

Joint Meeting of the Portfolio Committee on Trade and Industry and the Select Committee on Trade and Industry, Economic Development, Small Business Development, Tourism, Employment and Labour

RESPONSE TO COVID-19

Adv. Rory Voller
Commissioner
12 MAY 2020



Companies and Intellectual
Property Commission

a member of **the dti** group

BIZPORTAL SYSTEM

- CIPC contacted by Ministry on 24 March 2020 day after Presidential announcement of a lockdown to develop a system for essential service applications by companies.
- CIPC given 2 day lead to develop, test and implement system to go live by the first day of the original lockdown – Demo on the 27 March to Ministry and Department Officials.
- Additional functionality was developed and added to the CIPC BizPortal application to include a category for COVID-19 essential service companies.
- During the level 5 lockdown, approximately 270 000 companies applied for essential service certificates.

BIZPORTAL SYSTEM

- During the extension of the Lockdown, CIPC issued all applied companies NEW certificates with additional wording, to meet the additional requirements of the South African Police Service.
- CIPC thereafter was involved in additional essential service categories coming online during the Lockdown being graded to level 4 on 1 May 2020.
- To date as at submission of this presentation approximately 360 000 companies have applied and received their essential service certificates.
- The BizPortal and CIPC websites and social media platforms have been used to clarify application criteria and additional information on how to use the system.
- CIPC has created a dedicated query resolution email for all essential service queries as well as training staff to answer and resolve these queries.

BIZPORTAL SYSTEM

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← certificate (4).pdf

Document issued by the Commissioner of
Companies & Intellectual Property Commission
on Monday, April 20, 2020 at 11:04

Enterpriser Number: B1995012053
Enterpriser Name: NORTH COAST AUTO CENTRE
Business Category: EMERGENCY AUTOMOBILE REPAIRS FOR ESSENTIAL SERVICE
Contact Person Name: RAJENDRA
Contact Person Surname: NAIDOO
Contact Person Email: NCAC@TELKOMSA.NET
Contact Person Cell Number: 0716065636
Number of Employee: 4
Physical Address: 2A IRELAND STREET
VERULAM
4339

EXTENDED LOCKDOWN PERIOD: CERTIFICATE OF RECORD FROM 17 APRIL 2020

This revised certificate records that the business operating as **NORTH COAST AUTO CENTRE** is registered in terms of the Companies Act, 2008. The responsible person named above has submitted information to the Companies and Intellectual Property Commission to state that the business performs essential services as indicated in relevant regulations issued as part of the state of disaster declared under the Disaster Management Act, to deal with the Covid-19 crisis.

This CIPC certificate is a record that the company has submitted information to the CIPC. This replaces any other certificate issued by the CIPC prior to 17:30 on April 16, 2020.

The possession of the CIPC certificate is still subject to the company fully complying with the applicable Lockdown Regulations and is a record of the company's details. This certificate does not in itself constitute the right to continue operating during the period, and it is the responsibility of the company to ensure that it complies with the regulations.

Only businesses which provide essential services in terms of the Lockdown Regulations, as amended, issued by the Minister for Cooperative Governance and Traditional Affairs may continue their operations during the COVID-19 lockdown, and only in respect of goods or services defined as essential in the regulations.

False declaration by the company is a criminal offence and will result in prosecution. This certificate may be revoked if there are changes to the regulations or in order to improve implementation of the lockdown.

Yours truly
CIPC Commissioner

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BIZPORTAL SYSTEM

Vodacom-Stay Safe 4G+    

 16%  2:05 PM



ESSENTIAL SERVICE UPDATE

NEW CATEGORIES FOR LEVEL 4
HAVE BEEN ADDED. ONLY MAIN
CATEGORIES; CHECK REGULATIONS
FOR SUB-CATEGORIES.

YOU CAN NOW ALSO EDIT MORE
FIELDS ON YOUR CERTIFICATE.



[FB.COM/BIZPORTAL.GOV.ZA](https://www.facebook.com/BizPortalGovZA)



[@BIZPORTALGOVZA](https://twitter.com/BizPortalGovZA)

[HTTPS://BIZPORTAL.GOV.ZA](https://bizportal.gov.za)



Application Criteria

1. The system can only be used by registered companies that have not been struck off/deregistered/liquidated.
2. The company registration number and name applied for is used to cross- reference the CIPC registry/database to ensure legal status.
3. The system is fully automated with no human intervention or examination due to volumes received.
4. The system fully states and disclaims that it is the companies responsibility to ensure that they meet the designation of being an essential service. CIPC does not advise in this regard and have been told not to as we are not experts in this area.
5. The system and certificate fully states that an applicant becomes legally liable should they submit false information and declarations to the CIPC.

Application Criteria

Congratulations, you have successfully applied for an Essential Service Business certificate. This certificate is still subject to you fully complying with the applicable regulations, and is a record of your details.

Your certificate has been queued to be sent to your email address. You may also use the "download certificate" option that is available on this website. Note that if you supplied incorrect information you have committed a criminal offense, which may lead to prosecution.

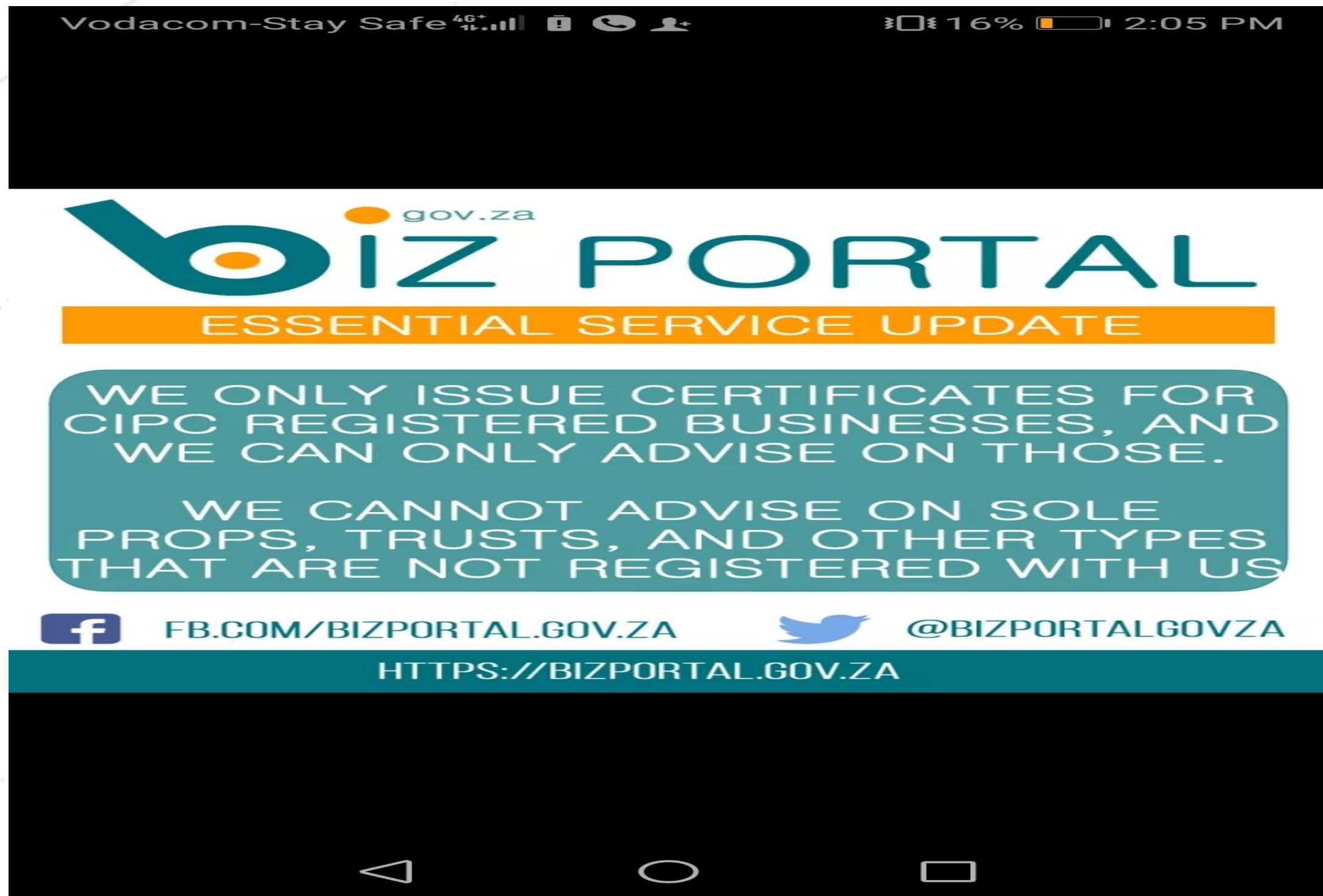
Please be patient, we will send the certificate shortly.

We have made a temporary download link

Application Criteria

1. The system does not accept any other form of business namely, a sole proprietor, Trading Trust, Industry Body, Partnership etc. as the CIPCs legal mandate only extends to companies in terms of the law.
2. The Department of Small Business as well as municipalities, we have been advised handle other business types.
3. The Ministry has released two media statements clarifying the requirements for applying for essential service certificates as well as the penalty for making a fraudulent application.
4. The CIPC proactively and reactively revokes or withdraws certificates of companies who irregularly applied and informs the Ministry of same for actioning through the SAPS – Support SAPS/Ministerial Litigation.
5. To date approximately 1300 certificates have been revoked and continues to do so as more information becomes available.

Application Criteria



Practice Notes

- Reckless Trading
- In terms of S22 of the Companies Act, a company trades recklessly if its Solvency (liabilities exceeds assets) or Liquidity (ability to pay debts as they fall due) is compromised.
- In that case the CIPC will investigate such company and issue them a Compliance Notice to cease trading based on Reckless Trading.
- In term of the practice note issued on the 24 March 2020, and for the duration of the COVID-19 national disaster, the CIPC will not invoke the reckless trading provisions, if the CIPC has reason to believe that the companies are temporarily insolvent due to the national disaster.
- This has been welcomed by companies and industry who are attempting to recapitalise their businesses.

Practice Notes

- Dies Non
- Certain Pieces of legislation under the CIPC whether in the Companies , Intellectual Property or related laws have time frames for lodging of documents and other areas of execution.
- The CIPC informed the public at large as well as Professional and stakeholder bodies that during the CIPC physical staff lockdown and non ability to process these documents in the legal time frames, and for them to suffer no prejudice, the Commission has the legal recourse to declare the lockdown period as Dies Non(days not counting for legal purposes).
- The CIPC declared the period from 24 March to 4 May 2020 as dies non and accordingly amended its registration system and communicated widely on this.
- This assist companies, directors and shareholders with additional timeframes to get affairs in order during the lockdown period without prejudice.

CIPC resumption of services

- CIPC offices and mainline offerings and services went into total lockdown on the 25 March 2020 and limited automated services such as Annual returns, Company registration without a name etc. was resumed on the 1 April 2020.
- The reason was that the lockdown coincided with the Financial year end processes and Audit information.
- Only automated services requiring no human/staff intervention was resumed on 1 April 2020 due to staff being on national lockdown and for their safety.
- However the public was being informed of CIPC and BizPortal services and matters of query resolution using the CIPC social media platforms and teams were responding to that.
- CIPC management and staff have used and will be using electronic meeting tools such as ZOOM and MS Team going forward as well as social distancing in office meetings.

CIPC resumption of services

- CIPC management and organised labour have met to devise safety and work resumption strategies and plans that involve strict adherence to COVID-19 health and safety regulation guidelines as per DPISA directives.

CIPC will strictly employ the following criteria from the 4 May 2020 namely :

1. Work from home programmes with necessary infrastructure, reporting and support, especially for elderly and staff with pre-existing conditions.
2. 30 – 40 percent adherence to in -office staff availability.
3. Resumption of services from 6 May 2020 with robust communication plan to public and stakeholders.
4. Supplying staff with PPEs, including mask, sanitizers, gloves for those working with files and large documents, procuring of sanitisation booths on entry to CIPC offices, sanitising of building regularly (Has occurred twice already), temperature measuring devices.
5. Robust social distancing measures on floors, workstations, pause areas, meeting rooms etc.
6. Risk plans on managing staff with pre-existing conditions and COVID-19 epidemic illnesses.

Future planning

- a) CIPC always seen as innovative organisation and will continue to fundamentally change its operating model during this timeframe.
- b) Automation tools at heart of our delivery and will ramp up and increase these services in-conjunction with our organisational redesign and strategic vision 2030 plans – straight through processing.
- c) Work from home programmes will form part of our permanent future state and policies and frame works being put in place.
- d) Early retirement policy concluded and session held with affected staff encouraging same with pre-existing conditions – heading to Bargaining Forum.
- e) Continue to gear up for accession to IP treaties namely the Madrid Treaty on International Filing of Trade Marks as well as Substantive Examination of Patents- new batch of interns currently in training.
- f) Full function mobility applications, together with Block Chain and AI registries.



Thank you