



UNIVERSITEIT • STELLENBOSCH • UNIVERSITY
jou kennisvennoot • your knowledge partner

The Anton Mostert
CIP
Chair of Intellectual Property

TERMS AND CONDITIONS OF USE

applicable to the website and weblog of the Anton Mostert Chair of Intellectual Property Law, Faculty of Law, Stellenbosch University (www.sun.ac.za/iplaw).

CONTENTS

1. ABOUT US
2. ABOUT THE TERMS AND CONDITIONS OF USE
3. TERMINOLOGY
4. INCORPORATION BY REFERENCE
5. CONTENT STANDARDS
6. INTELLECTUAL PROPERTY RIGHTS
 - 6.1 The CIP website
 - 6.2 Third party content
 - 6.3 Portfolio of works
 - 6.4 Presentations, Slides or Lecture Notes
7. DISCLAIMER AND EXCLUSION OF LIABILITY
8. RESERVATION OF RIGHTS
9. ENQUIRIES, COMPLAINTS AND DISPUTES
10. GOVERNING LAW AND JURISDICTION
11. CONTACT INFORMATION
 - 11.1 Contact numbers
 - 11.2 Email

1. ABOUT US

- 1.1 The Anton Mostert Chair of Intellectual Property Law (hereinafter “the CIP”) is a Development Chair, established with the express purpose of fostering a greater developmental drive for intellectual property (IP) in South Africa. This is done through high-level academic tuition, expert analysis, private-public coordination, rigorous protective action of established legal principles and pioneering sound adjustments to intellectual property law, to increase the production and export of intellectual property and provide adequate protection of contemporary expressions of human intellectual endeavor.¹
- 1.2 The CIP is an independent academic research division situated within the Faculty of Law of Stellenbosch University and the CIP website is intended to provide a platform for awareness of IP law, and a place for critical discussion and analysis on IP law.
- 1.3 The CIP is directly and privately funded, but operates independently of its funders.

2. ABOUT THE TERMS AND CONDITIONS OF USE

- 2.1 The terms and conditions of use (hereinafter “*these terms*”) in this document relates to the website of the Anton Mostert Chair of Intellectual Property and the IPStell blog (hereinafter collectively the “*CIP website*”).
- 2.2 The CIP website is identified by its URL address <http://blogs.sun.ac.za/iplaw/> and includes all subsequent pages that contain this URL and the redirect page identified by the URL <http://www.sun.ac.za/iplaw>.

¹ The mission statement and core functions of the CIP is available here:

<http://blogs.sun.ac.za/iplaw/about/mission/>

² The terms of use for the website of the University of Stellenbosch are available at

- 2.3 The IPStell blog portion of the CIP website is identified by its URL address <http://blogs.sun.ac.za/iplaw/news-3/from-ipstell/> and includes all subsequent pages that contain this URL.
- 2.4 By accessing and/or using the CIP website you agree to be bound by these terms.

3. TERMINOLOGY

In these terms, the following words and expressions shall have the following meaning, unless the context indicates otherwise:

- 3.1 *CIP website*: The current CIP website, including the IPStell blog portion of the CIP website, and all subsequent versions thereof, including, but not limited to, the content of the website and the website code, its current and future constituent pages, posts, user comments, images, other audio-visual elements and identifying elements including trade marks and logos, except for content which is expressly indicated to be third-party content, or should be apparent from the manner, or context, that it is third-party content.
- 3.2 *CIP identifying elements*: The CIP logo and the following names and short names; The Anton Mostert Chair of Intellectual Property, The Anton Mostert Chair of Intellectual Property Law, The Chair of Intellectual Property Law, The Chair of IP Law, The CIP, The IP Chair, The Stellenbosch Chair of IP Law, IPStell, IPChair, VineOracle.
- 3.3 *IPStell blog*: The pages, articles, content and posts on the CIP website displayed under the blog or IPStell name.
- 3.4 *Intellectual Property Rights*: Copyrights, trade marks, patents, plant breeder's rights, know-how, confidential information, goodwill, and all other similar proprietary rights which may subsist in any part of the world (whether registered or not).
- 3.5 *Third-party content*: Content (including user-submitted content such as website comments, guest publications, event information, blog articles

or other posts and any associated interactive service) included in the CIP website, linked to, hosted by or referred to, such as website code, identifying and illustrative marks, trade marks, articles, audio-visual works, documents, recordings, webpages and other resources, of which the CIP (or Stellenbosch University) is not the owner of the Intellectual Property Rights (because, for example, such content was not created by an employee of the CIP (or Stellenbosch University) during the course of his/her employment with the CIP (or Stellenbosch University))

3.6 *Use:* The action of accessing, viewing, reading, posting to, referring to, linking to or copying from the CIP website.

4. INCORPORATION BY REFERENCE

4.1 The following documents (hereinafter collectively referred to as the “*University terms*”) are hereby incorporated by reference to these terms and shall form a part thereof insofar as the contents thereof are capable of concurrent application with these terms.

4.1.1 The terms of use for the website of the University of Stellenbosch (<http://www.sun.ac.za>);²

4.1.2 The Electronic Communications Policy³ of the University of Stellenbosch;

4.1.3 The Stellenbosch University Web Regulations;⁴ and

4.1.4 The Stellenbosch University Policy in Respect of the Commercial Exploitation of Intellectual Property.⁵

² The terms of use for the website of the University of Stellenbosch are available at http://www.sun.ac.za/english/Documents/Terms_and_conditions/WebTermsConditions.pdf.

³ The Electronic Communications Policy of the University of Stellenbosch is available at http://www.sun.ac.za/english/Documents/Terms_and_conditions/ecp_december_eng.pdf.

⁴ The Stellenbosch University Web Regulations are available at <http://blogs.sun.ac.za/it/files/2011/06/Web-regulation-approved-Eng-20-Junie-2011.pdf>.

⁵ The Stellenbosch University Policy in Respect of the Commercial Exploitation of Intellectual Property is available at [http://www.innovus.co.za/media/documents/110324_Final_IP_Policy_\(Software_Amend\)_2\).pdf](http://www.innovus.co.za/media/documents/110324_Final_IP_Policy_(Software_Amend)_2).pdf).

- 4.2 No part of these terms shall be applied to exclude or limit the application of any provision contained in the University terms or any other applicable law, policy or provision.
- 4.3 Where these terms and the University terms are in conflict or incapable of concurrent application, the University terms shall prevail and the relevant provision(s) shall be deemed to not have been incorporated in these terms (that is, *pro non scripto*).
- 4.4 The provisions of these terms are intended to complement and supplement the University terms and are applicable only to the CIP website and the use thereof.

5. CONTENT STANDARDS

The following content standards apply to all user-submitted content. You must comply with the spirit of the following standards, as well as the letter. The standards apply to each part of any contribution as well as to its whole.

5.1 Contributions must:

- 5.1.1 be accurate (where they state facts); and
- 5.1.2 be genuinely held (where they state opinions).

5.2 Contributions must not:

- 5.2.1 contain any material which is defamatory of any person;
- 5.2.2 contain any material which is obscene, offensive, hateful or inflammatory;
- 5.2.3 promote violence;
- 5.2.4 constitute or promote unfair discrimination based on race, sex, religion, nationality, disability, sexual orientation, age or any other ground;
- 5.2.5 infringe any intellectual property rights of any other person;

- 5.2.6 be likely to mislead or deceive any person;
- 5.2.7 be made in breach of any legal duty owed to a third party, such as a contractual duty or a duty of confidence;
- 5.2.8 promote any illegal activity;
- 5.2.9 be used to impersonate any person, or to misrepresent your identity or affiliation with any person; or
- 5.2.10 convey or create the impression that they emanate from the CIP (or Stellenbosch University), if this is not the case.

6. INTELLECTUAL PROPERTY RIGHTS

6.1 The CIP website

- 6.1.1 The intellectual property rights in the content of the CIP website⁶ belong to the CIP, its webmaster and/or the identified author(s) or registered proprietors of individual content, as the case may be, regardless of whether or not the intellectual property rights have been asserted or the rights holder identified.
- 6.1.2 The CIP identifying elements belong to Stellenbosch University and may not be reproduced under any circumstances for any purpose other than personal, private, non-commercial use that does not amount to, or suggest, any endorsement without the prior written permission of the incumbent Chair of Intellectual Property Law and/or the Dean of the Faculty of Law.
- 6.1.3 The intellectual property rights in the posts, images, audio-visual content and hosted, or hyperlinked, documents, except for third-party content that appear on the CIP website, belong to the CIP (or Stellenbosch University).

⁶ Except for those parts of the website code or content reproduced under license or in terms of an applicable legal exception such as the fair dealing exceptions contained in section 20 et seq. of the Copyright Act 98 of 1978.

6.1.4 The contents of the CIP website, with the exception of third-party content and the website code, is made available for public consumption and academic engagement. Such contents of the CIP website may be reproduced for personal, private, or non-commercial use, including by direct hyperlink, provided that such use does not amount to, or suggest, any endorsement of the use for which such contents are sought to be used, subject to the following conditions:

6.1.4.1 The contents of the CIP website must not be used in a manner which misrepresents their nature, or the context in which it appeared on the CIP website. By way of illustration, where any content has a named author and reference is made to such content, such content should not be attributed to any person, or entity, other than the author, including the CIP, its incumbent, the Faculty of Law or Stellenbosch University (unless, of course, it was authored by someone acting in such capacity). In the case of anonymous (or pseudonymous) content, it should not be assumed that such content originates from the CIP, its incumbent, the Faculty of Law or Stellenbosch University;

6.1.4.2 Where reference is made to any part of the contents of the CIP website, in any format, such reference must include the name of the author(s) of the content (where that has been indicated) and the complete URL of the location of the content on the CIP website;

6.1.4.3 Any references to the CIP, the CIP website and/or the IPStell blog must adhere to the naming

convention indicated in paragraph 3.2 “CIP identifying elements” above.

6.1.4.4 The CIP reserves the right to withdraw linking permission without notice, should the aforementioned conditions be breached.

6.2 Third party content

6.2.1 Third-party content contained on the CIP website has been published with the consent of the relevant third party.

6.2.2 The use of third-party content on the CIP website does not imply any authorisation for the reproduction or use of such content by any party other than the CIP.

6.2.3 The reproduction or distribution of any third-party content is strictly prohibited, and the consent of the third-party must be obtained for reproduction or distribution.

6.3 Portfolio of works

6.3.1 Where the CIP website contains or hosts a collection of full text published works it is intended as a record of the published works of the author compiled for the purposes of section 20 of the Copyright Act 98 of 1978. The author hereby gives notice of his moral rights in respect of these works and requires that they be recognised.

6.3.2 No work detailed in such a record or portfolio may be reproduced or otherwise dealt with in a manner falling within the copyright subsisting in it unless the relevant act is permitted by law or has been authorised by the publisher, whose identity may be ascertained from the copy comprised in the record.

6.4 Presentations, Slides or Lecture Notes

6.4.1 Where the CIP website contains any presentations, slides, illustrations or lecture notes used in academic discourse or for purposes of teaching and learning, the content is provided on the CIP website for personal, private research purposes and may not be applied or distributed for any commercial purpose.

7. DISCLAIMER AND EXCLUSION OF LIABILITY

The entire contents of the CIP website, including the IPStell blog, is subject to the following limitations of liability and disclaimers:

- 7.1 The views and opinions expressed on the CIP website are strictly those of the page author(s) and content contributor(s). The contents of the CIP website have not been reviewed or approved by Stellenbosch University.
- 7.2 Unless opinions or views are expressed to be stated in an official capacity, the opinions or views expressed in articles published on the CIP website are those of the particular author(s), and not those of Stellenbosch University, the Faculty of Law, or the CIP. Stellenbosch University, the Faculty of Law, the CIP, or their employees, agents or affiliates, will not be responsible, or liable, to any third party for the content or accuracy of any materials posted on the CIP website.
- 7.3 Opinions or views expressed on the CIP website do not amount to the giving of specific legal advice and no attorney-client relationship is created by the publication thereof by the CIP. Where appropriate, the user should obtain specific legal advice.
- 7.4 While the CIP values the right to freedom of expression, including academic freedom, it unconditionally reserves the right to control the publication of material or commentary on the CIP website. The CIP may refuse to publish any content submitted for publication on the CIP website, or may remove any content previously published, and shall not be required to obtain the consent of the relevant owner of the intellectual property rights in such content (or their authors) when

taking such action. Nor shall the CIP (or Stellenbosch University) be responsible, or liable, to pay any amounts to such parties for exercising its aforementioned rights.

7.5 The exercise of elective editorial control over commentary or third-party content on the CIP website, does not impose on the CIP (or Stellenbosch University) any duty to monitor the content of the CIP website in relation to third-party, or user-submitted, content.

7.6 The use of third-party content by the CIP does not imply any endorsement by the CIP (or Stellenbosch University) or their employees, agents or affiliates, of the third-party content, and its incorporation in the CIP website should not be construed as an endorsement or guarantee of quality of such content.

7.7 The CIP website is operated on a non-profit, non-commercial basis and does not amount to any form of advertising. Any content on the CIP website relating to any events, programmes or courses is displayed for information purposes only and does not constitute a recommendation or an offer to contract.

8. RESERVATION OF RIGHTS

The CIP reserves the right to amend these terms at any time. You should check these terms to see if these terms may have changed.

9. ENQUIRIES, COMPLAINTS AND DISPUTES

If you wish to raise any issue about the CIP website or the use thereof, or have any rights-permission enquiry, you may email our Webmaster at ipchair@sun.ac.za. Please provide the following information:

- Your full names, physical address, telephone number and email address;
- The location and description of the service feature or communication which is the cause of your enquiry or complaint;

- A description of the request or problem with the CIP website or part of its content;
- The actions you would like the CIP to take;
- If you are making a complaint, a statement confirming that you are making the complaint in good faith;
- A statement confirming that the information you are providing to us is to the best of your knowledge true and correct; and
- An indentifying signature or name.

10. GOVERNING LAW AND JURISDICTION

10.1 The construction, validity and performance of these terms shall be governed and construed in all respects by the laws of South Africa.

10.2 Use of the CIP website is subject to the laws of the Republic of South Africa, and the exclusive jurisdiction of the Western Cape High Court, Cape Town. You agree to accept service of legal process at the addresses you may provide to us when you use our web site services.

10.3 Please address all correspondence to:

The Office of the Anton Mostert Chair of Intellectual Property
Stellenbosch University, Faculty of Law
Ou Hoofgebou Room 2032
Corner of Victoria & Ryneveld Street
Stellenbosch
7600
Republic of South Africa

11. CONTACT INFORMATION

11.1 Contact numbers

+27(0) 21 808 9371 (CIP Administrator)

+27(0) 21 808 9402 (CIP Webmaster)

+27(0) 21 808 3561 (Department of Mercantile Law)

+27(0) 21 808 4853 (Faculty of Law)

11.2 Email

ipchair@sun.ac.za