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## Postgraduate Diploma (Intellectual Property Law)

### About

This unique programme awards the only qualification of its kind in South Africa and is the first bespoke diploma in Intellectual Property (IP) Law that admits non-law graduates to post-graduate studies in IP Law. It is structured specifically to address the manifest need for legal tuition in IP that will equip students with the ability to understand IP from a legal perspective without the need to study any other field of law.

Therefore, the PGDip (IP Law) is structured to give students the opportunity to elect a range of IP modules aimed at their specific field of practice for the purpose of gaining insight into the legal mechanisms available for the protection of their work and the specific procedures that should be followed.

### Programme content

The PGDip (IP Law) covers all of the primary fields of IP Law at an intermediate level and offers students the option of further study and/or research in selected fields of applied IP Law.

Compulsory modules:

- Copyright Law 711
- Trademark Law 711
- Patent Law and the Law of Registered Designs 711

Elective modules:

- Intellectual Property in the Digital Environment 711
- Competition Law 711

Optional research component:

- Intellectual Property Law: Research Paper 714

All modules carry 30 credits each. For more detail about each of the modules, see the module descriptions and learning outcomes below.

## **Rules of combination**

### *Module stream*

*4 modules (4x30 credits)*

Students must complete all three of the compulsory modules (Copyright Law, Trade Mark Law and Patent Law and the Law of Registered Designs) and one of the elective modules (either Intellectual Property Law in the Digital Environment or Competition Law). Students in the module stream are exempt from the research component.

### *Research stream*

*3 modules (3x30 credits) + research paper (30 credits)*

Students must complete three modules of their choice (in any combination) and the research paper. Students may choose any three of the following modules:

- Copyright Law 711
- Trademark Law 711
- Patent Law and the Law of Registered Designs 711
- Intellectual Property in the Digital Environment 711
- Competition Law 711

Students in the research stream must also register for the Intellectual Property Law: Research Paper 714 module.

Admission to the research stream is based on prior learning or workplace experience in IP or an IP-related field. Students may only be enrolled in the research stream with the prior approval of the admissions officer and the programme coordinator.

## **Duration**

The PGDip (IP Law) may be completed within one (1) academic year in the case of full time students or within two (2) academic years in the case of part time students, starting in either January or July of the academic year.

## **Programme Coordinator**

Prof Sadulla Karjiker

## **Accreditation**

Department of Higher Education and Training (South Africa)

NQF Level 8

CESM Classification 12 (Law)

Majors (CESM Category) 120307 (Intellectual Property)

SAQA Registered

**Credit Value**

120 (4x30)

**Duration**

1 year (full time), 2 years (part time)

**Awarding Institution**

University of Stellenbosch

**Residential Campus**

Stellenbosch Main Campus

**Admission requirements**

Any student who holds one of the following degrees/qualifications may apply for admission:

- A BSc, BComm or BEng qualification
- A LLB qualification
- Any other NQF 7 qualification
- Any other equivalent qualification based on prior learning or workplace experience will also be considered.

*Admission to this programme is subject to post-application selection based on the selection criteria for this programme and the applicable admissions policies of Stellenbosch University.*

**Application procedure**

To apply for admission to this programme (for either the January or June enrolment), all prospective students must complete the online application form for admission to study at Stellenbosch University. Please visit [www.maties.com](http://www.maties.com) to apply or contact the Admissions Officer to the Faculty of Law.

**Selection Essay**

Applicants may be required to submit an essay in support of his/her application for admission to this programme. The selection essay should indicate the reason for the application and outline any personal and/or professional factors that should be brought to the attention of the course coordinator and admissions officer.

The selection essay should be addressed to:

*The Admissions Officer, Stellenbosch University, Faculty of Law*

The formal requirements of the selection essay are:

- English (UK)
- Word count: 300 to 800 words
- Typewritten, Arial, 12pt, 1,5 line spacing, justified, A4

### **Registration procedure**

Students that successfully navigate the selection process will be informed in writing of the status of their application and the online registration procedure to follow.

### **Admissions Officer**

For any programme-specific enquiries please contact:

#### ***Ms Karin Wiss***

Faculty of Law  
Ou Hoofgebou, Room 2026  
Corner of Victoria & Ryneveld Street  
Stellenbosch  
7600  
South Africa  
Email: [karinwiss@sun.ac.za](mailto:karinwiss@sun.ac.za)  
Tel: +27(0) 21 808 3780

### **Lecture Schedule**

This programme will be presented by way of weekly formal lectures and/or tutorial discussion classes where applicable. Each two-hour formal lecture will be preceded by a one-hour orientation/application lecture presented by the lecturer as a means of introducing the necessary legal background to the theoretical discussion to follow. Except under specific circumstances and by prior arrangement, attendance is compulsory at every lecture.

- 2 Lectures per week of 2-3 hours per lecture.
- All lectures are scheduled after office hours between 17:00 and 20:00.

### **Venue**

All lectures will be presented in the Law Faculty Building (the Ou Hoofgebou) of Stellenbosch University.

### **Assessment**

Each constituent module of this programme will follow a bespoke assessment strategy based on a combination of assessment measures selected from the standard assessment policy, chosen as the most effective and appropriate means of evaluating student progress and

achievement in that particular module depending on the nature of the module content, practical requirements of the field of law and teaching methodology.

All modules will be assessed by means of (any combination of the following):

- A written formal mid-term test
- A written open-book mid-term test
- A prepared oral presentation
- A formal oral test
- A series of prepared written assignments / thought papers
- A formal written research paper / essay assignment
- A series of unannounced class tests

In addition, every student must pass a formal, written final examination paper for each module. The final examination may take the form of a prepared open-book formal examination of 3-5 hours, a take-home examination paper of 18-24 hours or an extended formal examination. All examinations may be conducted with the aid of a personal computer and delivered as typewritten scripts.

A final grade of 50% or higher (calculated as a combination of the examination mark and the other assessment grades) is required to complete the module. A passing grade (50%) for each module must be attained in order to graduate from this programme.

## Modules

<b>COPYRIGHT LAW</b>	
Introduction to the principles of South African Copyright Law, with specific instruction on the interpretation of the Copyright Act and a brief overview of salient case law. Introduction to the principles of international copyright protection, and moral rights.	
<b>Coordinator</b>	Prof Sadulla Karjiker
<b>Semester</b>	Summer (1 <sup>st</sup> Semester) January - May
<b>Module Code</b>	10009-711
<b>Credit Value</b>	30/120
<b>Expected Outcomes</b>	<p>Upon completion the student will;</p> <ul style="list-style-type: none"> <li>• Be able to understand the theory of copyright law in South Africa,</li> <li>• Be familiar with the application of copyright law,</li> <li>• Be equipped with the necessary skills to engage with the principles of copyright law in non-legal practice,</li> <li>• Be familiar with the most important legal arguments in copyright law,</li> <li>• Be acquainted with the practice of copyright litigation;</li> </ul>

	<ul style="list-style-type: none"> <li>• Be able to formulate and support non-legal arguments based on issues of copyright law,</li> <li>• Be aware of the role of Intellectual Property in a developing economy.</li> </ul>
<b>Overview of module content</b>	<p><b>Introduction</b> History and Nature of Copyright</p> <p><b>Types of Work Eligible for Copyright Protection</b></p> <p><b>Requirements for Subsistence of Copyright</b> Originality Material Expression Qualified author/publication</p> <p><b>Authorship &amp; Ownership</b></p> <p><b>Duration of Copyright</b></p> <p><b>Infringement of Copyright</b> Direct Infringement Indirect Infringement Criminal Infringement</p> <p><b>Exceptions and Limitations</b></p> <p><b>Remedies for Copyright Infringement</b></p>

## TRADEMARK LAW

Introduction to the principles of South African Trademark Law, with specific instruction on the interpretation of the Trade Marks Act and a brief overview of salient case law. cursory review of the common law issues of unlawful competition in trade mark litigation.

<b>Coordinator</b>	Prof Sadulla Karjiker
<b>Semester</b>	Winter (2 <sup>nd</sup> Semester) July – December
<b>Module Code</b>	10008-711
<b>Credit Value</b>	30/120
<b>Expected Outcomes</b>	<p>Upon completion the student will;</p> <ul style="list-style-type: none"> <li>• Be able to understand the theory of trademark law in South Africa,</li> <li>• Be familiar with the application of the principles of trademark law, unlawful competition and passing off,</li> <li>• Be equipped with the necessary skills to engage with these principles in non-legal practice,</li> <li>• Be familiar with the most important legal arguments in trademark law,</li> <li>• Be acquainted with the practice of trademark litigation and the role of the trademark practitioner;</li> <li>• Be able to formulate and support non-legal arguments based on issues of trademark law</li> </ul>
<b>Summary of module content</b>	<p><b>Introduction</b> Historical Development South African Legislation</p> <p><b>The Nature of a Trademark</b></p> <p><b>Registration of a Trademark</b> Requirements Procedure</p> <p><b>Overview of International Arrangements</b></p> <p><b>Infringement &amp; Remedies</b></p>

## INTELLECTUAL PROPERTY LAW IN THE DIGITAL ENVIRONMENT

Introduction to local, selected foreign, regional and international instruments for the recognition and management of IP rights arising from/relating to digital media. Issues in electronic data protection measures, digital rights management, copyright and trademark issues on the Internet including domain name administration and keyword advertising, legal protection of software and web sites, civil and criminal liability arising from IP rights infringement in digital works including counterfeiting and piracy, export of IP and cross-border data flow.

<b>Coordinator</b>	Mr Cobus Jooste
<b>Semester</b>	Winter (2 <sup>nd</sup> Semester) July – December
<b>Module Code</b>	10935-711
<b>Credit Value</b>	30/120
<b>Expected Outcomes</b>	<p>Upon completion the student will;</p> <ul style="list-style-type: none"> <li>• Be able to understand the impact of the electronic age on aspects of Intellectual Property,</li> <li>• Be able to engage with the principles of Intellectual Property Law as it is applied to the digital environment,</li> <li>• Be familiar with the rationale for the development of Intellectual Property Law to align legal principle and Information Technology-related practices,</li> <li>• Be equipped with the basic technical and technological knowledge about the operation of the Internet and its impact on the application of Intellectual Property Law principles,</li> <li>• Be sensitive to the difficulties faced by the IP environment in a developing economy and the Information Technology industry.</li> </ul>
<b>Summary of module content</b>	<p><b>Introduction</b>  Legal Informatics  Regulating Telecommunication Law</p> <p><b>Copyright Law</b>  Computer Programs  Copyright Infringement on the Internet  Enforcement of Rights  Service-provider Liability</p> <p><b>Data Protection</b>  Electronic Databases  International Initiatives</p> <p><b>Regulation of Domain Names, Trademarks &amp; Meta-tags</b>  Offensive &amp; Abusive domain name registrations  Protection of well-known marks  Use of meta-tags  Uniform &amp; alternative dispute resolution procedures</p> <p><b>Patent Law</b>  Computer hardware  Computer software  Business methods</p>

<b>PATENT LAW AND THE LAW OF REGISTERED DESIGNS</b>	
Introduction to the principles of South African Patent Law and the Law of Registered Designs, with specific reference to the procedure for obtaining patent/design protection, transfer and revocation of protection and infringement.	
<b>Coordinators</b>	Dr Madelein Kleyn
<b>Semester</b>	Summer (1 <sup>st</sup> Semester) January - May
<b>Module Code</b>	10934-711
<b>Credit Value</b>	30/120
<b>Expected Outcomes</b>	<p>Upon completion the student will;</p> <ul style="list-style-type: none"> <li>• Be knowledgeable of the theory of patent law and the law of registered designs in South Africa,</li> <li>• Be able to understand the application of these principles,</li> <li>• Be aware of the practice of patent agents,</li> <li>• Be familiar with the rationale for the expansion/limitation of patent and design protection,</li> <li>• Be familiar with the practice of patent and design law to various industries,</li> <li>• Be able to engage with legal and non-legal practitioners on issues of patent and design law</li> <li>• Be able to draft technology license agreements</li> <li>• Be able to understand the commercialization of technology through licensing</li> </ul>

<p>Summary of module content</p>	<p><b>PATENTS</b></p> <ul style="list-style-type: none"> <li>• <b>Introduction</b></li> <li>• <b>Requirements for Patentability</b> <ul style="list-style-type: none"> <li>○ Invention</li> <li>○ Intrinsic &amp; Extrinsic requirements</li> </ul> </li> <li>• <b>Obtaining patent protection</b> <ul style="list-style-type: none"> <li>○ Procedure</li> <li>○ Patent specification</li> </ul> </li> <li>• <b>Patent Administration</b></li> <li>• <b>Revocation &amp; Infringement</b> <ul style="list-style-type: none"> <li>○ Third party risk assessment (FTO's)</li> <li>○ Patent validity assessment</li> <li>○ Defences &amp; Remedies</li> </ul> </li> <li>• <b>International Instruments</b></li> <li>• <b>Cross-border Patent Protection</b> <ul style="list-style-type: none"> <li>○ The Paris Convention</li> <li>○ TRIPS</li> <li>○ The Patent Cooperation Treaty</li> <li>○ The European Patent Convention</li> </ul> </li> </ul> <p><b>TECHNOLOGY LICENSING</b></p> <ul style="list-style-type: none"> <li>• <b>Introduction to Licensing</b></li> <li>• <b>Basis of licensing agreements</b></li> <li>• <b>Managing licensing risks</b></li> <li>• <b>Valuation of IP for purposes of licensing</b></li> </ul> <p><b>PLANT BREEDERS RIGHTS</b></p> <ul style="list-style-type: none"> <li>• <b>Registrability</b></li> <li>• <b>Effect of the right</b></li> <li>• <b>Provisional protections</b></li> <li>• <b>Licensing &amp; Compulsory licensing</b></li> <li>• <b>Term of protection</b></li> </ul> <p><b>REGISTERED DESIGNS</b></p> <ul style="list-style-type: none"> <li>• <b>Introduction</b></li> <li>• <b>Design Protection</b> <ul style="list-style-type: none"> <li>○ Requirements</li> <li>○ Procedure</li> <li>○ Rights</li> </ul> </li> <li>• <b>International Instruments</b></li> <li>• <b>Design Administration</b></li> <li>• <b>Revocation</b></li> <li>• <b>Infringement</b></li> </ul>
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## COMPETITION LAW

In this module, South African competition law is studied from a comparative perspective. The main jurisdictions for comparison are the European Union and the United States but passing reference will be made to German, Canadian, Australian and UK law. In most legal systems the focus of competition law now is on interests of consumers in productive, dynamic and allocative efficiency. The first part of the module considers the goals of South African competition law against this backdrop. The next section concerns the economics of competition. Economics is central to the resolution of competition law issues and this part of the module is intended to provide the student with the basic economic skills that are needed for this purpose. Thereafter, the jurisdiction of competition authorities and the international dimension of competition are studied. Next comes the central part of the module. The substantive competition law, that is the law regarding horizontal and vertical restrictive practices, abuse of dominance



and mergers, is evaluated in detail. Finally, a brief survey of the institutions responsible for regulating competition law and the remedies available for breaches of competition law will be considered.	
<b>Coordinators</b>	Prof Philip Sutherland
<b>Semester</b>	Winter (2 <sup>nd</sup> Semester) July – December
<b>Module Code</b>	62553 – 711
<b>Credit Value</b>	30/120
<b>Expected Outcomes</b>	<p>The aim of this module is to expose students to broad of select topics in the area of Competition Law</p> <p>Upon completion the student will:</p> <ul style="list-style-type: none"> <li>• Have knowledge of select topics in the field of Competition Law.</li> <li>• Have an understanding of fundamental legal and economic concepts, principles, theories and their relationship to Competition Law.</li> <li>• Be able to apply the law regarding different topics to basic and fairly complex factual scenarios and will be able to solve complex legal problems.</li> <li>• Be able to relate their knowledge of competition law to the knowledge of IP law gained in other modules in this programme.</li> </ul>
<b>Summary of module content</b>	<p>This module commences with a study of major current developments concerning competition in Europe, South Africa and the United States. It then considers the institutions and basic operation of Competition Law in these and related countries. It then turns to the underlying legal and philosophical principles underlying the regulation of competition. It then concludes with a comparative analysis of the major prohibitions of anti-competitive practices in South Africa and related jurisdictions.</p>

<b>INTELLECTUAL PROPERTY LAW: RESEARCH PAPER</b>	
A written research paper of 7 500 to 10 000 words on a topic within the general field of Intellectual Property Law or related subject matter.	
<b>Semester</b>	Full year
<b>Module Code</b>	10937-711
<b>Credit Value</b>	30/120
<b>Expected Outcomes</b>	<p>Upon completion the student will:</p> <ul style="list-style-type: none"> <li>• Have produced a written work of academic nature displaying knowledge of the indicated topic and its practical implications;</li> <li>• Be able to conduct legal research at a basic level;</li> <li>• Be able to formulate and draft legal arguments at a basic level;</li> <li>• Be able to show insight into the basic principles of the field of law and the area of intellectual property researched;</li> <li>• Be familiar with the South African legal principles applicable to the topic of research;</li> <li>• Be aware of the legal principles of foreign and international Intellectual Property law and/or related fields of law applicable to the topic of research;</li> <li>• Be able to collect, review and discuss existing academic work, statutes, international mechanisms, judgments and/or other articles;</li> <li>• Be able to illustrate the basic skills (legal, practical, ethical and procedural) required to completed academic research in law.</li> </ul>
<b>Summary of module content</b>	One written research paper of 7 500 to 10 000 words