

**SOUTH AFRICAN  
RESEARCH CHAIR:**Intellectual Property,  
Innovation and Development

# Quarterly Update



## Celebrating Our Progress, Charting Our Course!

Dear Friends of the Research Chair,

As we transition into the summer months, we are pleased to present our third quarter update of 2024.

The past three months have been marked by significant progress in our research initiatives and collaborative endeavours.

Our team has continued to push boundaries of knowledge in our field, and this quarter is not an exception. From successfully hosting the WIPO-WTO Colloquium and the 2nd edition of the Intellectual Property Scholars Africa Conference to impactful publications, our researchers have demonstrated unwavering commitment to excellence and innovation.

In this update, you will find detailed insights into:

- Our latest research and their potential impact,
- Updates on ongoing projects and collaborations,
- Highlights from recent conferences and presentations, and
- Upcoming events and opportunities.

As we reflect on our achievements this quarter, we are excited about the future directions of our research. The dedication of our team combined with the support of our partners, continues to drive us forward in our mission to advance knowledge and foster innovation.

We invite you to explore this quarter's developments and join us in celebrating our collective progress.

### In this update you can expect:

Event Reports &  
Updates

Highlights from  
the WIPO-WTO  
Colloquium &  
IPSA Conference

Current  
Research  
Spotlight

South African  
Women in  
Science Awards  
2024

Graduations  
2024

Local & Global IP  
Highlights

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# Event Reports & Updates

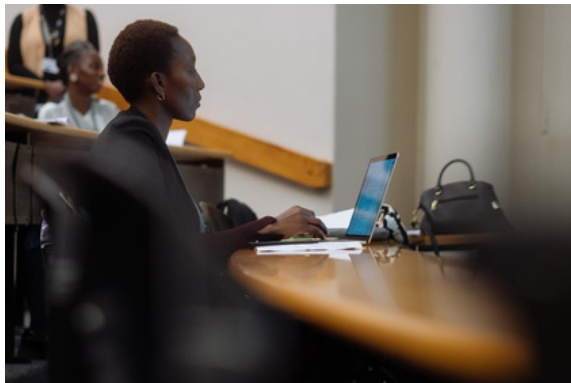
## Interdisciplinary Conference on Artificial Intelligence (AI) & the Law

The University of Cape Town's Faculty of Law hosted the first conference in Africa on AI and Law from 3 - 5 July 2024.

This comprehensive event featured thirteen diverse streams, demonstrating the far-reaching impact on AI on legal frameworks and practice. The conference structure combined plenary sessions, roundtable discussions, and parallel sessions, fostering both broad dialogue and specialised examinations of topics. Participants engaged with crucial themes ranging from the benefits and challenges of AI to development processes in Africa, to AI, Gender and the Law.

Prof. Caroline Ncube convened the dedicated stream on Intellectual Property (IP) and AI. This stream featured papers on critical issues such as AI authorship and inventor-ship, ownership. With papers titled 'Responsibility and assessment of liability for patent infringement by AI', 'Data propertization: Can one own the fuel on which AI runs?' and 'Implications of AI on copyright protection and enforcement'

Further streams hosted discussions on 'Navigating the complexities of AI: Challenges in the Protection of Copyright Regarding Authorship and Ownership' and 'How will large language models change fair use and fair dealing concepts?'



Additional presentations under the AI and IP stream explored AI, copyright, and authorship questions, and examining the legal perspective on AI's impact on image rights through social media.

An alumnus of our LLM in IP Law program, and former Researcher at our Chair, discussed building a sustainable IP ecosystem for South Africa's progressive innovation in the AI context. Two additional speakers rounded out the session - one addressing copyright, human rights, and generative AI, while another explored the originality of AI poetry from a copyright perspective.



The closing plenary on 'Artificial Intelligence and the Law: Setting out the Challenges and Opportunities in Africa,' chaired by Prof. Ncube, featured contributions from Prof. Tobias Schonwetter, Dr. Melissa Omino, Prof. Desmond Oriakhogba, Debbie Collier, and Dr. Chijioke Okorie. The panel discussed their work on a book exploring AI's potential for Africa, particularly in wealth creation and achieving the African Union's Agenda 2063 goals. The editors and authors highlighted key lessons and recommendations from their contributions, emphasising the growing significance of AI in Africa since the book's publication. Get a free copy of the book [here](#).

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## Event Reports & Updates (continued)



### The 2nd Afronomicslaw Academic Forum Conference

On the 13th of July, Prof. Ncube delivered the keynote speech at the 2nd Afronomicslaw Academic Forum Conference.

She spoke on 'Building African Trade for Development: The Legislative Architecture of the AfCFTA'.

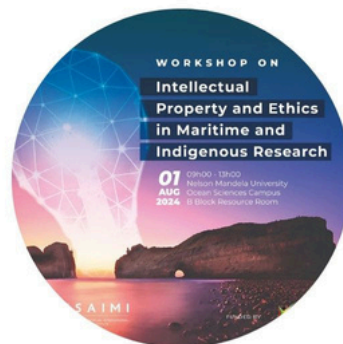
She addressed how the AfCFTA Agreement is complete but in progress. Emphasising that the Protocols to the agreement are the building blocks of this legislative framework. Through legislative clarity and strategic implementation, the AfCFTA can drive Africa forward.

### The South African International Maritime Institute (SAIMI) seminar on Maritime Indigenous and Local Knowledge (MILK)

SAIMI hosted the inaugural workshop as part of the MILK Research Workstream under the SAIMI Think Tank. The event was focused on the protection of IP rights in respect of indigenous and local knowledge. Prof. Ncube's presentation was titled 'Legal & Ethical approaches to Maritime Indigenous and Local Knowledge Research'. The presentation highlighted the significance of creating legal frameworks and ethical guidelines that promote collaborative, respectful, and equitable research practices, ensuring that these communities benefit from and retain control over their knowledge in line with international human rights and environmental norms.

### Legal & Ethical approaches to Maritime Indigenous and Local Knowledge Research

Prof. Caroline Ncube



### Africa-China Seminar on Intellectual Property & Legal Cooperation

On 23 August 2024, we hosted the Africa-China Seminar on Legal Cooperation and Intellectual Property Law at the University of Cape Town. The event was the brain child of Dr. Tebogo Lefifi, our Junior Research Fellow. The success of the event was due to a collaboration with Nelson Mandela School of Public Governance, Centre for Comparative Law in Africa, the Africa China Law Desk, Chinese Bridge Club in Cape Town and the Confucius Institute.

The event featured distinguished speakers, including Mr. Chang'An Tang from the Chinese Consulate and Prof. Caroline Ncube from UCT, who explored intellectual property cooperation between China and Africa. Panel discussions led by experts such as Prof. Desmond Oriakhogba and Anthony van Zantwijk addressed key issues like China-Africa legal cooperation, IP filings, and copyright comparisons. The seminar concluded with a lively Q&A, summary remarks by Prof. Evance Kalula, and a networking lunch.

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*Highlights from the Africa-China Seminar*

## OpenAIR Workshop

### Signposting to Future Scenarios: Reflecting on Knowledge & Innovation in Africa at the Halfway to 2035

From the 23rd - 25th of September, Prof. Ncube joined other OpenAIR members in Wakefield, Quebec, Canada for a workshop.

The workshop revisited foresight scenarios published in 2013, assessing Africa's knowledge and innovation landscape halfway to the 2035 target. It brought together a small group of participants, including African diaspora and experts in digital transformation, to analyse trends, emerging challenges, and opportunities. Key discussions centered on the drivers of change, lessons from the scenarios, and refining foresight methodology for policy and strategy shaping in Africa.



The 2013 book by the Open AIR network is the result of three years of research, including literature reviews, interviews, and scenario-building exercises. It explores knowledge and innovation systems in Africa, tracing their historical development and identifying drivers of change expected to shape the continent through 2035. The book presents three scenarios: "Wireless Engagement," where formal African enterprises are integrated into the global economy with standardized IP protections; "Informal – the New Normal," which highlights the thriving informal sector governed by informal IP mechanisms; and "Sincerely Africa," emphasizing traditional knowledge and sustainable practices. Each scenario addresses different intellectual property challenges and opportunities.



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# Highlights from the WIPO-WTO Colloquium & IPSA Conference

The recent WIPO/WTO Colloquium and IPSA Conference hosted by the IP Chair at the University of Cape Town was a gathering of some of the brightest minds in the field of Intellectual Property (IP) across the African continent. Over five days, attendees were treated to a series of insightful discussions, thought-provoking presentations, and groundbreaking research. The conference provided a platform for scholars, legal professionals, and industry experts to explore the current state of IP in Africa and to envision the future of IP in this rapidly evolving landscape.



One of the major highlights was the focus on IP education and capacity-building, as experts emphasized the need for tailored educational initiatives that address Africa's unique challenges. Speakers from WIPO and WTO outlined how organizations are supporting IP training and fostering awareness across the continent, including through online programs aimed at reaching broader audiences. This push for IP education is crucial for equipping the next generation of African innovators and legal professionals with the tools to navigate the global IP system.



A key topic was the rise of frontier technologies like artificial intelligence (AI), blockchain, and big data, and their impact on copyright and related rights. As technological advancements reshape industries, the need for adaptable legal frameworks that can accommodate these innovations while protecting creators' rights was underlined. Speakers explored the challenges of regulating AI-generated content and the potential for misappropriation of traditional knowledge and cultural expressions in the digital age.

Regional collaboration also emerged as a significant theme, particularly in how African IP organizations, such as OAPI and ARIPO, are working to harmonize

IP laws and integrate them with international standards. The conference showcased examples of how African countries are leveraging trademarks, geographical indications, and patents to promote local industries and protect African products in the global market.

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Sustainable development goals (SDGs) and climate change were another major focus, with discussions on how intellectual property can drive innovation in environmentally friendly technologies. Experts stressed the importance of aligning IP policies with green technologies and addressing energy poverty through clean energy solutions. Presentations highlighted case studies of African countries, such as Uganda, that are using IP to adapt to climate change, underscoring the role of IP in achieving sustainable development across the continent.



The WIPO/WTO Colloquium emphasized the importance of strengthening IP frameworks, building capacity through education, and fostering innovation in Africa. The event highlighted the need for continuous collaboration between African nations, global IP organizations, and industry to ensure that Africa remains competitive in the global knowledge economy while addressing its unique challenges. The conference reinforced Africa's commitment to developing robust IP systems that support sustainable development, technological growth, and the protection of cultural heritage.



The 2nd Intellectual Property Scholars Africa Conference 2024 brought together experts to discuss critical issues related to intellectual property (IP) and sustainable development in Africa. The event began with remarks emphasizing collaboration and innovation in IP frameworks. The first session explored copyright tensions, including computer-generated works, digital heritage protection, and the impact of South Africa's copyright amendment bill. Parallel sessions addressed climate change, regional IP aspects, and leveraging open-source solutions for climate adaptation. The day continued with discussions on vaccine patents, counterfeit goods, and sustainable development, concluding with recommendations for advancing IP education and the future of IP in Africa.



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## Current & Ongoing Research Spotlight

As part of our continued commitment to advancing intellectual property and innovation, the third quarter has seen significant progress in several key research initiatives. Our team remains focused on exploring cutting-edge developments and addressing pressing challenges within the African and global IP landscapes. In this section, we highlight ongoing projects, collaborations, and findings that are shaping the discourse on intellectual property law, innovation, and sustainable development. These efforts not only contribute to academic scholarship but also have practical implications for policy and industry.

### Prof. Caroline Ncube

Prof. Ncube's ongoing research for the special topic issue on "Access to Food" focuses on the critical role intellectual property (IP) and competition law play in ensuring global access to safe, nutritious food, especially in the face of rising challenges like climate change, political conflicts, and technological advancements. She is examining the influence of patent law and plant variety protection on innovations such as genetically modified crops and adaptive agricultural technologies. Additionally, she is exploring how trademarks, geographical indications, and traditional knowledge impact the distribution of healing foods and nutraceuticals, alongside the intersection of competition law in securing food access on a local, regional, and global scale. This research aims to highlight how IP frameworks can safeguard humanity's fundamental right to food in today's complex global landscape.



*Goal 2 seeks sustainable solutions to end hunger in all its forms by 2030 and to achieve food security. The aim is to ensure that everyone everywhere has enough good-quality food to lead a healthy life. Achieving this Goal will require better access to food and the widespread promotion of sustainable agriculture.*

### Ghati Nyehita & Ngonidzaishe Gotora

Ghati and Ngonidzaishe are currently collaborating on 2 joint projects. The first is a book chapter that researches the intersections between the AfCFTA's Digital Protocol, public trust, surveillance, and the role of AI in privacy and security from a decolonial perspective. One section of this piece focuses on the opportunities for decolonizing digital governance frameworks and centering African epistemologies, values, and sociocultural contexts in the development and implementation of the Digital Protocol. One major opportunity lies in embedding African epistemologies, which emphasize communal knowledge-sharing, oral traditions, and intergenerational wisdom, into the foundational structures of digital governance. By doing so, African societies can ensure that their ways of knowing and understanding are reflected in how data is collected, shared, and managed. This could lead to more inclusive data governance models that prioritize community-based decision-making and equitable access to digital resources. Another critical opportunity involves integrating African values, such as ubuntu (a philosophy of interconnectedness and collective responsibility), into the ethical frameworks that govern the digital space. Rather than prioritizing individualistic approaches commonly seen in Western digital systems, African digital governance could promote shared accountability, collaboration, and social justice in online platforms, content moderation, and data privacy laws. These values would create more holistic approaches to cybersecurity, digital rights, and personal data management, where the protection of the collective is prioritized alongside individual rights. We are looking forward to the publication!

The second project is a joint paper on 'Strengthening Corporate Governance through Intellectual Property Management'. They will be presenting this paper at the upcoming 4th CFML Conference in November. The paper explores the critical intersection of corporate governance and intellectual IP management, focusing on how effective IP strategies can enhance ethical standards and financial integrity within organizations. The research examines the ethical challenges that arise in IP management, such as issues of ownership, transparency, and the potential for misuse or misrepresentation of IP assets. Ultimately, the study seeks to contribute to the development of more resilient organizations that leverage their IP portfolios to enhance overall corporate governance and drive long-term value creation.

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## Current & Ongoing Research Spotlight (continued)

Dr. Charlene Musiza

Charlene is currently working on two significant research projects. The first is a book chapter on the impact of geographical indications and sustainable development and food security in Africa. The chapter engages critical issues on the nature of regional initiatives in OAPI, ARIPO and the AU, on the registration of origin-linked goods and investigates whether the legal form of protection has any impact on the economic performance of the product. It also examines the socio-economic challenges and gains that have emanated from the registration of origin-linked goods in Africa, specifically looking at South Africa and Cameroon, which are the first two countries to have products registered in the EU geographical indications registry.

For an overview of GI's in Africa, ARIPO published a comprehensive manual [here](#).



The second is a policy brief that focuses on an integrated SME policy for South Africa, to address the market-related challenges of SMEs and the fragmentation of SME support. An SME policy that covers both financial and non-financial support, and includes the development of clusters and the promotion of collective intellectual property rights, will transform SMEs and enable them to effectively contribute to the South African economy. The brief proposes a revision of the Integrated Strategy on the Promotion of Entrepreneurship and Small Enterprises (ISPESE), and implementation of a cluster development action plan which emphasises the creation of external economies and practical strategies for using collective intellectual property rights.



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# South African Women in Science Award

Prof. Caroline Ncube was announced as the Department of Science and Innovation's (DSI) 2024 Distinguished Women Researchers: Humanities and Social Science winner on Thursday, 15 August.



The theme for the 2024 South African Women in Science Awards (SAWiSA) was "Transition towards an innovation economy: The role of women leaders in science, technology, engineering, and mathematics (STEM)." The concept of an innovation economy is inclusive and spans various sectors, including creative and cultural industries, energy and environmental management, water and ocean governance, caregiving, social services, and public sectors, while also recognizing the often-ignored contributions of informal work.

Upon receiving her award, Prof. Ncube expressed, "Being among the finalists for the 2024 SAWiSA awards was a significant validation. Witnessing generations of women in science, all dedicated to healing our nation and the world through their work, was incredibly inspiring. It highlights the achievements of women in science and academia and sets a powerful example for those who will follow in our footsteps. *Igama lamakhosikazi malibongwe* (Praise be to womankind)."

Congratulations Prof. Ncube, and thank you for leading the way!



Prof. Ncube alongside other award winners at the awards ceremony



Prof. Ncube with Prof. Michelle Kelly-Louw

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## Graduations September 2024

Grad season came around again and we're celebrating Robin Cupido, Ntando Sindane, Maik Papiernick and the LLM IP cohort! Hearty congratulations to you all!



**Dr. Ntando Sindane**

Thesis Title: Abezimu/Badimo (ancestors) and copyright law: from the Decolonial Turn to the pluriversal author Ntando

Supervisor: Professor C Ncube (Commercial Law)



**Dr. Robin Cupido**

Thesis Title: The feasibility of implementing online dispute resolution as a distinct method of dispute resolution on the African continent

Supervisor: Professor C Ncube (Commercial Law) Co-supervisor: Emeritus Professor A Rycroft (Commercial Law)

## LLM in Intellectual Property Law

Kriek, Nicoline  
Matlou, Lesego Reabetswe  
White, Shayne Mark

*Congratulations*





## IP Highlights: 3rd Quarter 2024

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.

### July

On July 31, 2024, Rwanda implemented Law No. 055/2024, a significant overhaul of its intellectual property framework, which replaces the previous Law No. 31/2009. This new legislation, which took effect immediately upon publication, introduces several key amendments designed to enhance intellectual property protection within the country. Regarding trademarks, the law extends the timeframe for applicants to amend incomplete applications from 7 to 14 days. If corrections are not made within this period, the application will be deemed withdrawn. The updated law also tightens registration criteria by disallowing trademarks that are filed in bad faith, are imitative, or are merely descriptive. Moreover, it requires that applicants be informed of any provisional refusals of international trademark registrations within 12 months, allowing a three-month period to reapply nationally if an international registration is canceled. Significantly, trademark rights are now established upon publication, unless an opposition is raised.

### August

In the case of *Lee Riders Motorcycle Club v Jacobs and Another*, the High Court in Pretoria, South Africa, addressed a dispute involving former members of the Lee Riders Motorcycle Club, who sought to register the club's trademark in their own name after leaving the organisation. The Court examined whether these former members had a legitimate claim to the trademark and if their application was made in bad faith. Ultimately, the Court ruled in favour of the Club, emphasising that the use of the same name and logo by different entities in the same recreational area would likely cause confusion and deceive the public. The Court noted that the Club had consistently used the trademark since its inception in 1984, establishing the reputation and goodwill associated with it. This case highlights the conflicts that can arise over trademark ownership when members of an organization part ways.

### September

The Ukrainian IP Office announced the registration of several works that include not only copyrightable content but also images generated by artificial intelligence (AI), which are protected under the new Ukrainian sui generis right for computer-generated materials. This sui generis right is granted to the authors of the computer program, their heirs, individuals to whom the authors or their heirs have assigned economic rights, or lawful users of the computer program (Art. 33(2)). This sui generis right encompasses the same economic rights granted to traditional works (Art. 12) but excludes moral rights. The right is automatically conferred as soon as the subject matter is created (Art. 33(5)) and is valid for 25 years, beginning on January 1 of the year following its generation. Crucially, the sui generis right is applicable only if all other works and subject matter used in the creation of this material were employed lawfully.

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## In Closing

As we wrap up this edition of our quarterly update, we take a moment to reflect on the important milestones and accomplishments that have defined our journey over the past few months. From the recognition of our team members and their contributions to the dynamic field of intellectual property to the exciting advancements in our research and academic endeavours, it is clear that our commitment to excellence continues to create a meaningful impact.

We would like to express our heartfelt gratitude to our collaborators, partners, and the broader community for their ongoing support and engagement. Looking forward, we remain devoted to promoting innovation, enhancing knowledge, and empowering voices within the realm of intellectual property. We invite you to stay connected with us for news about upcoming events, research insights, and collaboration opportunities. Thank you for being part of our journey, and we eagerly anticipate the exciting developments that await us in the next quarter.

*Thank you for reading!*

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**Contributors: Caroline Ncube, Ghati Nyehita, Tebogo Lefifi, Charlene Musiza**

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