



**FOR ATTENTION: Madam Minister Stella Ndabeni-Abrahams**

The Ministry of Communications and Digital Technologies

iParioli Office Park

1166 Park Street

Hatfield

Pretoria

**15 February 2021**

Per email to: [aacs@dtps.gov.za](mailto:aacs@dtps.gov.za)

Dear Minister Stella Ndabeni-Abrahams

**STREAMODO'S WRITTEN SUBMISSIONS ON THE DRAFT WHITE PAPER AUDIO AND AUDIO-VISUAL CONTENT SERVICES POLICY FRAMEWORK**

1. Streamodo is Africa's exclusive content streaming portal. Our founder, Itu Mamasedi is a seasoned music industry entrepreneur with over 10 years' experience in media and business. We are a passionate team deeply immersed in the mission of bringing exclusive African content – music, music videos, podcasts, and short-form docu-series to the world. Streamodo is an African-first platform – we believe that the space for authentic, original, and highly entertaining African content in the global market is still vacant and we have adopted it as our own mission to fully occupy it.
2. Following the publication of the draft white paper on audio and audio-visual content services policy framework and the invitation to comment on the same, we address this letter as per the instructions of the Minister of Communications and Digital Technologies.
3. One of the first issues we are of the opinion must be addressed in reviewing current broadcasting related policies is the definition of "broadcasting/content services" and more clarity on which services would need to be licensed. The Electronic Communications Act (EC Act) currently defines broadcasting as "unidirectional" and therefore linear. It also states that a "broadcasting service" excludes "a service which provides no more than data or text (including associated still images)" and "a service in which the provision of audio-visual or audio material is incidental to the provision of that service".

4. Given convergence, we have noted that many countries have expanded such definitions to include non-linear television and/or broadcasting-like services (such as VOD and over-the-top television) and a graduated approach to regulation. Streamodo however, agrees with the drafters of the white paper and their stance on not requiring licenses for non-linear audio- or audio-visual content. Streamodo as an audio- and audio-visual platform notes that the digital streaming market in South Africa is small and government should encourage new entrants by not over-regulating the sector.
5. However, we are of the view that there is critical need for legislation that will impose requirements on ISP's to co-operate with rights-holders and government to police illegal file sharing on streaming platforms.
6. One method of curbing unwarranted practices from audio and audio-visual platforms is creating an **effective copyright tribunal**. The challenge that a lot of content providers face when dealing with illegal file sharing or copyright infringement is that the cost of remedying the problem is too high. Court actions are costly and often take years to resolve and thus content providers are left with the option of merely interdicting infringing works and not recovering monies lost. An **effective copyright tribunal** will assist with policing the sector and making sure infringers are brought to task.
7. Another issue that we are of the opinion should be noted is the role of Collecting Societies in the music space as concerning Digital Service Providers such Streamodo in particular; Collecting Society Regulations and relations with the market need to be reviewed and made consistent with government policies as well as international trends. Regulations must be imposed on their tariffs to ensure that streaming platforms are not being exploited, furthermore platforms (whether digital or not) must be allowed to report Collecting Societies to the Copyright Tribunal if creatives are not paid on time.
8. Streamodo looks forward to working with the Ministry to assist with the drafting of audio and audio-visual platform content services policy framework. Furthermore, we avail ourselves to be part of any consultative processes in the future.