

A world class Technology Transfer team



The Intellectual Property Rights from Publicly Financed Research and Development Act 51 of 2008 has placed various obligations on public institutions in South Africa. These obligations pertain to the management and commercialisation of intellectual property – meaning that public institutions may now not only be the originators of intellectual property resulting from publicly financed R&D but also be its custodians.

The Act identifies various duties that oblige public institutions to put in place practical measures, procedures and mechanisms to:

- identify, protect, develop, manage and commercialise intellectual property (IP);
- assess IP to determine whether it merits statutory protection – and if so, apply for such protection;
- protect know-how appropriately before it is published or publicly disclosed; and
- disclose IP to a National IP Management Office (NIPMO).

To perform these duties, the Act requires institutions to set up technology transfer offices, staffed by appropriately qualified personnel who have the knowledge and expertise required to identify, protect, manage and commercialise IP. The obligations arising from the IPR-PFRD Act pose a challenge to newly established technology transfer offices, especially as the IP environment is complex. Specialised knowledge, skills and extensive experience are required – which Spoor & Fisher can offer.

Spoor & Fisher provides a broad service offering supported by in-depth knowledge and experience – enabling us to assist technology transfer offices in meeting the requirements and fulfilling the obligations set out in the Act. Our skill set includes expertise in:

- trade mark, copyright, patent and design law;
- legislation relating to biotechnology – such as plant breeders' rights, biodiversity and GMO;
- competition law;
- tax – relating to the exploitation of IP;
- commercial arrangements for the exploitation of IP;

- IP management - with a focus on aligning an institution's IP to its commercial and business strategies, structuring IP ownership and optimising benefits;
- streamlining IP portfolios – including IP audits; and
- negotiating commercial arrangements and drafting agreements for the exploitation of IP such as supply and distribution, technology transfer and research collaboration agreements.

Spoor & Fisher has also developed the following specialised offerings with regard to the IPR-PFRD Act:

- Training Workshops – a 3-day interactive workshop covering IP fundamentals, valuation, commercialisation options and confidentiality clauses in contracts. Licensing and licence negotiation are also dealt with, together with the practical implications of the IPR-PFRD Act on institutions when managing and commercialising IP.
- IP Policy and Management Manual – we can help you by drafting an IP Policy and Management Manual for your institution, according to best practice and ensuring conformance with the IPR-PFRD Act.
- IP Audit – we can identify all the registered and unregistered IP of your institution. This audit would recognise and collate both IP that currently exists, as well as IP that can reasonably be expected to come into existence (pipeline IP).
- IP Clauses in Contracts – we can provide you with IP checklists to assist you in assessing agreements from an IP perspective, as well as a library of template IP clauses so that you can select appropriate clauses for agreements.

Spoor & Fisher

As a boutique intellectual property law firm, Spoor & Fisher offers specialised services covering the complete IP environment. Any aspect of intellectual property can be dealt with by a practitioner having extensive experience in that particular field, allowing a truly “one stop” service to be offered. Over the years, the firm has developed close relationships with overseas IP agents and practitioners, giving Spoor & Fisher and its clients a global reach.

The team

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