

GENERAL NOTICE

DEPARTMENT OF TRADE AND INDUSTRY

NO 31026

POLICY FRAMEWORK FOR THE PROTECTION OF INDIGENOUS TRADITIONAL KNOWLEDGE THROUGH THE INTELLECTUAL PROPERTY SYSTEM AND THE INTELLECTUAL PROPERTY LAWS AMENDMENT BILL, 2008

I, Mandisa Mphahlele, Minister of Trade and Industry, hereby publish the following draft Policy and Bill for public comments.

- (a) Policy framework for the protection of indigenous knowledge through the intellectual property system; and
- (b) Intellectual Property Laws Amendment Bill, 2008

The Bill provides amongst others:

- that the law of trade marks/geographical indications may be able to provide protection of certain names/features associated with traditional knowledge e.g. Rooibos and Honey bush tea;
- that a National Council consisting of experts on traditional knowledge must advise the Minister and the Registrar of intellectual property on traditional intellectual property (TIP) rights;
- that communities may form business enterprises such as collecting societies in order to administer their traditional intellectual property, as well as commercializing such TIP;
- that such business enterprises may enter into licensing agreements (commercialization of TIP) with third parties;
- that other rights in the copyright regime should preferably also be subjected to “collective management of copyright regime”.

The Policy uses the words “traditional knowledge” and “indigenous knowledge” interchangeably, but the two expressions have different meanings nationally and internationally.

Interested persons may submit their comments on the Policy and the Bill to the following address:

Department of Trade and Industry
77 Meintjies Street, Sunnyside
Pretoria, 0002
Block B, 1st Floor (CCRD)
Private Bag X14
Pretoria, 0001
Fax: (012) 394 2506
E-mail: publiccomments@thedti.gov.za
Attention: MacDonald Netshitenzhe

The closing date for the submission of comments is **15 June 2008**