University of Pretoria Yearbook 2016

LLM Option: Intellectual Property Law (Coursework) (04250088)

Duration of study	2 years		
Total credits	200		
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Programme information

Closing date for applications: SA applicants – 31 October; non-SA applicants – 31 August.

This programme is available for international students.

Unless stated otherwise, the curriculum will generally consist of:

- Three modules counting 30 credits each (at least one of these modules must be completed during the first year of registration).
- A module in research methodology (RHP 801) counting 5 credits (this module must be completed during the first year of registration).
- A research proposal (RHP 803) counting 5 credits. The student must submit the research proposal (RHP 803) to the supervisor not later than the end of the first semester of the second year of registration for the LLM degree, prior to commencing with the writing of the mini-dissertation. This period may be extended with the approval of the head of department.
- A mini-dissertation is required. The examination copy of the mini-dissertation must be submitted to the Student Administration not later than the end of October for the Autumn Graduation Ceremony and the end of April for the Spring Graduation Ceremony and end of August for the December ceremony. After approval of the examination copy of the mini-dissertation, a final version must be submitted to Student Administration on or before 15 February for the Autumn Graduation Ceremony and 15 July for the Spring Graduation Ceremony and 15 November for the December graduation ceremony. This mini-dissertation must deal with the subject content of one of the modules or a combination of the modules registered for by the student for his/her LLM degree. Any request for an extension of the period for submission of the mini-dissertation may only be granted by the Postgraduate Committee on recommendation of the head of department.
- Also consult General Regulations G.30-G.56 as well as the LLM Policy Document of the Faculty.

Admission requirements

An LLB, BProc or equivalent qualification from a foreign university that allows the applicant entrance to the formal legal profession.

Additional requirements

The duration of the programme will in general be four semesters (2 years) but may be completed within two semesters (1 year) where possible, subject to fulfilment of all the requirements for the degree and payment of the full amount prescribed for the LLM degree. Programmes may also be structured to allow for one year of study only. The one- or two-year period may only be extended by the Postgraduate Committee on recommendation of the Head of Department based on good reason shown and if it is clear that the student will be able to complete the programme in a further year of study.

General admission requirements

In addition to an LLB, BProc or equivalent qualification from a foreign university that allows the applicant entrance to the formal legal profession, the following requirements are set for admission of a prospective student to the LLM Coursework programme:

A minimum average mark of 65% with respect to the prescribed final-year modules of the undergraduate programme is required for admission to an LLM coursework programme.

Where an average of below 65% is achieved, the student may be admitted on recommendation of the relevant head of department after consultation with the programme coordinator and consideration of other merits (eg relevant professional experience; the applicant’s performance in undergraduate modules related to the particular LLM; the candidate’s performance in independent research essays or similar components) and/or an admission examination.

Linguistic competence, primarily in English; foreign applicants who did not complete undergraduate studies through the medium of English must show proof of competence in English at a minimum average level of 6 out of 10 for IELTS or a minimum total score of 83 in TOEFL calculated as follows: reading 21, listening 17, speaking 23 and writing 22. In any other instance where there is doubt as to the English linguistic competence of an applicant, the Dean may require the same proof as prescribed for foreign applicants.

Foreign qualifications are subject to SAQA evaluation. (Some LLM coursework programmes or modules as indicated in the yearbook may only be available to students who hold a relevant South African legal qualification.)

Even though a student may comply with the above requirements, the Dean may, on the recommendation of the head of department presenting a specific degree or module, refuse to accept a prospective student for any LLM programme if such a student's performance in the chosen modules or field of study during undergraduate study was not satisfactory. Alternatively, the Dean could set additional requirements with a view to admission

An admission examination may also be required in respect of a particular programme or module.

Particular LLM programmes have additional selection criteria and deadlines specific to those programmes.

Other programme-specific information

1. This programme is number limited.
2. The mini-dissertation must comprise 13 000-15 000 words – including footnotes but excluding the list of contents and the bibliography.
3. The following modules are the core modules for this degree. Please contact the faculty to find out which of these modules will be presented in which year as all of them are not presented every year.

IGZ 802 Patent, design and plant protection law (30 credits)

IGZ 803 Trademark law and protection of intellectual property rights (30 credits)

IGZ 804 Fundamental principles of intellectual property law and copyright law (30 credits)

Examinations and pass requirements

In the event of having failed all modules during a particular year of study, a student will only be allowed to continue with his/her studies with the consent of the Postgraduate Committee. Although no supplementary examination will be granted with regard to LLM and MPhil modules, the General Regulations (Regulation G.12.3 and G.12.6) apply with regard to special and ancillary examinations.

Research information

The relevant head of department must recommend a supervisor and title for a mini-dissertation and these must be approved by the Postgraduate Committee. The mini-dissertation must be assessed and finalised as set out in the Faculty Board-approved LLM Policy Document of the Faculty. Mini-dissertations, where required, must be submitted in the format determined by the supervisor and approved by the Postgraduate Committee. The supervisor may likewise and subject to the approval of the Postgraduate Committee also determine the research topic and the scope of the proposed research.

Pass with distinction

For the degree to be awarded with distinction a student must obtain an average of at least 75% for all the coursework modules, as well as a minimum of 75% for the mini-dissertation. The modules must have been written for the first time.

General information

Language policy

The medium of instruction will be English. However, should circumstances allow it, an LLM module may be presented in Afrikaans. The Dean, in consultation with the relevant head of department, determines the language policy.

Period of registration

At the commencement of a particular module students should be registered for that module and attend the lectures. Alternatively, the permission of the programme coordinator or head of the department should be obtained before a student may be allowed to follow a specific module in a another year of study.

Limiting of modules on offer in a particular academic year and availability to foreign students

The Dean determines which modules will be presented each year, taking into consideration the availability of lecturing personnel, space and financial implications and/or other circumstances. The Dean may, on recommendation of the relevant head of department, determine the maximum number of registrations for a specific elective module in terms of the prescribed guidelines. The Dean may also, on recommendation of the relevant head of department, determine that a particular LLM module will not be offered where on the first day of lectures four or fewer students are registered for such module.

In the case of foreign students additional requirements may be set by the Dean and the modules available to such students may also be limited.

Replacement of modules

The Dean may, on recommendation of the relevant Head of Department, allow a student to replace one prescribed LLM module for a particular master's programme with another LLM module where such an exception is not otherwise permitted, on condition that good cause is shown why such an exception is required.

Credit for modules completed at another institution

The Dean may, on the recommendation of the relevant head of department, credit a student for a maximum of two modules completed at another institution on condition that it complies with the requirements of this Faculty. Where such modules do not bear the same titles as modules offered at this Faculty, modules with substantially the same content as determined by the relevant head of department may be granted credit in their place, or where, in the absence of such closely related modules, modules that are still relevant within the broad ambit of a specific LLM degree may be granted credit under special codes for the purposes of such a degree. Additional requirements may also be set before any such module will be granted credit in order to ensure compliance with the requirements of this Faculty.

Credit for non-legal components

In order to qualify for an LLM degree with non-legal components, the specific degree can at most include one non-legal module of the prescribed number of modules from a related field, and with the special permission from the Faculty Board.

Note that credit will not be given for modules which form part of another degree where the student has already complied with the requirements of such a degree. This rule is also applicable in instances where the student is currently also registered for another degree.

Re-registration for modules

A student may not register more than twice for the same module. In order to pass a module the student must obtain a final mark of 50%.

Curriculum: Year 1

Minimum credits: 100

Fundamental modules

Research methodology 801 (RHP 801)

Module credits	5.00
Prerequisites	No prerequisites.
Contact time	8 seminars
Language of tuition	English
Academic organisation	Jurisprudence
Period of presentation	Semester 1 or Semester 2

Module content

(a) Planning and organising a research project
(b) Drafting a research proposal: Hypotheses and research question
(c) Theory in research and methodological approaches to legal research
(d) Language
(e) Citation and ethics of citation
(f) Drafting of chapters and presentation

Core modules

Intellectual property, new technologies and innovation 802 (IGZ 802)

Module credits	30.00
Prerequisites	No prerequisites.
Contact time	2 lectures per week
Language of tuition	Double Medium
Academic organisation	Private Law
Period of presentation	Semester 1

Module content

The following aspects will be dealt with:
(a) Patents Act no. 57 of 1978
(b) Designs Act 195 of 1993.
(c) Plant Breeders' Rights Act 15 of 1976
(d) Patent-related international instruments
(e) New technologies and the law
(f) Innovation and the law
(g) Registrability of patents and designs
(h) Capita selecta including: validity; interpretation of specifications; infringement; amendment or correction; compulsory licences; convention applications and exhaustion of rights.

Intellectual property, creative industries and expression of ideas 804 (IGZ 804)

Module credits	30.00
Prerequisites	No prerequisites.
Contact time	2 lectures per week
Language of tuition	Double Medium
Academic organisation	Private Law
Period of presentation	Semester 2

Module content

The following aspects will be dealt wih:
(a) The Nature of IPL
(b) The justification for IP protection
(c) Copyright Act 98 of 1978
(d) Performers' Protection Act 11 of 1967
(e) Registration of Copyright in Cinematograph Films Act 62 of 1977
(f) History of copyright law.
(g) Copyright-related international instruments
(h) Compliance of South African law with international instruments
(i) Capita selecta including: subsistence and conferral of copyright; scope of and exceptions to copyright; infringement of copyright

Curriculum: Final year

Minimum credits: 100

Core modules

Mini-dissertation 800 (MND 800)

Module credits	100.00
Prerequisites	RHP 801 and RHP 803
Language of tuition	Double Medium
Academic organisation	Law Dean's Office
Period of presentation	Year

Module content

(a) The student must submit a research proposal during his/her first year of registration for the LLM degree to the supervisor prior to commencing with the writing of the mini-dissertation.
(b) A mini-dissertation (MND 800) of 13 000 to 15 000 words inclusive of footnotes but excluding the list of contents and the bibliography, is required. The mini-dissertation must be submitted to the supervisor not later than August of the second year of registration for the LLM programme. The mini-dissertation must deal with the subject content of one of the modules or a combination of the modules registered for by the student for his/her LLM degree. Any request for an extension of the period for submission of the mini-dissertation may only be granted by the Dean on recommendation of the LLM Committee

Research proposal 803 (RHP 803)

Module credits	5.00
Prerequisites	No prerequisites.
Language of tuition	Double Medium
Academic organisation	Law Dean's Office
Period of presentation	Year

Module content

Development and presentation of a research proposal. (A research proposal must be submitted to the supervisor and accepted in the first semester of the second year of study before the student will be allowed to register for the mini-dissertation.)

Intellectual property, new technologies and innovation 802 (IGZ 802)

Module credits	30.00
Prerequisites	No prerequisites.
Contact time	2 lectures per week
Language of tuition	Double Medium
Academic organisation	Private Law
Period of presentation	Semester 1

Module content

The following aspects will be dealt with:
(a) Patents Act no. 57 of 1978
(b) Designs Act 195 of 1993.
(c) Plant Breeders' Rights Act 15 of 1976
(d) Patent-related international instruments
(e) New technologies and the law
(f) Innovation and the law
(g) Registrability of patents and designs
(h) Capita selecta including: validity; interpretation of specifications; infringement; amendment or correction; compulsory licences; convention applications and exhaustion of rights.

Intellectual property, creative industries and expression of ideas 804 (IGZ 804)

Module credits	30.00
Prerequisites	No prerequisites.
Contact time	2 lectures per week
Language of tuition	Double Medium
Academic organisation	Private Law
Period of presentation	Semester 2

Module content

The following aspects will be dealt wih:
(a) The Nature of IPL
(b) The justification for IP protection
(c) Copyright Act 98 of 1978
(d) Performers' Protection Act 11 of 1967
(e) Registration of Copyright in Cinematograph Films Act 62 of 1977
(f) History of copyright law.
(g) Copyright-related international instruments
(h) Compliance of South African law with international instruments
(i) Capita selecta including: subsistence and conferral of copyright; scope of and exceptions to copyright; infringement of copyright

The information published here is subject to change and may be amended after the publication of this information. The General Regulations (G Regulations) apply to all faculties of the University of Pretoria. It is expected of students to familiarise themselves well with these regulations as well as with the information contained in the General Rules section. Ignorance concerning these regulations and rules will not be accepted as an excuse for any transgression.