

**IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA
HELD AT BRAAMFONTEIN**

Case No: CCT 320/21

In the application for admission as an *amicus curiae* of:

MEDIA MONITORING AFRICA TRUST

Applicant for admission as
amicus curiae

In the matter between:

BLIND SA

Applicant

and

MINISTER OF TRADE, INDUSTRY AND COMPETITION

First Respondent

**MINISTER OF INTERNATIONAL RELATIONS AND
COOPERATION**

Second Respondent

SPEAKER OF THE NATIONAL ASSEMBLY

Third Respondent

**CHAIRPERSON OF THE NATIONAL
COUNCIL OF PROVINCES**

Fourth Respondent

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

Fifth Respondent

OWEN DEAN

Amicus Curiae

NOTICE OF MOTION

KINDLY TAKE NOTICE that the Media Monitoring Africa Trust applies to this Honourable Court for an order in the following terms:

1. Admitting the Media Monitoring Africa Trust as an *amicus curiae* in this matter.

2. Granting the Media Monitoring Africa Trust—
 - 2.1. the opportunity to file written submissions; and
 - 2.2. to the extent the Court requires, the opportunity to present oral argument at the hearing of this matter,provided that such argument does not repeat matters set forth in the arguments of the parties.
3. To the extent needed, condoning non-compliance with the Rules of this Court.
4. Costs against any party that opposes this application.
5. Further and/or alternative relief.

TAKE FURTHER NOTICE that the affidavit of **WILLIAM ROBERT BIRD** and the annexures thereto will be used in support of this application.

TAKE FURTHER NOTICE that the Media Monitoring Africa Trust has appointed the address of its attorneys, Power Singh Inc., as the address at which they will accept notice and service of all documents and processes in these proceedings. The Media Monitoring Africa Trust's attorneys will also accept electronic service at the following email addresses: tina@powersingh.africa and michael@powersingh.africa.

TAKE FURTHER NOTICE that if any of the parties wish to oppose this application, they are required to file their answering affidavits, if any, by 17 March 2022.

SIGNED at **JOHANNESBURG** on the **9th** day of **MARCH 2022**.



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Amicus Curiae

FOUNDING AFFIDAVIT

I, the undersigned,

WILLIAM ROBERT BIRD

1
WB

hereby make oath and state:

1. I am an adult male, and the Director of the Media Monitoring Africa Trust (“**MMA**”), a not-for-profit organisation with registered offices at Suite No. 2, Art Centre, 22 6th Street, Parkhurst, Johannesburg.
2. I am duly authorised to bring this application and to depose to this affidavit on behalf of MMA.
3. The facts to which I depose are true and correct and are within my personal knowledge, except where it is apparent from the context that they are not. Where I make submissions of law, I do so on the advice of MMA’s legal representatives.
4. This is an application in terms of Rule 10(4) of the Rules of the Constitutional Court (“**Rules**”), in terms of which MMA seeks leave to be admitted as an *amicus curiae* in this matter.
5. In line with MMA’s particular areas of interest and expertise, and cognisant of the duty of an *amicus curiae* not to repeat any of the submissions that have already been canvassed by the parties, MMA’s proposed submissions are narrowly tailored to the following key issues of relevance to the present matter:
 - 5.1. **First**, MMA seeks to address the challenges to the advancement of the rights to freedom of expression and access to information for persons with visual and print disabilities accessing works under the Copyright Act 98 of 1978 (“**Copyright Act**”).¹
 - 5.2. **Second**, MMA intends to bring this Court’s attention to relevant international and foreign law to illustrate that the rights to freedom of expression and access to information can be fostered, rather than

¹ Similarly to the Applicant, MMA uses the phrase “persons with visual and print disabilities” to refer to all persons who fall within the scope of the definition of a “beneficiary person” in Article 3 of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (2013) (“**Marrakesh Treaty**”).



restrained, by copyright laws through the introduction of exceptions for persons with visual and print disabilities. In doing so, MMA intends to—

5.2.1. argue that in line with constitutional imperatives and international law commitments, the remedy proposed by the Applicant is just and equitable in the circumstances of this matter; and

5.2.2. highlight the importance of contemporary usable formats for works for persons with visual and print disabilities and how these formats assist with realising the right to freedom of expression and the ability to share knowledge and ideas in the digital era.

5.3. **Third**, MMA intends to submit, in terms of section 237 of the Constitution, that the remedy proposed by the Applicant is appropriate in the circumstances as the state has not diligently performed, without delay, its constitutional obligations to persons with visual and print disabilities in the context of access to copyright works.

6. In line with these proposed submissions and Rule 10 of the Rules, this affidavit is structured as follows:

6.1. **First**, I describe MMA's interest in this matter.

6.2. **Second**, I provide an overview of the position to be adopted by MMA and the submissions that MMA intends to advance in this matter, including their relevance to the proceedings and the reasons why the submissions will be useful to this Court and different from those of the other parties.

6.3. **Third**, I detail the parties' responses to MMA's request for consent to intervene as an *amicus curiae* in this matter, and the timing of MMA's application.

MMA'S INTEREST IN THE PROCEEDINGS

7. On 21 September 2021, MMA was admitted as an *amicus curiae* in *Blind SA v Minister of Trade, Industry and Competition* (14996/21), during the High Court hearing in this matter.
8. MMA is a not-for-profit organisation that operates in the public interest to promote the development of a free, fair, ethical, and critical media culture in South Africa and the rest of the continent. To avoid unduly burdening these papers, I have not attached the MMA Trust Deed, but will provide it to this Court should the need arise.
9. In the last 29 years, MMA's work has consistently related to key human rights issues, always with the objective of promoting democracy, human rights, and encouraging a just and fair society. MMA has and continues to play an active role in media monitoring and seeks to proactively engage with media, civil society organisations, state institutions and citizens, and in doing so advocates for freedom of expression and the responsible free flow of information to the public on matters of public interest.
10. MMA has engaged in extensive work in navigating the appropriate balance to be struck between freedom of expression and other competing rights and interests, as is evidenced by its involvement in a range of policy, legislative, and advocacy processes. This includes various submissions to, among others, the Department of Justice and Constitutional Development, the Independent Communications Authority of South Africa ("**ICASA**"), and the Competition Commission. Through its various submissions, MMA has promoted the constitutional rights to equality, freedom of expression, and access to information, and it has advocated for the realisation of universal and meaningful access to the internet for all persons.
11. Further to this, MMA has participated in numerous matters as a party or *amicus curiae*, including:

11.1. As an applicant before the Constitutional Court in *Centre for Child Law v*



Media 24 Limited,² in which the best interest of the child and their rights to equality, privacy, and dignity were balanced against freedom of expression and the principle of open justice;

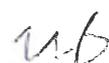
- 11.2. As an *amicus curiae* before the Supreme Court of Appeal in *Van Breda v Media 24*,³ where MMA advanced submissions regarding appropriate circumstances under which the right to freedom of expression can be limited, particularly when it is necessary to protect the rights of vulnerable persons, especially children;
- 11.3. As an *amicus curiae* before the Constitutional Court in *South African Human Rights Commission on behalf of South African Jewish Board of Deputies v Masuku*,⁴ where the Court considered section 16 of the Constitution, and the interplay with the right to offend, shock and disturb, taking into account South Africa's repressive history of speech regulation; and
- 11.4. As an *amicus curiae* before the Constitutional Court in *Amabhungane Centre for Investigative Journalism NPC and Another v Minister of Justice and Correctional Services and Others*,⁵ where MMA advanced submissions for the protection of children and civil society actors in the context of South Africa's current surveillance regime.
12. In addition, MMA has worked towards advancing the ideals of equality and inclusion, particularly in the context of freedom of expression and access to information. MMA advocates that services and information must be accessible to all persons, regardless of education, disability, age, gender, and other similar

² *Centre for Child Law and Others v Media 24 Limited and Others* [2019] ZACC 46; 2020 (4) SA 319 (CC); 2020 (3) BCLR 245 (CC).

³ *Van Breda v Media 24 Limited and Others; National Director of Public Prosecutions v Media 24 Limited and Others* [2017] ZASCA 97; [2017] 3 All SA 622 (SCA); 2017 (2) SACR 491 (SCA).

⁴ *South African Human Rights Commission on behalf of South African Jewish Board of Deputies v Masuku* [2022] ZACC 5.

⁵ *Amabhungane Centre for Investigative Journalism NPC and Another v Minister of Justice and Correctional Services and Others; Minister of Police v Amabhungane Centre for Journalism NPC and Others* [2021] ZACC 3; 2021 (3) SA 246 (CC); 2021 (4) BCLR 349 (CC).

factors. In this regard, MMA prepared submissions on the Draft Code for Persons with Disabilities Regulations published by ICASA.⁶ MMA recognised how the barriers to access information and communications technologies (“ICTs”) can hinder the ability of persons with visual and print disabilities to use these services in a way that is meaningful, relevant, and useful to them in their daily lives.

13. Notably, MMA engaged in the public participation process relating to the Copyright Amendment Bill, 2017 (“**CAB**”) before both the National Assembly and the National Council of Provinces. In its submissions, MMA welcomed the inclusions in the CAB that recognised the rights of persons with visual and print disabilities and recommended that South Africa urgently ratify the Marrakesh Treaty.⁷ MMA also made submissions to the members of the Generalized System of Preferences Sub-Committee, in response to the submission made by the International Intellectual Property Alliance regarding the CAB.⁸
14. Having participated in the High Court proceedings, and having read the papers filed in this matter before this Court, MMA recognises that the present matter raises important questions relating to the limitation of various rights of persons with visual and print disabilities accessing works under the Copyright Act.
15. Accordingly, and in line with MMA’s established track record of acting in the public interest in matters relating to the advancement of the constitutional rights to freedom of expression and access to information, and the need to balance competing rights and interests, MMA seeks to highlight the challenges associated with advancing the right to freedom of expression and access to information in the context of South Africa’s current copyright framework.

⁶ MMA, ‘Submission on the Draft Code for Persons with Disabilities Regulations published by the Independent Communication Authority of South Africa (ICASA)’ (2020).

⁷ MMA, ‘Submissions on the Copyright Amendment Bill 2017: Portfolio Committee on Trade and Industry’ (2017) at 2.1.

⁸ MMA, ‘submission to the members of the Generalized System of Preferences (GSP) Sub-Committee, in response to the submission made by the International Intellectual Property Alliance (IIPA) regarding the Copyright Amendment Bill B13B-2017’ (2020).




16. I submit that MMA has a clear interest in these proceedings and that it is well-placed to provide cogent and helpful submissions that will assist this Court regarding the legal issues that arise in the context of this matter.

POSITION TO BE ADOPTED BY MMA AND ITS SUBMISSIONS

17. MMA supports the relief sought by the Applicant and submits that the Copyright Act limits the ability of persons with visual and print disabilities to meaningfully and on an equal basis advance their rights to freedom of expression and access to information.
18. If admitted as an *amicus curiae*, MMA seeks to advance submissions on three inter-related issues, which MMA submits will be useful to this Court in its adjudication of these confirmation proceedings and are, to the best of my present knowledge, different from those of the other parties to the litigation.

Challenges associated with advancing the rights to freedom of expression and access to information

19. **First**, MMA seeks to address the challenges to the advancement of the rights to freedom of expression and access to information for persons with visual and print disabilities accessing works under the Copyright Act. MMA is advised that the Applicant addresses only, in limited part, the right to freedom of expression and it does not fully address the right of access to information.
20. As a result, MMA intends to provide context on the rights to freedom of expression and access to information as both fundamental rights of their own accord and as enablers of a range of other rights. In doing so, MMA intends to rely on jurisprudence of this Court and a range of international law instruments relevant to this matter, including the Convention on the Rights of Persons with Disabilities, 2006 (“**CRPD**”), the Protocol to the African Charter on Human and People’s Rights on the Rights of Persons with Disabilities in Africa, 2018 (“**Protocol on the Rights of Persons with Disabilities**”), and the Declaration

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of the African Commission on Human and Peoples' Rights on Freedom of Expression and Access to Information, 2019 ("**Declaration on Freedom of Expression**").

21. Based on this context, MMA intends to submit that the Copyright Act unduly limits the ability of persons with visual and print disabilities to access information and it creates a significant barrier to the realisation of the right to freedom of expression and access to information. The primary reasons for this relate to the controls and restrictions contained in the Copyright Act on the reproduction, publication, performance, broadcast, transmission, and/or adaptation of original works.
22. MMA intends to submit that these challenges imposed by the Copyright Act limit the ability of persons with visual and print disabilities to meaningfully and on an equal basis advance their rights to freedom of expression and access to information, which is contrary to the Constitution and South Africa's international law obligations.

International and foreign law on freedom of expression, access to information, and copyright exceptions

23. **Second**, MMA intends to bring this Court's attention to relevant international and foreign law to illustrate that the rights to freedom of expression and access to information can be fostered, rather than restrained, by copyright laws through the introduction of exceptions for persons with visual and print disabilities. In doing so, MMA intends to—
 - 23.1. argue that in line with constitutional imperatives and international law commitments, the remedy proposed by the Applicant is just and equitable in the circumstances of this matter; and
 - 23.2. highlight the importance of contemporary usable formats for works for persons with visual and print disabilities and how these formats assist

with realising the right to freedom of expression and the ability to share knowledge and ideas in the digital era.

24. In advancing these arguments, MMA will bring this Court's attention to, among others, relevant provisions of the CRPD, the Declaration on Freedom of Expression, the Marrakesh Treaty, and the copyright regimes of foreign jurisdictions, who have, to varying degrees, adopted general or specific provisions within their copyright legislation that address exceptions for persons with visual and print disabilities. To this end, MMA intends to detail 24 countries that have enacted copyright legislation which includes exceptions for persons with visual and print disabilities only limited to print/text works, and 72 countries that have copyright legislation that provides an exception for persons with visual and print disabilities beyond print/text works.
25. In terms of extending exceptions to the digital era, MMA will bring this Court's attention to relevant United Nations Human Rights Council resolutions and the World Intellectual Property Organisation Copyright Treaty, 1996 ("**WCT**"), a special agreement under the Berne Convention, 1887. The WCT deals with the protection of works and the rights of their authors in the digital era and provides that copyright exceptions can be extended into the digital environment.
26. Based on the prevailing international and foreign law position, MMA will submit that exceptions — both for traditional and contemporary usable formats used in the digital era — are the accepted practice to advance freedom of expression and access to information for persons with disabilities. As a result, the remedy proposed by the Applicant is just and equitable in the circumstances.

The state's obligations in terms of section 237

27. **Third**, MMA intends to submit, in terms of section 237 of the Constitution, that the remedy proposed by the Applicant — the reading-in of the proposed section 19D, with immediate effect — is appropriate in the circumstances as the state has not diligently performed, without delay, its constitutional obligations to




persons with visual and print disabilities in the context of access to copyright works.

28. In this regard, MMA will address the importance of timeous compliance with constitutional prescripts as it pertains to the meaningful realisation of the rights to freedom of expression and access to information of persons with visual and print disabilities. In addition, MMA will highlight how the protracted delays in the full realisation of these rights fall short of the dictates of our Constitution.
29. I submit that the submissions that MMA seeks to advance are directly relevant to this matter as they provide context to this Court on the impact of the Copyright Act on persons with visual and print disabilities, and they provide international and foreign law guidance on the appropriateness of the order proposed by the Applicant. I submit that these submissions will be useful to the Court in its determination of this matter and, having read the available written submissions, and to the extent of my present knowledge, are different from those of the other parties.

CONSENT TO BE ADMITTED AS AN *AMICUS CURIAE*

30. To facilitate MMA's involvement in this matter, and in line with Rule 10 of the Rules of this Court, on 29 October 2021 MMA's attorneys addressed a letter to the parties seeking their consent for MMA to be admitted *as amicus curiae* in this matter. A copy of this letter is attached hereto and marked as annexure "**WB1**".
31. On 5 October 2021, the Applicant consented to MMA's request to be admitted *as amicus curiae* in these proceedings. This letter is attached hereto as "**WB2**".
32. On 8 November 2021, the Third and Fourth Respondents consented to MMA's request to be admitted *as amicus curiae* in these proceedings. This email correspondence is attached hereto as "**WB3**".



33. To date, and save for confirmation of receipt of electronic service in this matter, no response has been received from the First, Second, and Fifth Respondents. The email correspondence with the state attorney for these Respondents is attached hereto as "WB4".
34. As MMA had not received the written consent of all of the parties and as the Respondents had not taken any steps to indicate their intended involvement in the confirmation proceedings at that time, we proceeded to serve and file our application to be admitted as an *amicus curiae* on 19 November 2021, in terms of Rule 10(4).
35. However, following the receipt of the directions from the Acting Chief Justice on 12 January 2022, I was advised by our legal representatives that *amicus curiae* applications should be filed within 5 days from the date of the respondents' written submissions, which the respondents were now directed to file by 3 March 2022.
36. In compliance with the directions, the First Respondent filed its written submissions on 3 March 2022. To the extent of MMA's knowledge, the position of the Second to Fifth Respondents remains unknown. As a result, I am advised that MMA should re-file this application for consideration by the Court and, to the extent needed, seek condonation for non-compliance with the Rules.
37. I am advised that this application is made within the timeframes prescribed by the Rules, that the submissions that MMA intends to advance are useful to this Court in its determination of this matter, and that there will be no prejudice to any of the parties to these confirmation proceedings should MMA be admitted as an *amicus curiae*.
38. We, therefore, file our application at this stage, in terms of Rule 10(4) and (5).
39. In the event that MMA is admitted as an *amicus curiae*, and subject to directions from the Court, we propose filing our written submissions by Wednesday,

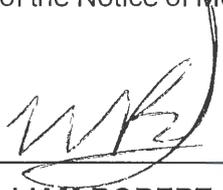


23 March 2022. In the event that either the Applicant or First Respondent seeks to respond to our written submissions, we propose that responses are filed by Friday, 8 April 2022.

CONCLUSION

40. In light of the above, MMA requests that this Court grant MMA's application for admission as an *amicus curiae* in this matter and admits MMA accordingly. MMA submits that it has a clear interest in this matter and that the submissions that it intends to advance are relevant, useful to the Court, and, to the extent of my present knowledge, different from those of the other parties.

41. For the reasons set out above, I pray for an order in terms of the Notice of Motion.



WILLIAM ROBERT BIRD

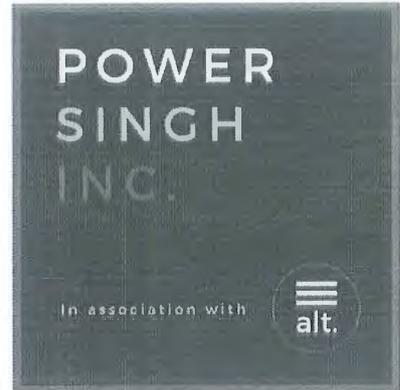
I hereby certify that the deponent stated that they know and understand the contents of this affidavit and that it is to the best of their knowledge both true and correct. This affidavit was signed and sworn to before me at PARKHURST on this the 9 day of March 2022. The Regulations contained in Government Notice R.1258 of 21 July 1972, as amended, have been complied with.



COMMISSIONER OF OATHS

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Date: 29 October 2021

Your ref:

Our ref: PSIMM-202107

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To whom this concerns,

BLIND SA V MINISTER OF TRADE, INDUSTRY AND COMPETITION & OTHERS (CASE NO: CCT 320/21): REQUEST FOR CONSENT TO BE ADMITTED AS AN AMICUS CURIAE

1. We act for the Media Monitoring Africa Trust ("MMA" or "our client"), a not-for-profit organisation that operates in the public interest to promote the development of a free, fair,

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Power Singh Incorporated is a law firm registered with the Legal Practice Council (F18433) and a personal liability company registered in the Republic of South Africa (2018/071686/21).

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ethical and critical media culture in South Africa and the rest of the continent. In the last 28 years, MMA's work has consistently related to key human rights issues, always with the objective of promoting human rights and democracy.

2. MMA has engaged in a range of legislative and litigious processes pertaining to media freedom, freedom of expression and access to information. This has included, for instance, issues pertaining to data protection, online content regulation, cybercrimes, copyright, public broadcasting, children's rights and various other matters relevant to the exercise of these rights, both on- and offline.
3. MMA has further participated in various litigious proceedings pertaining to the right to freedom of expression, and the appropriate balance to be struck between freedom of expression and other competing rights and interests. This has included, for instance, participating as an applicant before the Constitutional Court in the matter of *Centre for Child Law v Media 24 Limited* [2019] ZACC 46, and as an *amicus curiae* in *Amabhungane Centre for Investigative Journalism NPC v Minister of Justice and Correctional Services* [2021] ZACC 3 and *Qwelane v South African Human Rights Commission* [2021] ZACC 22, and before the Supreme Court of Appeal in *Van Breda v Media 24 Limited; National Director of Public Prosecutions v Media 24 Limited* [2017] ZASCA 97 and in *Economic Freedom Fighters v Manuel* [2020] ZASCA 172.

MMA's interest in these proceedings

4. Throughout its work, MMA promotes the ideals of equality and inclusion. MMA advocates that services and information must be accessible to all persons, regardless of education, disability, age, gender and other relevant factors. In this regard, MMA prepared submissions on the Draft Code for Persons with Disabilities Regulations published by the Independent Communication Authority of South Africa, in which it submitted that all broadcasting and electronic communications services must be available in accessible and usable formats for persons with disabilities. Notably, MMA engaged in the public participation process relating to the Copyright Amendment Bill before both houses of Parliament. In its submission, MMA welcomed the inclusions in the Bill that recognised the rights of persons with disabilities and recommended that South Africa urgently ratify the Marrakesh Treaty. MMA also made submissions to the members of the Generalized System of Preferences Sub-Committee, in response to the submission made by the International Intellectual Property Alliance regarding the Copyright Amendment Bill.
5. Most recently, MMA successfully applied to intervene as an *amicus curiae* in *Blind SA v Minister of Trade, Industry and Competition* (14996/21) – the High Court proceedings in this matter. MMA advanced arguments on the right to freedom of expression, in particular how the current copyright regime in South Africa is inconsistent with South Africa's domestic, regional, and international law obligations. In addition, MMA advanced arguments on the importance of appropriately realising the right to freedom of expression and the ability to





share knowledge and ideas in the digital era. Lastly, MMA sought to illustrate that an appropriate balance can be struck to ensure that freedom of expression can be fostered, rather than restrained, by copyright laws.

6. In line with MMA's particular areas of interest, the work that it pursues, and its involvement in the High Court proceedings, MMA has a clear interest in this matter and wishes to participate in this matter as an *amicus curiae* as contemplated in Rule 10 of the Constitutional Court Rules. Accordingly, we are instructed to request your client's consent that our client be admitted as an *amicus curiae* with the opportunity to file an application and to make written submissions, as well as to present oral argument should it be deemed necessary to do so.

The position to be adopted by MMA and the submissions it seeks to advance

7. MMA does not intend to repeat any matter set forth in the argument of the other parties and only seeks to address issues that may be useful to the Constitutional Court in the confirmation proceedings before it. In doing so, MMA intends to canvas the following narrowly tailored issues and adopt the following positions, which it submits are relevant to the proceedings, useful to the Constitutional Court, and are at this stage, to the best of MMA's knowledge, different from those of the other parties to the litigation:
 - 7.1. **First**, MMA seeks to address the challenges associated with advancing the rights to freedom of expression and access to information in the context of persons with visual and print disabilities accessing works under the present copyright regime. MMA intends to argue that current impediments imposed by the Copyright Act 98 of 1978 limit the ability of persons with visual and print disabilities to meaningfully and on an equal basis advance their rights to freedom of expression and access to information. This, MMA will argue, is contrary to the Constitution and jurisprudence of the Constitutional Court, and South Africa's regional and international law obligations.
 - 7.2. **Second**, and further to the above, MMA seeks to address the importance of appropriately realising the right to freedom of expression and the ability to share and receive knowledge and ideas in the digital era. In particular, and with reference to the variety of traditional and contemporary usable formats for works for persons with visual and print disabilities, MMA will argue that in line with international and regional resolutions and declarations, the right to freedom of expression and access to information applies both off- and online.
 - 7.3. **Third**, MMA will propose that a purposive interpretation of the current copyright regime can complement and foster the realisation of the rights to freedom of expression and access to information. Further, MMA will draw on international, regional, and comparative foreign law to highlight how the rights to freedom of expression and access to information can be fostered, rather than restrained by copyright laws. MMA will argue that in line with our constitutional imperatives and



regional and international law commitments and obligations, the remedy proposed by Blind SA in the Main Application is a feasible way for the state to advance freedom of expression and access to information while respecting the underlying purpose of copyright.

- 7.4. **Fourth**, MMA will advance arguments in terms of section 237 of the Constitution in which the state has a duty to diligently perform, without delay, all constitutional obligations. In this regard, MMA will address the importance of timeous compliance with constitutional prescripts as it pertains to the meaningful realisation of the rights to freedom of expression and access to information of persons with print and visual disabilities. MMA will highlight how protracted delays in the full realisation of the rights of persons with print and visual disabilities falls short of the dictates of our Constitution.
8. Having considered the application filed by Blind SA, and based on the foregoing, MMA is of the view that it has a substantial interest in the proceedings and can make a valuable contribution to the determination of the issues before the Constitutional Court. Additionally, and at this stage, MMA is of the view that the issues outlined above have not been dealt with by other parties.

Proposed time-frames

9. Given the import of this matter and the need for the rights of persons with print and visual disabilities to be urgently realised, MMA does not seek to delay these proceedings in any way. Accordingly, and should your client agree to MMA's request for consent, and subject to any directions from the Court, MMA proposes the time frames as set out below.
10. It is our understanding that any parties seeking to oppose the relief sought in the Main Application are required to provide their notice of intention to oppose on 5 November 2021. In the event that these proceedings are unopposed, and subject to further direction from the Constitutional Court, MMA undertakes to file its application for admission as an *amicus curiae* at the Constitutional Court on or before **19 November 2021**. To the extent that any of the parties wish to oppose MMA's application, we suggest that they file their answering affidavits, if any, by **3 December 2021**. To the extent the Main Application is opposed, and subject to further direction from the Constitutional Court, MMA undertakes to reach agreement with the parties regarding the time frames for filing its application.
11. In order to enable MMA to properly prepare its application, we request that you advise, in writing, whether your client consents to MMA's intervention as an *amicus curiae* and to the proposed timeframes by no later than **17h00 on Friday, 5 November 2021**.
12. We look forward to hearing from you.

Yours faithfully,



POWER SINGH INC.

Per: Tina Power | *Senior Associate*

E-mail: tina@powersingh.africa



To: Tina Power
Attorney
Power Singh Inc

Email: tina@powersingh.africa

5 November 2021
Your ref: PSIMM-202107

Dear Ms Power,

RE: BLINDSA v MINISTER OF TRADE INDUSTRY AND COMPETITION (CASE NO CCT 320/21) - REQUEST FOR CONSENT TO BE ADMITTED AS AN *AMICUS CURIAE*

1. Your letter dated 29 October 2021 refers.
2. On instruction from our client, we have no objection to your client's request to be admitted as an *amicus curiae* in the matter, and to make the submissions described in your letter.
3. Kindly note that we are still waiting for further directions from the Constitutional Court and will contact you as soon as these have been provided.

Please acknowledge receipt hereof.

Yours sincerely,

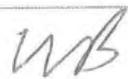


SECTION27

Per: Demichelle Petherbridge
Attorney

1st floor, South Point Corner, 87 De Korte Street, Braamfontein, 2001. PO Box 32361, Braamfontein, 2017. T +27 (0)11 356 4100 info@section27.org.za

Income Tax Exemption Reference Number: PBO 930022549. Nonprofit Organisation Registration Number: 055-382-NPO SECTION27, Non-Profit Company (2006/021659/08)
Board of Directors: Ms AL Brown (Chair) Dr B Brink (Treasurer), Ms U Rugege (Executive Director), Ms N Seme, Mr N Spauli, Mr B Botha, Ms E Kelly,
Justice J Froneman, Dr A Skelton, Ms S Kalla, Dr E Mhlanga, Ms M Boakye



From: [Visagie Carmenita](#)
To: [Tina Power \(tina@powersingh.africa\)](#)
Cc: [petherbridge@section27.org.za](#); [Sebelemetsa Ramathiti](#); [buthlezi@thedtic.gov.za](#);
[sisaac@parliament.gov.za](#); [snijkela@parliament.gov.za](#)
Subject: Re: Blind S A / The Minister of Trade, Industry and Competition (Case No: CCT 320/21)
Date: Monday, 08 November 2021 08:43:21

Good day Ms Power

We refer to your e-mail and letter dated 29 October 2021.

Our clients, the Third and Fourth Respondents, consent to your client's request to be admitted as amicus curiae in the constitutional Court proceedings.

We trust that the above meets with your approval.

Kindly acknowledge receipt.

Regards

obo L M GAVA

CARMENITA VISAGIE
(Secretary to Mr L M Gava & Ms S Karjiker)
Office of the State Attorney Cape Town
5th Floor
22 Long Street
Cape Town
Tel: 021 441 9208
Fax: 021 421 9364
E-mail: cvisagie@justice.gov.za

[<https://www.justice.gov.za/legislation/constitution/img/25y/25yrs-Constitution-Toolkit/2021-25years-Constitution-Email-banner.jpg>]

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From: Sebelemetsa Ramathiti <RSebelemetsa@justice.gov.za>
Sent: Friday, 19 November 2021 10:36
To: Tina Power
Cc: lungile1806@gmail.com; buthelezi@thedtic.gov.za
Subject: RE: [PSIMM-202107] Blind SA v Minister of Trade, Industry and Competition (Case No: CCT 320/21) | Request for consent for admission as an amicus curiae

Importance: High

Good Morning,

We hereby consent to electronic service in this matter.

Best,

Mr Ramathiti Joseph Sebelemetsa
Senior Assistant State Attorney
Office of the State Attorney – Pretoria
Salu Building, 316 Thabo Sehume Street
Pretoria CBD
Tel: 012 309 1623
Direct Fax: 086 507 1910
Mobile: 071 870 2442
Email: rsebelemetsa@justice.gov.za
Alternative Email: ramatics@gmail.com
Website: www.justice.gov.za

"Vanhu I Swivumbiwa Swo Hlamarisa."

From: Tina Power [mailto:tina@powersingh.africa]
Sent: Tuesday, 16 November 2021 09:35
To: Sebelemetsa Ramathiti <RSebelemetsa@justice.gov.za>
Cc: lungile1806@gmail.com; buthelezi@thedtic.gov.za
Subject: RE: [PSIMM-202107] Blind SA v Minister of Trade, Industry and Competition (Case No: CCT 320/21) | Request for consent for admission as an amicus curiae

Dear Mr Sebelemetsa,

We trust you are well.



Our correspondence of 29 October 2021 refers and is attached for ease of reference.

Kindly advise if your clients consent to the Media Monitoring Africa Trust intervention as an *amicus curiae*.

Further, kindly confirm if you consent to electronic service in this matter.

With thanks and warm regards,

Tina Power
Power Singh Inc
Attorney (RSA) B.A., LL.B., LL.M. (Wits)

 e tina@powersingh.africa
t +2711 268 6881
w powersingh.africa
a First Floor, 20 Baker Street, Rosebank, South Africa, 2196

  @PowerSinghInc Pronouns: she/her/hers

Power Singh Inc. is a law firm registered with the Legal Practice Council (F16433)

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From: Tina Power <tina@powersingh.africa>
Sent: Friday, 29 October 2021 12:51
To: 'Demichelle Petherbridge' <Petherbridge@section27.org.za>; 'Sebelemetsa Ramathiti' <RSebelemetsa@justice.gov.za>; 'buthelezi@thedtic.gov.za' <buthelezi@thedtic.gov.za>; 'LGava@justice.gov.za' <LGava@justice.gov.za>; 'Visagie Carmenita' <CVisagie@justice.gov.za>; 'gavalouis@gmail.com' <gavalouis@gmail.com>
Cc: 'Michael Power' <michael@powersingh.africa>
Subject: [PSIMM-202107] Blind SA v Minister of Trade, Industry and Competition (Case No: CCT 320/21) | Request for consent for admission as an *amicus curiae*

Good day,

Blind SA v Minister of Trade, Industry and Competition (Case No: CCT 320/12) | Request for consent for admission as an *amicus curiae*

1. We act for the Media Monitoring Africa Trust.
2. Kindly find attached our clients request for consent to be admitted as an *amicus curiae*.
3. Kindly acknowledge receipt.

Yours faithfully,

Tina Power
Power Singh Inc
Attorney (RSA) B.A., LL.B., LL.M. (Wits)

 e tina@powersingh.africa
t +2711 268 6881
w powersingh.africa
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Handwritten signature in blue ink, appearing to be 'WB' with a flourish above it.