



SOUTH AFRICAN RESEARCH CHAIR:

Intellectual Property,
Innovation and Development

Newsletter

December 2021 | Issue 3



Prof Caroline B Ncube
SARChI Research Chair in
Intellectual Property, Innovation
and Development

Welcome to our third annual newsletter.

2021 was our second 'remote-mode' year and the team continued to work from home as our campus continued to run on a physically distanced model. We made good use of virtual communication channels and were as busy as previous years and probably more so, as our attendance at virtual events attests to.

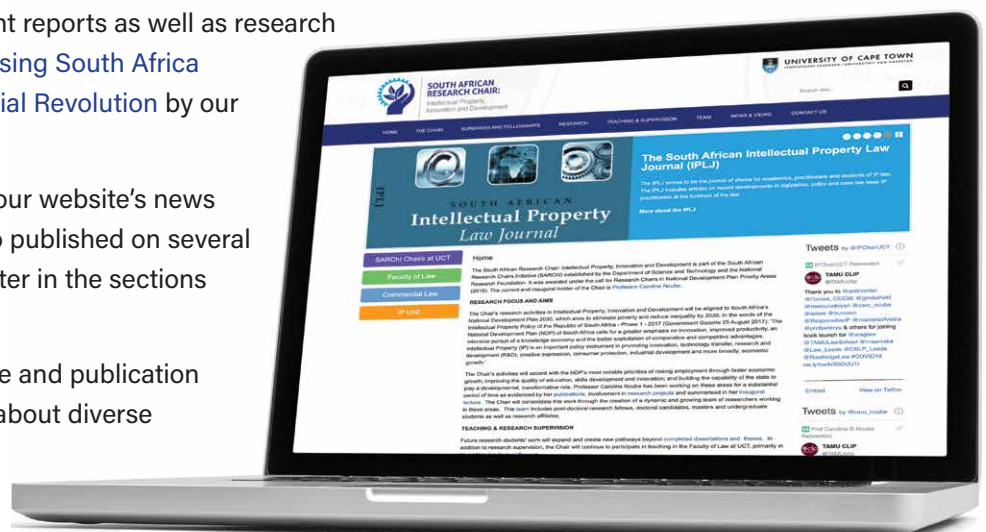
We celebrated graduations and other milestones, some of which we share here. Our team works on many other issues beyond Intellectual Property (IP), but in this newsletter we report only on our IP related work, which is what falls under the ambit of the Chair in IP, Innovation and Development.

Website news and views

Our website's [news and views section](#) provides an update on most of what we got up to in the year. There you'll find the blog posts listed under the team member who is profiled in this newsletter. We have regular event reports as well as research reports. The latter include [Assessing South Africa Readiness for the Fourth Industrial Revolution](#) by our collaborator Dr Oluseye Jegede.

In addition to the blog posts on our website's news and views section, our team also published on several other blogs listed in this newsletter in the sections featuring their work.

As you'll see from our conference and publication lists, our team spoke and wrote about diverse issues throughout the year.

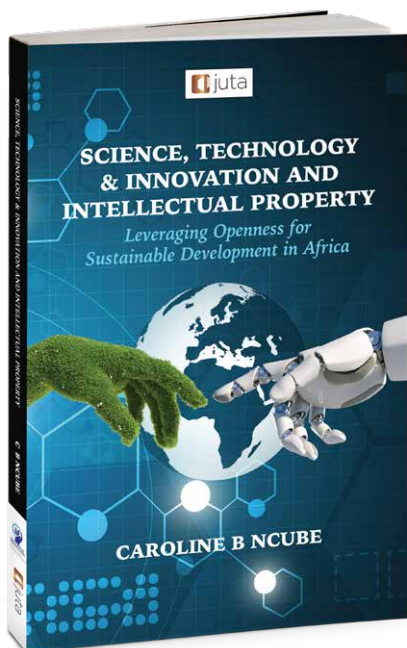




Publications

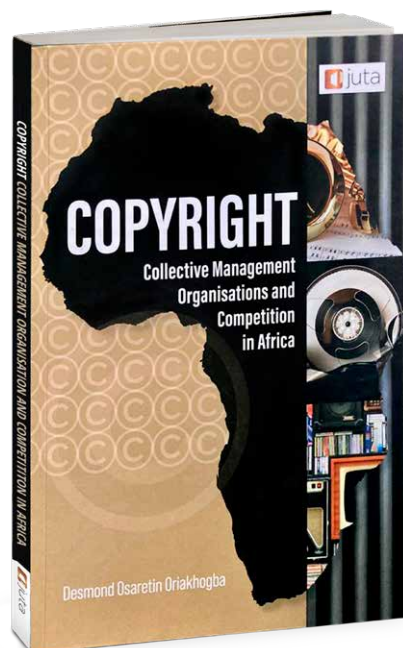
Here are our team's most recent publications, based on Chair-funded research. We also submitted several other pieces, which we will update you on next year.

Books



Caroline B Ncube *Science, Technology & Innovation and Intellectual Property: Leveraging Openness for Sustainable Development in Africa* (2021) Juta & Company Ltd.

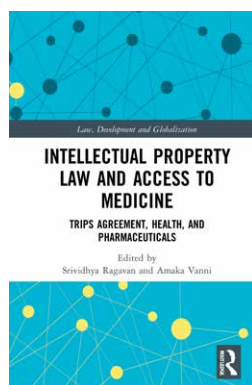
Download at: <https://openbooks.uct.ac.za/uct/catalog/view/34/51/1549>



Desmond O Oriakhogba *Copyright, Collective Management Organisations and Competition in Africa: Regulatory Perspectives from Nigeria, South Africa and Kenya*. (2021) Juta & Company Ltd.

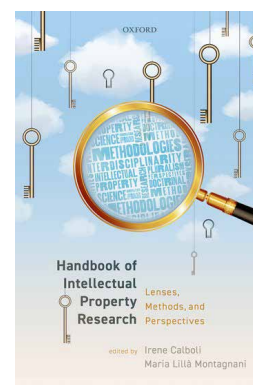
Book chapters

Caroline B Ncube 'South Africa's Three Decades of Access to Medicine Discourse: Blight or Benefit' in Srividhya Ragavan and Amaka Vanni (eds) *Intellectual Property Law and Access to Medicines TRIPS Agreement, Health, and Pharmaceuticals* (2021) Routledge 235–251.



Caroline B Ncube 'Intellectual Property and Openness: A Research Perspective and Agenda' in Irene Calboli and Maria Lilla Montagnani (eds) *Handbook of Intellectual Property Research: Lenses, Methods, and Perspectives* (2021) Oxford University Press 700–713.

Download at: <http://fdslive.oup.com/www.oup.com/academic/pdf/openaccess/9780198826743.pdf>





Journal articles (on IP only)

Oluseye Jegede and Caroline B Ncube 'Science, Technology, Innovation Management for Industrial Development in South Africa: Implications for the Fourth Industrial Revolution' (2021) 15(9) *International Journal of Innovation, Creativity and Change* 673–69.

Desmond Osaretin Oriakhogba 'What If DABUS Came to Africa? Visiting AI Inventorship and Ownership of Patent

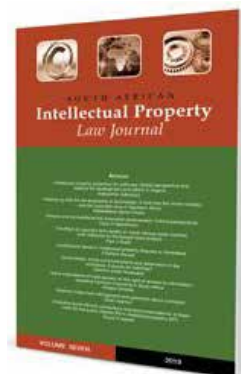
from the Nigerian Perspective' (2021) 42(2) *Business Law Review* 89–99.

Desmond Oriakhogba and Ifeoluwa A Olubiyi 'Implications of the Nigerian Broadcasting Code on Broadcast Copyright and Competition' (2021) 70(7) *GRUR International* 644–655.

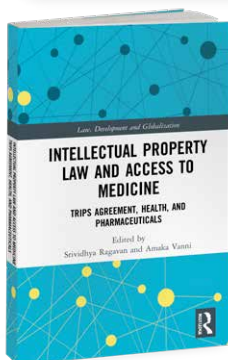
Policy brief

Caroline B Ncube 'Policy Brief Intellectual Property (IP) and Trade in the African Continental Free Trade Area (AfCFTA)' International Trade Centre (ITC) SheTrades Initiative.

The 2021 issue of the *South African Intellectual Property Law Journal*, edited by our team, will be published shortly.



Book launches



Intellectual Property Law and Access to Medicines

We participated in a Book Launch for Srividhya Ragavan and Amaka Vanni (eds) *Intellectual Property Law and Access to Medicines TRIPS Agreement, Health, and Pharmaceuticals* (2021) on 23 November. The event was hosted by the Centre for Business Law and Practice at the School of Law, University of Leeds, UK, and the [Center](#)

for Law and Intellectual Property at Texas A&M University School of Law, USA, and co-sponsored by the Chinese University of Hong Kong's Centre for Comparative and Transnational Law. The launch consisted of [three panels \(full program\)](#) and Prof Ncube spoke on panel 2.



Science, Technology & Innovation and Intellectual Property

We held a virtual book launch for *Science, Technology & Innovation and Intellectual Property: Leveraging Openness for Sustainable Development in Africa* (2021) at the Science Forum South Africa on 2 December 2021.

The panel, entitled 'the role of open science in development', discussed the role of scientists in Innovation Systems, the relevance of IP and the role of science diplomacy, amongst other issues.

The session was moderated by Dr Chijioke Okorie (University of Pretoria) and the author, Prof Caroline Ncube, conversed with Prof Mammo Muchie (Tshwane University of Technology), Prof Salome Maswime (UCT), Dr Wasiu Afolabi (UCT) and Dr McLean Sibanda (Bigen).





SARChI Research Chair

Prof Caroline B Ncube

Blogs

- Comments to the Portfolio Committee on Trade & Industry on the Alignment of s19D CAB to the Marrakesh Treaty (13 August 2021).

<http://www.ipchair.uct.ac.za/news/comments-portfolio-committee-alignment-s19d-marrakesh-treaty>

Conferences

1. Open Science for Sustainable Development [Book launch: *Science, Technology & Innovation and Intellectual Property: Leveraging Openness for Sustainable Development in Africa*], Igniting Conversations about Science – Round 7 Science Forum South Africa 2021, 2 December 2021.
2. Panel: Vaccine Inequity and the TRIPS Waiver, 30 November 2021; hosted by the LSE Law School.
3. Panel: G20, State Action and Global Public Health, 23 November 2021, Book launch: *Intellectual Property Law and Access to Medicines: TRIPS Agreement, Health, and Pharmaceuticals*; hosted by the Centre for Business Law and Practice at the School of Law, University of Leeds, UK and the Center for Law and Intellectual Property at Texas A&M University School of Law, USA.
4. SDGs Africa Summit 2021, 13 September 2021; hosted by the University of Cape Town.
5. 'Methodology for the Development and Formulation of Good IP Strategies and Policies', Workshop on Intellectual Property Innovation Policy, 16–27 August 2021.
6. UCT SDG Summit Theme 2 Workshop, 11 August 2021; hosted by the University of Cape Town.
7. 'What South Africa can Achieve, With and Without a TRIPS waiver', 10 August 2021; hosted by the Mandela Institute, Wits University & Health Justice Initiative (HJI).
8. 'The International IP Regime – An Academic Perspective', 11 August 2021.
9. InnSciD SP 2021 + TWAS Science Diplomacy LAC Regional Workshop.
10. Roundtable 2: Career Paths in International Economic Law, #AfIELN2021 COVID-19 and International Economic Law: Africa's Experiences and Responses, 24 July 2021; hosted by Afronomics Law in association with African International Economic Law Network (AfIELN) and Society of International Economic Law (SIEL).
11. 'Lessons from the COVID-19 Pandemic for Africa's Healthcare Sector', TRALAC Annual Conference, 23 July 2021.
12. 'Incorporating Current Policy and Reform Proposals into Existing and Future Curricula', 21 July 2021; World Intellectual Property Organization (WIPO) Colloquium: The Impact of the COVID-19 Pandemic on IP Teaching and Skills Development and the WIPO Joint Masters' Degree Programs.
13. 'IPR Commercialization – The Process, Challenges and Opportunities', 3 June 2021; WIPO in collaboration with the African Regional Intellectual Property Organization (ARIPO), the Japan Patent Office (JPO) and the Africa University; Masters' in Intellectual Property (MIP) Annual Conference.
14. 'Pending Patent Reform and the Health Sciences in South Africa', 27 May 2021; University of KwaZulu-Natal Webinar: The Future of Patenting in the Health Sciences.



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15. 'Outside and Beyond the TRIPS Waiver', 20 May 2021, University of Venda, AIPLITL, UNISA: TRIPS Waiver for COVID-19 Vaccines, Diagnostics, and Therapeutics: What are the Legal, Policy & Other Implications for South Africa?
16. Roundtable Discussion – On the Occasion of World Intellectual Property Day – 26 April 2021 IP & SMEs: Taking your Ideas to Market, 27 April 2021; hosted by Organisation of Women in International Trade (OWIT), INTA, WIPO.
17. SheTrades AfCFTA – Recommendations for Phase II Issues – Intellectual Property, 13 April 2021; hosted by International Trade Centre (SheTrades AfCFTA Project).
18. Third IP & Innovation Researchers of Asia (IPIRA) Conference, 24–27 March 2021.
19. Panel: Africa, the United States, and the Evolving International Legal Order, 9 March 2021, American Society of International Law, African Society of International Law; hosted by Institute for African Women in Law, Pan-African Lawyers Union, Global Engagement Series.
20. 'Intellectual Property for Healthcare Technologies', 25 February 2021; hosted by Economic Commission for Africa, Second Africa Regional STI Forum 2021.
21. 'Gender Dynamics of IP in the AfCFTA 2nd Phase Negotiations', 23 February 2021; hosted by Economic Commission for Africa – Business Unity South Africa (ECA-BUSA) Conference: Leveraging the AfCFTA to Boost Women's Economic Empowerment.

Research activity

Prof Ncube provides the academic leadership for the Chair as well as supervises doctoral and masters' candidates. She is working on multiple book projects and collaborates with scholars from several countries on research, publications and webinars.

Hulya Kurt
OWIT Lake Geneva President

Caroline B Ncube
Professor, South African Research Chair in Intellectual Property, Innovation and Development
Advisor UNBISA

Sanaz Javadi Farahzadi
UN, ESMPO Project Adviser
Lecturer
OWIT Geneva VP Partnership

Tamara Nanayakkara
Coordinator IP for Business, Districts
IP and Intellectual Economics Sector
WIPO

Debbie David
Senior CEO African Health IP, Medicines
INTA (Innovation, Access, Compliance)

**World Intellectual Property Day, Round Table Discussion:
IP & SMEs:
Taking your ideas to market**

April 27th, 2021, 14:00-15:15, via Zoom
To register and learn more, please visit:
<https://owit-lakegeneva.org/events>

Logos: OWIT Lake Geneva, INTA International Trademark Association, WIPO World Intellectual Property Organization, ADVANZ FIDELIS, SOUTH AFRICAN RESEARCH CHAIR

tralac Annual Conference 2021
#tralacConf2021
Register: <https://bit.ly/3hZqHmD>

Lessons from the COVID-19 pandemic for Africa's healthcare sector
23 July 2021
10:00 - 11:30 GMT+2

Trudi Hartzenberg
tralac Executive Director
Moderator

Prof Caroline Ncube
SARChI Research Chair in Intellectual Property, Innovation and Development,
Faculty of Law, University of Cape Town

Ms Beatrice Chaytor
Senior Expert – Trade in Services, African Union
Commission and tralac Associate

Ify Ogo
Regional Integration Expert (AfCFTA) at UNDP and tralac Associate

FIFTH AFRICAN INTERNATIONAL ECONOMIC LAW NETWORK COLLOQUIUM (VIRTUAL)
COVID-19 AND INTERNATIONAL ECONOMIC LAW: AFRICA'S EXPERIENCES AND RESPONSES

Logos: SIEL Society of International Economic Law, AFRICAN INTERNATIONAL ECONOMIC LAW NETWORK (AIELN), EconomicsLAW

Roundtable 2: Career Paths in International Economic Law

Chair:

Patricia Ouma
PhD Candidate, Leiden University and Executive Committee, Secretary, ARELN

Elizabeth Oger-Gross
Partner, White & Case (Paris)

Caroline Ncube
Professor and inaugural holder of the South African Research Chair in Intellectual Property, Innovation and Development in the Department of Commercial Law, University of Cape Town (UCT)

Shingi Masanzu
Senior Counsel, Legal Department of the World Bank

Babatunde Ajibade
Partner, S. P. A. Ajibade & Co (Lagos)

July 23-24, 2021



Current and Former Postdoctoral Fellows and Researchers



Dr Talkmore Chidede

Dr Talkmore Chidede

Blog posts

- AfCFTA Phase II and III Negotiations – Update.
<https://www.tralac.org/blog/article/15090-afcfta-phase-ii-and-iii-negotiations-update.html>
- The AfCFTA Protocol on Intellectual Property Rights – What, When, How and Why?
<http://www.ipchair.uct.ac.za/news/afcfta-protocol-intellectual-property-rights-%E2%80%93-what-when-how-and-why>

Conferences attended

1. Presented on IPRs, Culture, Business and AfCFTA during the Third Annual International Convention in Ghana: Culture and Business Uniting Africa and her Diaspora.
2. Presented on How the AfCFTA can be a Catalyst to Investments in Africa, for the Centre for Comparative Law in Africa (CCLA).
3. Attended AfCFTA Committee on Intellectual Property Rights: Identifying the Potential Issues to be Covered in the AfCFTA Protocol on Intellectual Property Rights.
4. Attended University of Venda, AIPLITL, UNISA: TRIPS Waiver for COVID-19 Vaccines, Diagnostics, and Therapeutics: What are the Legal, Policy & Other Implications for South Africa?
5. Attended TRIPS Webinar Series: Legal Policy Issues Arising out of the Proposed TRIPS Waiver; hosted by the Mandela Institute, University of the Witwatersrand & Health Justice Initiative (HJI).

Research activity

Dr Chidede is the current Postdoctoral research fellow. He is an expert on trade law and is affiliated with both the Trade Law Centre (tralac) and the AfCFTA Secretariat, where he is interning as a trade expert. He has a forthcoming journal article titled 'The Role of Intellectual Property Rights Protection in Advancing Development in South Africa' (2022), *Law, Democracy and Development*.



Dr Chijioke Okorie

Dr Chijioke Okorie

Blog posts

- Proposed National Priorities and Position for Nigeria in the AfCFTA Phase II Negotiations on IPRs, by Dr Desmond Oriakhogba and Dr Chijioke Okorie.
<http://www.ipchair.uct.ac.za/news/proposed-national-priorities-and-position-nigeria-afcfta-phase-ii-negotiations-iprs>
- Dr Okorie convened a book symposium titled, Introduction: Enforcement of Intellectual Property Rights in Africa.
<https://www.afronomicslaw.org/category/analysis/book-symposium-introduction-enforcement-intellectual-property-rights-africa>

Blog posts from the book symposium, by researchers affiliated with the Chair, include:

- **Ruth Sinkala** 'Enforcement of Intellectual Property Rights in Africa: The Traditional Knowledge and Traditional Cultural Expressions Perspective Matters Too'.
<https://www.afronomicslaw.org/category/analysis/enforcement-intellectual-property-rights-africa-traditional-knowledge-and>
- **Hanani Hlomani** 'Intellectual Property Enforcement in Africa: Are Regional IP Organisations the Way to Go?'
<https://www.afronomicslaw.org/category/analysis/intellectual-property-enforcement-africa-are-regional-ip-organisations-way-go>

Research activity

Dr Okorie was the inaugural Postdoctoral fellow (2019–2020). She is now a lecturer at the Faculty of Law, University of Pretoria. She has continued on some projects with the Chair this year, including a book project, authoring a guest blog, the mentorship and co-supervision of LLM students, and serving as editorial assistant of the *SA IP Law Journal*, which is co-edited by Prof Ncube and A/Prof Tong.



Dr Desmond Oriakhogba

Dr Desmond Oriakhogba

Blogs

- Proposed National Priorities and Position for Nigeria in the AfCFTA Phase II Negotiations on IPRs, by Dr Desmond Oriakhogba and Dr Chijioko Okorie.
<http://www.ipchair.uct.ac.za/news/proposed-national-priorities-and-position-nigeria-afcfta-phase-ii-negotiations-iprs>

Research activity

Dr Oriakhogba was the Chair's Postdoctoral researcher (2019–2020). He is a lecturer at the Faculty of Law, Benin State University and will be joining the University of Venda in January 2022. He has continued on some projects with the Chair this year, including two book projects, authoring a guest blog, the mentorship of research students, and serving as editorial assistant of the *SA IP Law Journal* which is co-edited by Prof Ncube and A/Prof Tong.

QES Fellows



Ghati Nyehita

Ghati Nyehita

Blog posts

- Research report: A Reflection on the Gendered Perspectives of the Innovation Paradigm in South Africa's Makerspaces.
<http://www.ipchair.uct.ac.za/GNyehitaQESResearch>
- The Maker Movement, Intellectual Property and Biotech.
<https://www.citi.org.za/blog/the-maker-movement-intellectual-property-and-biotech/>
- A New Director General at the WTO – What Does it Bode for Africa and the World? African Dialogue on SABC Channel Africa.
<http://www.ipchair.uct.ac.za/WTODG-AfricanDialogue>
- Event report: The UCT SDG Summit and Pre-Summit Workshop.
<http://www.ipchair.uct.ac.za/news/event-report-uct-sdg-summit-and-pre-summit-workshop>
- Events report: August 2021.
<http://www.ipchair.uct.ac.za/news/events-report-august-2021>
- Events report: July 2021.
<http://www.ipchair.uct.ac.za/news/event-report-july-august-2021>
- Event report: World IP Day – Taking your Ideas to Market, by IP & SMEs OWITL Round Table Discussion: Taking Your Ideas to Market by IP & SMEs.
<http://www.ipchair.uct.ac.za/OWITIPDay2021>



Conferences attended

1. Virtual Conference on Leveraging the African Continental Free Trade Area (AfCFTA) to Boost Women's Economic Empowerment.
2. Third IP & Innovation Researchers of Asia Conference.
3. Round Table Discussion – On the Occasion of World Intellectual Property Day – IP & SMEs: Taking Your Ideas to Market.
4. Intellectual Property for Healthcare Technologies Second Africa Regional STI Forum.
5. Mandela Institute, University of the Witwatersrand & Health Justice Initiative (HJI), TRIPS Webinar Series: Legal Policy Issues Arising out of the Proposed TRIPS Waiver.

Research activity

Ghati Nyehita is the Chair's doctoral research assistant. She was awarded a Queen Elizabeth II Diamond Jubilee Scholarships (QES) Doctoral Fellowship which she completed at the Chair in collaboration with the OpenAIR partnership. She also participated in several projects with Prof Ncube. She is completing her doctoral research under the supervision of A/Profs Schonwetter and Tong.

She has a forthcoming journal article titled, 'Harnessing the Maker Movement as an Important Tool for the Inclusion of Women into the Innovation and Creativity Paradigm'.



Philda Maiga

Philda Maiga

Blog posts

- From Africa to the World: Unlocking Barriers for Women to Trade.
<http://www.ipchair.uct.ac.za/news/africa-world-unlocking-barriers-women-trade>
- Positioning Women Entrepreneurs to Harness IP for AfCFTA gains.
<https://openair.africa/positioning-women-entrepreneurs-ip-afcfta/>

Research activity

Philda Maiga is one of our doctoral researchers, working on the AfCFTA under Prof Ncube's supervision. In 2021 she was awarded a QES Doctoral Fellowship, which she completed at the Chair.

She is an advocate who has worked and consulted extensively on IP issues, regional integration and the multilateral trading system in various roles, including as an academic and trade advisor to several ministries.



Doctoral Researchers

There are several doctoral researchers under Prof Ncube's supervision or co-supervision. Their theses cover a broad range of topics on the application of IP. For example, in the AfCFTA, the regulation of the music business/industry with regards to Collective Management Organisations and competition, the regulation of Fourth Industrial Revolution technologies, like Artificial Intelligence (AI), Big Data and the Oil and Gas sectors.



Hanani Hlomani

Hanani Hlomani

Research activity

Hanani Hlomani is one of our doctoral researchers, working on data governance and its regulation. In addition to his PhD, he is involved in several exciting research projects, including one with Prof Ncube on Data Governance and Sound Policymaking in Africa under the auspices of the African Economic Research Consortium (AERC).

Blog posts

- Patents Kill Patients: A Case for the Future of COVID-19 Treatment.
<https://www.mandelarhodes.org/ideas/patents-kill-patients-a-case-for-the-future-of-covid-19-treatment/>
- Patents Kill Patients Part 2: The Vaccine is Here (or is it?).
<https://www.mandelarhodes.org/ideas/patents-kill-patients-part-2-the-vaccine-is-here-or-is-it/>
- Intellectual Property Enforcement in Africa: Are Regional IP Organisations the Way to Go?
<https://www.afronomicslaw.org/category/analysis/intellectual-property-enforcement-africa-are-regional-ip-organisations-way-go>

Conferences attended

1. The Fourth African Union Specialized Technical Committee on Communication and ICT (STC-ICT4).
2. African Economic Research Consortium (AERC) Data Governance Workshops and Regional Policy Forum.
3. African Union Commission (AUC) and Research ICT Africa (RIA) Data Policy Framework Workshops.
4. World Bank, World Development Report (WDR) 2021: Cross-border Data and Digital Trade: Impact and Policy Approaches for Better Lives.
5. WIPO Conference: The Global Digital Content Market.
6. Mandela Institute, University of the Witwatersrand & Health Justice Initiative (HJI), Creating Value in the Data Economy: Role of Competition and Data Ownership.



7. Webinar: The Impact of Data Localisation Laws on Trade and Foreign Direct Investment in Africa, hosted by Mandela Institute, University of the Witwatersrand.
8. International Telecommunications Society Digital Policies: An East-West Perspective.
9. Law Tech Lab Webinar: Criminal Risk Assessment Algorithms and Racial Disparity Confirmation.
10. WIPO Conversation on Intellectual Property (IP) and Frontier Technologies.

LLMS



Nonkwanda Zondi

There are several LLM students completing their mini-dissertations in IP law at the Chair. Their topics range from TRIPS flexibilities, patents and access to medicines, to copyright and the creative arts, to IP and the 4IR. This year the following two LLM students will be graduating in December.

Nokwanda Zondi

Dissertation topic: A Dissection of the Protection, Promotion, Development and Management of Indigenous Knowledge Act 6 of 2019: Substantive Issues and Forseeable Consequences for the Creative Industries in South Africa.

Sheik Issah Shehzaad-E-Ajmal Neerooa

Dissertation topic: Liability for Disseminating the Digital Age: Copyright Law and Hyperlinking on the World Wide Web.

You can follow our students' virtual graduation on Tuesday 14 December at 19h30. The link to the broadcast of the ceremony will be shared on [UCT's graduation page](#) and social media just before the ceremony commences.





LLBS



Angie Montandon



Morite Makole



Muofhe Tshifularo



Sanelisiwe Mthlana



Somila Dondashe

In 2019–2020 the Chair has a cohort of LLB research assistants. When a new student-funding model was implemented in 2021, the Chair was unable to host any more LLB research assistantships. So, we are reporting on the graduation of our previous cohorts.

This year **Angie Montandon, Morite Makole, Muofhe Tshifularo, Sanelisiwe Mthlana** and **Somila Dondashe** graduated with their LLBs. Angie, Morite and Muofhe began their LLM studies at UCT in 2021, which included a semester abroad, under the Faculty's Student Exchange Programme – for Morite at the University of Helsinki and Muofhe at Queen's University. LLB students may also complete their independent research papers (IPR) at the Chair.



Bontle Monnya

Bontle Monnya, who graduated in June 2021, wrote an IRP entitled, 'The Effect of the Traditional and Khoi-San Leadership Act on Rural Women Crafters' Intellectual Property Rights'.

Editors: Caroline Ncube and Ghati Nyehita

Contributors: Caroline Ncube, Talkmore Chidede, Chijioke Okorie, Desmond Oriakhogba, Ghati Nyehita, Philda Maiga, Hanani Hlomani, Nonkwanda Zondi, Sheik Issah Shehzaad-E-Ajmal Neerooa, Angie Montandon, Morite Makole, Muofhe Tshifularo, Sanelisiwe Mthlana, Somila Dondashe and Bontle Monnya

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