

# DIGITAL CREATIVITY- CULTURE Re-IMAGINED



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**Occasion: World IP Day**  
**Date: April 2016**



**science  
& technology**

Department:  
Science and Technology  
REPUBLIC OF SOUTH AFRICA

**NIPMO**  
NATIONAL INTELLECTUAL PROPERTY  
MANAGEMENT OFFICE  
*An initiative of the Department of Science and Technology*

- **Purpose of the IPR Act:**

- Provide for **more effective utilisation of IP emanating from publicly financed R&D.**
- Establish the National Intellectual Property Management Office (NIPMO) & the Intellectual Property Fund.
- Provide for the establishment of Offices of Technology Transfer (OTT's) at institutions.

- **Objects of the IPR Act:**

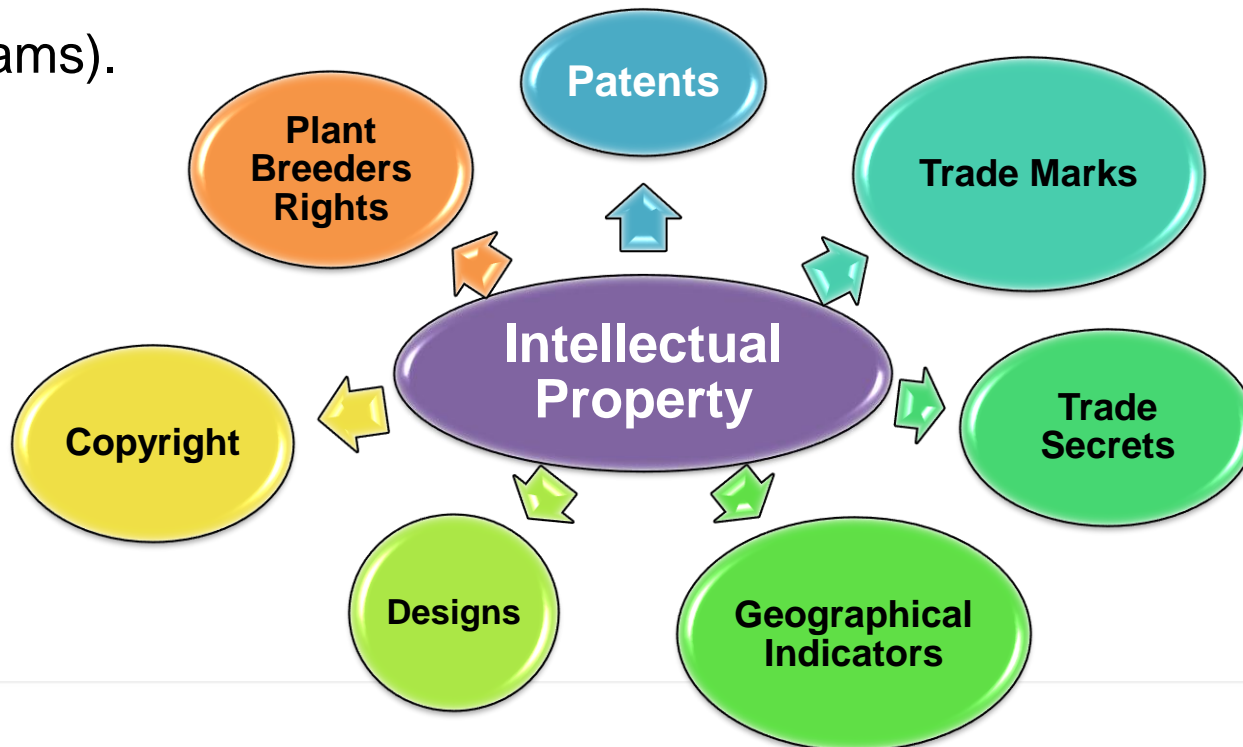
- IP emanating from publicly financed R&D is **identified, protected, utilised and commercialised** for the benefit of the people of the Republic.
- **Human ingenuity and creativity** must be acknowledged and rewarded.
- **Small enterprises & BBBEE entities** have preferential access.

# Intellectual Property

“Intellectual property” classification

**Industrial property** (including inventions, designs, plant breeders’ rights, and marks or logos); and

**Copyright** (literary works, music, films etc., as well as computer programs).





# IP ownership: Recipient owns IP

- ❖ Section 4(1): IP emanating from publicly financed R&D shall be owned by the recipient
- ❖ Section 9: Recipient must assess IP to determine whether it merits statutory protection and, where appropriate, apply for and use best efforts to obtain statutory protection in its name
- ❖ Section 4(2) to 4(4): If recipient prefers not to retain ownership or not to obtain statutory protection of the publicly financed IP...
  - ❖ Pass on to NIPMO
  - ❖ Then pass onto IP creators / funders

# Benefit sharing

- Section 10: IP creators and their heirs **are entitled to a portion** of the revenues that accrue to the institution:
  - **At least 20%** of the revenues of first R1 million
  - Thereafter **at least 30%** of the nett revenues
- Revenues include income and other benefits, including non-monetary benefits e.g. **shares** in a company; **access to machinery** or services that are acquired or result from the research and development; Capacity development etc...



- No proper record keeping of copyrighted material
- Lack of awareness in terms of what constitutes IP (Focus has been on patents and designs)
- Assignment of IP without realising (through competitions, collaborations agreements etc.)

# IP as a tool for economic growth: Western Cape

## Lumkani fire detector:



**Problem:** Informal settlements are prone to rampant shack fires.

**Solution:** University of Cape Town developed a low cost fire-detection device which is coupled with a radio-frequency alert service.

**IP:** Provisional patent protection filed for and copyright protected in the form of software

**Impact:** Safety, financial security, and quality of life. Company is a virtual organisation with UCT but



will be spun out into a company in due course.



Siyathokoza  
Re a leboga  
Dankie  
Ro livhuwa  
Thank you  
Siyabonga  
Enkosi  
Ha khensa