

Enhancing IP training and exploitation by African Universities: UNISA experience

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UNISA 
college of
law

OUTLINE

- Introduction
- Context
- UNISA's uniqueness as an ODL institution
- Key reference sources
- UNISA IP policy
- Finding meaning in the SA IP policy arena
- Key questions, analysis and way forward
- Q&A

ABOUT UNISA

- One of the 11 Mega Universities globally, have 350 thousand students globally- mostly African
- The CBL is housed in Unisa's Department of Mercantile Law. With over 50 academic members of staff, the Department is the largest in South Africa specializing in all aspects of commercial law.
- Six members of staff specialize in Intellectual Property Law.

CONTEXT

- UNISA's teaching and learning, community engagement and research landscape
- The fallacy of IP being construed as an exclusive legal course
- Contemporary issues of curriculum transformation in South Africa.
- WIPO development Agenda and technical assistance

UNISA/WIPO ACADEMY COLLABORATION

- 1 course and 8 modules
- **Objectives and Targets**
- The Specialization Programme in Intellectual Property is a Certificate Programme.
- Designed for academics and professionals who already have some knowledge of IP or possess practical experience in IP and wish to strengthen and expand their future role in this field

FUNDING

- Each academic year the World Intellectual Property Organization (WIPO), through its Worldwide Academy, offers a limited number of scholarships for students who otherwise would not be able to afford the fees
- Self sponsorship
- Some government departments sponsor their employees
- No direct government funding is available
- R1500/\$100 per module

NATURE & CHARACTER OF PROGRAMME

- not a formal qualification, it is subject to the quality assurance requirements of Unisa. All the modules are offered on NQF level 5 with 12 credits per module, (completed 8 modules will have 96 credits).
- Although it is possible to complete the Programme in one year, most students register for two modules per semester and complete the Programme in two years.
- On the successful completion of the Programme, the student will receive a certificate issued jointly by the University of South Africa and the World Intellectual Property Organization

ADMISSION CRITERIA

- Admission is subject to Unisa's requirements for admission to degree studies.
- Applicants should qualify for admission to a university or a degree programme in the country of which they are a citizen, or where they reside permanently.
- These qualifications include, for example, full matriculation exemption, high school diploma, A-levels, HIGCSE or IGCSE plus a minimum age requirement

CURRICULUM

- The focus of the curriculum is on the special circumstances prevailing in developing countries.
- The modules approach the subject-matter against the background of international conventions and the obligations they impose on developing countries.
- It is then demonstrated, using South African law as an example, how these obligations can be discharged. Students will be expected to examine the law of their own countries to determine how these obligations have been discharged, or how they should be discharged.

CURRICULUM COMPOSITION

- **IPSP01X - Essential Copyright Law**

The topics covered in this module include the nature of copyright, the works protected by copyright, the requirements for the subsistence of copyright and copyright infringement.

- **IPSP02Y - Essential Competition Law**

This module deals with aspects of private law relating to unfair competition. Topics include the liability for unfair competition as well as specific forms of unfair competition such as passing off, damaging another's goodwill, misleading the public, discrediting another's enterprise and misappropriation of confidential information.

- **IPSP033 - Essential Patent Law**

In this module the following topics are covered: the nature of patentable inventions, the requirements for patent protection, the exploitation of patented inventions and patent infringement.

- **IPSP044 - Essential Trademark Law**

The topics dealt with in this module include the nature of a trade mark, the registration of trade marks, the assignment and licensing of trade marks and trademark infringement

COMPOSITION CONTINUED:-

- **IPSP055 - Essential Industrial Design Law**

This module deals with the nature of and requirements for design protection, the infringement of design rights and the protection of layout designs of integrated circuits.

- **IPSP066 - Internet Aspects of Copyright and Trademarks**

The topics discussed in this module include copyright and related rights in the digital environment, copyright infringement on the Internet, the protection of electronic databases, digital licensing of intellectual property, domain names, conflict of laws and jurisdiction.

- **IPSP078 - Legal Aspects of Electronic Commerce**

This module provides an overview of the Internet and major role players. The following topics are also dealt with: contracting through the Internet, copyright implications of the Internet, electronic databases, domain names, trademarks and dispute resolution.

- **IPSP089 - Traditional Knowledge and Biodiversity**

The topics dealt with in this module include the protection of folklore including traditional crafts, ethnobotanical knowledge, biodiversity and genetic resources.

- **IPSP09A - Collective Rights Management: Performers' Rights**

This module deals with the evolution of performer's rights, the exploitation of intellectual property, and the collective management of copyright and related rights.

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Practical experience

- Successful during initial years
- Enrolment has dropped
- Marketing issues
- Challenges of student diversity
- UNISA internal dynamics (centres centralized) at the Unisa Centre for Life Long Learning
- Faculty dedication
- Role of Unisa IP policy

UNISA IP POLICY

- Ownership of IP at UNISA
- Management of IP and related challenges
- Operations of the Unisa's legal services department
- The IP Steering Committee
- Interaction with NIMPO
- Commercialization strategy
- Benefit Sharing
- Analysis



Thank you

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