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Is there a need for an intellectual property (IP) policy in South Africa?

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South Africa does not have a national IP policy as a result the government departments that deal directly or indirectly with IP approach the system differently. The country's patent laws are costing the health sector dearly. The health organisations and government are paying heavily to provide life-saving drugs and medical devices to those who can't afford them. In the absence of the IP policy the government has implemented other intervention strategies that will help with the development of some of the drugs and medical devices locally. One of these strategies is the nanotechnology strategy established through the Department of Science and Technology (DST) to address critical socio-economic challenges facing the country. The DST/Mintek Nanotechnology Innovation Centre (NIC) was established as one of the major implementing agencies of the national nanotechnology strategy to focus primarily on the social cluster (health and water). The motivation to focus on the health sector is that there is lack of regulations in pricing of the drugs and medical devices. "Other developing nation like Brazil, India and Argentina have taken steps to build safeguards to protect public health South Africa hasn't done the same extent". The World Health Organization has shown that 67% of deaths in South Africa are due to communicable diseases and the cost of drugs and medical devices is controlled by pharmaceutical industries. This paper addresses whether there is a need to have an IP policy in SA and how has the government intervention strategies (like the NIC) progressed in the absence of the IP policy and also the impasse between the government and pharmaceutical industries with regard to the draft IP policy.

Biography

Makhapa Makhafola is currently the General Manager: Research & Development at Mintek. He worked as Lecturer in Analytical Chemistry at Tshwane University of Technology and University of Venda. In 2004, was appointed Director: Quality Assurance at Walter Sisulu University). He was the Director: Quality Assurance at the University of Venda until he joined University of Kwa-Zulu Natal as the Director Quality Promotion & Assurance in July 2010, part of his responsibility was to lead the World University Rankings project. He served as member of various boards and committees. He is currently the Chairperson of DST/MINTEK NIC Steering Committee. He did the post-doctoral training at Indiana University and presented his research work in more than 23 international conferences and published in credible journals. He is currently serving on various government initiatives like the Green Technology Task Team and Monitoring, Evaluation and Indicators Project Team

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