



CONSTITUTIONAL COURT OF SOUTH AFRICA

Case CCT 300/24

In the matter between:

BLIND SA Applicant

and

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA First Respondent

SPEAKER OF THE NATIONAL ASSEMBLY Second Respondent

**CHAIRPERSON OF THE NATIONAL COUNCIL
OF PROVINCES** Third Respondent

MINISTER OF TRADE, INDUSTRY AND COMPETITION Fourth Respondent

**MINISTER OF INTERNATIONAL RELATIONS AND
COOPERATION** Fifth Respondent

ORDER

CORAM: Madlanga ADCJ, Kollapen J, Mathopo J, Mhlantla J, Rogers J, Seegobin AJ, Theron J, Tolmay AJ and Tshiqi J.

The Constitutional Court has considered the application for a supplementary, just and equitable relief to remedy the *lacuna* that resulted from the expiry of the suspension of the declaration of constitutional invalidity and the reading in remedy in *Blind SA v Minister of Trade, Industry and Competition and Others* [2022] ZACC 33. The Court has decided to make an interim order pending final determination of the matter as follows:

1. The Copyright Act 98 of 1978 shall be deemed to include the following provisions:

“Section 13A Exceptions applicable to beneficiary persons

- (1) For the purposes of section 13A—
 - (a) 'accessible format copy' means a copy of a work in an alternative manner or form which gives a beneficiary person access to the work, including to permit the person to have access as feasibly and comfortably as a person without visual impairment or other print disability. The accessible format copy must be used exclusively by beneficiary persons, and it must respect the integrity of the original work, taking due consideration of the changes needed to make the work accessible in the alternative format and of the accessibility needs of the beneficiary persons;
 - (b) 'beneficiary person' means a person who—
 - (i) is blind;
 - (ii) has a visual impairment or a perceptual or reading disability which cannot be improved to give visual function substantially equivalent to that of a person who has no such impairment or disability and so is unable to read printed works to substantially the same degree as a person without an impairment or disability; or
 - (iii) is otherwise unable, through physical disability, to hold or manipulate a book or to focus or move the eyes to the extent that would normally be acceptable for reading regardless of any other disabilities;
 - (c) 'literary works' means literary works as defined in section 1 of this Act, and shall be taken to include artistic works forming part of a literary work;
 - (d) 'permitted entity' means an entity, including a government institution or non-profit organisation, that provides education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis, and has the provision of such services as one of its primary activities or institutional obligations.
- (2) A permitted entity may, without the authorisation of the owner of copyright in a literary work, make an accessible format copy of the literary work; obtain from another

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