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GUIDELINE 3.1 OF 2015

GUIDELINES FOR THE OPERATION OF THE INCENTIVE SCHEME FOR INTELLECTUAL PROPERTY CREATORS

OVERVIEW

The Intellectual Property Rights from Publicly Financed Research and Development Act (“IPR Act”) No. 51 of 2008 came into effect on 2 August 2010.

The aim of “Guideline 3.1: Operation of the Incentive Scheme for Intellectual Property Creators” (“Guideline”) is to set out the terms and conditions for the provision of incentives (“Incentive Scheme”) as per the mandate articulated in section 9(4)(b) which states:

“NIPMO must, furthermore....(b) provide incentives to recipients and their intellectual property creators, to reward them for proactively securing protection for intellectual property and commercialising it and, generally, for promoting innovation.”

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1. BACKGROUND

The National Research and Development (R&D) Strategy of 2002, emphasises the need to encourage the protection and commercialization of technological innovations based on publicly financed research. In this regard, it was recognized that there is a need to increase the number of patent applications filed and patents granted for such innovations, so that these innovations can be adequately protected and ultimately commercialised. It is against this background, and as per the legislative mandate set out above, that the Incentive Scheme for Intellectual Property Creators has been established by the National Intellectual Property Management Office.

2. PURPOSE AND SCOPE OF THE INCENTIVE SCHEME

- 2.1 The purpose of the Incentive Scheme is to recognize and acknowledge inventors at publicly funded research institutions (in particular Higher Education Institutions (HEI) and Schedule 1 Institutions (as per the IPR Act) who are granted patents for their innovations, at the South African Patent Office.
- 2.2 The Incentive Scheme is applicable to each granted South African patent, which cites a Higher Education Institution and/or a Schedule 1 Institution, as patentee/co-patentee, assignee and/or co-assignee of the invention claimed in the granted patent. The Incentive Scheme aims to recognize and acknowledge individual inventors at eligible Higher Education Institution and/or a Schedule 1 Institution that have rights to granted patent(s) in the last five (5) years, i.e. for patents granted during the period 2010 to 2014, both years inclusive.
- 2.3 NIPMO reserves sole discretion to alter the scope and structure of the Incentive Scheme, including the form of the recognition and any other matter, subject to any considerations, with due notice.

3. RECOGNITION UNDER THE INCENTIVE SCHEME

- 3.1 An inventor(s), at a Higher Education Institution and/or Schedule 1 Institution will under the Incentive Scheme, and subject to compliance to the conditions set out hereunder, be awarded a Certificate of Recognition, acknowledging their contribution to the invention that is the subject of the granted patent right.
- 3.2 NIPMO will through the Offices of Technology Transfer (OTTs), where available, otherwise, through the Office of the Deputy Vice-Chancellor for Research or similar, ensure that the inventor(s) receives the recognition certificate.

4. AWARD CONDITIONS

- 4.1 The Higher Education Institution and/or Schedule 1 Institution shall certify that they are satisfied that the inventors are indeed the complete set of inventors for the patent and that each cited inventor has demonstrated a clear inventive contribution to the invention covered by the patent.
- 4.2 The inventor(s) must undertake to use his/her/their best efforts to assist the Institution to commercialise the patent.
- 4.3 The Higher Education Institution and/or Schedule 1 Institution shall comply with the reporting obligations with regards to the IP subject to the award, as appropriate and legislatively mandated.

Please do not hesitate to contact NIPMO (info@nipmo.org.za; 012 844 0222) should you have any questions with regards to any matter in this Guideline.



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HEAD: NIPMO

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