

# PC Science, Technology & Innovation

## Briefing on the current state and future of South Africa's Intellectual Property (IP) landscape



Companies and Intellectual  
Property Commission

a member of **the dtic** group

02 June 2026

CIPC Commissioner  
Advocate Rory Voller

# CURRENT STATE AND FUTURE OF SOUTH AFRICA'S INTELLECTUAL PROPERTY (IP) LANDSCAPE

## Parliamentary Briefing

1. DTIC/CIPC - National IP protection regime: An overview of the IP Policy – Phase 1 and progress on the anticipated Phase 2 reforms.
2. DTIC/CIPC - Legislative framework updates: status of the Patents Amendment Bill, the Design Amendments Bill and the IP Laws Amendment Act, particularly regarding the move toward Substantive Search and Examination (SSE).
3. DTIC and DSTI - Decline in local patent applications: analysis of the downward trend in local filings and how the National Commercialisation Strategy intends to reverse this by supporting SMME's and local innovators so the South Africa's IP assets translate into economic value, industrial growth and job creation.
4. DTIC and DSTI - Interdepartmental alignment: ensuring coherence between the IPR from Publicly Financed R&D Act (administered through NIPMO) and the broader commercial IP framework (administered through CIPC).
5. DTIC/CIPC – Overseeing and directing the strategic approach to IP Enforcement (Anti-Counterfeiting and Anti Piracy) and other high impact projects.

# 1.DTIC/CIPC - NATIONAL IP PROTECTION REGIME

An overview of the IP Policy – Phase 1 and progress on the anticipated Phase 2 reforms:

- Phase I of the National Intellectual Property Policy was approved by Cabinet in May 2018 and provided a Policy directive that required the Patent and Design Acts to be amended to ensure alignment with international best practices and to meet South Africa’s obligations to international law.

Phase I amendment to cover:

## IP& Public Health – Sub Issues

Local manufacture and export  
in line with industrial policy

- Patent–substantive search  
and examination
- Patent opposition
- Patentability criteria
- Disclosure requirements

- Parallel Importations
- Exceptions
- Voluntary licensing
- Compulsory licences
- IP & competition law
- Rule of law & legal certainty

# DTIC/CIPC - NATIONAL IP PROTECTION REGIME

The key reforms introduced include:

- The introduction of substantive search and examination (SSE) for patents, which is a key step towards ensuring that the patent regime fulfils its purpose of stimulating genuine innovation and provision of legal certainty.
- This will benefit patent holders by granting them rigorously assessed rights and benefit the public at large by ensuring that market exclusivity is only granted when appropriate.
- Another reform is the leveraging of flexibilities contained in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) to ensure that South Africa protects IPRs while simultaneously promoting public health, local manufacture, research and development, innovation, food security, environmental considerations, transfer of technology and broad socio-economic development.

## 2. DTIC/CIPC - LEGISLATIVE FRAMEWORK UPDATES

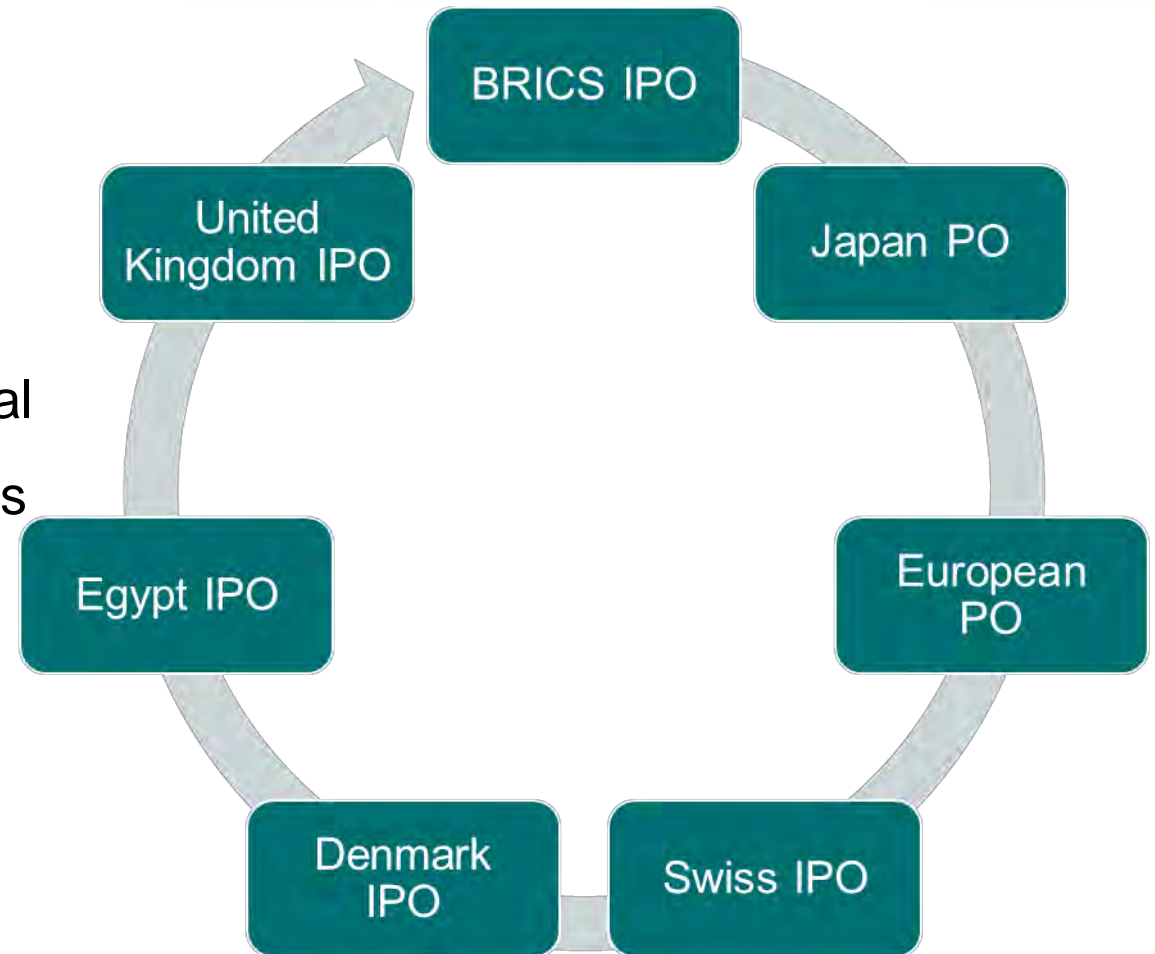
- Status of the Patents Amendment Bill, the Design Amendments Bill and the IP Laws Amendment Act, particularly regarding the move toward Substantive Search and Examination (SSE):
  - Patents Amendment Bill and the Design Amendments Bill – Overhauls the current Patent and Designs Act in their entirety by introducing issues highlighted in Phase I of the IP Policy.
  - Similarly, the introduction of Utility Models also overhauls the current Designs Act. The introduction of Utility Models is aimed at promotion of economic empowerment through lowering the requirements of patents to enable small, medium and micro-enterprises (SMMEs), historically disadvantaged individuals, and companies who are operating in the informal sector to access the IP system.

## 2. DTIC/CIPC - LEGISLATIVE FRAMEWORK UPDATES

- Regarding the move towards Substantive Search and Examination (SSE) - The CIPC has gone to great lengths to capacitate a very able cohort of patent examiners.
- CIPC has to date appointed 36 examiners within the fields of:
  - ✓ Physics, Engineering & ICT;
  - ✓ Chemistry; and
  - ✓ Biotechnology.
- Eleven of the examiners have been appointed as of 2016 and 25 with effect from 2025 (majority of which are from the CIPC Examiner Internship program since 2019).

# MOVE TOWARDS SUBSTANTIVE SEARCH AND EXAMINATION

- The examiners are all experts in their respective technical fields, with a significant number holding PhDs.
- In addition, the examiners have received theoretical and practical training from South African institutions and international organisations such as the World Intellectual Property Organisation as well as some of the world's most efficient patent offices such as:



# MOVE TOWARDS SUBSTANTIVE SEARCH AND EXAMINATION

- In addition to extensive training undergone by the patent examiners, they are currently participating in the Experiential Learning Project (ELP) as a testing ground for a future patent system incorporating an SSE component.
- During this trial phase, which is legally non-binding, patents and patent applications (“files”) undergo a substantive search and examination process and the legally Non- Binding Examination Report is issued to participating Law Firms.
- The ELP is based on the current Patents Act 57 of 1978 and serves as a training initiative to prepare for the formal adoption of SSE. Because the work products generated during the ELP hold no legally binding status, they do not form part of the documents in the official patent/patent application files.

# Inventor Assistance Programme (IAP)

- Supporting Innovation Through Intellectual Property Protection.
- Initiative by **World Economic Forum (WEF)** and **World Intellectual Property Organisation (WIPO)**.
- Supports **inventors** and **small businesses** with limited resources transform their innovation into commercial assets.
- Provides *pro bono* patent attorney assistance.
- Focus on **patents** and **functional designs**.
- Provide **a network of our stakeholders** who can help in **commercialisation**.

# Inventor Assistance Programme (IAP)

## Objectives

- The **IAP** supports inventors and **small businesses** with limited resources transform their innovation into commercial assets.
- Beneficiaries are provided with **pro bono legal services** from a patent attorney.
- Provide a **network of our stakeholders** who can help in commercialisation.



# Inventor Assistance Programme (IAP)

## Screening Committee



Companies and Intellectual  
Property Commission

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**the dtic**

Department:  
Trade, Industry and Competition  
**REPUBLIC OF SOUTH AFRICA**



technology innovation  
**A G E N C Y**  
Innovating Tomorrow Together



**science & innovation**

Department:  
Science and Innovation  
**REPUBLIC OF SOUTH AFRICA**

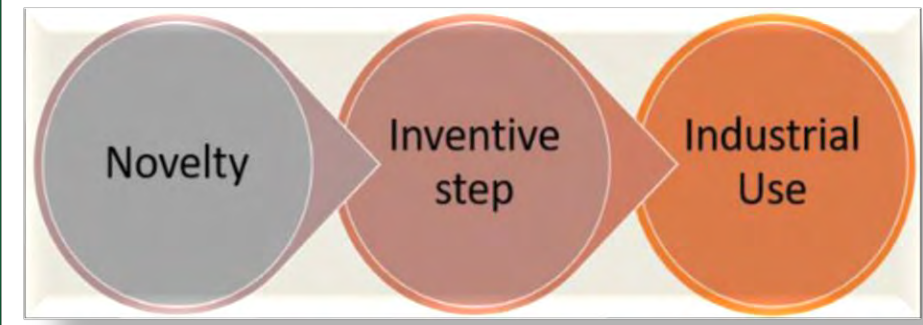
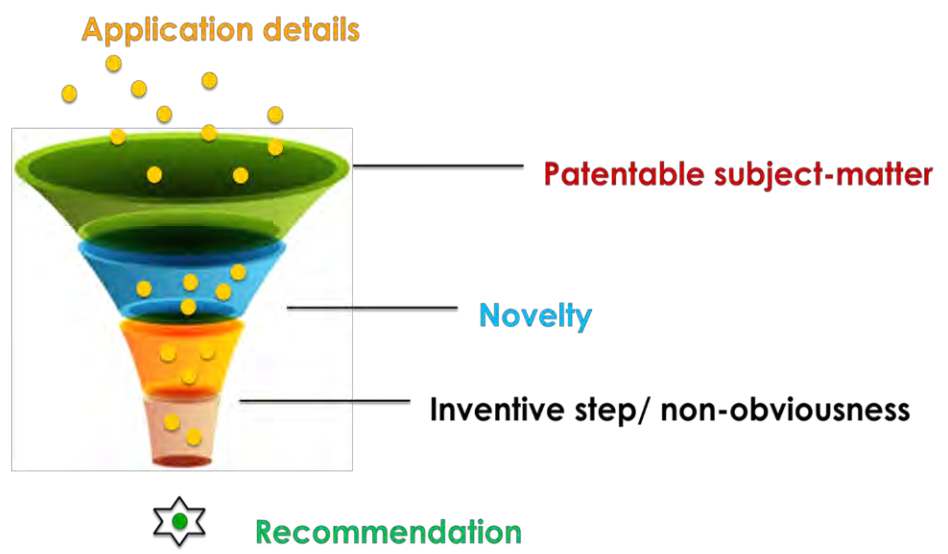


# Inventor Assistance Programme (IAP)

## Substantive Aspect

HOW TO APPLY: SUBSTANTIVE ASPECTS

- Patentability and functional design requirements:

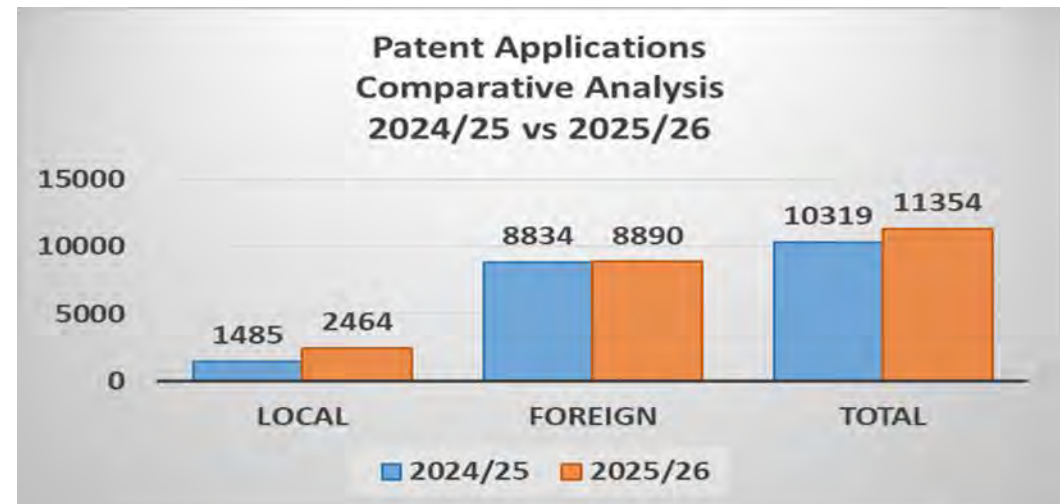


# Inventor Assistance Programme (IAP)

- The program is supported by fifteen (15) pro bono patent attorneys across South African law firms and a dedicated team of thirteen (13) IAP focal points (administrators that are patent examiners) responsible for daily operations and evaluating applications against the patentability criteria.
- Since inception 234 applications have been evaluated, 45 were referred for pro bono patent attorney services.
- A few South African IAP Success Story have made it to the international fora such as WIPO.

### 3. DTIC AND DSTI - DECLINE IN LOCAL PATENT APPLICATIONS

- *Analysis of the downward trend in local filings and how the National Commercialisation Strategy intends to reverse this by supporting SMME's and local innovators so the South Africa's IP assets translate into economic value, industrial growth and job creation.*
- The CIPC comparative analysis between 2024/25 and 2025/26 shows an increase in patent applications.



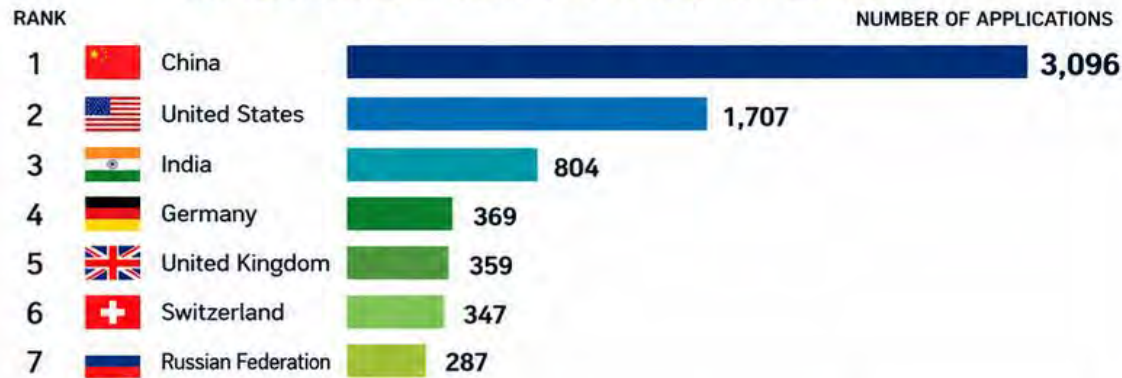
# Results and discussion

**FIGURE 6: COUNTRY RANKINGS OF PATENT APPLICATIONS RECEIVED BY THE COMPANIES AND INTELLECTUAL PROPERTY COMMISSION**



South Africa received patent applications from **158 contracting states**, demonstrating strong global IP engagement.

**TOP COUNTRIES BY NUMBER OF PATENT APPLICATIONS**



**STRATEGIC IMPLICATIONS**

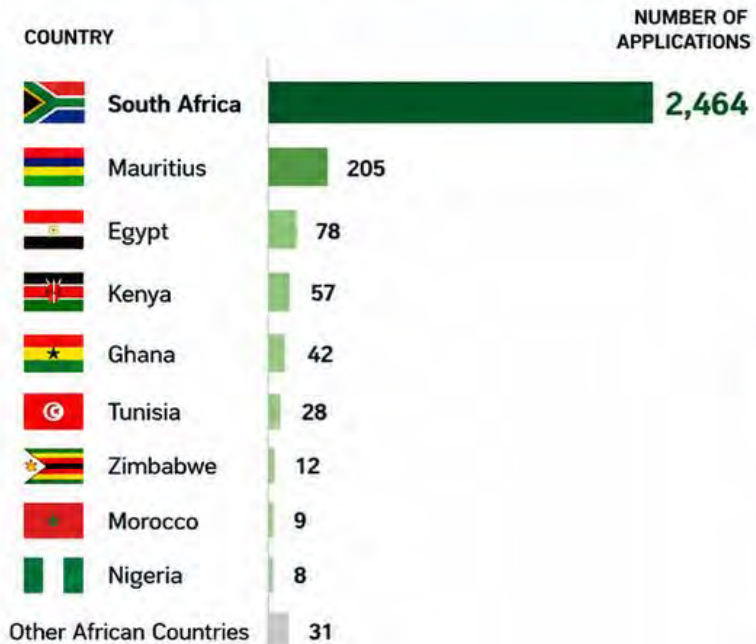
Strong international filing activity reflects confidence in South Africa's IP system.	Opportunities for technology transfer, foreign investment and innovation.	Supports industrial upgrading and integration into global value chains.	Reinforces South Africa's role as both a generator and recipient of innovation.	IP data analytics is critical for evidence-based policy and industrial strategy.
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**FIGURE 7: AFRICAN PATENT FILINGS AT THE COMPANIES AND INTELLECTUAL PROPERTY COMMISSION**



African patent filings at the CIPC show a **highly uneven distribution**, with South Africa leading by a significant margin.

**AFRICAN COUNTRIES BY NUMBER OF PATENT APPLICATIONS**

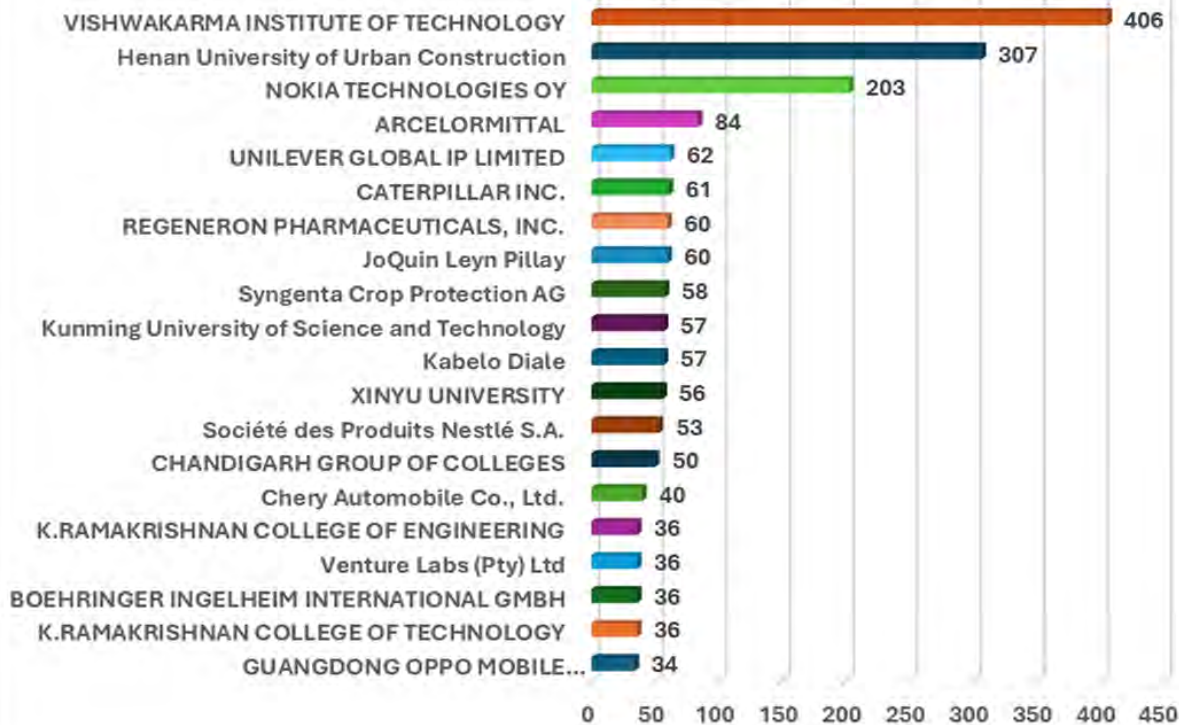


**KEY INSIGHTS**

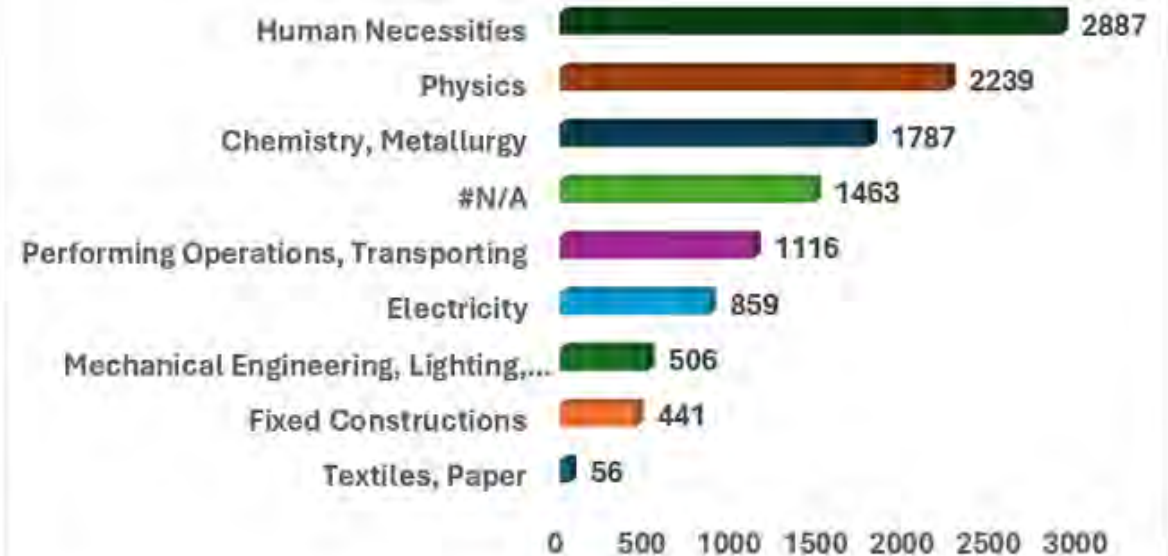
- South Africa dominates African filings, reinforcing its role as the continent's innovation leader and key IP jurisdiction.
- Mauritius leverages the South African system for regional investment protection and market access.
- Low filings from several African countries reflect limited engagement, different priorities, or structural constraints in innovation and patenting.

# TOP 20 APPLICATIONS AND CLASSES

## Top 20 Applicants



## Applications by Classes



## 4. DTIC AND DSTI - INTERDEPARTMENTAL ALIGNMENT:

Ensuring coherence between the IPR from Publicly Financed R&D Act (administered through NIPMO) and the broader commercial IP framework (administered through CIPC).

- There is interdepartmental alignment between CIPC and NIPMO – as CIPC’s mandate is broader through the implementation of the IP Legislations – Patents, Designs, Trade Marks and Copyright.
- However, CIPC partners with NIPMO through an MoU on the following initiatives:
  - IP Education and Awareness
  - WIPO-SA Summer School on IP&TT
  - Technology and Innovation Support Centers Initiatives
  - Inventor Assistance Program
  - World IP Day Activities
  - IP4SMMEs Education and Awareness workshops
  - IP Commercialisation Workshops

# THE STRATEGIC LANDSCAPE OF IP ENFORCEMENT

## Training and Capacity Building

The ongoing National enforcement operations underscore the critical importance of CIPC's capacity building and training initiatives in strengthening South Africa's response to trade mark counterfeiting and copyright piracy.

As counterfeit networks become more sophisticated and increasingly target everyday consumer goods such as alcohol, cosmetics, consumables, clothing, and cellphone accessories, there is a growing need for specialised skills, coordinated enforcement approaches, and continuous knowledge-sharing among inspectors, law enforcement agencies, and other stakeholders.

Through targeted training and awareness programmes, CIPC enhances the ability of enforcement officials to identify counterfeit products, protect consumers from harmful and unsafe goods, and support more effective disruption of illicit trade networks.



These efforts contribute not only to stronger IP enforcement, but also to safeguarding public health, protecting legitimate businesses, and strengthening confidence in the formal economy.

# EDUCATION AND AWARENESS CIPC IP YOUTH AWARDS 2026

- The CIPC IP Youth Awards 2026 has emerged as an important national platform that recognises and promotes young South Africans using innovation and intellectual property (IP) to address socio-economic challenges and contribute to inclusive economic growth.

Hosted under the theme “*Young Ideas – South Africa’s Future Gold Standard*,”



- Categories of Excellence -
  - Sustainable innovation,
  - Women in IP,
  - MSME innovation,
  - Anti-counterfeiting solutions, and
  - Creative industries.



The awards further demonstrate the growing importance of IP as a driver of economic participation, competitiveness, and future industrial development in South Africa.

# IP IN SCHOOLS

- Embedding intellectual property (IP) into school curricula is essential for fostering innovation from early childhood and building a sustainable economic ecosystem. Evidence from leading economies shows that introducing IP education at the primary level supports resilient communities and drives long-term economic growth.
- An in-depth business case was developed by the CIPC, and engagement was sought with the Department of Basic Education for implementation of IP in Schools Curricula.
- While awaiting a response from the Department of Basic Education, CIPC have partnered with the South African BRICS Youth Association (SABYA) to strengthen the positioning as national leaders in youth and intellectual property matters.

# IP BRICS

- IP BRICS forum collaboration has created a valuable opportunity for SA-CIPC to both learn from and share intellectual property experiences with IP offices worldwide.
- SA's allocated workstream is IP and SMMEs.
- In addition to CIPC's activities promoting IP in the SMME sector the recent focus is on Women and the Youth.
- Based on the surveys conducted by the CIPC, there is a reference document on Women in IP on the IP BRICS website.
- “Following the adoption of the IP and Youth survey outcomes at the 17th HIPO meeting, CIPC was tasked with leading the creation of an IP BRICS Youth Alliance.

Thank You



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