



**THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA**

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

1 June 2009

STATUS: Immediate

D Feldman N.O. v EMI Music SA (Pty) Ltd / EMI Music Publishing SA (Pty) Ltd (268 & 269/2008)[2009] ZASCA 75 (1 June 2009)

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

The SCA today dismissed an appeal by the executor of the estate of the late Brenda Fassie against a decision by the Johannesburg High Court in which an exception to a claim for damages for infringement of musical and literary works of which Ms Fassie was a joint author was upheld. The SCA held that the claims were correctly found to be lacking in an essential averment as to their proportions in which Ms Fassie and her co-authors were entitled to share in the relevant copyrights.