

CONSIDERATION OF COPYRIGHT AREAS IN RESPECT OF WHICH NO
SUBMISSIONS WERE RECEIVED

184. It will have been observed that the Committee received detailed submissions in respect of articles protected by copyright, some of which consisted of works and some of subject matter other than works. The submissions in relation to books were in relation to literary works as were the submissions in relation to computer software having regard to the extended definitions inserted into the Act in 1984 (Act No. 43 of 1984). Sound recordings and films and videos are subject matter other than works, subject, in the case of sound recordings, to their also comprising works in that the music and lyrics are the subject of what is known in the trade as mechanical copyright. No similar submissions were received in respect of the music, lyrics or scripts used in films. There are copyright areas in respect of which no submissions at all were made. These areas consist of artistic and dramatic works. Furthermore, although books occupied a great deal of the Committee's time, there are other imported literary works in respect of which no submissions were received. The Committee refers particularly to newspapers and magazines. Likewise, no submissions were received in respect of sheet music. In relation to artistic works, the Committee does not think that there could be any substantial problem, although it may be **that** there are imported into this country postcards showing photographs
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of artistic works, that is, paintings. Many works which are dramatic works are also literary works. This may explain the absence of submissions about dramatic works particularly. The considerations raised in the submissions made in relation to books and the publishing industry would seem equally applicable to books in which are contained the scripts of plays. The principal area not dealt with in the submissions which falls into the category of subject matter other than works was in relation to published editions of works. Again, the Committee does not consider that any different considerations could apply in relation to this area of copyright protection from those which are relevant in relation to the book publishing industry.

The absence of submissions in these various copyright areas would suggest that the importation provisions of the Copyright Act are not giving rise to any problem in relation to them. Accordingly, the Committee has concluded that it is unnecessary for any change to be made to the sections in respect of them. On the other hand, if it seems appropriate to recommend the modification of the sections to deal with problems in other copyright areas, there seems no reason to exclude areas in respect of which no submissions were received from the purview of the modifications. so to exclude them would lead to unnecessary inconsistency in the application of the Act to different areas of copyright protection.
