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Department:  
Trade and Industry  
**REPUBLIC OF SOUTH AFRICA**

**SPEAKING NOTES ON IP**





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**Presenter**

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*IP Policy roadmap*

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## Introduction

- ❖ **IP is the “creation of the mind”. Creation of the mind comes through innovation, research and development and it occurs in all nations.**
- ❖ **IP include, but not limited to: trade marks, copyright, patents, designs, trade secrets, geographical indications, technical know-how, business methods, traditional/indigenous knowledge.**
- ❖ **IP is crosscutting in nature in all disciplines such as medicines, agriculture, environment, biotechnology, biology, health, health, science, chemical, pharmaceutical, mining, culture, rock painting, music, economics, trade, commerce, spiritual, innovation, research and development.**
- ❖ **A Regulatory framework of IP in the main is crafted internationally and states subscribe to these treaties through the ratification process. International intergovernmental organizations that set standard on IP are WIPO, WTO, UNESCO, UNEP, FAO and WHO.**
- ❖ **Emerging issues in the area of IP are genetic/biological resources, copyright and neighbouring/related rights, indigenous knowledge, access to medicines, and education.**



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## Discussion

**•IP in the main is crosscutting in nature. Departmentally: In trade and industry, agriculture, environment, arts and culture, communications, science, health and education.**

**Policy on IP is in the dti but management of IP may be in various departments. These departments may be contact points of intergovernmental organizations, e.g. dti and WIPO, Agric and FAO.**

- ❖ IP is also cross cutting departmentally, e.g. the dti, agriculture, environment, arts and culture, communications, science and technology. Policy, unless otherwise is formulated at the dti. Focal contact with international organisations, e.g. the dti and WIPO, FAO and agriculture.
- ❖ **Protection of Innovation. Research, development and Innovation organizations, such as councils, laboratories and research institutes also deal with patents and IP in general.**
- ❖ **Exportation of IP. The US citizens produce a lot of books and music and export them. Expects trading partners to respect copyright treaties.**



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## Problem Statement

- ❖ **Accession to treaties done without cost and benefit analysis.**
- ❖ **Trade Negotiators forced to enter into bilateral treaties that may impose more obligations to the country.**
- ❖ **Nationals of the country not innovative and not using IP to their competitive advantage.**
- ❖ **Backlogs in registration of IP impede accession to relevant treaties that may facilitate investments in the country.**
- ❖ **No coordination by other National departments that directly or indirectly deal with IP. Accession that is not strategic may occur .**
- ❖ **No development of IP strategies, e.g. franchising and licensing of IP in order to stimulate the economy.**



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## Objective of the Report

- ❖ **Advise Government what treaties to accede to and not to accede to.**
- ❖ **Advise Government what issues should be considered before accession takes place.**



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## Copyright & economy

- ❖ **Studies have shown that copyright is the fastest growing industry (e.g. music, books and films). WIPO has developed new methodologies that are acceptable in calibrating benefits accruing from copyright. Contribute 11% to the US GDP and 7% to the US workforce.**
- ❖ **Electronic Commerce in the main is taking place in the area of copyright. There are more treaties in copyright than in other IP domains, e.g. WIPO Copyright Treaty, WIPO Performances and Phonograms Treaty, Berne Convention, Broadcasting Treaty?, Audiovisual Treaty and Web Casting Treaty ?**
- ❖ **For copyright industry to thrive, there is a need to assist stakeholders to be competitive. Relevant incentives may be designed.**
- ❖ **The above also apply to other domains of IP.**



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## Conclusion

❖ **Government, organs of state, private sector must have a common goal in the area of IP for national interest.**



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**THANK YOU, QUESTIONS?**