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Department:
Trade, Industry and Competition
REPUBLIC OF SOUTH AFRICA

THE NATIONAL COUNCIL OF PROVINCES

QUESTION FOR WRITTEN REPLY

QUESTION NO. 1155

Intellectual Property Protections

Mr H J Van den Berg (Northern Cape: FF Plus) to ask the Minister of Trade, Industry and Competition:

With reference to the African Continental Free Trade Area's (AfCFTA) framework for harmonising intellectual property rights to promote innovation and intra-African trade, (a) how will South Africa's recently passed Expropriation Act, 2024 (Act No. 13 of 2024), particularly its provisions for expropriating intangible assets like intellectual property align with AfCFTA's objectives and (b) what measures are in place to ensure that such expropriation will not undermine investor confidence and/or South Africa's commitments under AfCFTA? CW1299E

REPLY:

The core of this question is the Expropriation Act, 2024 (Act No. 13 of 2024). It is recommended that it be transferred to the Department of Public Works and Infrastructure.

Importantly, legal opinions were obtained from the State Law Advisors of DOJ and DIRCO during the time of ratifying the African Continental Free Trade Agreement. They certified that the AfCFTA does not contradict either domestic legislation and South Africa's existing international agreements.

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