

Intellectual Property Consultative Framework - Consultative Instrument

NEDLAC
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Department:
Trade and Industry
REPUBLIC OF SOUTH AFRICA

Outline

- Background.
- Objectives.
- Immediate Issues.
- In-Built Agenda.



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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 NDP and industrial policy.
- Develop a co-ordinated intergovernmental approach to IP.



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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.



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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.
 - 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.

Immediate issues

- International Commitments:
 - Engagement at international forums.
 - Treaties.
 - GI Protocol to the EPA.
- IMC is key!

In-built Agenda

- Medium term ITO WIPO Methodologies:
 - IPRs in Agriculture.
 - IPRs and Biotechnology/ Genetic Resources.
 - IPRs and the Environment/ Climate Change/ Green Technologies.
 - IPRs and the informal sector.
 - Commercialization of IP.

In-built Agenda

- Medium term ITO 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.



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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

- American Chamber of Commerce.
- Civil society.
- Swiss Embassy.
- IPASA.
- IGOs – WTO, WIPO, UNCTAD, UNDP.

Thank you for your attention!



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