

IP BRIEFS

Volume 2 / Issue 5 / May 2018



IN THIS ISSUE

IP Exploration: Alternative IP protection for creative works

Cybersquatting: Don't bank on it! It's bad for the brand.

How do you like your Naartjies? Essentially derived, or not?

Politically (In)correct

GDPR applicability to South African businesses – not just for the EU after all!

On a lighter note:

IP and a little disruption featuring some Stellenbosch women

Book Review: The Summit Syndrome

Case Law summaries

Events Calendar



FROM THE EDITOR

Dr. MM Kleyn



legal@oroagri.com

Autumn it is! I quite love the warm colours of summer's farewell and looking forward to cosy winter nights in front of the fire place with a glass of Pinotage!

April 26th marked World IP Day. This year the theme is "*Powering change: Women in innovation and creativity*". Across South Africa the day was celebrated in various locations. We include in this edition a reflection of events on the day.

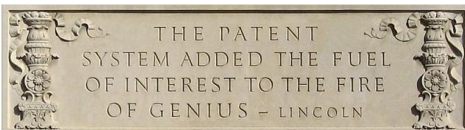
Fresh from the grid... **the dti** announce on 30 May 2018 that following the publication of the Intellectual Property (IP) Consultative Framework in 2016, the Draft IP Policy Phase I which was published for comment in August 2017, the inter-Ministerial Committee on Intellectual Property (IMCIP) considered stakeholder submissions and amended the policy document accordingly. The approved Intellectual Property Policy of the Republic of South Africa Phase I is available and will be published in the *Government Gazette*. For a preview here, it is:

[http://www.thedti.gov.za/news2018/IP_Policy2018-Phase I.pdf](http://www.thedti.gov.za/news2018/IP_Policy2018-Phase_I.pdf).

News from **the dti** is that we can expect Phase II which will apparently addressing issues identified in the in-built agenda and deliberate upon the most efficient means of implementing the policy proposals discussed

Quote for today: "If we all did the things we are really capable of doing, we would literally astound ourselves..."

– Thomas A. Edison



IP EXPLORATION: ALTERNATIVE IP PROTECTION FOR CREATIVE WORKS

Christiaan J Steyn



Sher-Muhammad Khan



Christiaan holds an LLB from NWU, is an LLM candidate at UNISA, a Senior Domain Dispute Adjudicator with SAIPL, and an admitted attorney with 10 years IP experience in the areas of trade marks, copyright, information technology law and domain disputes.

Sher-Muhammad holds an LLB from the University of London achieving the best result in his final year, is a Global MBA candidate with the same university and has 6 years IP experience with expertise in trade mark law, IP policy and legislative analysis.

There is no doubt that South African artists, filmmakers and musicians are amongst some of the most creative across international industries, creating art, films and music sought after, celebrated and acknowledged globally. Artists have, however, struggled over the years with the protection of their works. This may be due to misinformation, lack of information or merely not being concerned about the implications of IP protection until it is too late.

With the increase of counterfeit goods and copyright infringement of artistic, cinematographic and musical works, specifically of an African origin, the question arises whether we as a country are doing enough to protect our artists and artistic legacy. In this regard, it may have become necessary to not only educate local creatives in the traditional form of IP protection for their works, being copyright protection, but also explore the possibility of "extending" such protection through more formal and established forms, such as design and trade mark registrations. This being said; there are several *pros* and *cons* to

The historical justifications for IP protection is the interlocking frames of reference of **access to knowledge**; and **balancing of interests**, which are often not in harmony with one another.

Noteworthy is the Copyright and Patents clause of the US Constitution which sets out the theoretical rationale for IP protection:

"The [promotion] of science and useful arts, by securing for limited times authors and inventors the exclusive right to their respective writings and discoveries."

The rationale behind a limited period of protection is so that the intellectual creations will be available to the public and available for others to use in their own intellectual creations.

The law and economics approach recognises that strong IP protection brings with it both costs and benefits.

"The economic justifications for [IP such as] copyright focus on the need to provide incentives for the creation and dissemination of creative works." (M. Spence, 2002)

TRADITIONAL PROTECTION: COPYRIGHT

When discussing creative works, the first form of IP protection that comes to mind is usually copyright protection for artistic, cinematographic- or musical works – and rightfully so.

The Copyright Act specifically lists an artistic work as a work eligible for copyright protection. Section 2(1) of the Copyright Act refers:

"...Subject to the provisions of the Act, the following works, if they are original, shall be eligible for copyright..."

The Act follows to list these works in Section 2(1) thereof as being specifically eligible for copyright protection. These *inter alia* include *"... artistic works, musical works, cinematographic films and sound recording..."*.

Section 1(1) defines "artistic works" to *inter alia* include paintings, sculptures and drawings, stating: *"...artistic works means, irrespective of the artistic quality thereof ... paintings, sculptures, drawings, engravings and photographs..."*

Musical works are defined as:

"...arrangement or transcription of the work, if such arrangement or transcription has an original creative character..."

Cinematographic films are defined as:

"...means any fixation or storage by any means whatsoever ... of being seen as a moving picture ... and includes the sounds embodied in a sound-track associated with the film..."

It is an established fact that copyright vests automatically in the author of any work and the creation thereof into a tangible form.

With no formal registration avenue available in South Africa for copyright (save for specific forms), the most pressing concern is the ability to prove ownership of such copyrighted works. This further makes the enforcement of such rights an expensive and tedious process for copyright owners, who, in this instance, are (usually) struggling artists. This begs the question to explore alternative methods of IP protection.

DESIGN PROTECTION

Another form of protection for artistic works such as sculptures may be found in the Designs Act, in the form of aesthetic designs. Section 1(1) defines an aesthetic design as:

"...aesthetic design means any design applied to any article, whether for the pattern or the shape or the configuration or the ornamentation thereof..."

This specific form of design protection is intended to protect *inter alia* the look and shape of an article. Arguably, as long as an artistic work meets the requirements set in Section 14(1)(a) of the Designs Act (*i.e.* being "... new and original..."), it ought to be eligible for design protection. This is clearly limited to provide possible alternative protection for artistic works, and leaves the right holders in musical works or cinematographic films without the benefit of this form of protection.

The protection of an artistic work through a design application is not an entirely new phenomenon in the industry. The classes for designs make it possible to protect containers, which sometimes may be perceived as sculptures (take for example certain perfume bottle designs), as well as logos (in class 32) – thereby allowing these goods (works) to be protected through copyright, design- and trade mark registration.

The lower threshold for design registration, and the fact that no substantial examination of design applications are currently carried out, allows for applicants to apply for a design application while establishing "distinctiveness through use" in anticipation of a successful trade mark application for the same product.

Section 14(4) of the Designs Act may pose an obstacle with this approach as it specifically excludes articles not intended to be multiplied by industrial process from being registered as a design. There may however be ways in which to overcome this bar; for example, by simply showing an intention of multiplication of an artistic work such as multiple "copies" of a sculpture being made by the artist himself.

Another barrier may be the cost of a design application that could be considered too expensive to justify the short duration (15 years for aesthetic designs) of such a form of protection for most artists. As such design protection for artistic works may not be the most ideal alternative to copyright.

TRADE MARK PROTECTION

There has been an emergence of non-traditional trade mark protection. This aspect of trade mark protection reveals its cross-cutting nature with other domains of intellectual property. Forms of non-traditional marks include:

- Sound marks
- Motion (movement/multimedia) marks
- Pattern marks
- Shape marks
- Container marks
- Smell marks
- Texture marks

Reflecting on the traditional role of trade marks: *"The essential function of a trade mark is to guarantee the identity of origin of the marked goods or services to the consumer or end user by enabling him, without any possibility of confusion, to distinguish the goods or services from others which have another origin."* (Arsenal Football Club v Reed [2003] CMLR 481.

There has been an increasing recognition of the non-traditional functions of trade marks.

There are benefits to be gained from trade marks which have moved beyond their role as a badge of origin to embody other meanings.

Trade mark protection of artistic works are no new phenomenon in trade mark law. Consider for a moment the existence of figurative marks for instance. Such marks include devices and logos, which are in their essence artistic works. Several well-known images are registered as trade marks in a successful attempt by the authors to extend their rights well after the established copyright period has lapsed. A good example is the iconic Mickey Mouse and Donald Duck images, which have been registered as trade marks. It is already established practice to protect certain artistic works by means of trade mark protection, and we may be able to merely adapt such to protect other forms of artistic works, such as sculptures, in the same manner.

Considering the preceding forms of protection, the domain of trade marks is the most plausible possibility of providing alternative protection to copyright. Section 2(1) of the Trade Marks Act defines a mark as:

"...any sign capable of being represented graphically, including a device, name, signature, word, letter, numeral, shape, configuration, pattern, ornamentation, colour or container for goods or any combination of the aforementioned..."

A mark is clearly inclusive of *inter alia* shape marks. Trade mark law further covers certain 'non-traditional' marks which may also be protected as trade mark registrations. These 'non-traditional' marks are inclusive of not only three-dimensional marks, but also sound- and motion marks as stated above.

Before considering this form of protection for artistic-, cinematographic- and musical works, one needs to establish whether these works meet the requirements to be eligible for graphical representation of trade mark. These elements are commonly known as the *Sieckmann-principles* in trade mark law, being... "clear, precise, self-contained, easily accessible, intelligible, durable and objective."

Assuming that an artistic work would meet the above requirements, and not be in contravention of the Trade Marks Act, it is reasonable to allow trade mark protection for artistic works such as sculptures.

Further, should it then not also be a possibility for musicians and creators of musical works to protect their music (or unique portions thereof) as sound trade marks? Take here the instances of iconic music such as Beethoven's 5th Symphony, Queen's Bohemian Rhapsody or (closer to home) Mandoze's "Nkalakatha", all of which are recognisable from by merely listening to a short portion of these songs – which then arguably allow such music to act as a trade mark showing origin of the music as being the musician and thereby meeting the requirement for trade mark protection. In *C-283/01 Shield Mark BV v Joost Kist* [2003], it was stated that conventional musical notation is recognised and appropriate for representation of music as trade marks accompanied with a detailed (clear and precise) description.

"Sound marks can become famous. Time Warner Entertainment Company's Merrie Melodies Theme was registered in July 2001 (U.S. Reg. 2,473,248). This score has been used in the soundtrack for the Looney Toons cartoon series for several generations. Young viewers associate the theme with Bugs Bunny, Road Runner, Sylvester and Tweety, et al. and adults recognize the mark as a cue to head for the kitchen instead of the remote. The famous mark has established goodwill and carries a reputation for suitable children's programming. Interestingly, the Merrie Melodies sound mark became famous while protected by copyright for "animated motion pictures" and now enjoys overlapping trademark protection. Although the copyright term will eventually expire now that the sound mark is registered, some type of perpetual right may be enjoyed, provided the mark is maintained by use in commerce." (INTA, 2002).

This could also apply to iconic films such as the James Bond 007 with its well-known opening scene, or Despicable Me and the instantly recognisable 'Minion' characters therein, where such can possibly be protected as a motion mark.

In South Africa, there have been motion mark applications for the James Bond gun barrel sequence which is shown at the beginning of every Bond film.

Motion mark applications require that the nature and concept of the movement of the human character must be gauged from the still images (frames) together with an accurate and detailed written description of the progression of the motion (*R 443/2010-2 – RED LIQUID FLOWING IN SEQUENCE OF STILLS (MOVEMENT MARK) (Second Board of Appeal, EU)*).

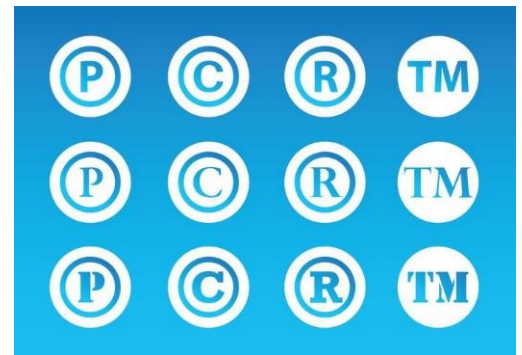
Another attractive reason for considering this form of IP protection as an alternative is that trade mark rights could endure indefinitely, even after the lapse of the 50 year timeframe for copyright protection and the 15 years for aesthetic designs. This, along with the relatively low fee of trade mark protection, makes this an attractive possibility to protect creatives' rights in their works.

SOME POINTS TO PONDER

With the potential of various IP protection mechanisms available to our South African artists, musicians and filmmakers (along with their unique and vibrant works), should we not focus on making such protective measures more accessible to our creatives and the creative industry?

Should the main focus of our national intellectual property office, being the body at the head of IP protection and enforcement in South Africa, continue to strive for a more inclusive economy in which our creatives can easily protect their IP?

It is clear that synergistic collaboration between stakeholders in private and public sector, specifically in respect of copyright-, design- and trade mark protection towards a holistic approach toward IP protection is essential in appreciating the overlap of IP rights in certain forms of creative works.



CYBERSQUATTING: Don't bank on it! It's bad for the brand

Trade mark owners are becoming ever vigilant in their pursuit to protect their intellectual property, particularly, their trade marks, at a time where there is a prevalence of cybersquatting in the online community. Cybersquatting remains an ongoing concern for brand owners.

The practice known as cybersquatting occurs where a registrant pre-emptively registers a domain name, which is virtually identical to a name or well-known trade mark in which a complainant has rights, for the primary purpose of either selling or renting that domain name to third parties or to block the trade mark owner from registering that domain name.

Cybersquatters effectively abuse the first-come, first-serve nature of the domain name registration system and register domain names incorporating trade marks or names of businesses with which they have no association. Their conduct relies on diverting customers and users to their domains by riding on the coat-tails of more reputable trade marks. Trade marks are moving targets for cybersquatting and the most popular brands can be the targets of thousands of cybersquatting sites. The vast increase in the number of cybersquatting cases is partly due to the influx of new generic top-level domain names (gTLDs).

It is noteworthy to mention that, according to the World Intellectual

Property Organization (WIPO), cybersquatting disputes relating to new gTLDs have risen to 16% of WIPO's caseload, which covered a total of 5 374 domain names. WIPO Director General, Francis Gurry, has been quoted saying that "the continuing growth in cybersquatting cases worldwide shows the need for continued vigilance by trademark owners and consumers alike".

In an attempt to address cybersquatting in South Africa, the .ZA Domain Name Dispute Resolution Regulations (ZADRR) were introduced to deal with co.za domain names. The speed at which domain names change hands, and given that cybersquatters are famously inactive, make it all the more challenging to track and combat abusive registrations. A cybersquatter may register a name and not use it, nor try to sell or rent it, but simply wait to be approached by the trade mark holder. These actions of domain name pirates often result in damage to a company's brand reputation and potentially to losses if the appropriated name is used as an instrument of fraud.

Some of the most ubiquitous cybersquatting methods are evidenced through, for example, a domain name that points to no active website, a phishing site or, most commonly, a domain name that redirects to a parking page containing advertisements and sponsored links to competing

products and services for the purpose of generating internet traffic. Where a well-known trade mark is appropriated as a cybersquatted domain name, it sometimes serves as an instrument of fraud or moreover creates a false connection with the owner of that trade mark.

Various Uniform Domain-Name Dispute-Resolution Policy (UDRP) decisions have found that disruption of a business may be inferred if the registrant has registered a variant of the complainant's mark by adding a generic word and the conduct of the registrant in such cases is evidence that the registration and use of the disputed domain name have been made in bad faith.

Amongst the top victims of cybersquatting are trade mark owners who operate in the banking and financial sector. Many South African companies in the banking and financial sectors have growing concerns about their trade marks being appropriated in cyberspace.

Well-known banking or financial services institutions discover that a website associated with the disputed domain name features various topics associated with banking and finance, such as loans, credit and banking. When, for example, the financing tab is accessed, a number of sponsored listings related to this subject are reflected. Because the complainants' businesses in these cases include financial and monetary affairs, people will likely think that the offending

CYBERSQUATTING: Don't bank on it! It's bad for the brand

Did you know?

Cybersquatting is registering, selling or using a domain name with the intent of profiting from the goodwill of someone else's trademark in bad faith.

The Internet Corporation for Assigned Names and Numbers (ICANN) is a non-profit organization charged with overseeing domain name registration. As cybersquatting complaints throttle up worldwide, ICANN has implemented thorough standards of acceptance such that domain name assigning is done with much more scrutiny. ICANN has also put solid requirements for domain name recovery in place for instances of trademark registration lapses by trademark owners. ICANN urges trademark owners to renew their registrations yearly and to report misuse to the agency as soon they become aware that they've neglected to reregister a domain

If someone registered a domain name in a generic top-level domain (gTLD) operating under contract with ICANN similar to your trademark, you may be able to file a Uniform Domain Name Dispute Resolution Policy (UDRP) proceeding.

For more information see: <https://www.icann.org>

domain name and its business are somehow connected with, or related to, the complainant.

The intention is to deceive customers and clients into believing the website they are visiting is genuine by mimicking the content and page behaviour.

To the extent that the disputed domain name and the offending website are diverting internet traffic intended for the trade mark holder, it is prejudicial to the complainant and its functions.

connected with, or related to, the complainant. The intention is to deceive customers and clients into believing the website they are visiting is genuine by mimicking the content and page behaviour. To the extent that the disputed domain name and the offending website are diverting internet traffic intended for the trade mark holder, it is prejudicial to the complainant and its functions.

An even more worrisome occurrence is where cybersquatters register a domain name for an online "advanced fee" scam using e-mail communications pretending to be from a bank and it may include identity fraud and credit card fraud.

The e-mail encourages the recipient to make an up-front payment in order to receive a pre-approved loan. In a field where reputation, honesty and reliability are the lifeblood of these institutions, it is prudent that trade mark owners enforce their trade mark rights.

While the Alternative Dispute Resolution (ADR) process is cheaper and may save time by successfully transferring offending domain names to the complainants without drawn-out litigation proceedings, it has by no means served as a deterrent to cybersquatters who invent domain names that play on an endless number of variants of well-known trade marks, including common misspellings to drive internet traffic to their own domains.

Despite well-intentioned efforts by both the international communities and local authorities, cybersquatting continues to flourish as new age pirates find ways to benefit from the loopholes in legislation and lethargic enforcement. Trade mark proprietors are, therefore, well advised to implement a proactive line of attack to protect their trade marks online or face litigious heat.



Jeanine is a final year Candidate Attorney at Spoor & Fisher.

She is working under guidance of Herman Blignaut, a Partner at the firm in the Trade Mark Enforcement Department.

Jeanine Coetzer

HOW DO YOU LIKE YOUR NAARTJIES? ESSENTIALLY DERIVED, OR NOT?

MAANDA N. PHOSIWA AND DR VIRESH P. RAMBURAN

South African consumers have grown accustomed to good quality mandarins (also known as easy peelers or 'naartjies') of the Nadorcott variety. The Nadorcott "naartjies" are generally on the shelves of retailers from June to October branded as Clemengold®, SweetC® or Spanish Gold™. The variety is popular amongst consumers in South Africa and the European Union and is one of the most successful citrus varieties in the world. The fruit of this variety has an excellent dark orange colour, is easy peeling, tastes delicious and has very few seeds, if any at all. Farmers or growers who have planted the varieties are enjoying good returns on the local and export markets as it comes onto the market when no other appealing mandarins are available and ships well to export markets with little wastage.

The Nadorcott variety is protected with Plant Breeders Rights (PBR) in South Africa through the Plant Breeders' Right (PBR) Act, Act 15 OF

1976 (hereinafter the "PBR Act") and is also the subject of a case before the Western Cape Division of the High Court in Cape Town brought by NADOR COTT PROTECTION SARL (NCP) & CITROGOLD (PTY) LTD against EUROSEMILLAS, STARGROW & OTHERS (CASE NUMBER: 17606/14). The NCP, owners of the Nadorcott variety, which was developed in Morocco and Citrogold (the NCP's local South African agent), claim that the Respondents in this matter are infringing the Nadorcott variety PBR by commercialising a variety called Tango. The Tango variety is also a mandarin variety with a PBR in South Africa, however the NCP and Citrogold claim that the Tango variety is essentially derived from the Nadorcott variety, and consequently its exploitation without their permission, is unlawful in South Africa.

For a variety to qualify for a PBR in South Africa and other countries with PBR legislation

Maanda N. Phosiwa



Maanda holds an LLB from UNISA and is an admitted attorney with 5 years of IP experience in areas of Patents, Plant Breeders' Rights and Trademarks. He is currently the Legal and Intellectual Property Manager for Biogold International (Pty) Ltd

Dr Viresh P. Ramburan



Viresh holds a PhD from UWC specialising in horticulture and an MBA from UWC. He has more than 8 years' experience in horticulture IP. He is currently the Chief Operations Officer of Biogold International (Pty) Ltd

and members of the International Union for the Protection of New Varieties (Adopted in 2 December 1961 and last revised in 19 March 1991 (hereinafter referred to as "the UPOV"), the variety needs to be Novel, Distinct, Uniform and Stable, (commonly known as the DUS test) in addition to complying with certain administrative requirements set by the Registrar of Plant Breeders Rights. The South African PBR Act is intended to foster a system of innovation and create new varieties by creating a framework that rewards developers of new varieties of plants. The PBR Act is based on the text of the UPOV Convention (The 1991 Acts of the UPOV Convention (hereinafter referred to as "the UPOV Convention"), which broadly specifies the requirements of novelty, distinctness, uniformity and stability, in addition to certain administrative requirements that should be met for a variety to qualify for Plant Breeders Rights.

Both the UPOV Convention and the PBR Act provides that the effect of a PBR, a parent variety, applies to varieties which are essentially derived from the parent variety and referred to as an essentially derived variety (EDV) (Section 23(4)

of the PBR Act and Article 14(5) of UPOV Convention). The Registrar of PBR is not mandated to test whether a variety is an EDV or not, but whether the variety to which an application for a PBR relates to meets the requirements (Section 2(2) of the PBR Act and Article 6 to 9 of the UPOV convention).

In this article, without going into the details of the pending case, we consider the concept of an Essential Derived Variety (EDV), related provisions in both the PBR Act and UPOV convention, the intentions thereof and possible limitations.

WHY AN EDV CONCEPT?

The concept of an Essential Derived Variety (EDV) was introduced by the UPOV Convention in 1991 and was aimed at broadening the scope of protection for breeders of protected parent varieties by way of creating dependency between the parent and the EDV, like the concept of a dependent patent under Patent Law. Under the EDV concept, a breeder's right to an EDV, which bears a resemblance to protected parent variety, depends on the rights of the breeder of the protected parent variety. The concept was introduced because traditional plant

breeding is cumbersome and time consuming, however with the advances in plant breeding methods in general, including those that incorporate biotechnology, plant breeders are able to breed a new variety based on a parent variety while retaining most or some of the genotype of the parent variety.

It is important to understand the intention of the EDV provisions. During the UPOV Diplomatic Conference in 1991, there was strong support of all stakeholders involved in the preparatory meetings to introduce the concept of essential derivation in the new version of the Convention to provide more effective protection for breeders. The following were some of the concerns raised, that led to the EDV provisions being eventually drafted:

- The necessity to provide a more effective right to the breeder to provide adequate remuneration for the breeding investment;
- The fact that characteristics used to establish the description and decide on distinctness were in general not linked with the value of the variety, was increasing the

concern of breeders when very similar varieties were protected independently from the initial variety;

- Some breeding methods were also a source of concern because they were considered to lead to “plagiarism”. This, in particular, related to selection of mutants or use of repeated backcrosses result in differences in characteristics of minor importance for the value of the variety;
- Upkeep of the breeders' exemption as in Article 15 (1) (iii) of the UPOV 1991 Act. The breeders' exemption has the intention that without unrestricted access to existing genetic variation (interpreted as the breadth of plant material available as a source of genetics) advances in breeding would be hampered; and
- The development of genetic engineering offered new tools with the possibility to transfer a single gene to an existing variety

and to get new varieties very close to the initial one in a very short time.

These concerns were echoed by CIOFORA, the international organisation representing breeders of asexually propagated plant varieties (ornamentals and fruit), which pointed out that the main issue for their breeder members is mutants (and genetically modified organisms (GMOs)). New mutants are often developed based on new (protected) parent varieties and have several commercial advantages for their breeders in that there is not much discovering and developing work required, they have a short process of evaluation, they take the benefit of the already known variety and they are easy to launch as the initial variety already has a reputation in the market. But there is also the other side of the coin; mutations of an initial variety can take a big market share from the initial variety, with low costs, and the breeder of the initial variety will not earn a similar return on investment if his market is shared with essentially derived low-cost mutations.

A further concern is that the advancement in plant

biotechnology would disadvantage the traditional breeders, therefore the EDV concept was aimed at strengthening the rights of traditional breeders and owners of parent varieties, from which an EDV is based on, by extending the original breeder's right to varieties which are essentially derived protected varieties which may otherwise qualify for a Plant Breeders' Rights. It is also the opinion of CIOFORA that it is fair that the breeders of the parent variety, if protected, receives their share from the commercialization of the mutations of their protected varieties. The CIOFORA also highlighted that a good protection system should protect parent varieties, while allowing new varieties to be developed. The system should benefit the original breeder, the developer of the new varieties, be it in the form of EDV or not, and the growers or farmers planting the new varieties.

THE PBR ACT AND THE EDV PROVISIONS

As a matter of law, under the EDV concept, an EDV is a new variety derived from and displaying the essential characteristics of an existing protected variety and is different (distinct) from the

existing variety from which it derived in a few characteristics. According to UPOV Convention, Article 14 (5) (b), a variety shall be deemed to be essentially derived from another variety ("the initial variety") when:

(i) it is predominantly derived from the initial variety, or from a variety that is itself predominantly derived from the initial variety, while retaining the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety,

(ii) it is clearly distinguishable from the initial variety and

(iii) except for the differences which result from the act of derivation, it conforms to the initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety.

In South Africa, the PBR Act also contains a definition of an EDV which is in line with Article 14(5)(b) of UPOV convention (Section 23(4)(b) of the PBR Act). From both these definitions, it is clear that an EDV must be "clearly distinguishable from the parent variety", and if it is

distinguishable, it may qualify for a PBR. In considering whether a new variety is essentially derived, it is important to establish what is deemed to be essential characteristics of a variety. There is no definition of essential characteristics in both the PBR Act and UPOV convention. However, an UPOV guideline document indicates that essential characteristics includes at least all characteristics used for the examination of DUS or included in the variety description established at the date of grant of protection of that variety, and all other obvious characteristics, irrespective of whether they appear in the Test Guidelines or not (UPOV TG/1/3 – General introduction to the examination of distinctness, uniformity and stability; and the development of harmonized descriptions of new varieties of plants, published in April 19, 2002). This is very generic and may have been stated this way purposefully to cover varieties in different plant species. In an effort to give some direction regarding the issue, an UPOV explanatory note indicates that the following may be considered in when deciding what constitute essential characteristics of a variety in relation to EDV

(UPOV/EXN/EDV/2 – Explanatory notes on essential derived varieties under the 1991 Act of the UPOV convention, published in April 6, 2017):

- I. Essential characteristics are the heritable traits that are determined by the expression of one or more genes, or other heritable determinants, that contribute to the principal features, performance or value of the variety;
- II. Essential characteristics are characteristics that are important from the perspective of the producer, seller, supplier, buyer, recipient, or user;
- III. Essential characteristics are characteristics that are essential for the variety as a whole, including, for example, morphological, physiological, agronomic, industrial and biochemical characteristics;
- IV. Essential characteristics may or may not be phenotypic characteristics used

- for the examination of distinctness, uniformity and stability (DUS);
- V. Essential characteristics are not restricted to those characteristics that relate only to high performance or value (for instance, disease resistance may be considered as an essential characteristic when the variety has susceptibility to disease);
- VI. Essential characteristics may be different in different crops/species. (see I above)

In the absence of sufficient guidance, and looking for some level of clarity with EDVs, in 2013 CIOFORA, representing breeders' interest, released a position paper on EDVs (See Krieger, E and de Riek, J. 2013. Views of the International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOFORA) on essentially derived varieties. Seminar on essentially derived varieties. Geneva, October). Some of the points raised by CIOFORA where that they look to provide further guidance to their members on EDVs built

on the UPOV Explanatory note on EDVs, by stating that:

- I. The EDV concept shall establish dependency for varieties, which are phenotypically distinct (look different) and predominantly derived from the Initial Variety.
- II. The degree of the phenotypic similarity and the number of phenotypic differences between the EDV and the Initial Variety shall only be considered for the assessment of distinctness.
- III. Predominant derivation is given if material of the Initial Variety has been used for the creation of the EDV and a very high degree of genetic conformity between the Initial Variety and the EDV exists.
- IV. Mutants and GMOs – as far as they are distinct from the Initial Variety – are EDVs, whenever they retain a very high genetic conformity to the Initial Variety as established by the panel of experts, because mutants and GMOs per definition are predominantly

derived from the Initial Variety.

- V. The methods and required degrees of genetic conformity between EDVs and the Initial Varieties should be established crop-by-crop based on state of the art protocols agreed upon by a panel of experts

While a separate PBR can be granted for an EDV without consent of the owner of the protected parent variety from which it derives, it may not be commercialised without the permission of the owner of the protected parent variety. As you can imagine, this can make implementation of this concept tricky in commercial circumstances.

A challenge to implement

It is clear from the above list that there is no clear defined boundary in what constitutes essential characteristics of a variety. Not only does this include every characteristic but it can also be subjective as in point II above, the characteristics are viewed from the perspective of the interested person. Furthermore, it is evident from the above list that it is a

difficult prospect for the law makers to decide what needs to be essential characteristics and to apply the same standard to all plant species. In addition, it is important to note that the correlation between phenotype and genotype is also not a clear-cut story without its limitation and/or complications. While the paper of CIOPORA provides a position from commercial breeders on the concept and is very useful in determining how to implement the concept, it is not law.

The question not addressed by the UPOV Convention and all discussions around EDV is what happens when the proprietor of the protected parent variety and EDV are not the same as is the case in the matter before the courts in Cape Town. One can summarily assume that the proprietor of the EDV requires authorisation from the proprietor of the parent variety prior to exploiting the EDV. However, if the proprietor of the EDV denies that fact that his variety is an EDV, which can be the case, the proprietor of the parent variety is left an expensive option of approaching the court for a declaration or to initiate PBR infringement

action. It is clear from both the UPOV Convention and our PBR Act that the intention of the EDV concept was to protect the proprietor of the protected parent variety, but in the implementation of the legislation the burden of the proof appears to lie with the breeder of the protected parent variety. It is therefore up to the holder of the protected parent variety to prove essential derivation and seek a declaration to confirm his right on the EDV

The legal interpretation of EDV concept is difficult and the plant breeding industry need to reach an agreement on how this concept must be interpreted on a species to species basis. The CIOPORA position paper provides useful guidance in that regard. To solve this mammoth task, the plant breeding industry could possibly work together with lawmakers to establish acceptable tools or methodology to predict essential derivation. Such tools or methodology, if based on the genetic makeup of the variety, will most likely lead to the definition of a threshold value of genetic similarity between a new variety and the parent variety that, if exceeded, would suggest derivation. It is suggested that such tools or

methodology should be limited to a species to species basis (as suggested by CIOPORA) as essential characteristics of species differs. In the absence of such methodologies, the outcomes of legal matters related to EDVs in different parts of the world will guide such matters.



Politically (In)correct

Vicky Stilwell, Director: Kisch-IP

In recent times the international political arena has been fraught with alleged intellectual property violations – Eminem successfully sued the New Zealand National Party for infringing the copyright in his hit track “Lose Yourself”; incumbent US president, Donald Trump, upset Queen fans by using their renowned hit “We are the Champions” at one of the events leading up to the US national elections and his wife, Melania, was accused of blatantly plagiarising parts of one of Michelle Obama’s speeches. Now it seems to be South Africa’s turn.

Those following political news in South Africa will be all too familiar with the factions that have developed within the country’s ruling party. One of the results of the disagreements between members of the upper echelons of the ANC is that Dr Makhosi Khoza, a previously high-ranking member of the ANC, split from the party to form a new political party with the hope of contesting the national elections in 2019.

Dr Khoza’s new party, the African Democratic Change party (ADeC) has adopted a logo that has definite similarities to the ANC logo, both in terms of its colours and its features. See the respective logos.

Soon after the launch of the new party, the ANC objected to the logo and said that it will report ADeC to the Independent Electoral Commission for what it is calling “a deliberate appropriation of its colours and logo” which, it says, have been used to confuse voters.

Dr Khoza immediately hit back on social media platforms, saying “When I resigned, I made it very clear that I’m taking the good ANC with me.

All I took was a good legacy? The ANC does not own any colour and how it should be arranged”.



From an intellectual property (particularly trade mark) law perspective, this is an interesting statement.

The issue of ownership of intellectual property rights in colours is a contentious one as it is extremely difficult for someone to claim exclusive rights in a single colour. Cadbury, for example, is involved in ongoing struggles to assert its rights in the colour purple featured on various of its chocolate and sweet products. This is because of which is known in intellectual property circles as the “colour depletion” doctrine, which recognises that in a particular competitive sphere there may be a limit as to the number of colours that are capable of being used.

It is also necessary to bear in mind that one of the founding principles of trade mark laws the world over is

that in order to qualify for protection, a trade mark must be capable of performing the basic function of distinguishing the goods or services of one person from those of competitors.

Against this background it is easy to see why monopolising a single colour is difficult. But the situation with combinations of colours is slightly different as it is easier to claim rights in combinations of colours and even more so when the colours are part of a logo with other distinctive features.

The South African Trade Marks Register shows that the ANC has registered protection for various elements of its get-up and identity, including a black and white version of the logo shown above, and for a mark consisting of “*a band of three stripes of equal width, running parallel to each other, having respectively the colours black, green and yellow*”.

It is clear that there are similarities between ADeC’s logo and the ANC logo. As with all trade mark infringement and passing-off assessments, though, the two logos will need to be compared holistically to determine whether there exists a real likelihood of confusion amongst members of the voting public.

What will transpire, however, remains to be seen.

Vicky Stilwell is a director and trade mark attorney at KISCH IP with 14 years’ experience. She is a qualified trade mark practitioner and specialises in trade mark and copyright matters, including trade mark searching, brand selection and implementation strategy, filing and prosecution of trade mark applications, trade mark maintenance, assignments and formalities and brand portfolio management, as well as in domain name registration and enforcement strategy and implementation. Vicky also specialises in commercial intellectual property and intellectual property licensing matters including conducting intellectual property due diligence investigations and advising on and drafting commercial intellectual property agreements and licence agreements.

A colour trade mark (or color trademark, see spelling differences) is a non-conventional trade mark where at least one colour is used to perform the trade mark function of uniquely identifying the commercial origin of products or services.

In recent times colours have been increasingly used as trade marks in the marketplace.

However, it has traditionally been difficult to protect colours as trademarks through registration, as a colour as such was not considered to be a distinctive 'trademark'. This issue was addressed by the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights, which broadened the legal definition of trademark to encompass "any sign...capable of distinguishing the goods or services of one undertaking from those of other undertakings".

Despite the recognition which must be accorded to colour trade marks in most countries, the graphical representation of such marks sometimes constitutes a problem for trademark owners seeking to protect their marks, and different countries have different methods for dealing with this issue.

This category of trade marks is distinguished from conventional (word or logo) trade marks that feature a specific colour or combination of colours; the latter category of trade marks presents different legal issues.

Source: Wikipedia

GDPR applicability to South African Companies – Not just for the EU after all!



Anola Naidoo

Anola is an Attorney of the High Court of South Africa and specialises in commercial transactions, litigation, corporate law, compliance and consumer law, with specific focus on electronic communications and transactions, data privacy, consumer protection, franchising, cyber law and social media law. She is an attorney at the commercial department of Kisch-IP

Businesses operating in South Africa are currently facing the imminent implementation of the Protection of Personal Information Act 4 of 2013 (POPI), however there is much debate in South Africa as to whether businesses need to also comply with the EU's counterpart to POPI, the General Data Protection Regulation (GDPR) which came into effect on 25 May 2018.

GDPR is clearly not South African law, but it governs the manner in which businesses collect, process and store personal data that could lead to the identification of an individual who is resident in the EU or is a citizen of any member country of the EU, including the UK, regardless of his/her country of residence at any given time. Such individuals have the right to know how, what, when, where and why their personal data is being processed.

Accordingly, GDPR will apply to businesses in South Africa that:

- Process or control personal data of a citizen or temporary resident of an EU member state;
- Have employees based in an EU member state;
- Employ EU expatriates in South Africa;

- Partner with an EU business that processes personal data of those individuals who are afforded protection; or
- Process personal data pertaining to an EU citizen such as monitoring user's behaviour via their website through the use of cookies.

The GDPR (General Data Protection Regulation) seeks to create a harmonised data protection law framework across the EU and aims to give back to data subjects, control of their personal data, whilst imposing strict rules on those hosting and processing this data, anywhere in the world

Should a business process or control personal data in any of the above circumstances, the business must take steps to ensure compliance with GDPR, by:

- Conducting a comprehensive due diligence of its business in order to ascertain how, why, where, when and what personal data of individuals is processed;
- Develop a strategic plan as to the measures to be taken to ensure compliance;

- Update its current website terms and conditions and privacy policy;
- Draft a GDPR policy

If GDPR is applicable to a business, one must determine whether a Data Protection Officer (DPO) needs to be appointed within the organisation. GDPR provides that if GDPR is applicable to the business, it may be compulsory for the business to appoint a DPO if (i) the processing is carried out by a public authority; (ii) the business's core operations include the processing of data through mass systematic and regular processing; or (iii) it processes sensitive data of a data subject on a large scale.

Aside from the high non-compliance penalties (€20 million or a fine up to 4% of the business's global revenues (whichever is the greater)), the main reason South African businesses need to comply with GDPR is because the EU is one of South Africa's largest trading partners and EU businesses are unable to trade with South African businesses unless they comply with the requirements of GDPR.

With globalisation and the ease of cross border transactions, it is essential that South African businesses constantly ensure that they have a global view on data protection in order to ensure compliance and avoid penalties.

On the lighter side...or not?

IP, and a little disruption – featuring some Stellenbosch women.

by Owen Salmon S.C.

Like with much music, art, and other creations, all I have done in what follows is to take the offerings of others, stir the palette here and there, and cough up an idea or two. It all could be considered a bit tongue-in-cheek, but on the other hand it isn't.

We start on World IP day, when the Anton Mostert Chair of Intellectual Property and Innovus, both well-known Stellenbosch institutions, presented a seminar on "Powering Change - Stellenbosch Womxn in Innovation and Creativity".

Sorry for those who missed a vibrant and thought-provoking presentation from some luminaries in the campus cosmos. (Catch-up is at www.blogs.sun.ac.za.)

This note is not about the symposium, by the way, but it all started there. Here's how.

Thanks to an invite from Annette van Tonder (administrator extraordinaire of the Anton Mostert Chair of IP; a Stellenbosch womxn) to the seminar, seated between my wife and I was our daughter. In her second year of environmental studies, a Stellenbosch womxn, Margaux is pretty well up on the issues.

Not only does she regulate everyone's recycling, showering, dishwashing, cooking, and lighting habits during her short recesses at our home, but she also walks the talk - ask any waiter who has had the temerity to hand out plastic drinking straws at our table.

Margaux also has a reasonable idea about intellectual property, having spent her first 21 years growing up (poor girl) under a roof which I share.

Anyway, before Madelein Kleyn (a Stellenbosch womxn who needs no introduction) was anywhere near the conclusion of a beguiling presentation on the power of innovation in creating opportunities, Margaux was clearly deep in thought. As the applause for Madelein burst, she whispered "Dad, are you going to ask a question?" Too dim-witted to realize the real question, my no-doubt characteristically dismissive grunt perhaps disarmed her.



"How is innovation regulated or policed for environmental protection?"

By the time Anita Nel, the powerhouse CEO of Innovus, another Stellenbosch womxn, had finished entertaining the audience - and it *was* entertaining - Margaux's hand was hovering.

She never got to ask her question, I think to the discredit of the gathering. It would have been an engaging discussion.

The question was this, Margaux later revealed:

"How is innovation regulated or policed for environmental protection?"

It is a good question, in this day and age; and it got me thinking. What about the environmental footprint of innovation?

Before we dyed-in-the-wool IP types scoff into our soup, consider the following: according to Wired UK (www.wired.co.uk) since 2002 Apple Inc. has made a total of 17,627 patent filings in the United States alone.

Of those, 11,272 have been granted - over 10,000 of them between 2013 and 2017. Strangely, it is 11th in the list, behind such competitors in the smartphone stakes as Samsung, Google, and LG. Ya, no fine, and so what? Well, read on.

Before getting excited about the upstream environmental costs of smartphone production..... (wait for it ...)

Would anyone think that in the USA alone, over 39 million cellphones have been trashed - and less than a third of those recycled?

This is the mind-boggling statistic - believe it or not, presented as the figure for *this year* alone (as of 24 May 2018 - see www.poodwaddle.com). That is a huge pile of unfriendly stuff (including bromides, beryllium, and lead) leaching into the soil and groundwater.

Meanwhile, according to a February 2017 Greenpeace report (www.greenpeace.org - "Smartphones Leaving Disastrous Environmental Footprint") since 2007 roughly 968 TWh have been used to manufacture smartphones.

Now, that is a lot of electricity - nearly the same as one year's power supply for the *whole of India*. (Scotland consumes a paltry 25 TWh per annum.) One article posted on www.fastcodesign.com ("Smartphones are Killing the Planet Faster than Anyone Expected") reports that building a single new smartphone - and, specifically, mining the rare-earth minerals inside it, represents as much as 95% of the device's total CO₂ emissions for two years.

The jury is still out on the environmental impact of the rare earth minerals which ultimately find their way to our skilled little fingertips - but one thing for sure is that they are seriously finite resources (www.techradar.com - "Our Smartphone Addiction is Costing the Earth").

Perhaps, touchier, is the hotly-aired topic of the sweatshop and child labour practices involved in mining these so-called conflict minerals. (See the World Economic Forum post "Your Smartphone could be Hiding a Dark Secret" at www.weforum.org).

Well, isn't the long and short of it this: Smartphone Inc is awarded monopolistic protection to trash the environment.

Huh? Can this be right? And doesn't the Stellenbosch student have a point? Isn't it time for a bit of disruption?

Enter the next Stellenbosch womxn - Dr Ruth Albertyn. As it turns out, Ruth is young Margaux's auntie, but not so long ago, Ruth's PhD thesis presented her innovation of an index for measuring the empowerment of women in the workplace.

Not hard science, one might be forgiven for thinking, but the point is this. If the measurement of empowerment is possible - and it is - then surely the environmental footprint of an innovation can be measured?

If it can be measured, it can be recorded. And if it can be recorded, it can be submitted to a Registrar along with a patent (or design) application, or an application for the first renewal. And, unless the bar - according to predetermined criteria for environmental protection or rehabilitation - is met, then sorry, no further patent (or design) protection - or a tax is levied.

Of course, this won't stop the development and sale of the innovation, but there is a curve: sooner or later, R&D capital will be aimed at environmentally-kind(er) innovations. And that, future-citizens, is what is needed.

However, innovation is not alone in the need for a little bit of disruption - a thought prompted by a recent article from Ilse du Plessis, director at ENS in the leafy university village (another Stellenbosch womxn).

If it hadn't been for "*Blockchain and trademarks, what's that all about then?*" published recently in "IP ENSight", I might well have bumbled along for the rest of my days thinking the blockchain has something to do with cryptocurrency and in which I am not anyway interested. Of course, and for good reason, blockchain does have something to do with Bitcoin, Ethereum, Ripple and the rest, but not exclusively so.

As Ilse's article lucidly explains, the blockchain phenomenon can be applied to the branding scenario, and importantly so. Indeed, as she mentions, one of her sources reports that EIPO is apparently looking at blockchain as a way of recording and enforcing IP rights.

There is a lot to be said for a blockchain service being set up - or required, if not at least recognized - by CIPC with application to various scenarios: a clear record of 'origin' (remember badge?); of route to market - the supply chain, in other words; of all transactions relating to the brand's ownership, the chain of title; the registrations to which it pertains; proof of use for renewal (and why not? they are *trade* marks, after all); proof of reputation; and so forth. Maybe even the environmental footprint of the brand?

With that, lastly, I must thank another Stellenbosch womxn who features in this piece. If my wife Isabeau had not gone to choir camp this weekend, I would not have had the chance to entertain myself out here in my own tiny left field.

Oh, funny I should mention that, for the (award-winning) chamber choir, "Palissander", was founded and has been directed for the past 25 years by Dr Sarita Hauptfleisch, another Stellenbosch womxn. You know, that reminds me ---- no, that's enough now.

Book Review – The Summit Syndrome Owen H Dean

As creator of the name of our News Letter “IP Briefs”, we pay tribute, in this edition to Owen H Dean who dared his pen on a novel.

You've been working hard to master a new job or to perfect a new skill. You've put in the long hours and loads of effort and you've finally made it. You've hit the pinnacle.

You're at the summit. But ... making it to the top doesn't really feel how you expected it to feel. In fact, you feel a little, well, empty inside.

With, a glimpse from the Pacific Review.... Alan Benedict has settled into a good life with a family and a promising career as a copyright attorney in South Africa, until his wife is tragically killed, leaving him adrift. In an attempt to recover and move on with his life, Alan decides to relocate to Cape Town and leave everything behind including his law career. Life settles down and Alan begins to adjust but is drawn back to work with a case involving a plagiarized book. Surprisingly, the case spurs him into action and he doggedly throws everything he can into it. The title is a direct reference to Alan's work ethic. Once Alan begins a case, he stops at nothing to finish with a victory. However, over the course of the novel it becomes clear that isn't exactly true. Alan wants to win and solve the plagiarism case, but not at any cost. While he will dedicate himself fully and use all resources, he has clear moral and ethical boundaries he won't cross. That actually plays a large role in the case as one witness attempts to seduce him in the hopes of preventing evidence from becoming admissible.

The bulk of the novel is obviously about the court case. It is intricately detailed and explained. This is true of both in court dialogue and behind the scenes evidence gathering with the entire aspect of the case laid out from

Alan's point of view. The level of first-hand knowledge is deep and laid out with professional exactness.

A more interesting subplot is the burgeoning relationship between Alan and his newly hired assistant, Toni. The two have had ups and downs before meeting each other. While they obviously both connect on the first meeting, neither rushes anything. Their relationship spans the novel with a realistic pace that encourages readers to root for them.

With an intricate dive into copyright law, *The Summit Syndrome* paints a vivid picture of a man re-focusing using his work to reconnect to his life. The actual case isn't the star of the show, but rather it is his attempts to find himself and learn to love again.

These views are echoed by the US Review of Books which opines that the author fulfils the duty of a thriller/legal writer. He keeps the pace going, not only in the chase sequences outside the courtroom, but also in the courtroom itself by avoiding legalese and instead providing dramatic testimony. All in all, Dean delivers the requisite thrills and surprises for fans of courtroom dramas

The novel is inspired by an actual case. It gives an account of a copyright infringement/plagiarism case conducted in the High Court. The novel gives insight into behind the scenes of a major piece of copyright infringement litigation and gives a basic outline of the law on the subject and the procedural aspects of the case.

Judge Neville Zietsman, the former Judge President of the Eastern Cape,

says it is “*an absorbing and realistic portrayal of the drama of the courtroom, which captured my undivided attention.*”

Professor Charles Gielen, a leading international IP attorney and academic at the Universities of Groningen and Stellenbosch, comments that the book is “*an exciting and instructive rendition of IP law in action in practice.*”

On this account Spoor & Fisher have made the book recommended reading for their candidate attorneys. It is a good read and available on amazon.com and Loot, and through Exclusive Books





From the Juta Law Reports

The following judgments were reported since February 2018

Patent — Application for interim interdict prohibiting respondents from infringing applicant's patent concerning pesticide for control of a species of sugarcane infestation called thrips — Respondents bringing a counter-application based on lack of novelty, obviousness and lack of clarity — Though the patented insecticide contained a mixture of already-existing active ingredients, they were never before used in South Africa to combat sugarcane thrips — Court granting interim interdict and referring counter-claim for determination in action. *Arysta Lifescience South Africa (Pty) Ltd v Farm-AG International (Pty) Ltd and Others* Case No: 2013/07161 CCP 13-02-2018 Louw J 28 pages Serial No: 0509/2018

Patent — Revocation — Patent concerning conveyor belt for use in a thermal treatment — Whether patent lacking in clarity, novelty or inventive step — Belt made of interconnected elements provided with perforations for conducting heating and possibly cooling gases fed through material be and simultaneously through belt — Difference from prior art discussed — Proper construction of specification discussed — No merit found in contentions of lack of clarity or novelty or obviousness. *Sandvik Intellectual Property AB v Outukumpu OYJ and Another* Case No: 5826/2002 GP 14/12/17 Makgoka J 26 pages Serial No: 0202/2018

Trademark — Application for order restraining infringement — Owner of URBAN DEGREE mark seeking to prevent respondents from using similar 'URBAN' marks — Respondents denying breach — Likelihood of deception — Difference between URBAN^o and URBAN DEGREE — Whether sufficient to distinguish — Whether a licencing agreement was ever concluded — Court granting final interdict. *Moosa NO and Others v Urban Gateway (Pty) Ltd (formerly Zitonox (Pty) Ltd) and Others* Case No: 9255/2017 WCC 31/01/2018 Davis J 26 pages Serial No 0137/2018

Trademark — Opposition to registration — Likelihood of deception or confusion — Owner of JOSE CUERVO mark for tequila objecting to proposed registration of respondent's IL CORVO mark for wine on ground of likelihood of aural confusion — Court finding that, given the difference between the products, the average consumer would not be confused — Court rejecting argument based on phonetic similarity between marks. *Tequila Cuervo SA de CV and Another v Fabrication and Light Engineering CC* Case No: A121/17 GP 15-01-2018 Hughes J, Mphahlele J and Potterill J 7 pages Serial No: 0706/2018

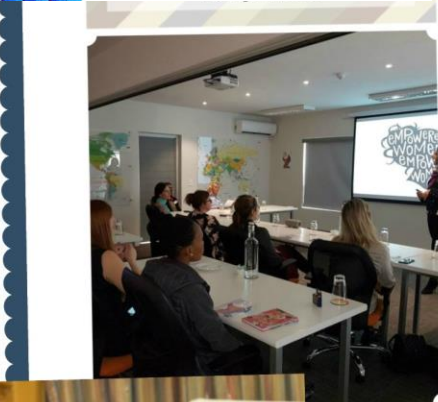




Powering change: Women in innovation and creativity

World Intellectual
Property Day 2018
April 26

#worldipday
wipo.int/ipday
youtube.com/wipo



World IP Day

South Africa
celebrations

A LIFE OF LEGAL FIRSTS

Celebrating Women in Intellectual Property
Esmé du Plessis



Sudoku

				9			3
		5	8	3			1
4		9			2		
							2 8
		6				5	
9	7						
			9			6	7
	2			7	3	9	
8				5			

© 2013 KrazyDad.com

EVENTS CALENDAR

Date	Event
3-Aug-18	Ladies Luncheon Venue to be advised (date alternative option 17-Aug-18)
24-Aug-18	SAIIPL Golf day Venue to be advised
2-Nov-18	Annual Dinner Venue to be advised
14-Nov-18	Annual General meeting Venue to be advised