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Department:
Trade, Industry and Competition
REPUBLIC OF SOUTH AFRICA

THE NATIONAL ASSEMBLY

QUESTION FOR WRITTEN REPLY

QUESTION NO. 1523

Mr M J Cuthbert (DA) to ask the Minister of Trade, Industry and Competition:

- (1) What are the reasons that the Draft Patents Amendment Bill, which is vital to pandemic readiness, access to medicines and to local manufacturing, has repeatedly been delayed;
- (2) whether his department is experiencing external pressures from third parties such as trade entities from the United States trade and European Union to delay the Bill; if not, what is the position in this regard; if so, what are the details of the pressures;
- (3) on what date is it envisaged that the Bill will be tabled in Parliament?

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REPLY:

- 1) The draft legislation had been prepared by the department for consideration. There were two processes that needed to be taken account of however, prior to Cabinet consideration of its contents. The first relates to the World Trade Organisation (WTO) discussions on flexibilities to international rules on intellectual property. The second was the discussions held under the auspices of the African Continental Free Trade Area (AfCFTA) on an African Protocol on Intellectual Property Rights.

Significant progress has been achieved on both, with conclusion on a WTO agreement covering vaccines, reached in June 2022; and finalisation of the AfCFTA Protocol in February 2023. The content of draft legislation can thus be evaluated

against these changes in the global regulatory landscape by Cabinet during its consideration of the Bill, which is expected shortly. The legislation will be released for public comment within one week of approval by Cabinet.

- 2) Officials of the Department have not experienced external pressures from any trade entities from any country and no entity would be privy to the content of the draft legislation until same is released publicly.
- 3) It is intended that the draft Bill would be submitted to Cabinet shortly after completion of the process referred to in 1 above.

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