

CODE OF ETHICS

REGULATIONS AND RULINGS RELATING TO PROFESSIONAL CONDUCT

**(Issued by the Council of the Institute under
Article 32 of the Constitution of the South
African Institute of Intellectual Property Law).**

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1. PRELIMINARY

The Constitution of the South African Institute of Intellectual Property Law contains certain provisions relating to the professional conduct of its members, and the Council of the Institute has, from time to time, issued rulings on this subject.

It is the object of this Code to consolidate all earlier rulings and, where necessary to amplify the rules of professional conduct applicable to the profession in South Africa, which members are obliged to observe in the conduct of their practices. Insofar as any earlier ruling is incompatible with this Code, this Code prevails.

2. DEFINITIONS

Words used in this Code of Ethics shall have the meanings defined in the Constitution and the following words and phrases shall, unless the context clearly indicates the contrary, have the following meanings:

Member: a person who is a member of the Institute irrespective of his class of membership and irrespective of where he may be permanently resident or have his practice, and shall include a firm practising the Profession of which such member is a partner.

Intellectual Property: All matters relating to Patents, Designs, Trade Marks, Copyright or allied matters, and shall include the filing of applications in respect thereof, the prosecution of such applications, the maintenance of patents or registrations granted thereon; advice, searches and litigation in connection therewith.

Professional Body: the Institute or any foreign Institute of Patent or Trade Mark Agents, or a foreign equivalent thereof or any local or foreign body the membership of which is principally or exclusively limited to persons practising in the legal and intellectual property professions; or any other body recognised from time to time as a professional body by the Council. (See Schedule 1).

Lay Body: any body which is not a professional body as hereinbefore defined.

Local Practitioner: a Patent Agent, Trade Mark Agent or Attorney, in private

	practice in the Republic.
Professional Journal:	any journal or publication directed primarily at the legal or intellectual property professions, a professional body, or any other journal or publication recognised from time to time as a professional journal by the Council. (See Schedule 2).
Lay Journal:	any journal or publication which is not a professional journal as hereinbefore defined.
This Code:	this Code of Ethics, Regulations and Rulings relating to professional conduct.

3. GENERAL GUIDE LINES

- 3.1 The Council has issued this Code for the assistance of members in their professional conduct, and it is emphasised that a member is expected to act within the spirit as well as the letter of the guidelines set out herein and it is the responsibility of members to adhere thereto.
- 3.2 At all times a member in private practice must be independent and must be seen to be able to exercise his professional independence without being influenced by any other interests.
- 3.3 It is the duty of a member, in carrying out his duties, to maintain high ethical standards in his professional practice, to promote the interests of his clients and of the profession, and, in carrying out his duties, to render a service to the public. A member should refrain from doing any act or sanction any act which is undignified or is likely to bring discredit upon the Institute, upon the profession, or upon any of its members.
- 3.4 A member shall not improperly use or disclose information derived from or obtained on behalf of any client or a prospective client.
- 3.5 Essentially, the Institute accepts that its members must give priority in their conduct to act
 - 3.5.1 within the law,
 - 3.5.2 in their clients' best interests, and
 - 3.5.3 in the interests of the profession as a whole, in that order.
- 3.6 A member shall be accountable to the Council for the defaults of any partners of his who are not members of the Institute, and of his staff so far as such acts and defaults relate to intellectual property.

- 3.7 The more important areas wherein unprofessional conduct by members of the Institute may arise, include the following:
- 3.7.1 Advertising; (See 4 below)
 - 3.7.2 Conduct towards colleagues, the Institute, the Profession, and clients; (See 5 below)
 - 3.7.3 Conduct towards Officials and the Patent Office; (See 6 below)
 - 3.7.4 Conflict between clients' interests; (See 7 below)
 - 3.7.5 Conflict with own interests. (See 8 below)
- 3.8 Examples of conduct which the Council has from time to time considered relative to the areas of activities set out above, are given below.

4. ADVERTISING

4.1 In General

A member shall not do or permit to be done in the carrying on of his practice, any act or thing which can reasonably be regarded as soliciting business or as advertising or as calculated to attract business unfairly.

4.2 In Particular

- 4.2.1 A member shall not make use of any office held in the Institute or in any other body, in his letterhead or in any way in connection with his practice.
- 4.2.2 Student or ordinary membership of the Institute shall not be reflected in a member's professional letterhead or in connection with his practice. Where a person is entitled to practice as a Patent Agent, Trade Mark Agent, or Attorney, the fact that he is a student member shall not preclude his name from appearing on his firm's letterhead.
- 4.2.3 A member shall not gratuitously distribute a tariff of charges, forms, books, pamphlets or other information relating to intellectual property matters or practice, or relating to the practice of the member or his firm.

Provided that:

- 4.2.3.1 A member may use a plain professional card bearing only the member's professional details.
- 4.2.3.2 Notices in the form of professional cards or other form approved by Council may be published in such directories or law lists as the Council may from time to time approve.

- 4.2.3.3 A member may give or send a tariff of charges, forms, books, pamphlets or other information relating to intellectual property to an existing client, to a local practitioner who is an existing correspondent of the member, or to a firm of fellow practitioners outside South Africa.
 - 4.2.3.4 A member may give or send to a *bona fide* enquirer such of the material referred to in sub-paragraph 4.2.3.3 as may be considered reasonable to answer an enquiry.
 - 4.2.3.5 A member may publish a simple notice of the establishment, or the termination of his practice, or of the reconstitution of his firm, or any other change affecting his firm in any journal or publication recognised by Council for the purpose of this sub-paragraph. (See Schedule 4). A member may also distribute such a notice to the persons referred to in sub-paragraph 4.2.3.3 above.
 - 4.2.3.6 A member shall not cause any entry or notice referred to herein, to be made in other than the normal type used for the majority of entries, unless the Council approves another type face for use by all members.
 - 4.2.3.7 A member shall not insert or permit the insertion of an entry or notice in a directory or law list not open to other members, or in a professional journal not approved by the Council for this purpose - See Schedule 5.
- 4.2.4 A member shall not directly or indirectly advertise, announce or publish offers to sell or to license or to negotiate the sale or licence of intellectual property except upon the *bona fide* instructions of a client.
- 4.2.5 Publications and Addresses**
- 4.2.5.1 A member shall not directly or indirectly solicit an invitation to give addresses. A member shall not require the Council's prior approval to give an address or to write an article on a legal or intellectual property subject. The Council reserves the right to take such steps as it may deem necessary against a member to prevent any abuse of this privilege.
 - 4.2.5.2 A member may be identified by his name only when giving or writing addresses and articles on non-legal subjects. This includes radio and television broadcasts.
 - 4.2.5.3 In radio or television broadcasts on legal or intellectual

property subjects a member may be identified by name and profession.

- 4.2.5.4 In radio or television broadcasts where legal advice is given a member must remain anonymous although he may be referred to as a Patent Agent or Patent Attorney.
 - 4.2.5.5 A member may be identified by name, firm name, and profession when giving addresses to professional bodies or writing articles for professional journals on legal or intellectual property subjects.
 - 4.2.5.6 A member may be identified in a programme relating to a conference on legal or intellectual property subjects where he is a speaker by his name, firm name and profession, provided this is the form of identification of other speakers as well.
 - 4.2.5.7 A member shall not publish or knowingly permit to be published anything identifying or likely to identify clients for whom he or his firm acts.
 - 4.2.5.8 A member shall not, with a view to attracting or inviting instructions, enter into correspondence with listeners, viewers or readers of broadcasts or publications given or written by the members who are not already his client.
 - 4.2.5.9 A member may address in-house seminars or workshops of clients where the audience consists entirely of officials or employees of the client, without Council's prior approval. Such approval is however required where any persons will attend who are not officials or employees of the client.
 - 4.2.5.10 A member may write an article on a legal or intellectual property subject for private circulation to clients without Council's prior approval.
- 4.2.6 A member may publish a textbook under his own name, (with or without mention of his qualifications) but he shall not identify his firm with such textbook unless the book is extended exclusively for private circulation to clients or associates.
- 4.2.7 A member may take part in his personal capacity in any discussions following upon an address delivered to any professional or lay body.

4.2.8 **Gratuitous Reporting**

A member shall not gratuitously report to a client in regard to the publication or particulars relating to Intellectual Property of third parties in any publication unless the member believes that such particulars are of material interest to the client in relation to a specific matter previously handled or currently being handled by the member on behalf of the same client.

4.2.9 Business Notices

A member shall be permitted to affix to or paint on doors or walls of his office premises nameplates or signs of reasonable size and with lettering not exceeding ten centimetres in height and in such form or design as are not, and in such manner as is not, in the opinion of the Council, unbecoming the profession. A member shall not be permitted to display an office nameplate or sign of any other kind in any other way without the express permission of the Council.

4.2.10 Press and other Media Interviews

A member shall not directly or indirectly solicit an interview with the press. If interviewed the member shall instruct the interviewer that no more than his name and his profession shall be disclosed or published. Council's approval shall be obtained for any pre-arranged interview.

4.2.11 Letterheads

Apart from reflecting the names of partners, or consultants being previous partners of a member's practice, a member's letterhead shall not contain the name of any other person unless such a person is in the full time employ of the practice and the function and position of such a person in the practice is clearly and unambiguously stated in a manner which is in no way misleading.

Alternatively:

No name appearing on a member's letterhead of a person who is not a partner or former partner of such member's practice shall appear in such a manner as to create the impression that such person is a partner or former partner of the practice.

4.2.12 Lending of Names

A member shall not allow his name to be used either directly or through a nominal partnership by another practice which does not have a Patent Agent or Patent Attorney as a partner or in its employ in such a way as to mislead others into thinking that the practice has a Patent Agent or

Patent Attorney as a partner or in its employ.

4.3 Touting not Permitted

Nothing in this Code of Ethics shall be construed as authorising a member to tout, directly or indirectly, for work of a kind commonly performed by a member. For the purposes of this paragraph a member will be deemed to be touting for work if he:

4.3.1 Solicits custom for work directly from any person;

4.3.2 Enters into an arrangement with any person, whether an employee or not, for the introduction of clients to the member, but this will not apply to

4.3.2.1 Any arrangement between a member and a local practitioner who is an existing correspondent of the member or a foreign practitioner outside South Africa, for the referral of work in the normal course of either's practice;

4.3.2.2 Any arrangement for the introduction to a member of local practitioners with a view to their instructing him on an agency basis;

4.3.3 Makes unsolicited visits or telephone calls or sends unsolicited letters or printed material to any person, except to a foreign practitioner outside South Africa in private practice or to an existing client or local practitioner who is an existing correspondent of the member, with a view to establishing a practitioner/client or practitioner/correspondent relationship with such person.

5. CONDUCT TOWARDS COLLEAGUES, THE INSTITUTE, THE PROFESSION AND CLIENTS.

5.1 In General:

A member shall extend courtesy to the public and to fellow practitioners and shall at all times refrain from doing or saying anything to undermine, or which is to the detriment of, other members.

5.2 In Particular:

5.2.1 A member shall conduct his practice on a strictly professional basis and shall refrain in correspondence or otherwise, from using provocative language.

- 5.2.2(a) A member shall be entitled to accept an unsolicited mandate from a client even though he is aware that such client had previously been the client of another member; but a member shall not knowingly take over a mandate from a client of another member without advising the other member thereof.
- 5.2.2(b) When one member (the second member) notifies another member (the second member) that the first member's former client has instructed the second member that he, the client, wishes to terminate his mandate to the first member and wishes the second member to assume the same mandate, the first member should accept the correctness of and act upon advice given him by the second member. The first member should therefore observe the rule of professional etiquette which requires a member not to communicate directly with the client of another member without the other's approval. However, if the first member has or justifiably feels that he has reasonable grounds on which to doubt the correctness of the information given him by the second member regarding the change in mandate, the first member may write to the client, informing him of the advice received by him and at the same time he shall send the second member a copy of his letter to the client. To require the client to "**discuss the matter with him**" is not desirable.
- 5.2.2.(c) In the circumstances set out in Regulation 5.2.2(b) above, the first member has a right to retain documents belonging to the client upon which the first member has a lien until his fees and disbursements have been paid. Although in general it is desirable for the second member not to proceed with the mandate until such time as he is satisfied that the reasonable costs of the first member for the work done by the first member up to the stage of termination of his mandate, have been paid, there are of course urgent matters in which the interests of the client, which after all are paramount, require that the mandate be proceeded without delay. In such cases, the second member should obtain a sufficient deposit from the client to be able to give the first member an undertaking that the first member's costs i.e. fees and disbursements will be paid, if necessary when the reasonableness thereof has been established. An undertaking should also be given to hold available for inspection by the first member and to return to the first member at a convenient time for the purposes of taxation or preparation of an account such of the documents to be handed over as may be required for such purposes. Having obtained such undertaking(s), the first member should hand over the client's documents to the second

member, to enable the second member to proceed with the mandate.

- 5.2.3 A member representing a party in any matter in regard to which another member has received instructions from another party (whether to institute, threaten, or defend proceedings, or otherwise) shall not deal with such other party knowing him to be a client of the other member except with the consent of such other member.
- 5.2.4 A member shall not misrepresent facts to another member or to a client or to anyone at all, in any matter with which he is concerned.
- 5.2.5 A member shall not do any work on the basis that his remuneration for professional services shall be dependent upon the degree of success in carrying out the work.
- 5.2.6 The Council expects a member's conduct towards any recognised practitioner in Industrial Property matters to be the same as that towards his fellow members as prescribed herein.

5.3 **Conducting of Branch Offices**

No member shall have or retain any Branch Office unless it is at all times when practice is being conducted there under the effective supervision of a person who, if he is not the first mentioned member himself or a partner of that member, shall be an Attorney, or Patent Attorney or Patent Agent employed by a Fellow; provided that in the opinion of Council as to whether or not a Branch Office is at any time under such effective supervision shall be binding and shall, if negative, entitle Council to direct the first mentioned member immediately to rectify his default.

6. **CONDUCT TOWARDS OFFICIALS AND PATENT OFFICE.**

6.1 **In General:**

A member shall at all times maintain high professional standards when dealing with Government Officials (e.g. with officials at the Supreme Court, and the Patent and Trade Mark Offices, and other Government Departments). A member shall not do anything which could place other members at any disadvantage through his personal relationship with any official.

6.2 **In Particular:**

A member shall not make improper use of or disclosure of information derived from or obtained from any official on behalf of a client or prospective client.

7. CONFLICT OF CLIENTS' INTERESTS

7.1 In General:

A member shall endeavour to avoid situations in which his duty to one client is in conflict with that to another client, and whenever any such conflict becomes apparent, he shall take steps calculated to resolve it and to avoid prejudice to either client.

7.2 In Particular:

7.2.1 Former Client: Once a member has acted for a client in any matter, he should never act for an adversary in the same matter, or lend such adversary any aid, counsel, or assistance in that or any other matter (even if his relationship with his former client has terminated), if his former client could be prejudiced by the use of confidential or other information obtained from the former client. In this regard, the same matter shall mean the matter in which the particular dispute addressed or to be addressed is the same.

7.2.2 Initial Stages of Litigation: A member may represent both parties as a mediator in the initial stages of a possible dispute (whether in connection with an opposition, revocation, infringement proceedings or otherwise, including obtaining necessary extensions of time) provided that in so doing the member makes it clear to both parties that he is representing them both and they consent thereto.

7.2.3 Extensions without consent: A member may grant or agree to the grant of initial extensions of time (whether the member is representing both parties or not) without the prior approval or express consent of the client in respect of whom the extension of time is requested.

7.2.4 Conflicting Rights: A member may and should accept the instructions of a client to file an application which may lead to conflicting rights, under circumstances where the member considers that failure to do so may result in prejudice to such client.

8. CONFLICTS WITH OWN INTERESTS.

8.1 In General:

Private Investments and Dealing in Intellectual Property Rights: A member shall not acquire or be associated with the acquisition of any intellectual

property right, or substantial interest therein, in such circumstances as would be likely to give rise to a conflict between professional duty and self-interest.

8.2 In Particular:

A member shall not undertake work for a client if the member is the owner of an intellectual property right or of a substantial interest therein, and if the circumstances are such as might give rise to a conflict between professional duty and self-interest, unless the member before undertaking the work fully discloses to the client his ownership or interest and obtains written consent.

9. COMPLAINTS

A complaint regarding the conduct of a member shall be submitted to Council through the Administrative Officer in writing setting out full particulars of the complaint. Council will then decide whether or not to refer the matter to the Disciplinary Committee of the Institute.

10 Examination Regulations

The Institute has made the following regulations and prescribed the following syllabuses for its Professional Examinations referred to in clause 8.3.2 of the Constitution:-

Definitions:

1. In these regulations, unless the context otherwise indicates:
 - (i) "Council" means the Council of the South African Institute of Intellectual Property Law;
 - (ii) "Administrative Officer" means the Administrative Officer of the South African Institute of Intellectual Property Law;

Time of Examinations:

2.
 - (a) The examinations shall be held once a year in or about June or at such other time as the Administrative Officer may determine.
 - (b) The examination dates shall be made known to candidates enrolled for the examinations.

3. To be allowed to enrol for the examination, a candidate shall be a Fellow, Associate Member or Student Member of the Institute.
 - (a) be in possession of a matriculation exemption.

4.
 - (a) Every candidate shall, on or before the last day of December of the year before that in which he proposes to sit for any examination, apply to the Council, on a form to be obtained from the Administrative Officer, to be enrolled as a candidate.

 - (b) A candidate shall submit to the Council, on first enrolment, proof of his academic qualifications, an application for any exemption he may consider himself entitled to and his proposed course of study.

 - (c) Late entries may be approved by the Council on good cause shown.

Subjects for Examination

5. The examinations shall be conducted in the following subjects:

A. Trade Mark Examinations:

Group 1 subjects:

- (1) S A Trade Mark Law and Practice
- (2) S A Patent Law and Practice
- (3) S A Copyright Law and Practice
- (4) S A Design Law and Practice
- (5) Comparative Study of Selected International Trade Mark Laws and Systems.

Group 2 subjects:

- (1) Trade Mark Law and Formalities (written)
- (2) Trade Mark Litigation and Related matters (written)
- (3) Practical Trade Mark and Related Problems (oral)

B Patent Examinations

Group 1 subjects

1. SA Patent Law and Practice
2. SA Trade Mark Law and Practice
3. SA Copyright Law and Practice

4. SA Design Law and Practice
5. Comparative Study of Selected International Patent Law and Systems.

Group 2 subjects

1. Drafting of Patent Specifications
2. Practical Legal Problems
3. Patent Attorneys Practice (written and oral examinations)
4. Interpretation of Drawings (if required for the examination prescribed in terms of the patents Act)
5. Comparative Study of Selected International Trade Mark Laws and Systems (if required for the examination prescribed in terms of the patents Act)

With the exception of 4 and 5 (which will no longer form part of the Patent Examinations if the examination prescribed in terms of the Patents Act no longer serve as the Patent Examinations prescribed in these Rules), the Group 2 subjects will be practical subjects for which substantial practical experience will be necessary and will be set at a level that requires substantial practical expertise.

With the exception of oral examinations, all examinations shall be of at least 3 hours duration.

The examinations for the group 2 subjects are separate and a candidate will be required to achieve a pass mark of at least 50% for each subject. Such examinations may be attempted and passed in different years but not exceeding a total period of three years unless prior consent is obtained from Council on good cause shown.

In order to qualify for the practical trade mark and related problems oral examinations in Group 2, a candidate shall first have obtained a pass mark of at least 50% in both of written examination in Group 2.

6. In order to enrol for the subjects in Group A2, a candidate: have passed or have been exempted from the subjects in Group A1; provided that Council may, after taking into account any other examination results of a candidate who has passed, or been exempted from, all but one of the Group 1 subjects, permit the candidate to enrol for the Group A2 subjects. Other than in exceptional circumstances, Council shall not permit a candidate to enrol for Group A2 subjects if the candidate has not passed or been exempted from subject A1 and subject A5

7. The pass mark in each subject shall be 50 percent.
8. If a candidate has obtained at least 45 percent in a subject in any one year, the Council may, after taking into account any other examination results of the candidate, allow him to sit for a supplementary examination in that subject, provided that the Council shall not, except in the case of candidates who have been hindered in their studies by national service or other circumstances beyond their control, allow a supplementary examination in more than one subject.
9. A supplementary examination may be in writing or oral at the discretion of the Council.
10. Supplementary examinations shall be held at a time and place determined by the Administrative Officer.
11. Unless and until the Council or the Institute in General Meeting decides that the examinations prescribed in terms of the Patents Act no longer meet the standards of expertise required by the Institute to justify admission as a Fellow, those examinations prescribed in Group B in sub-regulation 5.
12. The Group 1 Patent Examinations and Group 1 Trade Mark Examinations shall be of a standard consistent with one another.

Syllabuses

13. The syllabuses for the subjects set out in sub-regulation 5 shall be as prescribed in Schedule 6.
14. Except with the permission of the Council, a candidate who has twice failed the same subject in Group A1 or B1 of sub-regulation 5 (excluding supplementary examinations) shall not be allowed to enrol for any examination of the Institute.
15. Except with the permission of the Council, a candidate who has three times failed the same subject in Group A2 or B2 of sub-regulation 5 (excluding supplementary examinations) shall not be allowed to enrol for any examination of the Institute.
16. A candidate who has passed a subject or obtained an exemption from a subject shall retain credit for that subject for at least five years or such longer period as the Council may allow; provided that, if he does not qualify within the period of five years, the Council may, in view of the performance of the candidate or changes in the law and practice or any other circumstances which it may consider relevant, require the

candidate to write that subject again.

Misconduct

17. The Council may, after hearing the candidate, and if the Council is of the opinion that he has misbehaved himself during or in connection with any examination of the Board, debar such candidate from writing this examination.

Certificate

18. The Council may, in its discretion, issue a Certificate in recognition of passing this examination and may recall such certificate at its discretion.

Fee

19. A fee as prescribed in Schedule 7 shall be payable by cheque on application in respect of each subject to be written, each supplementary examination and each exemption requested.

11. MISCELLANEOUS RULINGS OF COUNCIL

11.1 A member shall only accept an instruction from any person to defer any action or to take any action at some future date or during some future period or periods, provided that he disclaims liability to that person for financial loss should such action not be taken timeously. Normally, no charge shall be made for deferring the action or recording the action to be taken.

11.2 In the case of a non-resident member, if there is any conflict between the standards of conduct set forth in this Code and the standard of professional conduct obtaining among reputable Patent and Trade Mark Agents in his own country, compliance by the member with the standards obtaining in his own country but not with the standards prescribed herein shall not be deemed to be unprofessional conduct unless, after due investigation, Council, by a majority vote at a meeting duly called for the purpose, finds that the conduct of the member reflects discredit on the Institute or its members.

11.3 Any member may ask Council for a ruling as to whether;

- 11.3.1 any conduct in which he or his firm engages or proposes to engage, or
- 11.3.2 any publication which he or his firm uses, publishes or proposes to use or publish

complies to this Code, and Council may rule thereon.

11.4 Information by Members for Audit Purposes - re Contingent Liabilities

- 11.4.1 A member who receives a request to supply information for audit purposes regarding contingent liabilities (e.g. matters which may affect the financial position of a company, or matters which may relate to pending or threatened claims to litigation) shall not comply with such request unless the matter in respect of which the information is required is clearly and unequivocally identified.
- 11.4.2 When such request is made by an auditor on behalf of a client, and provided a contingent liability has been adequately identified in terms of sub-paragraph 1 above, the member may comply with such request, but only if he is asked to confirm, as reasonable in his opinion, an amount which the client has suggested be provided in respect of such adequately identified contingent liability.
- 11.4.3 When supplying such information, the member shall qualify his report by stating that although care has been taken in preparing or checking the information, no guarantee can be given that the information is correct in all aspects.
- 11.4.4 The member shall add any further qualification which he considers appropriate (e.g. disclaimer of detailed knowledge).

12. Affirmative Action

12.1 The Institute shall assist previously disadvantaged persons who wish to qualify as Associate or Fellows and, in particular, Fellows of the Institute shall assist in practical training of such persons. To further this training, a committee, which shall operate for so long as Council considers it to be appropriate, shall be established:

- 12.1.1 to create awareness amongst previously disadvantaged persons of the scope and nature of intellectual property law and the protection thereof;
- 12.1.2 to encourage education in the field of intellectual property law of those persons who were previously disadvantaged; and
- 12.1.3 to place previously disadvantaged persons who have enrolled for the Institute's examinations and who wish to qualify as an Associate or a Fellow with Fellows of the Institute in order to obtain practical training

OR

That this Institute authorises the amendments to Clauses 2, 4.2.2, 10 (now 10 and 11) of and the addition of Clause 13 to the Regulations and Code of Ethics set out above with necessary changes to deal with issues referred to the council at this meeting.

SCHEDULE 1

The following bodies are recognised by Council as professional bodies for the purposes of this Code:

	NAME	DATE
1.	The AIPPI (Association Internationale pour la Protection la Propriete Industrielle)	October 1977
2.	The FICPI (Federation Internationale des Conseils en Propriete Industrielle)	do
3.	United States Trademark Association	do
4.	Licensing Executives Society	do

SCHEDULE 2

The following journals are recognised by Council as Professional Journals for the purpose of this Code:

	NAME	DATE
1.	South African Law Journal	October 1977
2.	Tydskrif vir Hedendaagse Romeins Hollandse Reg	do
3.	Annual Survey of South African Law	do
4.	de Rebus Procuratoriis	do
5.	The Trade Mark Reporter (USTA)	do
6.	Journal of the Patent Office Society	do
7.	CIPA (The Journal of the Chartered Institute of Patent Agents)	do

8.	I.I.C. (International Review of Industrial Property and Copyright Law)	do
9.	Industrial Property (Monthly Review of the World Intellectual Property Organisation)	do
10.	Annual of Industrial Property Law	do
11.	Afrika Recht (African Law)	January 1980
12.	European Intellectual Property Review	do
13.	Les Nouvelles	do
14.	Patent World	October 1987
15.	Trade Mark World	do
16.	Copyright World	do
17.	Modern Business Law	do

SCHEDULE 3

The following journals or publications are recognised by Council for the purpose of subparagraph 4.2.3.2:

	NAME	DATE
1.	Hortor's Diary and Law List	October 1977
2.	South African Law Journal	do

SCHEDULE 4

The following journals or publications are recognised by Council for the purpose of subparagraph 4.2.3.5:

	NAME	DATE
1.	de Rebus Procuratoriis	October 1977

SCHEDULE 5

The following professional journals are recognised for the purpose of paragraph 4.2.3.7:

	NAME	DATE
1.	Hortor's Diary and Law List	April 1984
2.	South African Law Journal	do

SCHEDULE 6

The syllabuses prescribed in sub-regulation 11 for the subjects prescribed in sub-regulation 5 of regulation 10.5 shall be as follows:

- (a) The Patents Act, 1952, and the Patents Act, 1978, and relevant Court decisions;
- (b) The Trade Marks Act, 1963; the Merchandise Marks Act, 1941; Sections 41 up to and including 50 of the Companies Act, 1973; the Business Names Act, 1969; and relevant Court decisions and the law of passing-off and relevant Court decisions;
- (c) The Copyright Act, 1916; the Copyright Act, 1965; the Copyright Act, 1978; the Registration of Copyright in Cinematograph Films Act, 1977; the Performers Protection Act, 1967; and relevant Court decisions;
- (d) The Designs Act, 1967, and a study of the relationship with the Copyright Acts referred to in paragraph (c), and relevant Court decisions;
- (e) A study of the trade mark system, including international arrangements and the Trade Marks Registration Treaty and the laws of the United States of America, the United Kingdom, the Federal Republic of Germany, France, Italy, the Benelux countries and Japan;
- (f) Candidates will be tested on their competence to deal with questions of practice in relation to the laws and aspects set out below and will be set practical legal problems in relation thereto;
 - (i) Filing and prosecution of trade marks including registrability, proprietorship, registration procedure, responding to official actions, Section 12 applications, conditions of acceptance, and the like and relevant Court decisions;
 - (ii) Registered users, licensing, assignment, certification marks and defensive registrations, including the drafting of relevant agreements, statements of case and other supporting documents, relevant Court decisions;
 - (iii) General knowledge of trademark law and practice in Transkei, Bophuthatswana, Venda, Ciskei, Botswana, Lesotho, Swaziland and

Namibia and other South African homelands that may gain independence in the future.

- (iv) Trade Mark Section 17(3), determination of rights, oppositions, rectification and expungement proceedings, including grounds and procedures; drafting of relevant pleadings and affidavits in relation thereto; applicable Courts and tribunals; appeals; relevant Court decisions.
- (v) Infringement, passing-off and unlawful competition; relevant Supreme Court procedures and rules; drafting of pleadings and affidavits; authentication and legalisation of documents; applicable Courts and tribunals; appeals; relevant Court decisions.
- (vi) Practical aspects of Copyright Law and the registration of copyright in cinematograph films; the interrelationship of Copyright Law with other fields of intellectual property law; relevant Court decisions.
- (vii) Practical aspects of Design Law and its interrelationship with other fields of intellectual property law; relevant Court decisions.
- (viii) Other relevant statutes including procedures and Court decisions in respect of:-
 - (1) The Companies Act of 1973 (as amended) (Sections 41 to 50) including company name objections (grounds and procedures); the Directive of the Registrar of Companies on undesirable names; and defensive company names;
 - (2) The Close Corporation Act of 1984 (Sections 18 to 23) including objections to close corporation names;
 - (3) The Business Names Act of 1960 (as amended);
 - (4) The Merchandise Marks Act of 1976 (as amended) with particular reference to Section 9;
 - (5) The Trade Practices Act of 1976 (as amended) with particular reference to Section 9;
 - (6) The Heraldry Act of 1962 (as amended).

SCHEDULE 7

The fee prescribed in sub-regulation 17 of regulation 10.5 shall be R10,00.