



SOUTH AFRICAN RESEARCH CHAIR:

Intellectual Property,
Innovation and Development

ANOTHER SUCCESSFUL YEAR

As we stand at the threshold of a new year, it is with great pleasure that we reflect on the remarkable journey we've embarked upon throughout 2023. Following our complete return to campus to full-time on site teaching and research, we also participated in significant academic and policy gatherings in person including visits to the World Intellectual Property (WIPO), the World Trade Organisation (WTO) and the South Centre in Geneva.

In this newsletter, we commemorate the achievements of our team members, including graduations and various milestones, acknowledging their dedicated efforts in attaining both personal academic objectives and the collective goals of our team. Regular updates have been posted on our website through out the year.



DECEMBER, 2023 | ISSUE 5

NEWSLETTER

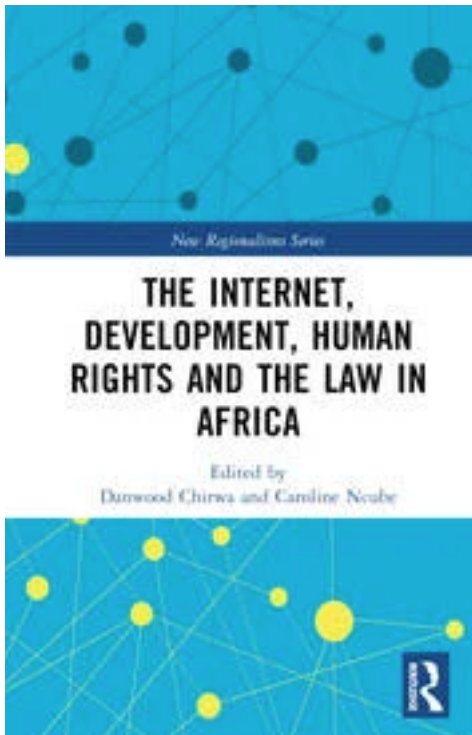


L-R Victor Nzomo, Lee-Ann Tong, Caroline Ncube, Carolina Harbs ; 14 December 2023

RENEWED & UPGRADED 2024 - 2028

Having completed our first term (2019 - 2023) as a tier 2 SARCHI Chair, we are delighted to announce that we have been renewed for a second term (2024 - 2028) at tier 1! Read all about SARCHI chairs [here](#)

PUBLICATIONS

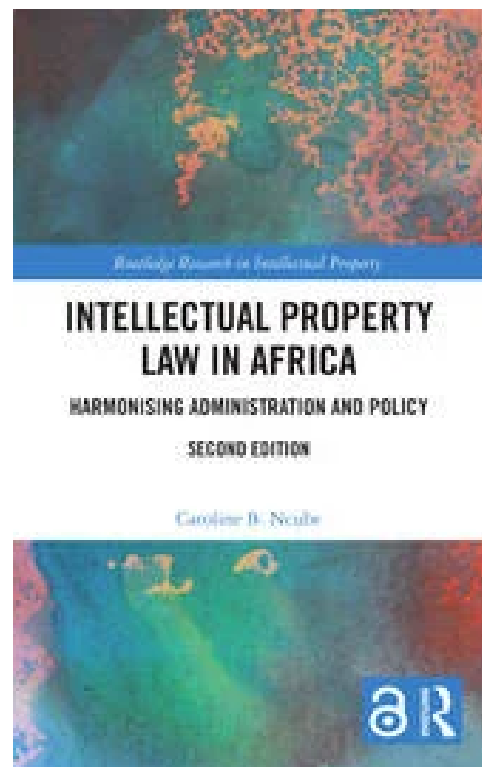


THE INTERNET, DEVELOPMENT, HUMAN RIGHTS AND THE LAW IN AFRICA

This authoritative text edited by Professors Chirwa and Ncube covers topical issues relating to the internet, human rights and development in Africa.

INTELLECTUAL PROPERTY LAW IN AFRICA: HARMONISING ADMINISTRATION AND POLICY

The second edition of Prof Ncube's seminal work is available open access [here](#)



Book chapters

1. Ncube, C.B. and Phiri, T.R. 'Afro-centric law and technology discourse' in Bartosz Brożek, Olia Kanevskaia, and Przemysław Pałka (ed.s) *Research Handbook on Law and Technology* (2023) Edward Elgar 276 -295
2. Hanani Hlomani and Caroline B. Ncube 'Data Regulation in Africa: Free Flow of Data, Open Data Regimes and Cybersecurity' in B. Ndemo et al. (eds.), *Data Governance and Policy in Africa, Information Technology and Global Governance* (2023) Palgrave Macmillan Cham 97 - 130 https://doi.org/10.1007/978-3-031-24498-8_5
3. Erika Kraemer-Mbula, Jeremy de Beer, Caroline Ncube, Chidi Oguamanam, Nagla Rizk, Isaac Rutenberg & Tobias Schonwetter 'Collaborative Innovation and Networked Entrepreneurship in Africa' in Olugbenga Adesida, Geci Karuri-Sebina, João Resende-Santos & Mammo Muchie (eds) *Innovation Ecosystems in Africa: solving the problems that we have* 2023 Amalion
4. Ncube, C.B. 'The Internet, Freedom of Expression and Intellectual Property' in Chirwa, D and Ncube C.B. (ed.s) *The Internet, Development, Human Rights and the Law in Africa* (2023) Routledge 100 – 126
5. Chirwa, D and Ncube, C.B. 'The Internet, Development and Human Rights in Africa: Introduction' in Chirwa, D and Ncube C.B. (ed.s) *The Internet, Development, Human Rights and the Law in Africa* (2023) Routledge 1 – 22
6. Ncube, C.B. and Chirwa, D. 'The Internet, Development and Human Rights in Africa: Reflections and Insights' in Chirwa, D and Ncube C.B. (ed.s) *The Internet, Development, Human Rights and the Law in Africa* (2023) Routledge 217-227

Journal articles (on IP only)

1. Ncube, CB 'Moving from Mirages to Miracles: Intellectual Property, Human Rights and the Global Partnership for Sustainable Development ' 2023 (72) 7 *GRUR International*, 629–630, <https://doi.org/10.1093/grurint/ikad051>.
2. Ncube, CB., and Samtani, S 'Copyright, Disability Rights, and the Constitution: Blind SA v Minister for Trade, Industry and Competition' 2023 (13) 1 *Constitutional Court Review*, 471-503, <https://doi.org/10.2989/CCR.2023.0016>.
3. Khan, R and Gotor N 'One (innovation) flew over the law's head: the intersection of artificial intelligence and copyright' 2023 SA IPLJ 72

Policy briefs and opinions

1. Hanani Hlomani and Caroline B Ncube Data Regulation in Africa: Free Flow of Data, Open Data Regimes and Cyber Security, AERC Working Paper, 2023
2. Rens, A., Hlomani, H, & Msipa, S. (2023) Clarifying copyright to enable AI research in Africa. Generative AI and Intellectual Property Brief no. 1. Research ICT Africa.



RESEARCH ACTIVITIES

Prof Caroline Ncube

- Panel: New Directions in WIPO, AfCFTA and Copyright in Africa: Facilitating science, creativity, and innovation; Right to Research in Africa Conference, 23 – 27 January 2023; hosted by ReCreate.
- Roundtable: Data governance and the Digital Economy in Africa: Where are we now, what are the challenges and where do we go from here? Hosted by the South African Institute of International Affairs (SAIIA) and Centre for the Study of the Economies of Africa (CSEA).
- Guest Speaker: Discussion on Innovation and IP management in advancing Agenda 2063 in Africa. Hosted by the Academy of Science of South Africa (ASSAf) in collaboration with the Lesotho Academy of Science and Technology (LAST), Botswana Academy of Science (BAS) and the University of South Africa (UNISA).
- Panel: Data Governance (II) Inception Workshop hosted by the African Economic Research Consortium (AERC), 13 -16 June 2023.
- African International Economic Law Network's (AfIELN) 6th Biennial Conference, 21 – 24 June 2023 hosted by Ghana Institute of Management and Public Administration, Faculty of Law (GIMPA), Accra, Ghana. Professor Ncube chaired a panel on IP, Health and Competition Law.
- IP Researchers Europe (IPRE) Conference, 29 – 30 June 2023 hosted by The School of Law of the University of Geneva (UNIGE), in collaboration with WIPO and WTO. Professor Ncube chaired a panel on IP in the Digital Environment.
- TRIPS at 25 - Academic Symposium held at the WTO, where Prof Ncube spoke on panels on 'The context: the policy, economic and political dimensions of TRIPS' and 'The future: TRIPS at a time of economic, technological and geopolitical flux'.



Prof Carlos Correa and Prof Ncube, South Centre, June 2023

- 41st International Association for the Advancement of Teaching and Research in IP (ATRIP) Congress, 09 – 12 July 2023 hosted by the University of Tokyo. On the 11th The Chair moderated a panel on IP, Ethics, Human Rights and Anti-Discrimination.
- ShapingAI for Just Futures International AI + Society Conference, 19 – 20 October 2023 hosted by the AI + Society Initiative and uOttawa. The chair took part in panels on AI and copyright as well as regulating AI around the world.
- WHO-WIPO-WTO Trilateral Symposium (virtual), 14 November 2023. Professor Ncube spoke on the topic of 'Contestation and Complexity: IP at the intersection of Climate Change and Human Health'.
- Copyright law and disability webinar, 23 November 2023 hosted by the Mandela Institute and the University of Witwatersrand School of Law.
- Guest speaker, The AGA-Africa and University of Pretoria Synergy Workshop: The Future of Law in the Fourth Industrial Revolution (4IR): Navigating Legal Challenges in a Digital Age, 27 November

RESEARCH ACTIVITIES

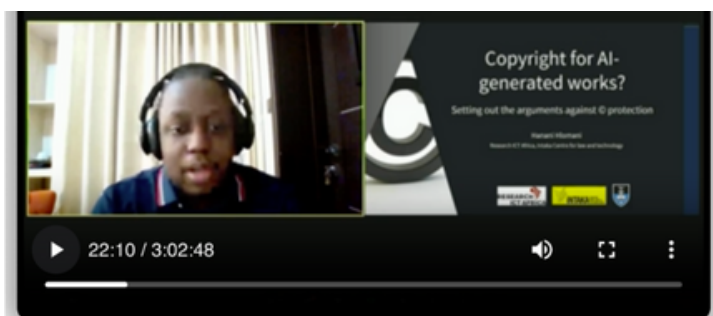
Dr Omowamiwa Kolawole

Dr Kolawole is the Chair's Post-doctoral fellow. He recently graduated with a Master of Public Health degree during the December 2023 graduation season.



Prof Ncube and Dr Kolawole, 14 December 2023

Dr Kolawole led research seminars with LLM students on thesis writing, identifying a relevant research question and structuring a thesis. He attended several webinars and courses including the 18th Annual African Vaccinology Course (6 – 10 November 2023) hosted by Vaccines for Africa (VACFA) and UCT. His research focuses on human rights, access to medicines and pandemic preparedness. He has completed draft articles on these topics which are currently under review. He is currently undertaking related case study research.



Hanani Hlomani at the 8th WIPO Conversation on IP and Frontier technologies

Hanani Hlomani

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. He was also a sessional lecturer teaching cyberlaw and gave several guest lectures on IP and Data throughout the year.

Blog posts (selected)

- Hanani Hlomani and Andrew Rens [AI AND THE LAW OP-ED - Artificial intelligence, copyright infringement and protection – a legal quagmire?](#)
- Hanani Hlomani [Why South Africa needs a more holistic and contextual approach to AI regulation](#)
- Hanani Hlomani [The real cost of the blue check: Twitter/X verification and what It means for combatting online misinformation](#)
- Hanani Hlomani [Future-Proofing African Democracy: Assessing Electoral Laws Amidst AI Advancements](#)

Conferences (selected)

- Speaker: WIPO 8th Conversation on IP and Frontier Technologies, 21 September 2023
- African Internet Governance Forum.
- International Development Research Centre (IDRC) Information Disorders Workshop.
- Decoding the Ballot: How AI is Reshaping Democracy on the African Continent.

RESEARCH ACTIVITIES

Ngonidzaishe Gatora

Ngonidzaishe Gatora joined the team as a research assistant in the second semester. He was involved in multiple research projects during the course of his tenure. This involved research and writing on assigned topics, attendance at research events and compiling reference lists. He has co-authored a journal article for the South African Intellectual Property Journal and is currently working on a further article on 'Performers Protection and Image Rights within the music and cinematic industry in the era of Generative AI'.



Blog Posts

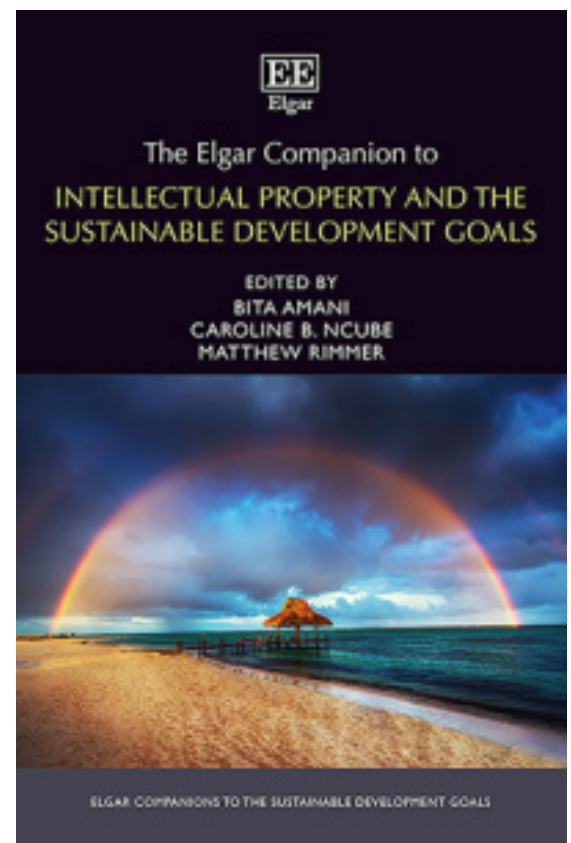
Gatora, N. Empowering African economies: The case for disability exceptions in Copyright Law (09 September 2023).

<https://law.uct.ac.za/ip-chair/articles/2023-09-09-empowering-african-economies-case-disability-exceptions-copyright-law>

Ongoing team research

- AI and the Law
- Copyright and disability
- Patents and access to medicines
- IP and the SDGs
- IP and Traditional Knowledge
- IP and the AfCFTA

Forthcoming Publication



GRADUATIONS 2023

PhDs

Carolina Harbs

Thesis Title: *The protection of traditional cultural expressions - seeking international consensus for a mutliateral solution*

Supervisors: Associate Professor L-A Tong & Associate Professor T Schönwetter

Lineekela Ihuhua

Thesis Title: *Intellectual property law and development in Namibia: harnessing the law on geographical Indications in the realization of Vision 2030*

Supervisor: Associate Professor T Schönwetter

Victor Buziba Nzomo

Thesis Title: *Transparent royalties: improving disclosure in collective management of copyright and related rights in Kenya and South Africa*

Supervisor: Professor C Ncube

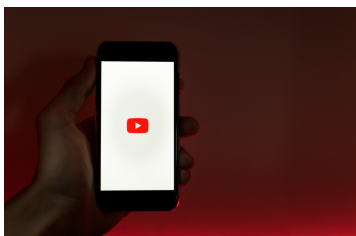
LLM by Research

Bongiwe S Zungu

Thesis Title : *Copyright and the Constitution: A study of copyright exceptions and limitations in the context of the right to education and the right to property in South Africa*

Supervisor: Professor C Ncube

Watch the ceremony on [YouTube](#)



Dr Ihuhua and Associate Professor Schönwetter



Dr Nzomo and Professor Ncube



GRADUATIONS 2023

LLM in IP Law

Laura Gehle
Thabiso Phiri
Keziah Auma
Chad Austin Goodall
Neil Peter Junior Mercuur
Veronica Grace Mubangizi
Suprise Emanuel Ngwane
Takura Takavarasha

Master of Public Health

Omowamiwa Kolawole



L-R Lee-Ann Tong, Emmanuel Ngwane, Caroline Ncube ; 14 December 2023



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