

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
TECHNOLOGY INNOVATION
AGENCY BILL**

[B 49—2007]

(As agreed to by the Portfolio Committee on Science and Technology (National Assembly))

[B 49A—2007]

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AMENDMENTS AGREED TO

TECHNOLOGY INNOVATION AGENCY BILL
[B 49—2007]

CLAUSE 1

1. On page 3, from line 8, to omit the definition of “innovation” and to substitute the following:

“intellectual property” means an invention, including any patent applications and registered patents as defined in the Patents Act, 1978 (Act No. 57 of 1978), or any copyright works as defined in the Copyright Act, 1978 (Act No. 98 of 1978), plant breeders rights or designs as defined in the Designs Act, 1995 (Act No. 195 of 1993), or trademarks as defined in the Trademark Act, 1993 (Act No. 194 of 1993);”.

2. On page 3, from line 12, to omit the definition of “invention”.
3. On page 3, after line 15, to insert the following definitions:

“prescribed” means prescribed by regulations made in terms of section 16;

“technological innovation” means the application in practice of creative new ideas, which includes inventions, discoveries and the processes by which new products and services enter the market and the creation of new businesses;”.

CLAUSE 3

1. On page 3, in line 26, to omit “and invention”.
2. On page 3, in line 27, after “exploiting”, to insert “technological”.
3. On page 3, from line 27, to omit “and inventions”.

CLAUSE 4

1. On page 3, from line 32, to omit “, consortium or enterprise”.
2. On page 3, from line 33, to omit “, consortium or enterprise”.
3. On page 3, in line 34, to omit “or invention”.
4. On page 3, from line 38, to omit “or invention, and to that end acquire such interest in and such control over such company as it may deem necessary”.
5. On page 3, in line 40, to omit “consortium or enterprise” and to substitute “person”.
6. On page 3, from line 41, to omit “or invention”, and to substitute “, supported by the Agency”.
7. On page 3, in line 44, to omit “innovation, invention”, and to substitute “innovations”.

8. On page 3, in line 47, to omit “publicly financed”.
9. On page 3, in line 47, after “research” to insert “financed by the Agency”.
10. On page 3, in line 48, to omit paragraph (vi) and to substitute the following:

“(vi) acquire rights in or to any technological innovation supported by the Agency from any person, or assign any person any right in or to such technological innovation;”.
11. On page 3, in line 49, to omit “, oppose the grant of patents”.
12. On page 3, in line 50, after the first “any”, to insert “legal”.
13. On page 3, in line 50, to omit “patents” and to substitute “intellectual property rights”.
14. On page 3, from line 51, to omit paragraph (c).
15. On page 4, from line 14, to omit subsection (2) and to substitute the following:

“(2) Where the Agency enters into a transaction with a person as contemplated in subsection (1)(a)(ii) and (iii), the Agency may, after consultation with the Minister, elect to be represented in the Board of such person.”
16. On page 4, in line 18, to omit “or invention”.
17. On page 4, in line 19, to omit “(1)(c)” and to substitute “(1)(a)(vi)”.
18. On page 4, in line 20, to omit “consortium or enterprise,”.
19. On page 4, in line 21, to omit “(Act No. 57 of 1978)”.
20. On page 4, in line 23, to omit “or invention”.

CLAUSE 5

1. On page 4, after line 30, to insert the following subsection:

“(3) The Board must prepare an Investment Framework Policy, as prescribed, and review such policy on an annual basis.”.
2. On page 4, in line 31, to omit “(3)” and to substitute “(4)”.
3. On page 4, in line 34, to omit “(4)” and to substitute “(5)”.
4. On page 4, in line 35, after Minister, to insert “, in consultation with the National Assembly,”.
5. On page 4, in line 39, to omit “(5)” and to substitute “(6)”.
6. On page 4, in line 41, to omit “(6)” and to substitute “(7)”.
7. On page 4, in line 41, to omit “(5)” and to substitute “(6)”.
8. On page 4, in line 45, to omit “(3)” and to substitute “(5)”.

CLAUSE 6

1. On page 5, in line 1, to omit “Parliament” and to substitute “the National Assembly”.
2. On page 5, in line 2, to omit “permanent”.

CLAUSE 7

1. On page 5, in line 16, to omit “5(4)” and to substitute “5(5)”.

CLAUSE 10

1. On page 5, in line 34, to omit “among their number” and to substitute “amongst themselves”.

CLAUSE 16

1. On page 7, after line 21, to insert the following paragraph:
“(b) the Investment Framework Policy contemplated in section 5(3);”.
2. On page 7, in line 22, to omit “(b)” and to substitute “(c)”.
3. On page 7, in line 24, to omit “(c)” and to substitute “(d)”.

CLAUSE 18

1. On page 7, in line 29, after “Corporation,” to insert “(herein after referred to as the Corporation)”.
2. On page 7, after line 34, to insert the following:
“(3) The board of directors of the Corporation contemplated in section 6 of the Inventions Development Act, 1962 (Act No. 31 of 1962), (herein after referred to as the Inventions Development Act), is hereby dissolved.”.
3. On page 7, in line 35, after “Act”, to omit “”, anything done in terms of the Inventions Development Act, 1962 (Act No. 31 of 1962), prior to such commencement and which may be done in terms of this Act, must be regarded as having been done in terms of this Act.” and to substitute “—”.
4. On page 7, after line 35, to insert the following:
“(a) all the rights, assets, obligations and liabilities of the Corporation vest in the Council for Scientific and Industrial Research, (herein after referred to as the CSIR);

(b) the personnel of the Corporation contemplated in section 5 of the Inventions Development Act must be transferred to the CSIR in accordance with section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995); and

(c) anything done in terms of the Inventions Development Act prior to such commencement and which may be done in terms of this Act, must be deemed as having been done in terms of this Act;”.

CLAUSE 19

1. On page 7, in line 40, to omit “2007” and to substitute “2008”.