that adequate monetary and human resources are dedicated to fighting piracy. IIPA also requests that copyright infringement cases be given proper attention in the court system. Finally, IIPA understands that the Government of South Africa is considering legislative provisions liberalizing aspects of fair use. Existing copyright law already makes it difficult, time-consuming, and expensive for rightholders to enforce their intellectual property rights. Amendments addressing these concerns are long overdue. IIPA requests that the government allow sufficient time for review and comment by affected parties and industries before finalizing any copyright proposals.

The entertainment software, filmed entertainment, and sound recording industries are generally pleased with the level of cooperation received from the Customs authorities and the police. However, the sound recording industry is concerned that South African Customs (SARS) does not detain contraband copyrighted product in transit and urges SARS to do so. Over the last year, there has been an increase in the level of seizures of pirated products at the border, as well as through raids conducted by the police in the optical disc market. Unfortunately, cases continue to languish in the courts where delay is common, resulting in considerable costs to the rightholder. The government must be encouraged to address the problem of chronic delay in the courts.