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Decoding the Future

WELCOME!

BREAKAWAY ROOM 2



Werina Griffiths | Partner

DON'T JUST FAKE IT | FAIR DEAL IT

Fair Dealing Meets Deepfakes – A South African Perspective



THIS IS NOT MORGAN FREEMAN

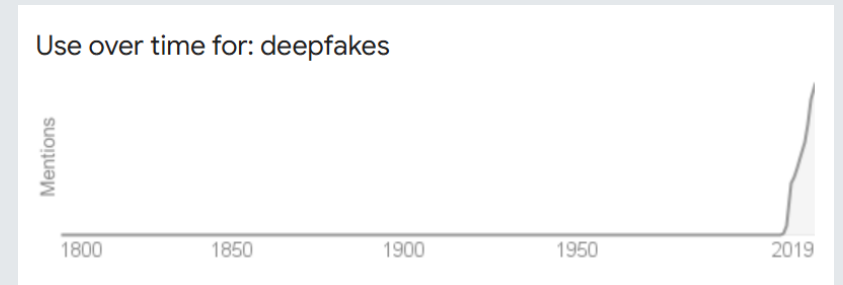


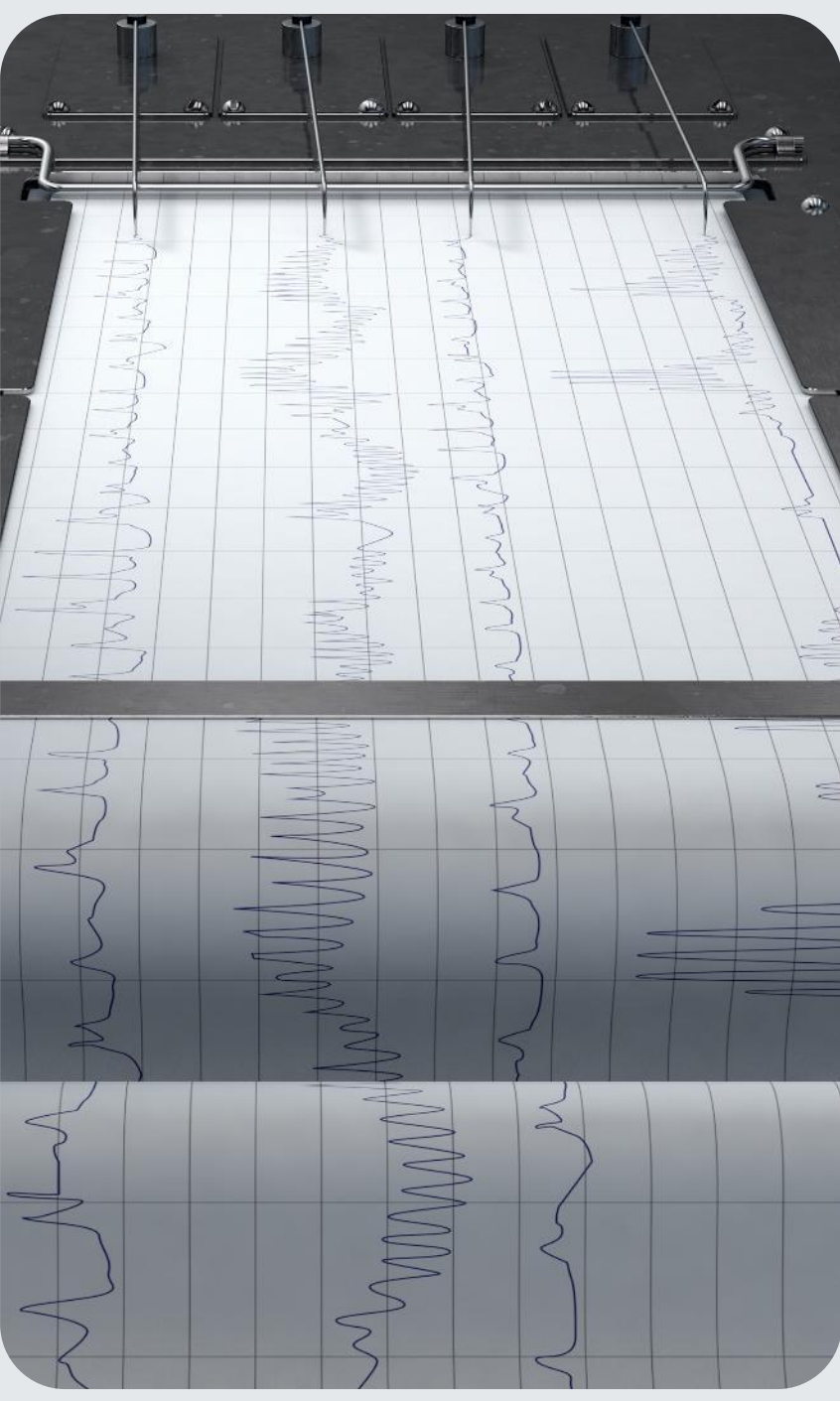
THIS IS NOT ME



WHAT ARE DEEPFAKES?

- ▶ Images, Videos or Audio
- ▶ Edited or generated
- ▶ Artificial intelligence

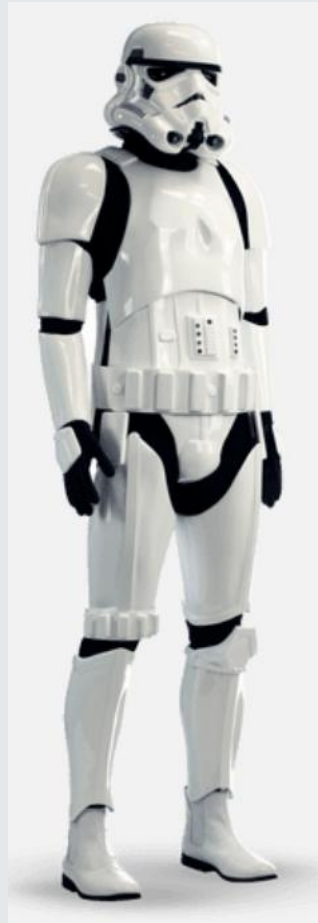




THE LAW'S LIE DETECTOR

- ▶ Privacy
- ▶ Defamation
- ▶ Electronic Communications and Transactions Act
- ▶ Consumer Protection Act
- ▶ Criminal Liability
- ▶ COPYRIGHT

WHERE THE BOUNDARIES ARE



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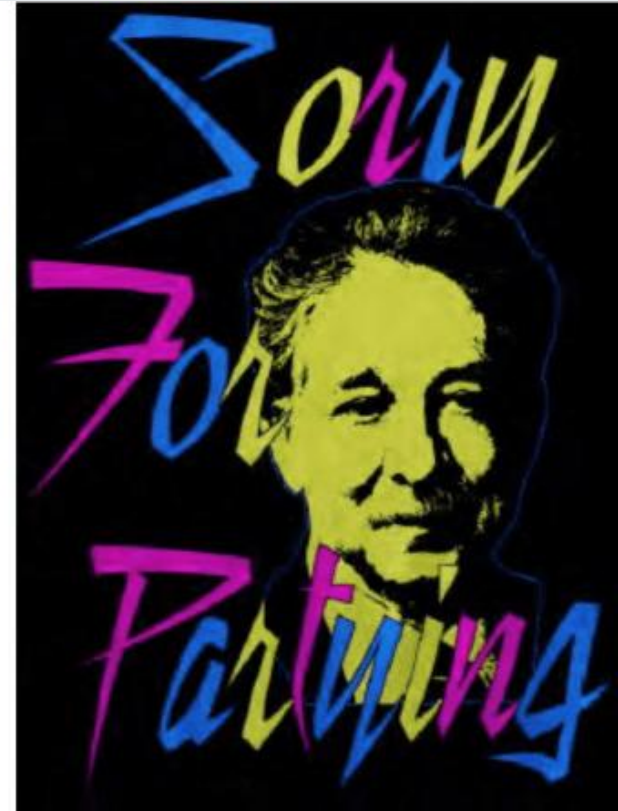
FAIR PLAY?

- ▶ Parody
- ▶ Satire
- ▶ Criticism
- ▶ Commentary
- ▶ Reporting
- ▶ Education
- ▶ Research

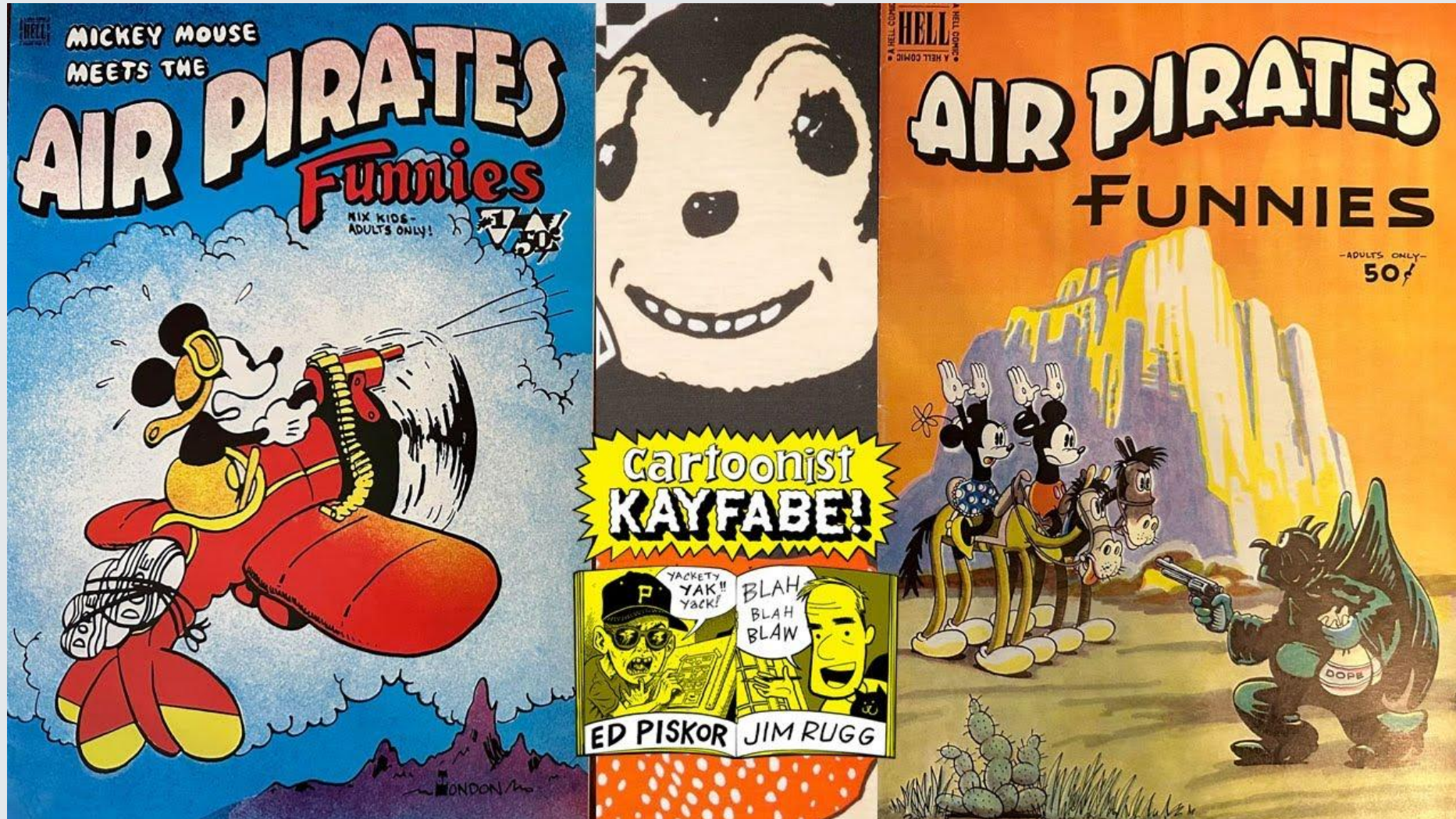


FAIR USE

- ▶ Why?
- ▶ Nature of the original work?
- ▶ How much?
- ▶ Commercial impact?
- ▶ Transformative?



FAIR USE?



FAIR USE?



WHEN THE DEALING IS FAIR

SABC v Via Vollenhoven

- ▶ The nature and purpose of the use
- ▶ The nature of the copyright work
- ▶ The amount and sustainability of the use
- ▶ The effect on the market and the value of the work
- ▶ Bona fide use



FAIR DEALING

- ▶ Research / Private Study / Personal or Private Use
- ▶ Criticism or Review of *that* work
- ▶ Reporting Current Events
- ▶ Judicial Proceedings
- ▶ By way of Illustration in publication/visual or sound record for Teaching

THE SAFETY MATRIX



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THANK YOU