

NEWSLETTER

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SOUTH AFRICAN RESEARCH CHAIR:

Intellectual Property,
Innovation and Development

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Our Inaugural newsletter

Here is our very first Newsletter where we provide you with updates on the activities of our team. We have had a bumper year! The highlight was our co-hosting (in collaboration with the IP Unit at UCT) of a very successful [3rd Annual Conference of the South African Association of IP Law and IT Law Teachers and Researchers \(AIPLITL\)](#). We also participated in other events, workshops and conferences. Apart from publications, our team has presented at academic and industry conferences with several research outputs that we share with you here. Our Postdoctoral Research Fellow (Dr. Chijioke Okorie) and Postdoctoral Researcher (Dr. Desmond Oriakhogba) have recently concluded research fellowship visits to the University of Ottawa, Canada under the prestigious Queen Elizabeth Scholars (QES) program, courtesy of the Chair's Steering Committee membership of the Open African Innovation Research (Open AIR) project. We are also putting finishing touches to our arrangements for upcoming courses and workshops to be hosted by the SARChI IP Chair in 2020. visit our website at www.ipchair.uct.ac.za to meet our team and learn more about the activities of the Chair. Visit [IP Program at UCT Law](#) to watch a video on our teaching and research program.

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LLB Courses

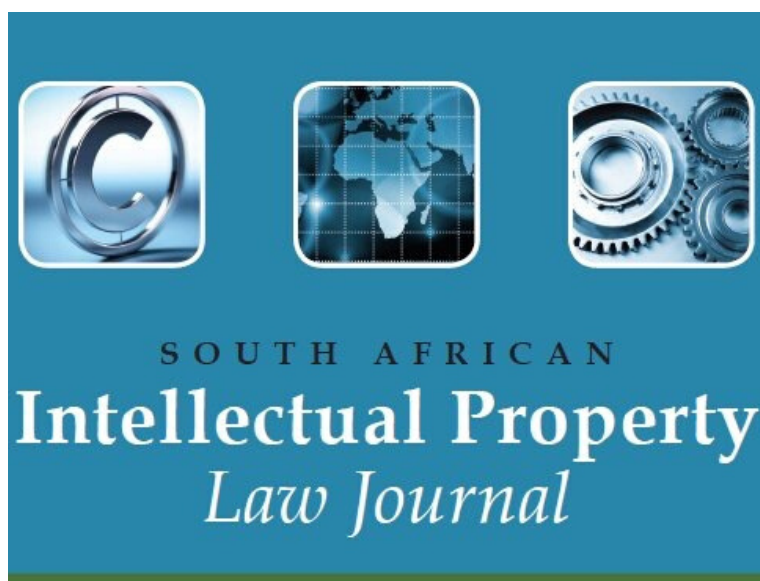
LLM in Intellectual Property Law

LLM Courses

Teaching & Supervision

The Faculty of Law offers Intellectual Property Law courses at both undergraduate and postgraduate level. It also has a cohort of research students coming Masters and Doctoral theses. LLB students also have the option of completing an independent research paper in Intellectual Property Law.

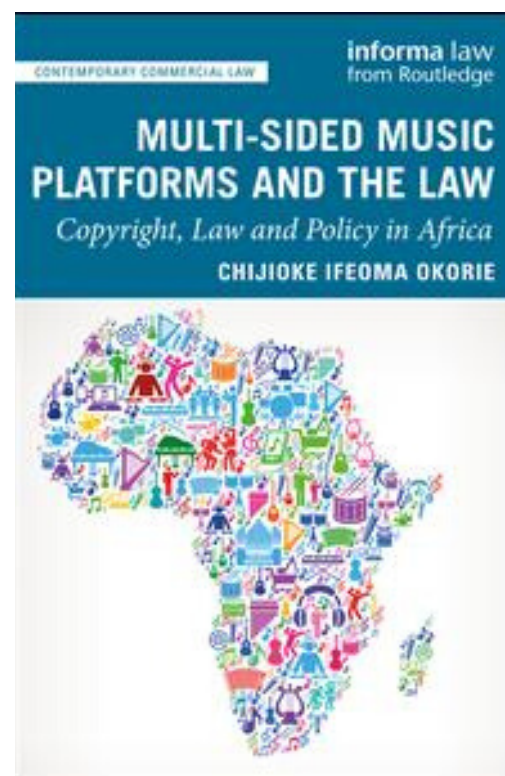




The South African Intellectual Property Law Journal co-edited by the Chair, Professor Caroline Ncube, continues to publish incisive research and insights on intellectual property law and developments in South Africa and other countries on the African continent. The 2019 issue is currently in production and will be available to the public in January 2020. Read more about the journal [here](#).

Publications

Intellectual property and trade in intellectual property goods are significant issues for the recently ratified African Continental Free Trade Area (AfCFTA). The AfCFTA will cover an African market of 1.2 billion people and GDP of over \$2.5 trillion, across all 55 member States of the African Union. In “A principled approach to intellectual property rights and innovation in the African Continental Free Trade Agreement”- a chapter in an edited book by David Luke and Jamie Macleod entitled “Inclusive Trade in Africa”, Professor Caroline Ncube (with Tobias Schonwetter, Jeremy de Beer and Chidi Oguamanam) considers the means of innovation in Africa before reviewing the context of approaches to intellectual property rights across Africa and suggesting a framework for solving intellectual property issues on the continent. In particular, they discuss the procedural principles and substantial principles that can be followed for an appropriate approach to intellectual property rights in the AfCFTA.



In “[Multi-Sided Music Platforms and the Law: Copyright, Law and Policy in Africa](#)”, Postdoctoral Research Fellow, Dr Chijioke Okorie explores the legal and regulatory frameworks surrounding copyright protection, competition and privacy concerns arising from the way multi-sided platforms use copyright-protected content in digital advertising. The book, published by Routledge, suggests how stakeholders in South Africa and Nigeria, may ingeniously reform and apply various legal and regulatory frameworks to address the issues, which arise from the manner in which multi-sided platforms use copyright-protected content in digital advertising.



The Chair, in collaboration with other researchers, conducted a scoping study on access to copyright works by persons with disabilities for the World Intellectual Property Organisation (WIPO). The scoping study was presented at the 38th Session of WIPO's Standing Committee on Copyright and Related Rights (SCCR). The team also presented their work at a SCCR side-event on "Technology and accessibility for people with disabilities" (See our Conference Presentation section, below for more details).

Publications

The African context and how IP law and policy can be best calibrated to achieve national socio-economic goals in African states are a huge part of work under the Chair. In this regard, Postdoctoral Research Fellow, Dr Chijioke Okorie has made suggestions on how some of South Africa's approach to competition law can be applied in the enforcement of IP-related provisions of Nigeria's recent Federal Competition and Consumer Protection Act 2019. Her paper entitled "An analysis of the IP-related provisions of the Nigerian Federal Competition and Consumer Protection Act 2019 has been published in *Journal of Intellectual Property Law and Practice*. Furthermore, in "Copyright in contest-created works: Ugandan Court of Appeal weighs private interests and public benefit vis-à-vis Uganda's national anthem" Dr Okorie argues for ways in which the Ugandan Court of Appeal may have better balanced private interests and public interests in the Issue of the Ugandan national anthem.

Forthcoming:

Ncube, C.B., Reid, B.E., Oriakhogba, D. "Beyond the Marrakesh VIP Treaty: typology of copyright access-enabling provisions for persons with disabilities" (*Journal of World IP*)

Ncube, C.B. "Africa's International Intellectual Property Law Regimes" (*Oxford Bibliographies in International Law*)

Okorie, C. "Screenplays and feature film production: Copyright protection and enforcement" (*Business Law Review*)

Okorie, C. "Corporate governance of copyright collecting societies in Nigeria: are (some) interventions under the Copyright Act lawful?" (*NIALS Journal of Intellectual Property*)

Oriakhogba, D. "Empowering rural women crafters in Kwazulu-Natal, South Africa: The Dynamics of Intellectual Property, Traditional cultural expressions, innovation and social entrepreneurship" (*South African Law Journal*)

Conferences

As part of the Chair's research pursuits, we participate in local and international conversations on intellectual property law, innovation and related issues. Academic and industry conferences provide a platform for us to disseminate our research and create awareness of issues pertaining to intellectual property law in the African context. Here's a list of all the conferences we attended, see this [blog post](#) about all the papers we presented.

March	Prof Ncube: Keynote, ilifu Research Data Management Project Workshop, Cape Town, South Africa
April	Prof Ncube: National Symposium on IP education and training, Banjul, The Gambia
April	Prof Ncube & Dr Oriakhogba: WIPO SCCR 38th Session, Geneva, Switzerland
May	Prof Ncube: WIPO International Conference on IP and Development, Geneva Switzerland
June	Prof Ncube: AfCFTA Regional Trade Forum, Addis Ababa, Ethiopia
July	co-host of the 3rd annual AIPLITL Conference, UCT, Cape Town, South Africa
Aug	Prof Ncube & Drs Okorie and Oriakhogba: Social Justice Summit and International Conference, Stellenbosch, South Africa
Aug	co-host of Prof Ruth Okediji's Seminar, UCT, Cape Town South Africa
Sept	Prof Ncube: Workshop on Transformative Industrialisation, AfCFTA and Global Governance, Cape Town, South Africa
Sept	Dr Oriakhogba: 4th Annual Conference of the Law and Development Research Network, Berlin, Germany
Oct	Dr Okorie: Centre for Law, Technology & Society, University of Ottawa, Brownbag Workshop, Ottawa, Canada
Oct	Prof Ncube: WIPO International Conference on Copyright Limitations and Exceptions for Libraries, Archives, Museums and Educational & Research Institutions, Geneva, Switzerland
Oct	Dr Oriakhogba: Industry 4.0 and IP Colloquium, Johannesburg, South Africa
Nov	Prof Ncube: Young African Innovators, Creators and Entrepreneurs Workshop, Harare, Zimbabwe
Nov	Prof Ncube: WIPO/ARIPO/OAPI Conference on IP, Innovation and Value Addition for Business Competitiveness and Sustainable Development in Africa, Harare, Zimbabwe
Dec	Prof Ncube: UCT - SPARC Open Access Symposium 2019: Open Access and social justice driving African development, Stellenbosch, South Africa

Website News & Views

Our team members regularly share news and views on our website. Here's a summary of some of what we've shared.

News & Views

We will share news and our views on IP, innovation and development here.

Fair Use, AI Author and Inventor take centre stage at the Industry 4.0 and Intellectual Property Colloquium
By Desmond Oriakhogba
A brief account of the Industry 4.0 and Intellectual Property (IP) Colloquium hosted by the University of Johannesburg October 2019.

Beijing Internet Court refuses copyright for AI created work
by Desmond Oriakhogba
An update on a recent case from the Beijing High Court that refused copyright protection for an AI generated work.

Why decolonisation of IP matters - with Prof R Okediji
By Somila Dondashe

Beyond exclusion of pharmaceutical products from patentable subject matter as a solution to limited access to medicines in Africa
Chijioke Okorie discusses access to medicines in Africa in this post.

Desmond Oriakhogba considers the helpful guidance provided by the Beijing Internet Court on the question of copyright works authored by Artificial Intelligence (AI). In “Beijing Internet Court refuses copyright for AI created work” (10 September 2019), he argues that whether under the provisions of the Copyright Act 98 of 1978 or under South Africa’s Copyright Amendment Bill 2018, currently awaiting presidential assent, South African courts will find some guidance from the judgment of the Beijing Internet Court in recognising or denying recognition for the “AI Creator” and/or AI created works.

Somila Dondashe offers her thoughts on Professor Okediji’s presentation on why decolonisation of IP matters in her article “Why decolonisation of IP matters - with Prof R Okediji” (14 August 2019).

It has become increasingly imperative for developing countries to use intellectual property to benefit global development goals, particularly global health; climate change and food security. In “International Conference on Intellectual Property and Development: How to Benefit from the IP System” (1 June 2019), Sima Gosa writes on the WIPO Conference at which the Chair presented her work on how developing countries should think about IP in the context of trade and regional initiatives.

In “The Agreement on African Continental Free Trade Area (AfCFTA) - Protocol on IP” (14 May 2019), Chijioke Okorie shares her thoughts on the AfCFTA Protocol on IP currently being negotiated at the African Union.

In “The proposed fair use exception under South Africa’s Copyright Amendment Bill” (24 March 2019), Chijioke Okorie provides a breakdown of the various ambits of the fair use exception provided for in South Africa’s Copyright Amendment Bill.

Other online contributions

In the latest issue of Altum Sonator, our LLB Research Assistant, Adelaide Lendore, published a paper on “Smart Contracts”, where she explained the concept of smart contracts and explored the question of whether South Africa could be able to fully integrate smart contracts into its legal system. Members of our team regularly blog on other sites.

Dr Chijioke Okorie is the IPKat’s Africa Correspondent. The IPKat is a blog that covers copyright, patent, trademark, designs, info-tech, privacy and confidentiality issues from international and national perspectives. As Africa Correspondent for The IPKat, Dr Okorie comments on legislations, policy developments and provides case law analysis on IP matters on the African continent.

Professor Ncube occasionally blogs on her personal website on developments pertaining to the Pan-African IP Organisation (The PAIPO Watch) and other IP matters. In addition, both she and Dr Chijioke Okorie are contributors to the Afro-IP blog. Dr Oriakhogba blogs on the IP Unit website and the AfronomicsLaw blog (which focuses on the International economic law Landscape as it relates to the Africa). In February 2020, AfronomicsLaw will present a book symposium on Dr. Okorie’s new book – Multisided music platforms and the law: Copyright, Law and Policy in Africa. The symposium will assemble an all-star lineup of commentators who will offer their views on Dr. Okorie’s book – Multi-sided music platforms and the law: Copyright, Law and Policy in Africa.

Graduations



The Chair held monthly internal research meetings where the team shared research work and discussed planned and ongoing research publications. Several masters and doctoral candidates are receiving research supervision and support. A highlight of the year was the PhD graduation of our Postdoctoral Researcher, Dr Desmond Oriakhogba.

Our 4 LLB research assistants (Somila Dondashe; Simamkele Gosa; Tumi Mohapi and Adelaide Lendor) also completed their LLB Degrees in November and will graduate in 2020.

...And that’s it for now! Season’s Greetings from all of us! Enjoy the holidays and see you on 13 January 2020, when we will be back at our Posts!