

The Swiss-South African Intellectual Property Project – SSAIP

The overall objective of SSAIP is to contribute to South Africa's socio-economic development through promoting the use and protection of intellectual property rights.

Project background and context

The SSAIP was designed after a request by the Department of Trade, Industry and Competition (dtic) was made to SECO for an intellectual property (IP) project and based on the findings of a subsequent planning mission carried out by the Swiss Federal Institute of Intellectual Property (IPI) in October 2018. The content has been discussed with the main South African counterparts and stakeholders and represents their expressed needs and priorities. Cooperation for the SSAIP will be covered by the "Framework Agreement Between the Federal Council of the Swiss Confederation and the Government of the Republic of South Africa on Development Cooperation".

On the international level, South Africa has been a member of the World Intellectual Property Organization (WIPO) since 23 March 1975 and has acceded to its Berne (3 October 1928) and Paris (1 December 1947) Conventions, as well as the Patent Cooperation Treaty (16 March 1999) and the Budapest Treaty (14 July 1997). South Africa acceded to the 1978 Act of the International Union for the Protection of New Varieties of Plants (UPOV) on 6 November 1977. South Africa is also an original Member of the World Trade Organization (WTO) having acceded on the day of its creation, 1 January 1995 and is therefore a party to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

Domestically, South Africa's IP regime is guided by the *Intellectual Property Policy of the Republic of South Africa – Phase I* (IPP). The IPP concludes that, "South Africa needs to transition towards a knowledge economy, and away from an over-reliance on natural resources. A specific framework of conditions is necessary to enable South Africa to make this transition, and an IP Policy is one of the core elements required to achieve this objective."

It is within this context that SSAIP will work with various stakeholders from the South African government, such as the dtic, the Companies and Intellectual Property Commission (CIPC), the Department of Small Business Development (DSBD), the Department of Science and Innovation (DSI), the National Intellectual Property Management Office (NIPMO) and the Small Enterprise Development Agency (SEDA).

Quick project facts

Project duration

January 2020 – December 2023

Total budget

CHF 1,450,000

Donor agency

Swiss State Secretariat for Economic Affairs – **SECO**

Implementing partners

Swiss Federal Institute of Intellectual Property – **IPI**;
Department of Trade, Industry and Competition – **dtic**

South Africa country context 2018

Population: 57.78 million
Area: 1,219,100 km²
Annual GDP growth: 0.8%
Gross National Income per capita:
USD 5,750

Goals and objectives

The project will focus on supporting the dtic/CIPC by achieving the following goals and objectives:

- **National IP Policy is strengthened** through consultations and workshops and sui generis Geographical Indications (GI) system developed
- **IPR registration and administration** entities provide efficient and user-friendly services
- **SMME supporting agencies** and IPR entities promote protection and use of IPRs to potential users of IPRs
- **Increased commercialisation** of IPRs as part of innovation process.

Activities

In consultation with South African stakeholders, the activities of the SSAIP project were developed to complement the efforts of the South African government to achieve the goals of the IPP. In support of the IPP, SSAIP will 1) hold an experience sharing workshop in the field of Access and Benefit Sharing; 2) commission a report on the use of compulsory licenses in Switzerland for South African policymakers; and 3) produce a market analysis on the feasibility of a sui generis GI system.

IPI experts will provide training to their counterparts at the CIPC in two distinct areas. The first is Assisted Patent Searches and the second regards management and the work of patent examiners. The purpose of this training is to demonstrate how the IPI trains, manages and carries out their duties with regard to patent searches.

In order to assist SEDA and DSBD to better communicate with stakeholders, particularly the most disadvantaged, SSAIP will assist with the creation of a web platform to assist Small, Medium and Micro Enterprises (SMMEs) to access information on how to obtain and protect their IPRs. In addition, training and support in conducting a Public Education and Awareness (PE&A) campaign will be provided. PE&A campaigns aim to educate relevant members of the public on the benefits of using IPRs.

Finally, SSAIP supports representatives of academia and research institutions and specific SMMEs on how best to commercialize their protected IP assets. This support includes trainings on negotiating techniques and options on commercialization. Further trainings could include IP asset valuations and IP portfolio management.

Alignment with South Africa's general development priorities

The South African government began developing a strategy for IP development through its Intellectual Property Consultative Framework (IPCF). The IPCF focused on aligning South Africa's IP regime to its National Development Plan and Constitution and aimed to develop a coordinated intergovernmental approach to IP, stimulate innovation, attract foreign direct investment and technology transfers, and promote public health.

In 2018, the dtic released the IPP which builds on the IPCF and is a first phase, which will be developed over the medium term into a more comprehensive IP strategy. Some paraphrased key reforms that it outlines include:

- The introduction of substantive search and examination (SSE) for patents, which is a key step towards ensuring that the patent regime fulfils its purpose of stimulating genuine innovation;
- The leveraging of flexibilities contained in the TRIPS Agreement to ensure that South Africa protects IPRs while simultaneously promoting public health, local manufacture, research and development, innovation, food security, environmental considerations, transfer of technology and broad socio-economic development;
- A coordinated approach to creating awareness about IP among South Africans, so as to protect nationally-owned IP that is related to indigenous resources, traditional innovation and traditional knowledge;

Beneficiaries

The main beneficiaries of SSAIP are those organizations that the project will be coordinating with directly. These include dtic, CIPC, DSBD, DSI, NIPMO and SEDA.

Other direct beneficiaries include the business community (particularly SMMEs), enterprise associations and other users of technology and innovation such as the Technology Innovation Agency and research institutions and universities.

More information and contact

Georges Bauer and Olga Allemann – Project Coordinators SSAIP

Swiss Federal Institute of Intellectual Property – IPI

georges.bauer@ipi.ch / +41 31 377 72 14 & olga.allemann@ipi.ch / +41 31 377 72 12