

Intellectual Property (IP) Consultative Framework - Consultative Instrument

11 October 2016

International Trade and Economic Development Division
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Trade and Industry
REPUBLIC OF SOUTH AFRICA

Outline

- Background
- Objectives
- Immediate Issues
- In-Built Agenda
- Substantive Search and Examination



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Background

- 2008 Cabinet mandate
- 2013 Draft National IP Policy
- 2015 revision
- New approach:
 - 3 pillars
 - Consultative instrument to facilitate

Objectives

- Engender the ethos of the Constitution.
- Align the country's IP regime to its National Development Plan and industrial policy.
- Develop a co-ordinated intergovernmental approach to IP.

Objectives

- Strike a balance between the creators and users of IP.
- Stimulate innovation.
- Facilitate the development of key industries while striking a balance with the public interest.

Objectives

- Contribute to the attraction of foreign direct investment and technology transfer.
- Adopt a coordinated approach to IP in sub-regional, regional and international forums.
- Promote public health.

Strategy

- IP Policy eagerly awaited.
- Need to balance need for action with further research.
- Also need to align with initiatives underway.
- Divide issues into immediate term and in-built agenda.



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Immediate issues

- Immediate domestic reform
 - Local manufacture
 - Substantive Search and Examination (SSE)
 - Patent opposition
 - Patentability criteria
 - Disclosure requirements
 - Parallel importation



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Immediate issues

- Immediate domestic reform
 - Exceptions
 - Voluntary licenses
 - Compulsory licenses
 - IP & Competition law
 - BRICS perspective



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Immediate issues

- International Commitments:
 - Engagement at international fora
 - Treaties
 - GI Protocol to the Economic Partnership Agreement (EPA)
- Inter Ministerial Committee (IMC) is key!

In-built Agenda

- Medium term i.t.o. WIPO Methodologies:
 - Intellectual Property Rights (IPRs) in Agriculture
 - IPRs and Biotechnology/ Genetic Resources
 - IPRs and the Environment/ Climate Change/ Green Technologies
 - IPRs and the informal sector
 - Commercialization of IP



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In-built Agenda

- Medium term i.t.o. WIPO Methodologies:
 - Branding SA goods and services (Collective Marks, Certification Marks, Geographical Indications)
 - IPRs and the Government
 - Policymaking in the International Arena
 - IPR Awareness & Capacity Building
 - Enforcement

In-built Agenda

Monitoring and Evaluation:

- Copyright and related issues, including:
 - IP & creative industries,
 - access to knowledge – libraries and archives/
disabled persons/ copyright
 - exceptions and limitations/ digital
technologies,
 - IPRs in the digital age
- Traditional knowledge (TK)/ indigenous
knowledge.



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Continuous Consultations

- Trade Associations
- Civil society
- Embassies
- NEDLAC
- Inter-Governmental Organizations – World Trade Organization, World Intellectual Property Organization, United Nations Conference on Trade and Development, United Nations Development Programme
- 26-30 September Workshops



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Way Forward

- Framework published on **the dti** website July 2016.
- Submit comments to ipframework@thedti.gov.za by 14/10/2016
- Continuous engagement including roundtables and workshops.
- Policy addressing immediate issues and framework for in-built agenda by 03/17.



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Thank you for your attention!



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