

## PATENT AND DESIGN LAW COMMITTEE



**Russell Bagnall**

### Constitution

The Patent and Design Law Committee of the Institute of Intellectual Property is chaired by Mr. Russell Bagnall, a partner at Adams & Adams, and has committee members from almost all of the member firms of South Africa that specialise in patent and design law. The committee meets on an *ad hoc* basis to discuss a wide range of legal issues that potentially affect the rights of patent and design rights holders, the rights of third parties and the efficient functioning of the day to day practice of patent and design law specialists.

### Purpose statement

The committee would, typically, consider judgments handed down by the Court of the Commissioner of Patents, and the High Court, and evaluate the impact of these judgments with a view to considering proposals concerning legislative amendments, where appropriate. The committee also routinely considers any relevant Bills that are published, and where appropriate, prepares and submits comments through the appropriate channels on behalf of the Institute.

### Goals

- to “assume” guardianship of the patent and design law;
- to work towards improvement of patent and design law in the interest of the ZA public, whilst taking cognisance of international developments and to assist with implementing such improvements in appropriate legislation; and
- to work with and assisting the relevant government institutions in achieving the aforementioned, as well as building and maintaining a properly functioning and user friendly patent and designs office.

### Current activity

The committee is currently preparing a draft legislative amendment to the Patents Act, in light of the recent decision involving the University of Pretoria and Bone SA, which is perceived to have placed onerous conditions on patent practitioners, and applicants for patents during the prosecution of South African patent applications.