



**SOUTH AFRICAN
RESEARCH CHAIR:**

Intellectual Property,
Innovation and Development



Quarterly Update



Welcome to the First Quarter Update - 2025

As we step into a new year of discovery and impact, we are pleased to share the first quarterly update for 2025 from the South African Research Chair: Intellectual Property, Innovation and Development. This quarter has set a strong foundation for what promises to be a productive and exciting year, marked by new collaborations, ongoing research initiatives, and conversations on IP and innovation.

In this edition we highlight key developments from the past few months, share updates on current projects, introduce team members, and reflect on the events and engagements that have shaped our work so far.

We invite you to explore these updates and continue walking this journey with us as we build on our mission to advance meaningful, impactful research in support of sustainable development.

Thank you for your continued support and engagement.

In this update you can expect:

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Event Reports & Updates

International Conference on Copyright & The Public Interest: Africa & The Global South

The year started off on a high note as we attended the International Conference on Copyright & the Public Interest: Africa & the Global South, in early February 2025. Hosted in both Johannesburg and Cape Town, the conference provided a vital platform for academics, policymakers, creatives, and activists to engage in critical conversations around copyright law and public interest.

Held at the Mandela Institute (University of the Witwatersrand) and the University of Cape Town, the event explored pressing questions such as: What does “AI for Good” mean in Africa? How can we prevent data colonialism? What protections do creators need, and how can we ensure access to knowledge while defending livelihoods?

On the first day, Prof. Caroline Ncube spoke on *“Issues, priorities and opportunities for balanced copyright reform in Africa”*. Her talk explored the complex landscape of copyright law across the continent, highlighting the need for legal frameworks that are not only fit for purpose but also responsive to the diverse social, economic, and technological realities in African countries.



INTERNATIONAL CONFERENCE
COPYRIGHT & THE PUBLIC INTEREST: AFRICA & THE GLOBAL SOUTH

Mon 3 Feb 2025, Mandela Institute, University of the Witwatersrand, Johannesburg
Wed 5 Feb 2025, UCT Library, hosted by IFLA (afternoon only)
Thu 6 Feb 2025, Law Faculty, University of Cape Town

What is “AI for Good” in Africa? Can African researchers, innovators and educators access the works they need and can we guard against data colonialism? How do we protect creators’ livelihoods? Will the Copyright Amendment Bill in South Africa survive legal challenge? What can we learn from Nigeria, Kenya and beyond?

Join Policymakers, Academics, Creatives and Activists from around the African continent, and beyond, to discuss Copyright Policies to serve the Public Interest.

Conference Part 1: Johannesburg	Conference Part 2: Cape Town
Venue: Mandela Institute, University of the Witwatersrand	Venue: University of Cape Town
Date: Monday 3 February 2025	Dates: Wednesday 5 February 2025 Thursday 6 February 2025
Time: Full Day	Time: Wednesday Afternoon, Half Day Thursday Full Day

This Conference is Free for all Attendees – RSVP by 18 January 2025

[Register Here](#)
<https://www.eventbrite.com/e/2025-02-03-06-international-conference-on-copyright-and-the-public-interest-africa-and-the-global-south-tickets-755555555555>

Enquiries: [ReCreate ZA](#) recreate.za@gmail.com

Conference Facilitators: Black Scribe Foundation

Supported by Arcadia Fund

BLACK STORIES

ARCADIA



The panel of discussants—Gloria Emezue, Dr. Melissa Omino, Allan Rocha de Souza, Collence Takaingenhemo Chisita, and Sandra Aceng—each brought unique perspectives to the conversation. Their contributions addressed a wide array of issues. Each intervention added depth to the dialogue, offering both critique and constructive pathways forward.

The discussion was further enriched by audience engagement, with incisive questions and comments from Dr. Andrew Rens and Susan Isiko Strba, among others, sparking lively exchanges and expanding the scope of the conversation.

On day 4 of the conference, Prof. Caroline facilitated the session on *“Accessing & Protecting African Knowledge Systems and Knowledge Equity”* which included the fantastic keynote by Open African Innovation Research (Open AIR)’s Prof Chidi Ugumanam.

He offered a nuanced analysis of how African knowledge systems have historically been marginalized within global intellectual property regimes. He emphasized the urgent need for inclusive, context-sensitive policies that not only recognize the value of these systems but also empower communities to retain control over their knowledge assets.



The African Cyber Law Conference



From left to right: Prof. SEM Tladi; Ms. L Ndyulo; Prof. C Ncube; Prof. A Dube; Prof. S Papadopoulos; Prof. S Snail ka Mtuze; Dr. N Mashinini; Adv. MA Mthembu © Cyber Law Conference

From 4 - 5 February 2025, the University of the Witwatersrand School of Law, in collaboration with the University of South Africa/Universiteit van Suid-Afrika College of Law, hosted the African Cyber Law Conference. The theme of the conference was *"Towards an Integrated and Intelligent Cyberspace Through Harmonised African Legal Frameworks"*.

On day one of the conference Prof. Caroline delivered her keynote address titled *"Continental harmonisation of cyber law in Africa: players, priorities, and prognosis"*. The keynote address offered a comprehensive overview of recent developments in cyber law at the African Union level, highlighting key instruments such as the Digital Transformation Strategy for Africa, the AU Artificial Intelligence Strategy, the Malabo Convention on Cyber Security and Personal Data Protection, and the Digital Trade Protocol under the African Continental Free Trade Area. These initiatives were examined in light of ongoing scholarly debates, with particular attention given to themes such as digital inclusion, data sovereignty, and the balance between innovation and rights. The speaker reflected on the roles of various stakeholders involved in harmonisation and cooperation efforts, analysing their priorities to forecast how cyber law may evolve across the continent. Central to the address was a normative inquiry into how cyber law should be shaped to create effective and equitable regulatory frameworks. It was argued that any such development must be guided by Africa's broader development goals and human rights imperatives, which should serve as the benchmark for assessing future digital governance efforts.

The rest of the included plenary sessions and various breakaway sessions with excellent speakers representing various higher education institutions from South Africa, Kenya, Glasgow and more. Further reports from the event can be found [here](#) and [here](#).

International Conference on Geographical Indications 2025



From 18 - 21 February 2025, Dr. Charlene Musiza participated in the 2025 International Conference on Geographical Indications in Rome, Italy.

The conference was organised by the Food and Agriculture Organization of the United Nations (FAO), the Italian Ministry of Agriculture,

Food Sovereignty and Forestry (MASAF), Centre for International Cooperation in Agricultural Research for Development (CIRAD), Swiss Federal Institute of Intellectual Property (IPI), Organization for an international network of geographical indications (origin) and the Qualivita Foundation.



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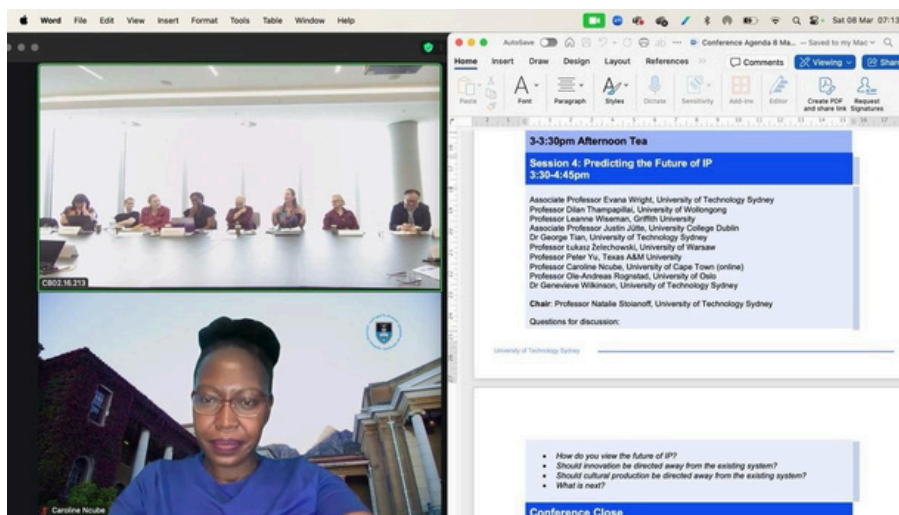
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Dr. Musiza presented her research on the GI legal framework in South Africa. Her presentation titled 'From Vineyards to Fields: The Evolution of Origin-linked Protection in South Africa' traced the development of GI-specific legislation in South Africa. She outlined the progression from the Wine of Origin System established in terms of the Liquor Products Act back in 1973, to the Regulations Relating to the Protection of Geographical Indications used on Agricultural Products intended for Sale in the Republic of South Africa (GI Regulations of 2019), enacted in terms of the Agricultural Products Standards Act.

In discussing the trajectory of GI protection in South Africa, Charlene highlighted the variety of legal regimes – trademark laws, consumer protection laws and sui generis legislation for specific products – and noted that what has emerged is a unique hybrid system. She discussed the provisions of the Agricultural Products Standards Act 119 of 1990, and the Liquor Products Act 60 of 1989, as examples of product specific legislation for origin-linked products, and the Merchandise Marks Act 17 of 1941 as a consumer protection law and the Trade Marks Act 194 of 1993 as the governing trademark regime. She further highlighted some provisions in the GI Regulations which reflect the influence of EU-SA Bilateral Protocol on GI, on the law that has emerged.

Workshop on Intellectual Property and Human Rights

On the 8th of March, Prof Caroline participated virtually in a workshop on Intellectual Property and Human Rights, held as a follow-up to a conference hosted by the University of Technology Sydney (UTS) Faculty of Law from 6 March. In her presentation, Prof. Ncube explored the growing demand for legislators, policymakers, and courts to integrate human rights considerations into intellectual property law and policy.



She reflected on how evolving global and local dynamics are likely to influence this intersection as we approach 2050. Both the conference and workshop brought together IP scholars and researchers from across the globe, fostering rich dialogue and knowledge exchange. Among the contributors was our collaborator, Dr. Omowamiwa Kolawole, who presented a paper drawing on Open African Innovation Research (Open AIR)'s work on biomedical innovation. His insights contributed to a broader understanding of how African-led research is shaping global IP discourse.

WIPO Information Session on Geographical Indications - The Value of Geographical Indications Around the world

On 24 March 2025 Dr. Charlene Musiza moderated the Information Session on GI held along the sidelines of the 48th Session of the SCT. The session featured case studies from experts in Latin America, US and EU, who highlighted the economic, social, and cultural significance of GI.

Ms. Laura Miguel Baumann of the European Crafts Alliance emphasized how Geographical Indications safeguard European craft traditions like Donegal Tweed and Ceràmica de La Bisbal, protecting cultural heritage and

combating counterfeits, while Catherine de Ronde highlighted Vermont's Cabot dairy products as a successful case generating \$1 billion annually through strategic branding. Jorge Chávarro's research demonstrated significant economic benefits of GI implementation in Latin America, citing Mexican Tequila and Mezcal, Peruvian Pisco, and Colombian Coffee as examples that improved producer incomes, product visibility, and cultural pride. Despite these successes, challenges persist, including limited producer awareness and various barriers to implementation, with recommendations focusing on education, marketing authenticity, and developing supportive policies. Together, these diverse experiences illustrate that Geographical Indications not only drive economic prosperity and market differentiation but also preserve cultural traditions, promote sustainability, and enhance social welfare across regions.



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Visiting Scholars Spotlight



On the 1st of April we had the pleasure of hosting Dr. Yvonne Ndelle at the Chair during her visit to Cape Town. Dr. Ndelle is a Program Manager and Research Associate at the Open African Innovation Research Network (Open AIR) at the Centre for Law, Technology and Society at the University of Ottawa. The University of Cape Town houses the Southern African hub of the Open AIR network. Prof. Caroline and Prof. Tobias Schonwetter are both active members of the Open AIR steering committee.

During her visit Dr. Ndelle spent time at the IP Chair as well as the iNtaka Centre for Law and Technology with Prof. Tobias and his team.

Dr. Yvonne's visit offered a valuable opportunity to exchange ideas and explore exciting ongoing and upcoming projects under the Open AIR banner.

We're grateful for her time and insights, and we look forward to collaborating on the impactful work that lies ahead.





Towards the end of April, we welcomed Professors Carys Craig of Osgoode Hall Law School, York University, Canada and Bitu Amani from Queens University, Canada. During their visit to the Law Faculty at UCT, their presence enriched our community through a guest lecture in Prof Caroline's Electronic Intellectual Property Law LLM class and a workshop on Copyright hosted by the iNtaka Centre for Law & Technology.

In the LLM class, Prof. Craig delivered an intellectually stimulating lecture on 'The AI-Copyright Challenge: Exploring the Limits of Expression and Exclusivity,' while Prof. Amani provided profound insights on the intersection of AI, IP, and equity-based development, examining how emerging technologies can either reinforce or challenge existing inequalities. Their presentations, alongside Prof. Desmond Oriakhogba's exploration of AI and patent inventorship through the landmark DABUS cases, sparked lively discussions about the future of authorship, creativity, and the evolving role of intellectual property in an age increasingly shaped by algorithms and machine intelligence.

The iNtaka Centre for Law & Technology and Prof. Tobias Schonwetter also hosted a dynamic workshop on the "Copyright's Constitution". Team members Prof Caroline, Dr Charlene and Nate participated in this event. Led by esteemed scholars from South Africa and Canada—including Professors Carys Craig, Bitu Amani, and Dr. Sanya Samtani, Bongiwe Zungu and Dr Anthea-lee September-Van Huffer—the session offered a rich, comparative dialogue on the evolving nature of hashtag#copyright as a constitutional issue. Amongst various topics, we explored but were not limited to, the tensions between user and owner rights, the challenges posed by labeling copyright, and other forms of hashtag#IP as "property," and the broader implications for equity, education, and freedom of expression.

It was an energising and thought-provoking discussion that brought together constitutional theory, critical IP perspectives, and pressing policy concerns in both local and global contexts.



Our recent publications

Journal articles:



Ncube, C.B. Food Security and Plant Variety Protection: Seeding Hope for the African Continental Free Trade Area?. *IIC* 56, 64–90 (2025). <https://doi.org/10.1007/s40319-024-01556-3>

This article argues that the twin pillars of the right to food and sustainable development ought to inform how the Annex on the protection of new plant varieties under the Agreement establishing the African Continental Free Trade Area (AfCFTA) is drafted, in view of the impact of such protection on access to food. Such impact is multi-pronged, beginning with the quality, quantity and availability of seeds, through to crop production and regional cross-border distribution of agricultural products in the AfCFTA. In order to give effect to these twin pillars, the continental sui generis system mandated by the AfCFTA Protocol on Intellectual Property Rights must draw on access and benefit sharing rules, farmers rights and existing plant variety protection systems. The article posits that this is an opportune moment to return to the African Union Model Law for the Protection of the Rights of Local Communities, Farmers and Breeders, and for the Regulation of Access to Biological Resources and various instruments of the regional economic communities and intellectual property organizations to weave the continental system in the Annex on Plant Variety Protection to be negotiated under the Protocol.



Nyehita, S. (2025). Harnessing the maker movement as an important tool for the inclusion of racialized/marginalized women into the innovation and creativity paradigm. *African Journal of Science, Technology, Innovation and Development*, 17(2), 229–237. <https://doi.org/10.1080/20421338.2025.2459427>

This article explores how makerspaces in Cape Town contribute to the innovation and creativity of racialized and marginalized women, focusing on the impact of these spaces on their entrepreneurial activities and the role of Intellectual Property (IP). Using a mixed-methods approach, the study combines qualitative interviews and quantitative surveys with women from diverse racial and socio-economic backgrounds in three makerspaces: CDI, I Scream & Red, and CiTi. The findings show that makerspaces greatly support marginalized women in innovation, with 85% gaining new skills and 70% scaling their projects within six months. However, only 10% used IP systems like copyrights or trademarks, highlighting issues with the accessibility and relevance of IP laws for women in these contexts. The study concludes that current IP frameworks inadequately support women makers and often overlook their contributions. It advocates for gender-responsive IP laws, incorporating gender-specific indicators for monitoring and evaluation. Such reforms aim to better support the creative and entrepreneurial efforts of racialized and marginalized women in South Africa. This research offers an original empirical analysis of how gender, innovation, and IP intersect within makerspaces, providing insights for policy reforms to foster more inclusive innovation ecosystems.

Team Updates

We are thrilled to welcome a new member to our dynamic research team. He brings a wealth of knowledge, diverse experiences, and a shared passion for advancing intellectual property, innovation, and development.

Dr. Elfás Torerai



Dr Elfás Torerai's term as a Postdoctoral Research Fellow at the SARCHI Research Chair in Intellectual Property, Innovation and Development, University of Cape Town commenced in 2025. He holds a Doctor of Laws (LLD) in Trade and Business Law from the North West University (NWU) and a Master of Laws (LLM) in Labour Law from the same institution. His research interests include financial technology (fintech), financial inclusion, artificial intelligence, data protection, intellectual property rights and electronic commerce.

Ngonidzaishe sat down with Elfás for a short Q&A when he joined the Chair:

- **Tell us briefly about yourself and your research?**

I am a researcher, academic and an eternal student of law with particular interest in the use and regulation of financial technology products particularly by those previously excluded from formal financial services.

- **What attracted you to the IP Chair?**

Prof Ncube was the major draw-card. She is a consummate academic and I had followed her work for some time before the opportunity to join the IP chair presented itself. So, the idea of working closely with her rekindled my passion for IP law, especially trademarks. It is a no brainer therefore that I ended up joining the IP chair.

- **What are your research plans for your postdoctoral - fellowship at the chair?**

Well, I seek to publish my thesis as a book and its area of focus falls under the innovation and development strands of the chair. Furthermore, I will fuse my interests in financial technology (fintech) with aspects of IP and carve a new niche in this area. The idea is to build a body of knowledge that locates IP rights within the bustling world of fintech. I have lined up several publication ideas that will certainly be developed and published during my tenure at the chair.

- **How do you envision your work contributing to broader societal issues? Are there any particular outcomes or breakthroughs you are aiming for?**

It is envisaged that my work will shine some light on

the not so obvious interlinkages between fintech and IP law. The ever-evolving technology, especially generative AI, has brought fintech and IP law very close. The idea around my research is to advocate for the safe and legal use of technology to buttress the financial inclusion gains that have seen many poor and economically marginalised people onboarding the financial services value chain. While my research cannot accomplish this alone, it seeks to shout the right noises so that policymakers, corporates and other role-players can do their part in harnessing the benefits of technology. The research also seeks to provide a platform to inform the general public on the nuances of fintech products and how they ought to be used responsibly.

- **Will you be collaborating with other researchers or institutions? How important do you think interdisciplinary collaboration is in your field? What role do you see community engagement playing in your research?**

Indeed, the nature of my research calls for collaboration with researchers in other disciplines in order to cross-pollinate ideas. Gone are the days when people used to operate in silos. One cannot only get enriched as s/he learns from others. Technology provides an inflection point that breaks barriers that conditioned the nature of yesteryear research. Therefore, I will collaborate with like-minded individuals from across the academic divide. Researchers from fields such as accounting, economics, information technology and humanities will be considered for collaboration. The likelihood of empirical research is very remote since the research is primarily doctrinal.

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- **Do you have any advice for young researchers or students interested in this field?**

Time is of essence in any research that has to do with technology. You delay your research and it becomes redundant. Make sure you are disciplined in everything, especially time management. Curiosity and an inquisitive mind are essential attributes for success.

- **What do you enjoy doing outside of your research work?**

I love the outdoors and nature. Whenever given a chance, I venture out either on a walk, jog or hiking, taking in the fresh breeze.

Doctoral Researchers

In this first quarter, the SARChI Research Chair in Intellectual Property, Innovation and Development, University of Cape Town has welcomed 3 doctoral researchers who will be conducting their PhD studies under the supervision of Prof. Caroline Ncube through grants from the National Research Foundation (NRF).

Tendai Mikioni



Tendai Mikioni is a recipient of the prestigious National Research Foundation (NRF) doctoral scholarship and commenced his Doctor of Philosophy (PhD) in Commercial Law in early 2025. His doctoral research is situated within the field of Intellectual Property (IP) Law, with a specific focus on critically analysing the implications of existing IP legal frameworks on the development and deployment of artificial intelligence (AI) technologies.

Mikioni's research reflects a broader scholarly engagement with the intersection of intellectual property law and emerging technologies. While his primary focus lies in intellectual property and AI, he maintains strong academic interests in related domains including space law, competition law, public interest law and international trade law.

Beyond his academic commitments, Mikioni is an avid admirer of contemporary music, particularly the work of Taylor Swift, and is a dedicated supporter of both Real Madrid and Manchester United football clubs.

Nokwanda Zondi



Nokwanda Zondi is currently enrolled for a PhD in Intellectual Property at UCT under the supervision of Professor Caroline Ncube. Her PhD research concerns the effective implementation of the Protection, Promotion, Development and Management of Indigenous Knowledge Act ("PPDMIKA"). This is a newly promulgated Act which seeks to protect the indigenous knowledge systems of South African indigenous communities through a sui generis approach which acknowledges that such indigenous knowledge, in its nature, is different from the knowledge protected by intellectual property laws as we know them. Indigenous Knowledge refers to the innovative ideas and concepts of indigenous communities that have been brought to life by the indigenous communities in all areas and industries of society including, amongst others, agriculture, biodiversity, health, language and literature and the creative industries. Examples of indigenous knowledge includes the harvesting process of Rooibos tea originating from the Khoi San indigenous communities of South Africa; ibheshu which is a kind of wrap around worn by Nguni warriors and made of leopard skin; and, inter alia, the numerous traditional songs belonging to respective indigenous community.

Her research will look closely at the instrument/s developed by the Inter-Governmental Committee ("IGC") of the World Intellectual Property Organization ("WIPO") as well as indigenous policies and laws of countries like Australia and New Zealand which have developed strong protection regimes for indigenous knowledge to compare and take applicable lessons.

Outside of her PhD research, Nokwanda is an employment and labour law attorney and consultant. She enjoys employment and labour law as she does indigenous law because both of these seek to protect vulnerable members of society and bring full expression to the South African Constitution. As a child she dreamt of becoming a legal practitioner to contribute to her community in a meaningful way.

Ngonidzaishe Gatora



Ngonidzaishe is one of the recipients of the 2025 NRF doctoral scholarships. He enrolled in the PhD in Commercial Law at UCT under the supervision of Professor Caroline Ncube. His PhD research will examine how IP protection frameworks under the umbrella of 'regulation for innovation', can be leveraged to address climate change-induced environmental and health challenges across Africa. The research will investigate the role of technology transfer, integration of traditional knowledge with modern climate adaptation and mitigation strategies, and the effectiveness of capacity-building initiatives.

The research recognizes that while Africa contributes only 4% of global greenhouse gas emissions, it disproportionately suffers from climate change impacts, including biodiversity loss, reduced food production, and health challenges. By analyzing the interplay between IP rights, traditional ecological knowledge, and climate adaptation, the study seeks to develop a comprehensive framework that balances innovation protection with the urgent need for accessible climate solutions across the African continent.

Outside of his research activities, Ngonidzaishe is an avid fan of Formula 1 racing and dabbles in the creative arts.

Graduation Autumn 2025

Congratulations to Dr Ghati Nyehita (PhD), postdoc research fellow at the Chair, Tendai Mikioni doctoral researcher at the Chair and all LLM in IP on your graduation! We're super proud of you all.



CONGRATULATIONS ON YOUR GRADUATION!

DEGREE OF DOCTOR OF PHILOSOPHY

Nyehita, Suzanne Ghati

Thesis Title: *Regulating for the equitable remuneration of music artists in Kenya*

Supervisor: Associate Professor L-A Tong (Commercial Law)

Co-supervisor: Associate Professor T Schönwetter (Commercial Law)



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CONGRATULATIONS ON YOUR GRADUATION!

LLM IN INTELLECTUAL PROPERTY LAW

Mikioni, Tendai

Mini-Dissertation Title: *Examining Copyright Infringement and Liability in Generative Artificial Intelligence Training and Use*

Supervisor: Professor C Ncube (Commercial Law)



SOUTH AFRICAN RESEARCH CHAIR:
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IP Highlights: 1st Quarter 2025

In this section, we take a closer look at the key developments and significant events in the realm of intellectual property (IP) from the third quarter of the year. Our highlights encompass both local and global perspectives, showcasing important policy changes, landmark cases, and emerging trends that are shaping the IP landscape.

January

In January 2025, the UK's Intellectual Property Enterprise Court ruled in favor of Cameras London Ltd in a contentious trademark dispute with Camera Centre UK Ltd in *Alice Ltd v Photogram Ltd & Others [2024] EWHC 3256 (IPEC)*. The conflict arose over the use of the domain name "cameracentreuk.com," which the latter had used for over a decade. Despite the long-standing use, the adjudicator concluded that the domain name was confusingly similar to the registered trademark "CAMERAS LONDON," and that Camera Centre UK had no rights or legitimate interest in it. The decision emphasized the importance of clearly distinguishing between trading names online and reinforced the strength of registered trademarks in domain disputes.

February

On February 20, the German Federal Supreme Court (BGH) ruled that Birkenstock's sandal designs do not qualify for copyright protection as "applied art" under German law. In its ruling the court held that Sandals qualify as design rather than art so are not covered by copyright. This decision clarifies the boundaries between functional design and artistic expression, impacting how industrial designs are protected in Germany.





March

On March 20, 2025, the World Intellectual Property Organization (WIPO) and the Licensing Executives Society South Africa (LES SA) hosted a hybrid event in Cape Town. The session introduced the WIPO Inventor Assistance Program, which connects eligible inventors and small businesses with volunteer patent professionals for free guidance through the patent application process. The event also covered best practices for IP commercialization.

In Closing

As this quarterly update comes to a close, we take a moment to appreciate the progress made and the momentum we've built. The commitment and energy of our team have been instrumental in advancing our work, and we remain deeply thankful for the ongoing support of our broader community. Looking forward, we remain optimistic and ready to meet new opportunities and challenges. Thank you for being part of our journey — we look forward to what we will achieve together in the months ahead.

Thank you for reading!

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