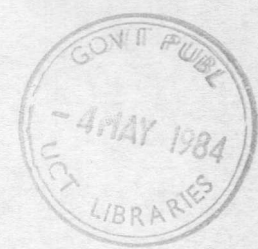




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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

WET

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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No. 9185

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 753.

18 April 1984

No. 753.

18 April 1984

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 52 van 1984: Wysigingswet op Outeursreg, 1984.

No. 52 of 1984: Copyright Amendment Act, 1984.

Wet No. 52, 1984

WYSIGINGSWET OP OUTEURSREG, 1984

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Outeursreg, 1978, ten einde voorsiening te maak vir outeursreg in gepubliseerde uitgawes; die termyn van outeursreg in sekere ongepubliseerde werke te verleng; die aard van outeursreg in rolprente en klankopnames nader te omskryf; sekere vermoedens te skep ten opsigte van die bewys van skendings van outeursreg in rolprente; sekere nuwe misdrywe te skep; en voorsiening te maak vir verhoogde strawwe; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)

(Goedgekeur op 30 Maart 1984.)

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 98 van 1978, soos gewysig deur artikel 1 van Wet 56 van 1980 en artikel 1 van Wet 66 van 1983.

1. Artikel 1 van die Wet op Outeursreg, 1978 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur in subartikel (1) na die omskrywing van “gebou” 5 die volgende omskrywing in te voeg:

“gepubliseerde uitgawe” die eerste druk deur watter proses ook al van 'n besondere tipografiese ordening van 'n letterkundige werk of musiekwerk;”;
 - (b) deur in subartikel (1) die volgende paragraaf by die 10 omskrywing van “outeur” te voeg:

“(g) 'n gepubliseerde uitgawe, die uitgewer van die uitgawe;”;
 - (c) deur in subartikel (1) paragraaf (a) van die omskrywing van “skendende kopie” deur die volgende paragraaf te 15 vervang:

“(a) 'n letterkundige, musiek- of artistieke werk of 'n gepubliseerde uitgawe, 'n reproduksie daarvan;”.

Wysiging van artikel 2 van Wet 98 van 1978, soos gewysig deur artikel 2 van Wet 56 van 1980.

2. Artikel 2 van die Hoofwet word hierby gewysig deur die volgende paragraaf by subartikel (1) te voeg: 20

“(h) gepubliseerde uitgawes.”.

Wysiging van artikel 3 van Wet 98 van 1978.

3. Artikel 3 van die Hoofwet word hierby gewysig—
 - (a) deur die volgende voorbehoudsbepaling by paragraaf (a) van subartikel (2) te voeg:

“Met dien verstande dat indien daar voor die dood 25 van die outeur ten opsigte van sodanige werke of 'n aanwending daarvan geen van die volgende handeling verrig is nie, naamlik—

 - (i) die publikasie daarvan;
 - (ii) die openbare op- of uitvoering daarvan; 30
 - (iii) die aanbied vir verkoop aan die publiek van opnames daarvan;

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GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Copyright Act, 1978, so as to make provision for copyright in published editions; to extend the term of copyright in certain unpublished works; to further define the nature of copyright in cinematograph films and sound recordings; to create certain presumptions in respect of the proof of infringements of copyright in cinematograph films; to create certain new offences; and to make provision for increased penalties; and to provide for incidental matters.

(Afrikaans text signed by the State President.)

(Assented to 30 March 1984.)

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 1 of the Copyright Act, 1978 (hereinafter referred to as the principal Act), is hereby amended—

5 (a) by the addition in subsection (1) to the definition of “author” of the following paragraph:

“(g) a published edition, means the publisher of the edition”;

Amendment of section 1 of Act 98 of 1978, as amended by section 1 of Act 56 of 1980 and section 1 of Act 66 of 1983.

10 (b) by the substitution in subsection (1) for paragraph (a) of the definition of “infringing copy” of the following paragraph:

“(a) a literary, musical or artistic work or a published edition, means a reproduction thereof”;

15 (c) by the insertion in subsection (1) after the definition of “prospective owner” of the following definition:

“published edition” means the first print by whatever process of a particular typographical arrangement of a literary or musical work”.

20 2. Section 2 of the principal Act is hereby amended by the addition to subsection (1) of the following paragraph:

“(h) published editions”.

Amendment of section 2 of Act 98 of 1978, as amended by section 2 of Act 56 of 1980.

3. Section 3 of the principal Act is hereby amended—

25 (a) by the addition to paragraph (a) of subsection (2) of the following proviso:

“Provided that if before the death of the author none of the following acts had been done in respect of such works or an adaptation thereof, namely—

Amendment of section 3 of Act 98 of 1978.

30 (i) the publication thereof;
(ii) the performance thereof in public;
(iii) the offer for sale to the public of records thereof;

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(iv) die uitsaai daarvan,
die termyn van die outeursreg voortduur vir 'n tydperk
van vyftig jaar vanaf die einde van die jaar waarin die
eerste van genoemde handelinge verrig word;"; en

(b) deur die volgende paragraaf by subartikel (2) te voeg: 5

“(f) gepubliseerde uitgawes, vyftig jaar vanaf die einde
van die jaar waarin die uitgawe vir die eerste keer
gepubliseer word.”.

Wysiging van
artikel 4 van
Wet 98 van 1978.

4. Artikel 4 van die Hoofwet word hierby gewysig—

(a) deur die woord “of” aan die end van paragraaf (c) van 10
subartikel (1) te skrap; en

(b) deur die volgende paragraaf by subartikel (1) te voeg:

“(e) 'n gepubliseerde uitgawe is wat vir die eerste keer
in die Republiek gepubliseer word,”.

Wysiging van
artikel 5 van
Wet 98 van 1978.

5. Artikel 5 van die Hoofwet word hierby gewysig deur subar- 15
tikel (4) deur die volgende subartikel te vervang:

“(4) Outeursreg deur hierdie artikel aan 'n rolprent, foto,
klankopname, uitsending [of], programdraende sein of ge-
publiseerde uitgawe verleen, is onderhewig aan dieselfde
termyn van outeursreg waarvoor in artikel 3 vir 'n soortge- 20
lyke werk voorsiening gemaak word.”.

Wysiging van
artikel 8 van
Wet 98 van 1978,
soos gewysig deur
artikel 5 van
Wet 56 van 1980.

6. Artikel 8 van die Hoofwet word hierby gewysig deur die
volgende paragraaf by subartikel (1) te voeg:

“(g) invoer (uitgesonderd invoer vir die private en huishou- 25
delike gebruik van die invoerder), verkoop, verhuur,
aanbieding of uitstalling vir verkoop of verhuur by
wyse van handel, of verspreiding, regstreeks of onreg-
streeks, van 'n reproduksie of aanwending van die rol-
prent.”

Wysiging van
artikel 9 van
Wet 98 van 1978,
soos vervang deur
artikel 6 van
Wet 56 van 1980.

7. Artikel 9 van die Hoofwet word hierby gewysig deur para- 30
graaf (b) deur die volgende paragraaf te vervang:

“(b) invoer (uitgesonderd invoer vir die private en huishou-
delike gebruik van die invoerder), verkoop, verhuur,
aanbieding of uitstalling vir verkoop of verhuur by
wyse van handel, of verspreiding, regstreeks of onreg- 35
streeks, van 'n reproduksie van die klankopname.”.

Invoeging van
artikel 11A in
Wet 98 van 1978.

8. Die volgende artikel word hierby in die Hoofwet na artikel
11 ingevoeg:

“Aard van outeursreg in gepubliseerde uitgawes. 11A. Outeursreg in 'n gepubliseerde uitgawe ver-
leen die uitsluitlike reg om 'n reproduksie van die 40
uitgawe op enige wyse te vervaardig of die vervaardi-
ging daarvan te magtig.”.

Invoeging van
artikel 19A in
Wet 98 van 1978.

9. Die volgende artikel word hierby in die Hoofwet na artikel
19 ingevoeg:

“Algemene uitsonderings rakende beskerming van gepubliseerde uitgawes. 19A. Die bepalings van artikels 12 (1), (2), (4), 45
(5), (8) en (12) is *mutatis mutandis* met betrekking
tot gepubliseerde uitgawes van toepassing.”.

Wysiging van
artikel 26 van
Wet 98 van 1978,
soos gewysig deur
artikel 3 van
Wet 66 van 1983.

10. Artikel 26 van die Hoofwet word hierby gewysig deur die
volgende subartikels by te voeg:

“(9) In enige siviele of strafregtelike verrigtinge uit hoof- 50
de van hierdie Hoofstuk met betrekking tot die beweerde
skending van die outeursreg in 'n rolprent wat ingevolge die
Wet op Registrasie van Outeursreg in Rolprente, 1977 (Wet
No. 62 van 1977), geregistreer is, word daar vermoed—

(a) dat elke party by daardie verrigtinge kennis gehad het 55
van die besonderhede ingeskryf in die register van ou-
teursreg vermeld in artikel 15 van genoemde Wet vanaf

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- (iv) the broadcasting thereof, the term of copyright shall continue to subsist for a period of fifty years from the end of the year in which the first of the said acts is done;"; and
- 5 (b) by the addition to subsection (2) of the following paragraph:
 "(f) published editions, fifty years from the end of the year in which the edition is first published."
- 10 4. Section 4 of the principal Act is hereby amended—
 (a) by the deletion at the end of paragraph (c) of subsection (1) of the word "or"; and
 (b) by the addition to subsection (1) of the following paragraph:
 15 "(e) being a published edition, is first published in the Republic."
- 20 5. Section 5 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:
 "(4) Copyright conferred by this section on a cinematograph film, photograph, sound recording, broadcast, [or] programme-carrying signal or published edition shall be subject to the same term of copyright provided for in section 3 for a similar work."
- 25 6. Section 8 of the principal Act is hereby amended by the addition to subsection (1) of the following paragraph:
 "(g) importing (other than importing for the private and domestic use of the importer), selling, letting, offering or exposing for sale or hire by way of trade, or distributing, directly or indirectly, a reproduction or an adaptation of the film."
- 30 7. Section 9 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:
 "(b) importing (other than importing for the private and domestic use of the importer), selling, letting, offering or exposing for sale or hire by way of trade, or distributing, directly or indirectly, a reproduction of the sound recording."
- 35 8. The following section is hereby inserted in the principal Act after section 11:
 "Nature of copyright in published editions. 11A. Copyright in a published edition vests the exclusive right to make or to authorize the making of a reproduction of the edition in any manner."
- 40 9. The following section is hereby inserted in the principal Act after section 19:
 "General exceptions from protection of published editions. 19A. The provisions of sections 12 (1), (2), (4), (5), (8) and (12) shall *mutatis mutandis* apply with reference to published editions."
- 45 10. Section 26 of the principal Act is hereby amended by the addition of the following subsections:
 "(9) In any civil or criminal proceedings by virtue of this Chapter with regard to the alleged infringement of the copyright in a cinematograph film registered in terms of the Registration of Copyright in Cinematograph Films Act, 1977 (Act No. 62 of 1977), it shall be presumed—
 50 (a) that every party to those proceedings had knowledge of the particulars entered in the register of copyright mentioned in section 15 of the said Act from the date of the

Amendment of section 4 of Act 98 of 1978.

Amendment of section 5 of Act 98 of 1978.

Amendment of section 8 of Act 98 of 1978, as amended by section 5 of Act 56 of 1980.

Amendment of section 9 of Act 98 of 1978, as substituted by section 6 of Act 56 of 1980.

Insertion of section 11A in Act 98 of 1978.

Insertion of section 19A in Act 98 of 1978.

Amendment of section 26 of Act 98 of 1978, as amended by section 3 of Act 66 of 1983.

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die datum waarop die betrokke aansoek om aantekening van daardie besonderhede ingedien is;

(b) dat die persoon wat na bewering 'n handeling verrig het wat die betrokke outeursreg skend daardie handeling sonder die vereiste magtiging verrig het, tensy die teendeel bewys word. 5

(10) In enige siviele of strafregtelike verrigtinge uit hoofde van hierdie Hoofstuk met betrekking tot die beweerde skending van die outeursreg in 'n rolprent, word daar vermoed, totdat die teendeel bewys word, dat iemand wat handel dryf in die verkoop, verhuur of verspreiding van kopieë van rolprente en wat in besit gevind is van 'n reproduksie of aanwending van so 'n rolprent, daardie reproduksie of aanwending verkoop of verhuur of vir handelsdoeleindes te koop of te huur aangebied of uitgestal het. 10 15

Wysiging van
artikel 27 van
Wet 98 van 1978.

11. Artikel 27 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Iemand wat terwyl outeursreg in 'n werk bestaan, sonder die magtiging van die eienaar van die outeursreg artikels wat na sy wete skendende kopieë van die werk is of, in die geval waar so 'n werk uit 'n rolprent wat ingevolge die Wet op die Registrasie van Outeursreg in Rolprente, 1977 (Wet No. 62 van 1977), geregistreer is, bestaan, artikels wat reproduksies of 25

(a) vir verkoop of verhuur vervaardig;

(b) verkoop of verhuur of vir handelsdoeleindes te koop of te huur aanbied of uitstal;

(c) vir handelsdoeleindes in die openbaar ten toon stel;

(d) behalwe vir sy private of huishoudelike gebruik in die Republiek invoer;

(e) vir handelsdoeleindes versprei; of

(f) vir enige ander doel in so 'n mate versprei dat die eienaar van die outeursreg daardeur benadeel word, 35

is aan 'n misdryf skuldig.”;

(b) deur subartikel (6) deur die volgende subartikel te vervang: 40

“(6) Iemand wat weens 'n misdryf ingevolge subartikel (1) skuldig bevind word, is strafbaar—

(a) in die geval van 'n eerste skuldigbevinding, met 'n boete van hoogstens **[vyfhonderd]** vyfduisend rand of met gevangenisstraf vir 'n tydperk van 45 hoogstens **[ses maande]** drie jaar of met sowel daardie boete as daardie gevangenisstraf, vir elke artikel waarop die misdryf betrekking het;

(b) in enige ander geval, met 'n boete van hoogstens **[duisend]** tienduiseend rand of met gevangenisstraf 50 vir 'n tydperk van hoogstens **[n]** vyf jaar of met sowel daardie boete as daardie gevangenisstraf, vir elke artikel waarop die misdryf betrekking het:

Met dien verstande dat 'n boete of 'n tydperk van gevangenisstraf kragtens hierdie subartikel opgelê in die geheel nie **[tienduiseend]** vyftigduisend rand of tien jaar, na gelang van die geval, ten opsigte van artikels wat by dieselfde transaksie betrokke is, te bowe gaan nie.”. en 55

“(8) (a) In die geval van die skuldigbevinding van 'n persoon weens 'n misdryf ingevolge subartikel (1) ten opsigte van die outeursreg in 'n rolprent, kan die hof na goeddunke, benewens enige ander straf wat hy kragtens subartikel (6) mag oplê, dié persoon verbied om vanaf 'n datum en vir 'n tydperk deur die hof bepaal, 'n besigheid te dryf, of 'n regstreekse of onregstreekse finansiële belang te hê by 'n besigheid, of enige regstreekse 60 65

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lodging of the application in question to record those particulars;

(b) that the person who is alleged to have done an act which infringes the relevant copyright did that act without the required authority, unless the contrary is proved.

(10) In any civil or criminal proceedings by virtue of this Chapter with regard to the alleged infringement of the copyright in a cinematograph film, it shall be presumed, until the contrary is proved, that any person trading in the selling, letting or distribution of copies of cinematograph films and who was found in possession of a reproduction or adaptation of such a cinematograph film, sold or let for hire or by way of trade offered or exposed for sale or hire such reproduction or adaptation.”

11. Section 27 of the principal Act is hereby amended—

Amendment of
section 27 of
Act 98 of 1978.

(a) by the substitution for subsection (1) of the following subsection:

“(1) Any person who at a time when copyright subsists in a work, without the authority of the owner of the copyright—

(a) makes for sale or hire;

(b) sells or lets for hire or by way of trade offers or exposes for sale or hire;

(c) by way of trade exhibits in public;

(d) imports into the Republic otherwise than for his private or domestic use;

(e) distributes for purposes of trade; or

(f) distributes for any other purposes to such an extent that the owner of the copyright is prejudicially affected,

articles which he knows to be infringing copies of the work, or, in the case where such work consists of a cinematograph film registered in terms of the Registration of Copyright in Cinematograph Films Act, 1977 (Act No. 62 of 1977), articles which are reproductions or adaptations of the cinematograph film, shall be guilty of an offence.”;

(b) by the substitution for subsection (6) of the following subsection:

“(6) A person convicted of an offence under subsection (1) shall be liable—

(a) in the case of a first conviction, to a fine not exceeding five **[hundred]** thousand rand or to imprisonment for a period not exceeding **[six months]** three years or to both such fine and such imprisonment, for each article to which the offence relates;

(b) in any other case, to a fine not exceeding **[one]** ten thousand rand or to imprisonment for a period not exceeding **[one year]** five years or to both such fine and such imprisonment, for each article to which the offence relates:

Provided that the total fine or the total period of imprisonment imposed by virtue of this subsection shall not exceed **[ten]** fifty thousand rand or ten years, as the case may be, in respect of articles comprised in the same transaction.” and

“(8) (a) In the case of a conviction of a person of an offence in terms of subsection (1) in respect of the copyright in a cinematograph film the court may in its discretion, in addition to any other penalty which it may impose under subsection (6), prohibit that person from a date and for a period determined by the court, from carrying on, or having any direct or indirect financial interest in, or deriving any direct or indirect financial benefit

Vervanging van
artikel 28 van
Wet 98 van 1978.

of onregstreekse finansiële voordeel te verkry uit 'n besigheid, wat reproduksies of aanwendings van rolprente verkoop, verhuur, aanbied, uitstal of versprei.
(b) Iemand wat 'n handeling verrig in stryd met 'n verbod in paragraaf (a) bedoel, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tienduisee rand of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar."

12. Artikel 28 van die Hoofwet word hierby deur die volgende artikel vervang:

"Voorsiening vir beperking op invoer van kopieë.

28. (1) Die eienaar van die outeursreg in 'n gepubliseerde letterkundige of musiekwerk of 'n gepubliseerde rolprent [of], 'n klankopname of 'n gepubliseerde uitgawe kan aan die [Sekretaris] Kommissaris van Doeane en Aksyns (in hierdie artikel 'die [Sekretaris] Kommissaris' genoem) skriftelik kennis gee

(a) dat hy die eienaar van die outeursreg in die werk [rolprent of klankopname] is; en
(b) dat hy die [Sekretaris] Kommissaris versoek om gedurende 'n tydperk in die kennisgewing vermeld, kopieë van die werk [rolprent of klankopname] waarop hierdie artikel van toepassing is, as verbode goedere te behandel:

Met dien verstande dat die tydperk in 'n kennisgewing ingevolge hierdie subartikel vermeld, nie tot later strek as die einde van die tydperk waarvoor die outeursreg geld nie: Met dien verstande voorts dat die [Sekretaris] Kommissaris nie verplig is om ingevolge so 'n kennisgewing op te tree nie tensy die eienaar van die outeursreg aan hom sekuriteit verstrekk in die vorm en vir die bedrag wat hy vereis om die nakoming van enige verpligting en die betaling van enige uitgawe te verseker wat hy mag oploep uit hoofde van die terughou deur hom van 'n kopie van die werk [rolprent of klankopname] waarop die kennisgewing betrekking het, of as gevolg van enigiets deur hom gedoen met betrekking tot 'n kopie aldus teruggehou.

(2) Hierdie artikel geld vir elke [gedrukte] kopie van die betrokke werk [rolprent of klankopname] wat buite die Republiek vervaardig is en wat, indien dit in die Republiek vervaardig was, 'n skendende kopie van die werk [rolprent of klankopname] sou wees.

(3) Indien kennis ooreenkomstig hierdie artikel ten opsigte van 'n werk [rolprent of klankopname] gegee is en nie ingetrek is nie, is dit verbode om te eniger tyd voor die einde van die tydperk in die kennisgewing vermeld, 'n kopie van die werk [rolprent of klankopname] waarop hierdie artikel van toepassing is, in die Republiek in te voer.

(4) Ondanks die bepalings van die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964), is niemand aan straf ingevolge daardie Wet (behalwe verbeurdeklaring van die goedere) onderhewig uit hoofde daarvan dat goedere ingevolge hierdie artikel as verbode goedere behandel word nie.

(5) Hierdie artikel is *mutatis mutandis* van toepassing met betrekking tot 'n uitsluitende lisensiehouer wat die reg het om 'n letterkundige [musiek- of artistieke werk] of musiekwerk of 'n rolprent [of], klankopname of gepubliseerde uitgawe wat elders gepubliseer is, in die Republiek in te voer."

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from, any business which sells, lets, offers, exposes or distributes reproductions or adaptations of cinematograph films.

- 5 (b) Any person who commits an act contrary to a prohibition contemplated in paragraph (a), shall be guilty of an offence and liable on conviction to a fine not exceeding ten thousand rand or to imprisonment for a period not exceeding five years."

10 12. The following section is hereby substituted for section 28 of the principal Act—

Substitution of section 28 of Act 98 of 1978.

"Provision for restricting importation of copies.

15 28. (1) The owner of the copyright in any published literary or musical work or any published cinematograph film **[or]**, any sound recording or any published edition may give notice in writing to the **[Secretary]** Commissioner for Customs and Excise (in this section referred to as 'the **[Secretary]** Commissioner')—

- 20 (a) that he is the owner of the copyright in the work **[cinematograph film or sound recording]**; and
 (b) that he requests the **[Secretary]** Commissioner to treat as prohibited goods, during a period specified in the notice, copies of the work **[cinematograph film or sound recording]** to which this section applies:

25 Provided that the period specified in a notice under this subsection shall not extend beyond the end of the period for which the copyright is to subsist: Provided further that the **[Secretary]** Commissioner shall not be bound to act in terms of any such notice unless the owner of the copyright furnishes him with security in such form and for such amount as he may require to secure the fulfilment of any liability and the payment of any expense which he may incur by reason of the detention by him of any copy of the work **[cinematograph film or sound recording]** to which the notice relates or as a result of anything done by him in relation to a copy so detained.

30 (2) This section shall apply to any **[printed]** copy of the work **[cinematograph film or sound recording]** in question made outside the Republic which if it had been made in the Republic would be an infringing copy of the work **[cinematograph film or sound recording]**.

35 (3) Where a notice has been given under this section in respect of a work **[cinematograph film or sound recording]** and has not been withdrawn, the importation into the Republic at a time before the end of the period specified in the notice of any copy of the work **[cinematograph film or sound recording]** to which this section applies shall be prohibited.

40 (4) Notwithstanding anything contained in the Customs and Excise Act, 1964 (Act No. 91 of 1964), a person shall not be liable to any penalty under that Act (other than forfeiture of the goods) by reason of the fact that any goods are treated as prohibited goods by virtue of this section.

45 (5) This section shall *mutatis mutandis* apply with reference to an exclusive licensee who has the right to import into the Republic any literary or musical **[or artistic]** work or any cinematograph film **[or]**, sound recording or published edition published elsewhere."

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Wysiging van
artikel 37 van
Wet 98 van 1978.

13. Artikel 37 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
- “(a) met betrekking tot letterkundige, musiek- of artistieke werke, rolprente, [en] klankopnames en gepubliseerde uitgawes vir die eerste keer gepubliseer in daardie land, net soos dit van toepassing is met betrekking tot letterkundige, musiek- of artistieke werke, rolprente, [en] klankopnames en gepubliseerde uitgawes vir die eerste keer gepubliseer in die Republiek;”.

Wysiging van
artikel 43 van
Wet 98 van 1978.

14. Artikel 43 van die Hoofwet word hierby gewysig—
- (a) deur in paragraaf (a) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang: “behoudens die bepalings van paragrafe (c) en (d), geen bepaling in hierdie Wet—”;
- (b) deur paragraaf (b) te skrap; en
- (c) deur die volgende paragraaf by te voeg: “(d) by die bepaling van die termyn van outeursreg beoog in die voorbehoudsbepaling by artikel 3 (2) (a) in die geval van ’n werk ten opsigte waarvan die outeursreg by die inwerkingtreding van die Wysigingswet op Outeursreg, 1984, verval het op grond daarvan dat die tydperk vermeld in genoemde paragraaf verstryk het, daar geag word dat, behoudens enige regte deur enigiemand verkry na verstryking van daardie tydperk en voor genoemde inwerkingtreding, die outeursreg nie op daardie grond verval het nie.”.

Kort titel en inwerkingtreding.

15. (1) Hierdie Wet heet die Wysigingswet op Outeursreg, 1984, en tree in werking op ’n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.
- (2) Verskillende datums kan kragtens subartikel (1) ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

COPYRIGHT AMENDMENT ACT, 1984

Act No. 52, 1984

13. Section 37 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph: Amendment of section 37 of Act 98 of 1978.

- 5 “(a) in relation to literary, musical or artistic works, cinematograph films, **[and]** sound recordings and published editions first published in that country as it applies in relation to literary, musical or artistic works, cinematograph films, **[and]** sound recordings and published editions first published in the Republic;”.

10 14. Section 43 of the principal Act is hereby amended—

- (a) by the substitution in paragraph (a) for the words preceding subparagraph (i) of the following words:

Amendment of section 43 of Act 98 of 1978.

“subject to the provisions of paragraphs (c) and (d), nothing in this Act contained shall—”;

- 15 (b) by the deletion of paragraph (b); and

- (c) by the addition of the following paragraph:

- 20 “(d) in the determination of the term of copyright contemplated in the proviso to section 3 (2) (a) in the case of a work in respect of which the copyright has expired at the commencement of the Copyright Amendment Act, 1984, on the ground that the period mentioned in the said paragraph has lapsed, it shall be deemed that, subject to any rights acquired by any person after the lapse of that period and before the said commencement,
- 25 copyright did not expire on that ground.”.

15. (1) This Act shall be called the Copyright Amendment Act, 1984, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. Short title and commencement.

- 30 (2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act.

13. Section 37 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

(a) in relation to literary, musical or artistic works, cinematograph films, [and] sound recordings and published editions first published in that country as it applies in relation to literary, musical or artistic works, cinematograph films, [and] sound recordings and published editions first published in the Republic;

14. Section 43 of the principal Act is hereby amended—
(a) by the substitution in paragraph (a) for the words preceding subparagraph (i) of the following words:

"subject to the provisions of paragraphs (c) and (d), nothing in this Act contained shall—"

(b) by the deletion of paragraph (b); and
(c) by the addition of the following paragraph:

"(d) in the determination of the term of copyright contemplated in the proviso to section 3 (2) (a) in the case of a work in respect of which the copyright has expired at the commencement of the Copyright Amendment Act, 1984, on the ground that the period mentioned in the said paragraph has lapsed, it shall be deemed that, subject to any rights acquired by any person after the lapse of that period and before the said commencement, copyright did not expire on that ground."

15. (1) This Act shall be called the Copyright Amendment Act, 1984, and shall come into operation on a date fixed by the State President by proclamation in the Gazette.

(2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act.