

## ENSafrica TMT ENSight

Welcome to the seventh issue of **ENSafrica's TMT ENSight**, focusing on topics, news and analysis of novel and interesting developments in the technology, media and telecommunications space. In this edition:

- Our **featured article** looks at whether an oath can be commissioned virtually.
- **Back to basics**, on the ins and outs of the termination of causal events, a clause found in most contracts.
- **Telecommunications**, a roundup of recent developments in the telecoms sector.
- **In the news**, a curation of topical events in the technology and telecommunications industry.

### featured article

- **Is commissioning an oath virtually the future for South African courts?**
  - Rakhee Dullabh and Naledi Ramoabi explore the law behind the virtual commissioning of oaths.
  - Read the article [here](#).

### back to basics

- **Termination for causal events**
  - Kayla Ferreira and Ridwaan Boda unpack termination for causal events clauses, which list events under which agreements may be terminated.
  - Read the article [here](#).

### telecommunications

- **GG46352: Notice regarding Termination of ICT COVID-19 National Disaster Regulations**
  - On 11 May 2022, the Independent Communications Authority of South Africa ("ICASA") published a notice regarding the termination of ICT COVID-19 National Disaster Regulations including the termination dates and due dates.
  - The notice was published pursuant to the notice of termination of the National State of Disaster (GG46197 of 4 April 2022).
  - The purpose of the notice is to remind interested parties and the public of termination dates and due dates prescribed by the various provisions of the

ICT COVID–19 National State of Disaster Regulations, 2021 (GG45458 of 11 November 2021).

- The table below outlines the termination dates and due dates of the relevant regulations.

Regulation	Subject	Applicable termination date and/or due date
4(5) & 4(6)	Advertising licence conditions & Local television content quotas relaxation	4 July 2022
4(7) & 4(8)	Programme syndication relaxation	13 April 2022
4(13) & 4(14)	Suspension of the requirement to submit hardcopies of applications	26 April 2022
4(15) & 4(16)	Suspension of the 60-day period for ICASA to notify the applicant of the outcome of the pre-registration	26 April 2022
4(19)	Duration of a special event community broadcasting service and radio frequency spectrum licence for the purpose of providing COVID-19 related programming	4 May 2022
4(20), 4(21) & 4(22)	Television Broadcasting Services to persons with disabilities	7 April 2022
5(10)	Duration of Type Approvals made in line with the Regulations	4 July 2022
5(11)	Decommissioning of Type Approved equipment operating in the provisional radio frequency spectrum	30 September 2022
6(1)	Duration of the temporary radio frequency spectrum licences issued in April 2020	30 November 2021
6(3) & 6(4)	Duration of provisional radio frequency spectrum licences & the return of provisional radio frequency spectrum to ICASA	30 June 2022
6(19)	Duration of spectrum sharing agreements	30 June 2022
6(21)	Maintenance of network connectivity for the virtual classrooms platforms by licensees that were assigned with temporary radio frequency spectrum in April 2020	17 months after the deployment of the connectivity solution
6(23)	Maintenance of network connectivity for the schools by licensees that are assigned with provisional spectrum	12 months from the date determined by ICASA
Any other provision not listed above		4 April 2022

- **GG46375: Notice to Extend the Closing Date for Written Submissions for the Draft End User and Subscriber Service Charter Amendment Regulations, 2022**
  - On 17 May 2022, ICASA published a notice that the deadline to submit written representations for the Draft End-user and Subscriber Service Charter Amendment Regulations, 2022 and Explanatory Memorandum has been extended.
  - The Draft End-user and Subscriber Service Charter Amendment Regulations, 2022, and Explanatory Memorandum were published on 31 March 2022 (GG46153).

- Interested persons were invited to submit written representations to ICASA by 16:00 on Wednesday, 18 May 2022.
- The extended deadline for the written submissions regarding the Draft End-user and Subscriber Service Charter Amendment Regulations, 2022, is 16:00 on Friday, 17 June 2022.
- Written representations can be submitted by post, hand delivery, or electronically marked specifically for the attention of Chairperson: End User Subscriber Service Committee. Delivery address: Block C 350, Witch-Hazel Street, Centurion, 2146. Email address: [eussc@icasa.org.za](mailto:eussc@icasa.org.za)

## in the news

- **European Commission investigates Apple Pay over anti-trust and competition concerns**
  - The European Commission has informed Apple, through a statement of objection, of its preliminary views that Apple has abused its dominant position in markets for mobile wallets on iOS devices.
  - A statement of objection is a formal step in commission investigations by the European Commission regarding investigations of suspected violations of EU antitrust rules.
  - The statement of objection sets out the European Commission's preliminary view that Apple enjoys significant market power for smart mobile devices and holds a dominant position in mobile wallet markets.
  - The Commission's findings are that Apple Pay, which uses NFC "tap and go" technology that is embedded in Apple mobile devices for payments in stores, is the only mobile wallet solution that may access the necessary NFC input on iOS.
  - Apple has not made the technology on Apple Pay available to third-party application developers of mobile wallets.
  - The Commission's preliminary view is that Apple's decision to reserve access to NFC technology to Apple Pay places Apple in a dominant position in the market for mobile wallets on its operating system iOS and this restricts competition.
  - The Commission has not indicated when the antitrust investigation will end, as the duration of an antitrust investigation depends on a number of factors, including the complexity of the case, the extent to which the undertakings concerned cooperate with the European Commission and the exercise of the rights of defence.
  - More on the Commission's findings in the statement of objection can be found [here](#).
- **Instagram launches a new feature that notifies users if a child goes missing**
  - On 1 June 2022, Instagram announced that it would be launching a new feature on the platform that would issue AMBER alerts on Instagram, allowing people to see and share notices of missing children in their area.

- The alert will include details about the child such as a photo, description, location of the abduction and any other available information that can be provided.
- This feature was rolled out in the United States on 1 June 2022 and will be fully available in 25 other countries in the coming weeks, including South Africa.
- The alerts will be displayed on a user's feed if the user is within the search area.
- Users will be able to share the alert with their friends on the application so that more people can be aware that a child is missing.
- In order to receive an alert on a user's Instagram feed, law enforcement officials will have to initiate an alert of the missing child.
- The alerts will be restricted to a specific search area, and Instagram will know which users to inform based on a variety of information sources, including the city listed on a user's profile, IP address, and location services (if a user has turned them on).
- More about the feature can be read [here](#).
- **Google adds Sepedi and Xitsonga to Google Translate**
  - Google has added Sepedi and Xitsonga to languages available on Google Translate.
  - This brings the number of official South African languages supported by Google Translate to seven. The existing languages are Sesotho, Afrikaans, isiXhosa, isiZulu, and English.
  - The languages are part of the list of 24 other languages added to Google Translate in May 2022.
  - The languages will be translated through the Zero-Shot Machine Translation, a machine learning model that learns to translate a language into another language without ever seeing an example of the translation.
  - In order to do this, Google Translate consulted with local language experts to evaluate the translations made by the machine and to help develop new tools for collecting and cleaning data that the machine would use.
  - The Zero-Shot Machine Translation is not intended to be able to “understand” language, but to provide good translations through a machine learning process.
  - More on Google Translate's use of machine learning to translate languages can be read [here](#).
- **New tech academy launches to address IT skills gap in South Africa**
  - On 24 May 2022, the Academy of Accelerated Technology Education (“AATE”) was launched, which is a new initiative that aims to address challenges of unemployment and the skills shortage in the ICT sector in South Africa.
  - The AATE programme will focus on developing cloud-certified technology skills, which will focus on three technology roles, namely software engineers, security engineers, and data scientists.
  - Each learning track will comprise two phases. The first phase consists of three months of intensive full-time training and the second phase offers students a nine-month paid internship opportunity.
  - After the 12-month programme, students will take the Institute of Chartered Information Technology Professionals board exam, which will provide them

with a recognised qualification from the South African Qualifications Authority.

- Applications for the AATE programme are open to any student with an undergraduate university degree.
- Applicants will also be required to complete an aptitude test that will assess their suitability to be a technology professional.
- More on the AATE programme can be found [here](#).

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