



# INTELLECTUAL PROPERTY LAW SHORT COURSE

25 - 27 July 2012  
Cape Town

A joint certificate programme presented by

The Anton Mostert Chair of Intellectual Property  
University of Stellenbosch

The Professional Development Project Law@Work  
University of Cape Town



# PROGRAMME

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## DAY 1

08:00 – 08:30	Registration	<i>I Wasserfall</i>
08:30 – 08:45	Introduction	<i>O Dean &amp; L Tong</i>
08:45 – 09:15	The Role and Value of IP in the Modern Economy	<i>J Kinderlerer</i>
09:15 – 09:55	Overview of IP	<i>B Koster</i>
09:55 – 10:30	Interaction Between IP Law and Competition Law	<i>L Reyburn</i>
<b>10:30 – 11:00</b>	<b>TEA</b>	
11:00 – 13:00	<b>Copyright Law</b>	<i>O Dean</i>
<b>13:00 – 14:00</b>	<b>LUNCH</b>	
14:00 – 15:30	<b>Matters Related to Copyright</b>	
	Performers Protection	<i>O Dean</i>
	Sports Events – Ambush Marketing	<i>O Dean</i>
	Unlawful Competition	<i>L Tong</i>
15:30 – 16:00	Plagiarism and Open Access	<i>C Ncube</i>

## DAY 2

08:30 – 10:30	<b>Trade Mark Law</b>	<i>O Dean</i>
<b>10:30 – 11:00</b>	<b>TEA</b>	
11:00 – 12:30	<b>Matters Related to Trade Marks</b>	
	Domain Names	<i>L Myburgh</i>
	Objections to the ASA	<i>S Laing</i>
	Comparative Advertising	<i>S Laing</i>
12:30 – 13:00	<b>Counterfeit Goods</b>	<i>M Khader</i>
<b>13:00 – 14:00</b>	<b>LUNCH</b>	
14:00 – 16:00	<b>IP in the Digital Environment</b>	
14:00 – 15:00	Digital Rights Management	<i>C Jooste</i>
15:00 – 16:00	Non-Traditional Electronic Applications of IP Rights	<i>S Karijiker</i>

## DAY 3

08:30 – 10:30	<b>Patent and Design Law</b>	<i>A Dyer</i>
<b>10:30 – 11:00</b>	<b>TEA</b>	
11:00 – 12:30	<b>Matters Related to Patents</b>	
	Biotechnology	<i>J Kinderlerer</i>
	Patenting Computer Programs & Business Methods	<i>C Ncube</i>
	International Protection	<i>M Kemp</i>
12:30 – 13:00	<b>Traditional Knowledge</b>	<i>M Nkomo</i>
<b>13:00 – 14:00</b>	<b>LUNCH</b>	
14:00 – 16:00	<b>Commercialisation of IP</b>	
	Introduction	<i>C Bull</i>
	Licensing and Franchising of Brands and Trade Marks	<i>D MacRobert</i>
	Licensing of Patented Technologies and Venture Capital	<i>C Bull</i>
	Intellectual Property Holding Companies – In Corporates and At Universities	<i>T Papier &amp; C Bull</i>
	IP Valuation	<i>D MacRobert</i>
16:00 – 16:30	<b>CONCLUSION Certification Ceremony</b>	<i>O Dean &amp; L Tong</i>

### **Course Fee**

ZA R6 000 per delegate (tea and lunch included)

### **Registration Closing Date**

13 July 2012

### **Entry / Examination Requirements**

NONE

### **Certificate Awarded**

A certificate of attendance from Stellenbosch University will be awarded to all delegates who have complete the course

### **Accreditation**

NQF Level 6

## About

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Innovation is the primary driver for accelerated growth in any economy, and most significantly in South Africa. In 2012 Government's focus is on the knowledge economy and by establishing the incentive for advancement in technology, art, culture, manufacturing and science, Intellectual Property remains central to our nation's sustained development. A sound understanding of IP law is imperative to succeed in any competitive environment and increasingly relevant to non-legal practitioners. For many, their business will stand or fall with IP.

Therefore, this short course will offer a theoretical and practice-driven introduction to the law of patents, trademarks, copyright and designs. It aims to equip attendees with the skills required to identify, protect and promote the benefit they may derive from IP as well as demystify IP law to legal and non-legal minds alike.

## Who should attend?

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The course is aimed at everyone with an interest in IP regardless of prior knowledge in this varied field of law. The course is particularly relevant to those in business development, marketing, advertising, journalism, Government, science, engineering, commerce, performing arts, IT and paralegal services.

## How to register?

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To register for the short course, please complete the online registration form or contact:

### **The Professional Development Project, UCT Faculty of Law**

Paula Allen	+27(0) 21 650 5558	<a href="mailto:paula.allen@uct.ac.za">paula.allen@uct.ac.za</a>
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Professional Development Project  
Room 3.20 Kramer Law Building  
Middle Campus, UCT  
Rondebosch, 7700



# PRESENTERS

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## ACADEMICS

**Owen Dean** (US) is Professor of Intellectual Property Law, the incumbent of the Anton Mostert Chair of Intellectual Property and Head of the IP Unit at the Faculty of Law of Stellenbosch University. He is a former senior partner and past president of Spoor & Fisher and currently a consultant to the firm. He is listed as a Senior Statesman of Intellectual Property by Chambers and Partners in 2012 in the Global-Wide and Pan-Regional Sections of the Chambers Global Ranking. He served on the Government's Advisory Committee on Intellectual Property Law for twenty years and as Chairman of the Copyright Sub-Committee. He is a Past President of the South African Institute of Intellectual Property Law. As lawmaker he conceived, and chaired the Drafting Committee of, the Counterfeit Goods Act and Section 15A of the Merchandise Marks Act (ambush marketing). He is appointed to the Panel of Adjudicators for South African Domain Name Disputes, the WIPO Panel of Arbitrators for Domain Name Disputes, Stellenbosch University Business School Panel of Mediators and the IP Panel of Arbitration Federation of South Africa (AFSA). Owen is also the author of a large volume of work on IP matters, including the *Handbook of South African Copyright Law*.

**Julian Kinderlerer** (UCT) is Professor of Intellectual Property Law at the University of Cape Town, Professor of Biotechnology & Society at the Technology University in Delft, The Netherlands, former Director of the Sheffield Institute of Biotechnology Law and Ethics and honorary Professor of Biotechnology Law at the University of Sheffield in the UK. He is a member of the European Group on Ethics in Science and New Technologies that reports to the European Commission, Council and Parliament on ethical issues. He is also a member of the South African Nanotechnology Ethics committee. In 2000 he was seconded to the United Nations Environment Programme to design and implement a project designed to assist developing countries develop their regulatory system to comply with the Cartagena Protocol on Biosafety. He has also acted as the Specialist Adviser to a House of Lords Select Committee on European Agriculture and modern Biotechnology.

**Lee-Ann Tong** (UCT) is a lecturer in the Department of Private Law at the University of Cape Town and convener for Intellectual Property Law and the Intellectual Property Law Research Focus Group.

**Cobus Jooste** (US) is the Fellow of the Anton Mostert Chair of Intellectual Property, a member of the IP Unit and lecturer of Intellectual Property Law, Mercantile Law (Internet Law), Information Technology Law and Business Management in the Department of Mercantile Law at Stellenbosch University. He specialises in digital aspects of Intellectual Property Law with a focus on Information and Communications Technology Law. He has a background in computer programming and graphic design and has an interest in epistemology and the impact of digital emersion on legal-educational practices.

**Sadulla Karjiker** (US) is lecturer of Intellectual Property Law, Information Technology Law and Company Law in the Department of Mercantile Law at Stellenbosch University and a member of the IP Unit. He is admitted as an attorney in South Africa and a solicitor in England, and has practiced in corporate and commercial law in both jurisdictions. He also worked for a UK legal publisher on its technology related projects.

**Caroline Ncube** (UCT) holds a PhD from the University of Cape Town and an LLM from Cambridge and specialises in the intellectual property protection of e-commerce business methods within the context of South Africa's tourism SMEs. Caroline joined the Department of Commercial Law in January 2005. Before that she lectured at the University of Limpopo and the University of Zimbabwe. Prior to embarking on an academic career, she briefly practiced as an attorney.

**Muramu Nkomo** (UCT) obtained his LLB degree from the University of Wales in 2005. He has postgraduate certificates from the University of Pretoria and UNISA, as well as two Masters degrees, the first, being an LLM from the Centre for Human Rights which is a joint centre of the University of Pretoria and University of the Western Cape in international trade and investment law (2007) and the other, a Master of International Law and Economics from the World Trade Institute in Berne in international law and economics (2008). Marumo completed his articles with Adams & Adams in 2010 and has also worked as a legal officer for the World Trade Organisation in Geneva.

## PROFESSIONALS

**Chris Bull** is a director at ENS and has 18 years experience in the field of intellectual property in South Africa and Europe. He currently practices as an attorney and a patent attorney and specialises in intellectual property, commercial transactions, intellectual property management and strategic advice, venture capital and intellectual property valuations. Chris formerly held the position of director of Intellectual Property Commercialisation at KPMG in London, where he advised clients in Europe and North America.

**Alison Dyer** is a consultant to Spoor & Fisher, an attorney and a patent attorney specialising in chemical, pharmaceutical and biochemical patent and design matters. She is a Past President of the South African Institute of Intellectual Property Law, lecturer of patent law at the University of the Witwatersrand and a member of the Standing Advisory Committee on Intellectual Property Law to the Department of Trade and Industry.

**Mark Kemp** is a partner of Spoor & Fisher, attorney and patent attorney specialising in domestic and international patents in the chemical, metallurgical and biochemical fields and related litigation. He is also a Fellow of the South African Institute of Intellectual Property Law and a member of the Congress of Fellows of the Centre for International Studies.

**Mohamed Khader** is a partner of Spoor & Fisher and an attorney specialising in anti-counterfeiting, copyright and trade mark litigation. He is the head of the Anti-Counterfeiting Unit and has presented numerous seminars on the topic of anti-counterfeiting to officials of the Department of Customs and Excise, members of the South African Police Services and State Prosecutors employed by the National Prosecuting Authority.

**Bastian Koster** is a partner of Von Seidels, a patent attorney and trade mark practitioner and a Past President of the South African Institute of Intellectual Property Law. He is an electronic engineer with extensive experience in matters of plant breeders' rights. Bastiaan is also a bureau member and current Vice-President of the International Federation of Intellectual Property Attorneys (FICPI).

**Suzaan Laing** is a partner of Adams & Adams, a trade mark attorney and notary specialising in trade mark filings, assignment and litigation, anti-counterfeit work, international trade law aspects of intellectual property rights and geographical indications. She is a Fellow of the South African Institute of Intellectual Property Law, associate of the Trade Law Centre for Southern Africa and member of the Law Societies of the Cape of Good Hope and the Northern Provinces.

**Don MacRobert** is a consultant at ENS and patent agent with more than 28 years experience in intellectual property matters. He specialises in registration and enforcement of trade marks, strategic brand management, copyright and passing-off matters. He has acted for the Nelson Mandela Foundation and Nelson Mandela himself on matters requiring litigation. Don's practice experience includes serving on the boards of several Stock Exchange listed companies. He was Founder Chairman of the Lawyers for Human Rights movement in Pretoria and is Past President of the Pretoria Chamber of Commerce and the South African Licensing Executive Society. He now serves on the Credit Committee of the Industrial Development Corporation and the International Chamber of Commerce in Paris. Don has received the Paul Harris Award from the Rotary International group as well as the St Michael's Award and was the runner-up for the International IP Lawyer of the Year Award Madame Tussauds (2008).

**Louise Myburgh** is a partner of Spoor & Fisher, a trade mark attorney and Fellow of the South African Institute of Intellectual Property Law. She specialises in domestic and international trade mark registration and litigation, unlawful competition, advertising objections and domain name disputes.

**Taswell Papier** is a director at ENS specialising in black economic empowerment transactions and infrastructural projects. He is the lead advisor in one of the country's largest infrastructural development projects. He has extensive experience in mergers and acquisitions, franchising matters, and has advised on one of South Africa's leading oil and gas initiatives. He has been appointed, on three occasions, as an acting Judge in the High Court of Cape Town and was the President of the Cape Law Society. He is the national representative of LexNoir (an international lawyers' network), a member of the National Association of Democratic Lawyers (NADEL) and a past chairperson of the Law Society of South Africa's Pro Bono Committee and the Board of Control of the Attorneys Fidelity Fund. Taswell also served on the Council of the United Nations for the International Council of Human Rights Policy.

**Lawrence Reyburn** is a long-standing member of the Competition Tribunal and a patent attorney with extensive litigation experience in South Africa and Europe on issues of intellectual property law, commercial law and competition law.