

**IN THE ENFORCEMENT COMMITTEE OF THE FILM AND PUBLICATION
BOARD (FPB)**

Film and Publication Board (FPB)

Applicant

and

WATCHLIST-PRO

1st Respondent

Case No: 024/2025/RD/China

Date of hearing: 15 May 2026

MEMBERS OF THE ENFORCEMENT COMMITTEE

Judge Thokozile Masipa - Chairperson

Ms Malini Maharaj - Member

Dr. Adv Nzumbululo Silas Siphuma - Member

OFFICE OF THE ENFORCEMENT COMMITTEE

Mpho Mooketsi - Registrar

LEGAL REPRESENTATION

For the Applicant

Ms Nonhlanhla Gumede

For the Respondent

(No Appearance)

DECISION

Judge Thokozile Masipa

INTRODUCTION

[1] This matter concerns the Respondent's alleged noncompliance with statutory registration and classification requirements set out in section 18(1) (a) and 18(1) (b) respectively, of the Films and Publications Act 65 of 1996 as amended ("the FP Act").

THE PARTIES

[2] The Applicant is the FILM AND PUBLICATION BOARD, a content Regulatory Authority of South Africa established in terms of section 3 of the Films and Publications Act 65 of 1996, as amended with its principal place of business situated at Eco Glades 2, 420 Witch Hazel Avenue, Eco-Park Estate, Centurion, 0169.

[3] The Respondent is Watchlist-Pro, an online streaming platform operating from Hong Kong, China, which offers a variety of films and shows within the Republic of South Africa ("RSA") through its website recorded as <https://watchlist-pro.com> and with email address service @watchlist-pro.com with its principal place of business situated at Room 602/ 6/F, Kai Yue Commercial Building, No 2C, Argyle Street, Kowloon, Hong Kong, China.

THE ALLEGED NONCOMPLIANCE

[4] The Applicant alleged that the Respondent was in contravention of sections 18(1)(a) and (b) of the FP Act in that it had failed to register with the Applicant as a distributor of films, games and publications and it had failed to submit these to the Applicant for classification.

THE RELIEF SOUGHT

[5] The Applicant sought an Order in the following terms:

- 5.1. Condoning of the Applicant's noncompliance with Rule 9(1) of the Rules of the Enforcement Committee and the late filing of the Notice of Referral in terms of Rule 3 of the Rules.
- 5.2. Interdicting and restraining the Respondent from continuing with the unlawful distributing, exhibiting or making available any unclassified film content for streaming within the RSA in contravention of section 18(1)(a) read with 24A(1), 24A(2), and 24A(5) of the FP Act through its website <https://watchlist-pro.com> or any other digital platform accessible within the RSA without being registered to do so with the Applicant; and
- 5.3. Imposing fines on the Respondent, specifically, a fine in the amount of R150 000 (one hundred and fifty thousand rand) for distributing films without registration as a distributor of films with the Applicant, a fine of R500 000 (five hundred thousand rand) for distributing unclassified films in RSA and a fine of R50 000 (fifty thousand rand) for distributing film's without displaying clearly and conspicuously, the reference number, the age restriction, consumer advice and any other condition that might have been imposed on the distribution of that film as prescribed in terms of section 24A (1), 24A (2) and 24A (5) of the FP Act, respectively.

RESPONDENT'S DEFENCE

- [6] The Respondent did not respond to any of the correspondence from the Applicant. In addition, at the hearing, there was no appearance on behalf of the Respondent. This means the matter had to proceed as an unopposed application without the benefit of the Respondent's defence.

FACTUAL BACKGROUND

- [7] On 18 February 2025, Rajesh Vishnu, the Compliance Officer and Regional Coordinator of the Applicant conducted an online inspection on the Respondent's website with URL <https://watchlist-pro.com> At the time, Mr. Vishnu was employed by the Applicant in terms of section 15A of the FP Act.
- [8] During the course of the inspection Mr. Vishnu established that the Respondent was distributing/exhibiting/streaming various films/movies online and accessible in South Africa to members of the public. Mr. Vishnu checked the Respondent's registration on the Applicant's records through the Applicant's Online APP and found none. He attached a copy of the Applicant's Online check marked Annexure "FPB1" which confirmed that the Respondent was not registered with the Applicant as a distributor of films.
- [9] Mr. Vishnu also observed that the films/movies unlawfully distributed/exhibited/streamed on the Respondent's website without displaying or clearly and conspicuously displaying the films in the manner prescribed by the FP Act and without the required classification reference numbers, age restriction and consumer advice. Copies of the screenshots were provided and marked Annexure "FPB2".

[10] On the same day, the Applicant issued to the Respondent, a Cease-and-Desist Letter per email service@watchlist-pro.com informing the Respondent that distributing content within the RSA without registering with the Applicant as distributor constituted an offence. In addition, the Applicant provided the Respondent with the email address clientsupport@fpb.org.za for registration inquiries. The Respondent was afforded a period of thirty (30) days to remedy the noncompliance or request an extension.

[11] On 17 September 2025, the Applicant conducted an online follow up inspection on Respondent's website and observed that the Respondent was still not compliant with the provisions of the FP Act. It was this failure by the Respondent to remedy the noncompliance that triggered the referral to this Committee. On the same date, the Applicant transmitted to the Respondent through the email address service@watchlist-pro.com a courtesy email which advised the Respondent that as a result of its failure to rectify the noncompliance, the matter was being referred to the Enforcement Committee for adjudication.

PRELIMINARY ISSUES

Service

[12] The Applicant issued and served all the relevant notices and documents pertaining to the present matter on the Respondent by email sourced from its website.

[13] Notably, service was done in terms of Rule 5 of the Enforcement Committee Rules. In addition, Sheldon Cairns, an IT Specialist of the FPB, deposed to an Affidavit in which he explained how he determined that the electronic mail has been delivered and/or reached the recipient's mail address.

[14]Details of the explanation are not necessary for the purposes of this judgment.

[15]Suffice to state that according to the Applicant's IT Specialist, the recipient has a choice to disable delivery notifications in its electronic mail setting.

[16]Apparently, this is what has happened in this case, as there is proof that delivery to the recipient was complete, but no delivery notification was sent by the destination server.

[17]Having regard to the evidence of service by the Applicant as well as the evidence of the IT Specialist, the Enforcement Committee is satisfied that there was proper service on the Respondent and that the Respondent was aware that the matter was referred to the Enforcement Committee for hearing.

Application for an Amendment

[18]Counsel for the Applicant made an amendment of the notice of referral. She submitted that in the process of drafting the papers, reference to section 18(1)(a) as the provision that was contravened, was omitted. Instead, the Applicant stated the facts (the act of contravention / which was failure to register with the Applicant as a distributor of films, without referring to the provision being contravened).

[19]The Enforcement Committee considered the application for the amendment and granted it on the following grounds:

- By curing the omission, the amendment did not alter the substance of the charge against the Respondent. I say this because the Respondent would not be taken by surprise as it knew all along that it had failed to register as a distributor of films and that this was a contravention of the provisions of the FP Act.

- Specifically mentioning the provision that has been contravened shall not cause prejudice to the Respondent.
- The omission was a genuine oversight and not intentional and was corrected as soon as it was discovered.

Condonation Application

[20] The Applicant made an application for the condonation of the late referral of the Notice of Referral to the Enforcement Committee in terms of Rule 9(1) of the Rules of the Enforcement Committee.

[21] For the condonation application to be successful, the Applicant must show good cause which includes an explanation for the nature, reason and extent of the delay, the likelihood of prejudice to the Respondent if the application were to be granted, the prospects of success for the Applicant in the main application, and whether it would be in the public interest to grant the condonation.

Nature and Cause of the Delay

[22] The delay in referring matters to the Enforcement Committee emanates from the inability of the Applicant to meet its deadlines especially doing follow up inspections on time.

[23] The Applicant gave a detailed account of the main reason behind the recurring failure of the Applicant to refer alleged contraventions to the Enforcement Committee timeously.

[24] The Films and Publications Act was amended with effect from March 2022. The long-awaited amendment, which extended the mandate of the Board to include the regulation of online content, meant more work and more challenges.

[25]The unfortunate part, however, was that while the workload increased significantly, the staff did not. The result was that the Applicant was not in a position to inspect/investigate a large number of distributors within a reasonable time.

[26]Hereunder is an illustration that puts nature and scope of the problem into perspective.

[27]The Applicant currently employs 5 (five) Compliance Officers distributed in this manner:

- 2 (two) in the Central Region covering Gauteng, Northwest, part of Mpumalanga and Limpopo.
- 2 (two) in the Northern Region covering KwaZulu-Natal, parts of Mpumalanga, Free State and part of Eastern Cape; and
- 1 (one) in the Western Region covering Western Cape, Northern Cape and part of Eastern Cape.

[28]Although the FP Act as amended extended the mandate of the FPB, to include online distributors, no corresponding resources were made available.

[29]The Applicant, however, was currently taking measures to remedy the problem while waiting for the allocation of resources.

Likely Prejudice for the Respondent in the Event Condonation Is Granted

[30]The Applicant submitted that no prejudice would be suffered by the Respondent if condonation were to be granted.

[31]There is merit in this submission. There can be no prejudice to the Respondent if condonation is granted. In fact, the delay on the part of the Applicant to refer the

matter to the Enforcement Committee meant more time for the Respondent in which to remedy the noncompliance. And the Respondent failed to take advantage of that opportunity.

The Applicant's Prospects of Success in the Main Application

[32] The Applicant submitted, correctly, in our view, that its prospects of success in the Application were very good. That is because every allegation against the Respondent was supported by credible evidence which was not contradicted.

Whether it is in the Public Interest to Grant Condonation

[33] The Applicant correctly contended that its mandate as a watchdog for the public, especially children, supported the submission that it was in the public interest that condonation should be granted, and the matter be heard.

[34] The Enforcement Committee has had regard to all the submissions made in support of the application. Having regard to the facts of the present matter, the formidable evidence against the Respondent, as well as the objects of the FP Act, the Enforcement Committee is of the view that the Applicant has shown good cause for the application and that condonation should be granted.

DISCUSSION AND ANALYSIS

[35] The Applicant alleged that the Respondent had contravened sections 18(1)(a) and 18(1)(b) in that it failed to register with the Applicant as a distributor of films. In addition, the Respondent had failed to submit its films to the Applicant for classification.

[36] There was no response from the Respondent. Furthermore, at the hearing, there was no appearance on behalf of the Respondent. This means that the only version before the Enforcement Committee was that of the Applicant.

[37] In evaluating the allegations against the Respondent, the Enforcement Committee took into account, the evidence presented in support of such allegations.

[38] Various screenshots of the website of the Respondent not only confirmed that the Respondent was in the business of distributing/exhibiting/streaming films/videos and movies to the public but also that it was doing so unlawfully.

[39] A follow up inspection revealed that the Respondent was still not compliant with the provisions of section 18(1)(a) of the FP Act read with sections 24A (1), 24A (2), and 24A (5) of the FP Act.

[40] Furthermore, the Respondent distributes/exhibits and streams films without indicating clearly, and conspicuously, so as to be plainly visible to the public, the age restriction, consumer advice and any other condition that may have been imposed on the film.

[41] The Applicant afforded the Respondent an opportunity of 30 days to remedy the problem, but the Respondent ignored that opportunity.

[42] Having considered all the facts, the evidence as well as the submissions on behalf of the Applicant, the Enforcement Committee is satisfied that the Applicant has made out a case for the relief sought.

FINDING

[43] In the premises the Enforcement Committee makes the following findings:

- 43.1. The Respondent is found to have contravened Section 18(1)(a) of the FP Act in that it failed to register with the Applicant as a distributor of films.
- 43.2. The Respondent is found to have contravened section 18(1) (b) of the FP Act in that it failed to submit its films to the Applicant for classification.

ORDER

[44] Accordingly, the following Order is granted:

- 44.1. The Applicant's application for condonation for noncompliance with Rule 9(1) of the Rules of the Enforcement Committee and the late filing of the Notice of Referral in terms of Rule 3 of the Rules is granted.
- 44.2. The Respondent is interdicted and restrained from continuing with the unlawful distributing, exhibiting or making available any unclassified film content for streaming within the RSA in contravention of section 18(1)(a) read with 24A(1), 24A(2), and 24A(5) of the FP Act through its website <https://watchlist-pro.com> or any other digital platform accessible within the RSA without being registered to do so with the Applicant; and
- 44.3. The Respondent shall pay a fine in the amount of R150 000 (One Hundred and Fifty Thousand Rand) for distributing films without registration as a distributor of films with the Applicant.
- 44.4. The Respondent shall pay a fine in the amount of R500 000 (Five Hundred Thousand Rand) for distributing unclassified films in RSA. And
- 44.5. The Respondent shall pay a fine in the amount of R50 000 (Fifty Thousand Rand) for distributing films without displaying clearly and conspicuously, the reference number, the age restriction, consumer advice and any other condition that might have been imposed on the distribution of that film as prescribed in terms of section 24A (1), 24A (2) and 24A (5) of the FP Act, respectively.

44.6. The Respondent shall pay the costs in respect of the proceedings.

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ENFORCEMENT COMMITTEE

Judge Thokozile Masipa – Chairperson

Ms Nalini Maharaj – Member

Dr. Adv Nzumbululo Silas Siphuma – Member

Date: 14/8/2026