



science & innovation

Department:
Science and Innovation
REPUBLIC OF SOUTH AFRICA



NIPMO Annual Newsletter 2022/23

WELCOME TO 2022

The effects of the COVID-19 pandemic have caused massive changes to our daily lives, and forced us to adapt to what everyone now term the “new normal”.

The NIPMO team of 13 individuals did not falter in its commitment to serve the OTT community and implement the IPR Act efficiently and effectively!

We had an eventful 2021/22 which we report on in this publication. Please read more about:

- ◇ Get to know our NIPMO people
- ◇ Important deadlines
- ◇ Progress of the OTT Support Fund
- ◇ Analysis of IP disclosure data
- ◇ NIPMO IP Fund—progress to day
- ◇ Company that recovers water from mining waste shines at 23rd NSTF-South32 Awards
- ◇ NIPMO calendar of events
- ◇ NIPMO Contact details and
- ◇ NIPMO documentation
 - ◆ Attached: Guideline 2.8 (IP Fund) - same of previous year
 - ◆ Attached: Guideline 7.1 (OTT Support Fund) - updated
 - ◆ Attached: NIPMO Interpretation Note 2 (Approvals) - updated
 - ◆ Attached: NIPMO Interpretation Note xx (Open) - new

Please remember to visit the NIPMO website at <https://nipmo.dst.gov.za/> for all NIPMO news. Do not hesitate to contact us should you have any questions, queries or comments.

With warmest regards for a fabulous 2022!



GET TO KNOW OUR NIPMO PEOPLE...

NEW HEAD OF NIPMO

Jetane Charsley has been appointed the new Head: NIPMO with effect March 2022.

She started her career at NIPMO ten years ago, as the Deputy Director: IP Attorney, and was appointed Director: Regulatory and Compliance in April 2014.

Before starting at NIPMO she spent over three years with Kisch IP Attorneys, a firm that specialises in patents and trademarks. Jetane completed her BPharm in 2006 and LLB in 2010. She is registered as a patent attorney and pharmacist, and is an admitted attorney of the High Court of South Africa.

"It is a tremendous honour to lead NIPMO," says Jetane. "I am grateful for the support of every member of the NIPMO team. Without their dedication, NIPMO would not have been able to make the impact it has so far. And I sincerely appreciate my DSI colleagues and the OTT community, who have shaped the person I have become."

Jetane is a mother of two, loves coffee and has a passion for educating people about IP and ensuring that IP is used to bring real benefits to society. She looks forward to the challenges of the new position, and hopes that the NIPMO family and the OTTs will continue to support her in achieving their shared goals and dreams.



FROM INTERN TO DEPUTY DIRECTOR

Ms Mantwa Kgarume (Tshabalala) the Deputy Director Funds Administration joined NIPMO in 2011 as an intern.

After graduating in Bachelor of Commerce from the University of Pretoria in 2010; she became the first intern to be hosted by NIPMO and that gave her an opportunity to be mentored within three NIPMO directorates.

As she was new to the professional world and the IP space in particular, she underwent several trainings that included amongst others the WIPO DL 201, 301, 302 and 450 courses, 2011 WIPO Summer School, Project Management course and a two weeks visit to the University of Stellenbosch OTT to get understanding of the OTT environment.

During her internship period she was involved in the planning and implementation of several NIPMO projects including the implementation and administration of the OTT support Fund, organising the first NIPMO conference in 2012, assisting with the

IP commercialization workshops and other stakeholder engagements.

In 2012 after her internship contract came to an end she was appointed for several contract positions within the Advisory and Support Directorate until 31 December 2014.

In 2015, a year after NIPMO became a Specialised Service Delivery Unit Ms Kgarume was appointed in the newly formed directorate (Funds and Incentives Management) where she is currently serving as the Deputy Director.

To support the experience gained she enrolled for Masters of Law (LL.M.) in Intellectual Property jointly organized by Ankara University, WIPO and the Turkish Patent and Trademark Office.

Ms Kgarume describes her journey at NIPMO as "*Challenging but those challenges shaped and made me who I am today*" and she is forever grateful for this wonderful opportunity and support that she received from NIPMO colleagues.



IMPORTANT DEADLINES

SUBJECT	DEADLINE	CONTACT PERSON
IP7 status and commercialisation reports	The KIM System will be open for submission until 30 April 2022 for the period 1 October 2021 to 31 March 2022 AND The KIM System will be open from 1 May 2022 to 31 October 2022 for submission for the period 1 April 2022 to 30 September 2022.	Naomi Ngoasheng copying Jetane Charsley
OTT Support Fund applications	The KIM system will be open for applications from 15 April to 15 May 2022	Thabang Jase copying Lungelwa Kula
IP Fund Applications	Applications for the IP Fund will be accepted through electronic copy (an excel and pdf version) of the IPF1 form submitted by email until 30 June 2022 . After the 30 June 2022, no applications will be accepted.	Mantwa Kgarume copying Paballo Phiri

PROGRESS OF THE OTT SUPPORT FUND— LUNGELWA KULA

The Office of Technology Transfer (OTT) Support Fund has been established in 2011 in response to the mandate given to NIPMO by the IPR Act to support i) the establishment and maintenance of OTT, ii) building human capacity and capabilities within these offices and to iii) ensure that intellectual property (IP) is identified, protected, utilised and commercialised for the benefit of South Africans.

Since the establishment of the OTT Support Fund, NIPMO has committed **over R250 million** to 35 institutions in support of activities such as human capacity development, access to IP Analysis Tools, conducting of IP audits, hosting of IP awareness activities and attending NIPMO endorsed trainings. To date, over 153 contract positions were (fully or partially) funded at OTTs.

In 2019, NIPMO recognised the need to support more activities relating to the commercialisation of IP and has since committed **over R12 million** for activities including contract drafting (to a maximum of R300 000 annually), techno economic feasibility analysis, market assessments, business plan development and technology marketing relating to one or more IP7 forms/disclosures reported to NIPMO bi-annually.

In terms of capacity development NIPMO is still committed in supporting the skills required within OTTs by providing continued support for IP and Technology Transfer courses both locally and internationally.

OTT Support Fund applications will be accepted from **15 April to 15 May 2022**, so please make sure to submit your application on the NIPMO knowledge information management system.

Applications will be accepted this year (2022/2023) for:

Institutions not previously funded by NIPMO as a priority on a three (3) year funding basis with an expectation that the institution will fund the outer two (2) years;

Institutions who have previously been funded by NIPMO, subject to the funding being for new positions (not existing positions), provided on a sliding scale, or new activities and the institution must be compliant with the requirements of the IPR Act, as frequently communicated by the Regulatory and Compliance directorate;

Subject to availability of funding from National Treasury and to the requests received in terms of (a) and (b) above, funding may be available to institutions who are currently being funded by NIPMO subject to the funding being for new positions (not existing positions), provided on a sliding scale, or new activities and the institution must be compliant with the requirements of the IPR Act, as frequently communicated by the Regulatory and Compliance directorate.

NIPMO reserves the right to make the final decision on which institutions receive the funding and to what extent such funding is provided.

ANALYSIS OF INTELLECTUAL PROPERTY DISCLOSURE DATA —NAOMI NGOASHENG

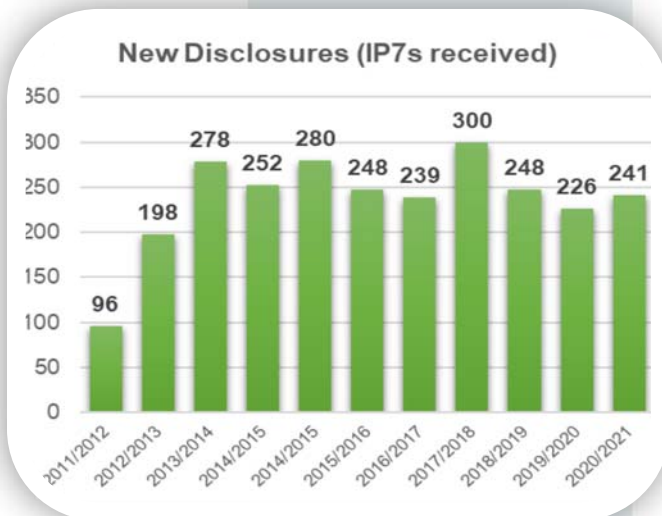
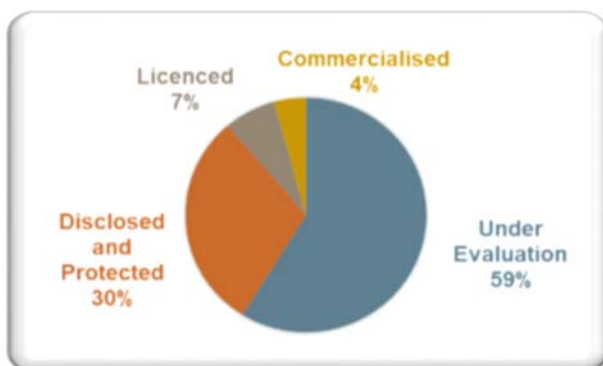
By law, all recipients of public funding for R&D must report to NIPMO twice a year on matters pertaining to the IP contemplated in the IPR Act, including all IP for which it elects to obtain statutory protection. Institutions must submit these IP disclosures (IP7 forms) to NIPMO on its Knowledge Information Management System, using NIPMO Practice Note 5 for guidance in reporting disclosures.

The specific objective of the IPR Act to ensure that IP governed by the Act is identified, protected (where appropriate), utilised and commercialised for the benefit of South Africa's people. Disclosures are part of the identification process. Over the years, institutions (and other recipients) have been reporting their actionable disclosures (IP7 forms) to NIPMO.

The data on disclosures received from the 37 institutions, which comprise 26 higher education institutions and 11 Schedule 1 institutions (typically science councils), shows that most institutions have an active IP portfolio. The ones that do not are recently established institutions, which are still setting up postgraduate programmes and/or offices of technology transfer.

Since the IPR Act came into effect in 2010, NIPMO has received more than 2 600 actionable disclosures. When reporting these disclosures to NIPMO, institutions have to indicate at which stage of development the disclosure is or is progressing to. The stages of development are as follows:

- * Under evaluation (applications made but not yet registered/granted, i.e. still pending).
- * Disclosed and protected (IP that has been registered or granted a right prior to licensing and/or commercialisation).
- * Licensed (an IP transaction has been entered into and signed by the parties (before any revenue)).
- * Commercialised (revenue has accrued to the institution owing to the conclusion of an IP transaction).



A breakdown of the number of actionable disclosures received reveals that most (59%) are still under evaluation, and that 30% have a granted right (locally and/or internationally). This is expected, as the reporting aims to track the entire value chain. There is an influx of new disclosures every year and granted rights are often obtained years after the initial disclosure.

Under the IPR Act, institutions have an obligation to commercialise their disclosures. Commercialisation is defined as the process by which any IP emanating from publicly financed R&D... provide any benefit to society or commercial use on reasonable terms. Generally, commercialisation occurs when a recipient conclude an IP transaction (licence/assignment). We are seeing a growth in licence agreements being entered into over the years. This observation is also confirmed by the South African National Survey of Intellectual Property and Technology Transfer at Publicly Funded Research Institutions, which found that *"the average number of IP transactions that yielded revenue between 2014 and 2018 almost doubled from that seen between 2008 and 2014, increasing from an average of 25,3 to 47,6 per year"*.

According to the NIPMO data, as at December 2021, 7% of the disclosures reported to NIPMO had been licensed (pre-revenue stage) and 4% had been commercialised (after revenue has been generated).

NIPMO looks forward to receiving new and/updated IP7 forms showing institutional IP disclosures at **the end of April and October every year.**

IP FUND ANALYSIS- MANTWA KGARUME & TSHIMANGADZO MUNYAI

With our country looking at ways to strengthen its economy, create jobs and improve the lives of its citizens; IP and its associated right has been identified as a way that can help us achieve these goals.

The aim of the IPR Act is to ensure that research is not only published but its activities are taken further and turned into tangible products and services that will benefit the citizens of the country.

Section 13 of the IPR Act established the IP Fund to provide financial support to institutions (higher education institutions and science councils) for statutory protection and maintenance of their IP/IP rights. NIPMO has developed NIPMO Guideline 2 entitled "*The Intellectual Property Fund Rebate Guideline*" which has been updated several times; the latest being in 2020/21 financial year as the guiding principle to both NIPMO and the institutions. In accordance to this guideline NIPMO can provide up to 50% rebate depending on availability of funds from the South African National Treasury.

The IP Fund has been in operation for more than 10 years with just under **R450 million in total claims** submitted by institutions to NIPMO; the implementing office of the IPR Act. Since coming into operation, a total of 26 institutions applied for a rebate with the lowest number of applicants per year being 18 institutions in 2012/13. To date, the highest total claim of R57 million was received in 2017/18 financial year from 22 institutions.

At first the rebate was provided and made available to both Pre- and Post- IPR Act IP until 2015/16 financial year whereby the Pre-IPR Act IP claims were phased out in a staggered approach for two years. The rebate for these claims was reduced from up to 50% of the costs incurred to 15% for Pre-IPR Act IP that has been protected only or 25% for Pre-IPR Act IP that has been protected and commercialised. From 2018/19 the rebate was afforded only to Post IPR Act claims. NIPMO strives to pay a 50% rebate of total allowable costs but in some years, most notably 2016/17 and 2017/18, NIPMO paid less than 40% of allowable claims submitted, due to availability of funds.

On average 7.5% of the total claims submitted were disqualified due to various reasons, including non-reporting or incorrect reporting of the IP7 forms (disclosures), deduction of co-owning parties' shares of the cost, erroneous inclusion of VAT and other ineligible costs set out in NIPMO Guideline 2 (for example, costs associated with penalties for late renewal, costs for drafting commercialisation or collaboration agreements, student's competition costs, claims outside the review period etc.). This number increases to 15% when we break it down per institutional disqualified average (refer to table below). During the last review period (2021/22), we can report that on the one hand, 2 institutions had no claims disqualified from the total claims submitted, however, on the other hand 2 institutions had over 90% of their claims disqualified due to reasons set out above.

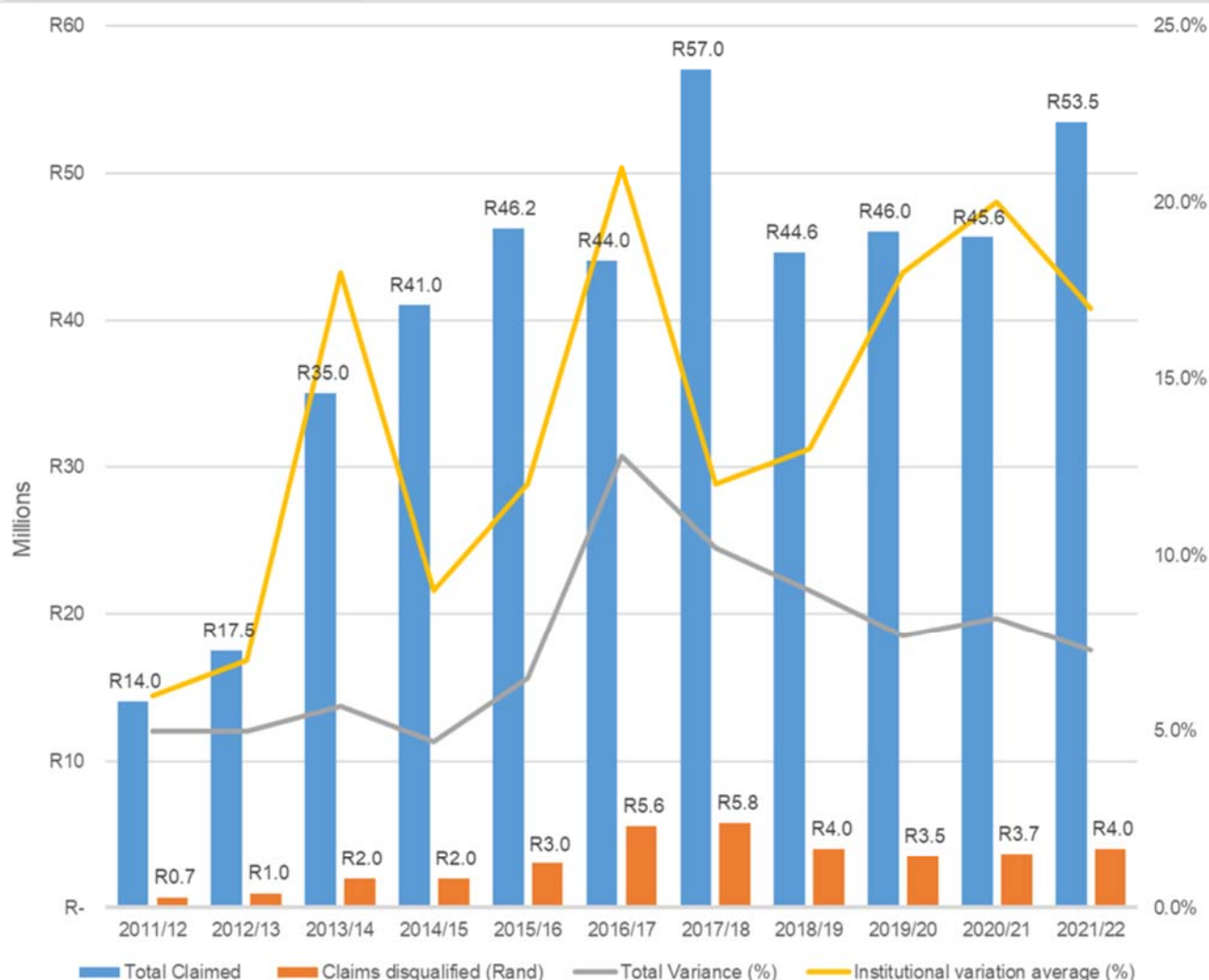
Financial year	No of Inst	% Rebate paid
2011/12	20	50%
2012/13	18	50%
2013/14	24	44.50%
2014/15	23	50%
2015/16	22	50%
2016/17	22	15%/25% rebate for Pre IPR-Act claims 32.7% rebate for Post IPR-Act claims
2017/18	22	10%/20% rebate for Pre IPR-Act claims 37% rebate for Post IPR-Act claims
2018/19	23	50%
2019/20	22	50%
2020/21	23	50%
2021/22	21	50%

IP FUND ANALYSIS (CONT)- MANTWA KGARUME & TSHIMANGADZO MUNYAI

The graph depicts a summary of all IP Fund applications submitted from 2011/12 to 2021/22 financial years. The summary includes total amount claimed, claims disqualified as well as the overall average percentage variance and average institutional percentage variance.

Don't forget that the applications for the IP Fund (in line with Guideline 2.8) will be accepted through electronic copies (an excel and pdf version) of the IPF1 form by email **until 30 June 2022**. Please contact Paballo Masite or Mantwa Kgarume should you have any questions.

To limit the number of claims being disqualified, NIPMO embarked on workshops (held on 9 and 23 March 2022) to capacitate institutions on "IP7 Forms – how to complete and its interface with the IP Fund". We had just over a 100 delegates attending, representing 31 institutions. If you missed these workshops, please contact the NIPMO office and we will gladly present to your office again.



COMPANY THAT RECOVERS WATER FROM MINING WASTE SHINES AT 23RD NSTF-SOUTH32 AWARDS

LINDIWE MASHIMBYE



Reverse Osmosis/
Cooling Water
Technologies (Pty)
Ltd (ROC Water
Technologies) was
named the winner in
the NIPMO-
sponsored
*"Innovation through
an SMME"* category

at the 23rd NSTF-South32 Awards for its innovative technology for recovering drinkable water and saleable products from industrial waste.

Along with the award, ROC Water Technologies pocketed R63 250 in cash, contributed by NIPMO as part of its drive to incentivise intellectual property (IP) creators to convert their research and development (R&D) outputs into products, processes and services.

In fulfilling this mandate, NIPMO works with various partners, one of them being the National Science and Technology Forum (NSTF), a broadly representative stakeholder body for organisations with an interest in science, engineering, technology and innovation. The annual NSTF Awards recognise individuals and companies that make outstanding contributions in these fields

The 23rd NSTF-South32 Awards ceremony took place in Johannesburg and Cape Town on 30 September 2021 under the theme *"Creative economy for sustainable development"*, in line with the UN-declared *"International Year of Creative Economy for Sustainable Development"*.

ROC Water Technologies Director and Project Coordinator, Prof. Jannie P Maree, received the *"Innovation through an SMME"* award from the Minister of Higher Education, Science and Innovation, Dr Blade Nzimande, accompanied by NIPMO representative Ms Lindiwe Mashimbye.

The company was selected as the winner for its R&D on the processing of liquid and solid waste from the mining, power station and fertilizer industries to recover water of drinking quality and saleable products. Its technology is expected to distinguish itself in the treatment of acid mine water by being able to recover not only drinkable water but also saleable products such as sodium carbonate, ferric hydroxide and aluminium hydroxide.

Prof. Maree, who also works in the Department of Water and Sanitation at the University of Limpopo, indicated that the water treatment stages (pre-treatment and desalination) were ready for implementation on industrial scale. The recovery of saleable products from the sludge would follow.

ROC Water Technologies is also working on the treatment of brine through freeze crystallization. The company has a plant in Olifantsfontein where high-saline water is treated. Its technology is also applicable to coal-powered stations, where sulfur dioxide emissions need to be controlled.



ROC Water Technologies' Prof. Jannie Maree flanked by Dr Blade Nzimande, Minister of Higher Education, Science and Innovation (right) and Ms Lindiwe Mashimbye of

NIPMO CALENDAR OF EVENTS

MAY 2022:

LAUNCH OF THE INNOVATION BRIDGE STARTUP COMMUNITY AND THE INAUGURAL PITCH EVENT

The Innovation Bridge Portal, an initiative of the Department of Science and Innovation, inspired and supported by the World Bank Group, and the Department of Small Business Development will showcase the first cohort of entrepreneurs who have benefited from the support provided through the Startup Community.

There are limited seating and The event is by invitation only.

MARCH 2022:

WIPO DISTANCE LEARN- ING (DL) COURSES

The World Intellectual Property Organization (WIPO) and NIPMO invited all to enrol for the WIPO Academy Distance Learning (DL) courses.

These courses are offered under the framework of cooperation between the WIPO and Technology and Innovation Support Centres (TISCs) (i.e. all institutions/organisations that have entered into a TISC Hosting Agreement with NIPMO or are in the process of concluding such Agreement) and are aimed at enhancing the knowledge and skills in IP related topics.

Registration for available courses end of June 2022. For further clarity on the WIPO DL courses, please contact Lungelwa Kula or Nodumo Maluleke.

JULY/AUGUST 2022:

WIPO-NIPMO WORKSHOP ON IP INNOVATION POLICY

This workshop will be held face to face in **Cape Town** from **Monday, 25 July 2022 to 29 July 2022 and virtually from 1 to 5 August 2022**. This training course is offered by WIPO jointly with the NIPMO for the benefit of developing countries to enhance the skills and knowledge of officials who deal with innovation policies and intellectual property strategies to enable their effective formulation and management.

Applications are open until 30 June 2022

To register for the training please go to: https://welc.wipo.int/acc/index.jsf?page=pdpCatalog.xhtml&lang=en&cc=WIPO-NIPMO#plus_WIPO-NIPMO

Registration for this workshop is **for free!**

SEPTEMBER 2022:

TISC INITIATIVE WORKSHOP

The Technology and Innovation Support Centre (TISC) workshop is scheduled for September 2022.

Further details to follow... please contact Lungelwa Kula or Nodumo Maluleke.

NOVEMBER/DECEMBER 2022:

WIPO SUMMER SCHOOL ON IP AND TT

The WIPO Summer School on Intellectual Property and Transfer of Technology will again be organised by NIPMO and the Companies and Intellectual Property Commission (CIPC) and will be hosted face-to-face from 21 November 2022 until 02 December 2022 at the University of Limpopo.

Applications are open until **xxxxxxx** for 50 hotly contested spots. Please go to: http://www.wipo.int/academy/en/courses/summer_school/ for further information.

Registration for the WIPO Summer School is **xxxxxxx**

NIPMO CONTACT DETAILS

Please do not hesitate to contact any of the NIPMO colleagues on the details below:

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<i>Vacant</i>	Senior Administrative Officer: Disclosure Analyst	N/A
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<i>Vacant</i>	Senior Secretary/Administrative Assistant	N/A

NIPMO DOCUMENTATION

Please visit the NIPMO website at <https://nipmo.dst.gov.za/resources> all NIPMO guidelines, practice notes and interpretation notes. List of available documents set out below:

Guideline	Title
Guideline 1.3 of 2019	Interpretation of the scope of the Intellectual Property Rights from Publicly Financed Research and Development Act (Act 51 of 2008): Setting the scene" <i>updated and latest publication dated March 2019</i>
Guideline 2.8 of 2021	Intellectual Property Fund <i>updated and latest publication dated March 2021</i>
Guideline 3.5 of 2019	Intellectual Property Creator Incentives <i>updated and latest publication dated March 2019</i>
Guideline 4.2 of 2019	Intellectual Property Ownership <i>updated and latest publication dated October 2019</i>
Guideline 5.1 of 2019	Full Cost <i>published in August 2019</i>
Guideline 6.1 of 2019	Intellectual Property Enforcement Fund <i>published in March 2019</i>
Guideline 7.2 of 2022	Office of Technology Transfer Support Fund <i>Updated and published in March 2022</i>
Guideline 8.1 of 2021	Intellectual Property Policy: An Easy Guide <i>published in March 2021</i>

Practice Note	Title
Practice Note 1 of 2012	Practice Note to Guideline 1 of 2012 <i>published in December 2012</i>
Practice Note 2.1 of 2017	Dispute Resolution Procedures <i>published in March 2017</i>
Practice Note 3.1 of 2017	Approach for determining the Full Cost of Research and Development conducted at Publicly Financed Research and Development Institutions <i>replaced by Guideline 5</i>
Practice Note 4.2 of 2021	Referral of intellectual property to NIPMO on an IP1 form <i>updated and latest publication dated April 2021</i>
Practice Note 5.2 of 2021	Intellectual property status and commercialisation reports reported to NIPMO on an IP7 form <i>updated and latest publication dated March 2021</i>

NIPMO DOCUMENTATION

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NIPMO Interpretation Note	Title
Interpretation Note 1	NIPMO general compliance requirements <i>published in November 2014</i>
Interpretation Note 2	IP transaction approval <i>updated and latest publication dated April 2022</i>
Interpretation Note 3	Reporting obligations of an assignee Currently withdrawn
Interpretation Note 4	THRIP Funded Research <i>published in July 2015</i>
Interpretation Note 5	Specific ownership scenarios <i>published in July 2015</i>
Interpretation Note 6	State Rights to Intellectual Property Developed from Publicly Financed Research and Development <i>published in March 2016</i>
Interpretation Note 7	Are data intellectual property in terms of the Intellectual Property Rights from Publicly Financed Research and Development Act? <i>updated and latest publication dated September 2018</i>
Interpretation Note 8	Government department funded IP and the interface with the IPR Act <i>published in April 2018</i>
Interpretation Note 9	Intellectual property ownership with respect to Technology Innovation Agency (TIA) funding programmes <i>published in April 2018</i>
Interpretation Note 10	When does the IPR Act apply? <i>published in October 2018</i>
Interpretation Note 11	State-Owned Enterprises and the interface with the IPR Act <i>published in January 2019</i>
Interpretation Note 12	Benefit sharing – drafting phase... not published yet
Interpretation Note 13	Everything you need to know about Full Cost <i>published in August 2019</i>

Document name	NIPMO Website link
KIM User manual	https://nipmo.dst.gov.za/resources/kim-user-manual
OTT Framework: Striving Towards a Technology Transfer Orientated Nation	https://nipmo.dst.gov.za/resources/ott-framework-striving-towards-a-technology-transfer-orientated-
South African National Survey of Intellectual Property and Technology Transfer At Publicly Funded Research Institutions (2014 to 2018)	https://nipmo.dst.gov.za/resources/south-african-national-survey-of-intellectual-property-and-technology-transfer-at-publicly-funded-research-institutions-2014-to-2018
South African National Survey of Intellectual Property And Technology Transfer At Publicly	https://nipmo.dst.gov.za/resources/reports-1