Chapters in Books

1. *Information and Communications Technology Law* contributed "Domain Names and Infringement of Trade Marks on the Internet" in (ed. Prof DP van der Merwe) (2008) (LexisNexis: Durban) pages 201-p237
9. "The IP Protection of Electronic Databases: Copyright or Copywrong?" *Proceedings of the ISSA 2008 Innovative Minds Conference* Edited by Jan Eloff (Department of Computer Science, University of Pretoria) (Peer-reviewed conference proceedings) (eds. Les Labuschagne (Department of Business Information Technology, University of Johannesburg) Mariki Eloff (School of Computing, University of South Africa) Hein Venter (Department of Computer Science, University of Pretoria), p63-80


Peer-reviewed research ARTICLES in SAPSE accredited journals:

17. "Developing countries and copyright in the information age – the functional equivalent implementation of the WCT" (2006) 2 Potchefstroom Electronic Law Journal 1-21
42. "The copyright protection of computer programs in the United States of America: The first generation questions (part 1)" (1991) 24 De Jure 232–244
Publications in Professional Journals

45. “In the Courts - The Trademarked City within a City” *WIPO Magazine* (3) 2010
49. “Confidential Information and the Rights of Employees” (1993) 1 Juta's Business Law 133-134


53. Principles of Collective licensing of copyright works paper presented on 8 December 2011 at the WIPO-South Africa Summer School on Intellectual Property organized by the World Intellectual Property Organization (WIPO) in cooperation with the Department of Science and Technology of the Government of the Republic of South Africa (DST) Cape Town, South Africa, November 28 to December 9, 2011 WIPO/ACA/CPT/11/INF.1

54. Branding and the management of trademarks paper presented on 30th of November 2011 at the WIPO-South Africa Summer School on Intellectual Property organized by the World Intellectual Property Organization (WIPO) in cooperation with the Department of Science and Technology of the Government of the Republic of South Africa (DST) Cape Town, South Africa, November 28 to December 9, 2011 WIPO/ACA/CPT/11/INF.1

55. “Internet Domain Names and Alternative Dispute Resolutions (+Illustration of Cases)” paper presented on 30th November 2011 at WIPO-South Africa Summer School on Intellectual Property organized by the World Intellectual Property Organization (WIPO) in cooperation with the Department of Science and Technology of the Government of the Republic of South Africa (DST) Cape Town, South Africa, November 28 to December 9, 2011 WIPO/ACA/CPT/11/INF.1


59. Protection of Trade Secrets and Emerging Issues paper presented on 8 December 2010 at the WIPO-South Africa Summer School on Intellectual Property by the World Intellectual Property Organization (WIPO) in cooperation with the Department of Science and Technology of the Government of the Republic of South Africa (DST) Cape Town, November 29 to December 10, 2010 WIPO/ACA/CPT/INF.1
60. “The Universal Principles Applicable to the Regulation of Electronic Commerce: The UNCITRAL Convention and other Instruments – Lessons For Namibia In The Drafting Of The U/ETC” paper presented at Draft Use of Electronic Transactions and Communications Bill for Namibia held by the Office of the Prime Minister and the Ministry of Information & Communications Technologies held in Windhoek, Namibia 27-28 September 2010
61. “The Legal Significance of Data Messages (E-Writing) and e-Contracting Provisions In The Namibia Draft U/ETC Bill” paper presented at Draft Use of Electronic Transactions and Communications Bill for Namibia held by the Office of the Prime Minister and the Ministry of Information & Communications Technologies held in Windhoek, Namibia 27-28 September 2010
63. An Overview of Recent Case Law in South Africa in The area of Cyber-Law paper presented at Draft Use of Electronic Transactions and Communications Bill for Namibia held by the Office of the Prime Minister and the Ministry of Information & Communications Technologies held in Windhoek, Namibia 27-28 September 2010
64. “Internet Domain Names and Alternative Dispute Resolutions (+Illustration of Cases)” paper delivered on the 9th of December 2009 at the WIPO-South Africa Summer School On Intellectual Property held in Cape Town, November 30 to December 11, 2009
65. “Issues relating to the Use of Marks on the Internet” paper delivered on the 10th of December 2009 at the WIPO-South Africa Summer School On Intellectual Property held in Cape Town, November 30 to December 11, 2009
67. “South African Copyright Law and Language” paper delivered on 20 February 2009 at the Copyright Law and Language Conference, Montreal, Canada, 20 February 2009 (Invited paper)
70. "The impact of intellectual property law on sustainable development", paper delivered at the International Law Association's 2007 regional conference on Good


73. "Overview of project: developing countries and the functional equivalent implementation of the WCT", paper delivered at the Humboldt Foundation Introductory Meeting, Cologne, Germany, 12–14 October 2006

74. "The functional equivalent implementation of the WCT", paper delivered at the First International Conference on Legal, Privacy and Security Issues in IT, Hamburg, Germany, 30 April–2 May 2006

75. "Works of art and industrial designs in South Africa", paper delivered at the ATRIP conference on Intellectual Property: Bridging Aesthetics And Economics, at Montréal University, Montréal, Canada, 11–13 July 2005

76. "Cyberlaw development and harmonisation within SADC", paper delivered at the SADC Law Conference and Annual General Meeting (conference theme: Challenges Facing the Legal Profession in the SADC Region), Windhoek, Namibia, 16–19 June 2005

77. "Report: due diligence review of Namibian laws for e-laws regime", delivered at the Seminar/Workshop for Development of e-Laws (Electronic or Cyberlaws) for Namibia, Office of the Prime Minister, Windhoek, Namibia, 23–24 May 2005

78. "e-Commerce and issues related to intellectual property law – lessons for Namibia", delivered at the Seminar/Workshop for Development of e-Laws (Electronic or Cyberlaws) for Namibia, Office of the Prime Minister, Windhoek, Namibia, 23–24 May 2005

79. "Overcoming the legal barriers to electronic commerce: a Namibian approach", delivered at the Seminar/Workshop for Development of e-Laws (Electronic or Cyberlaws) for Namibia, Office of the Prime Minister, Windhoek, Namibia, 23–24 May 2005

80. "Update on revision of chapter 4 (Legal Issues) of Namibia ICT policy", paper delivered at the Seminar/Workshop for Development of e-Laws (Electronic or Cyberlaws) for Namibia, Office of the Prime Minister, Windhoek, Namibia, 23–24 May 2005

81. "SADC cyberlaw developments: the Namibian position" (co-presenter Gordon Elliot), paper delivered at seminar on Cyberlaw Development and Harmonisation within SADC, Centre for Specialization in Public Administration and Management, Department of Political and Administrative Studies, University of Botswana, Mbabane, Swaziland, 5–8 April 2005

83. "Copyright in the information age the catch-22 of digital technology", paper delivered at the international research seminar on the *Political Economy of the Southern African Media / Intellectual Property Rights (IPR), Communication and the Public Domain*, University of KwaZulu-Natal and the University of Oslo, under the auspices of the Southern African and South-South Working Group on Media, Culture and Communication, Durban, South Africa, 10–14 May 2004

84. "Drafting of research and development contracts for IP exploitation", paper delivered at the *National Seminar on Education and Training in Intellectual Property*, the World Intellectual Property Organization in co-operation with the State Department of Intellectual Property and the National Technical University of the Ukraine, Kiev, Ukraine, 11–13 December 2002


90. "Needs for establishing innovation and invention support structures or services in universities of developing countries: Role and function of an innovation centre in a developing economy" paper delivered at the *Regional Seminar on the Benefits of the Intellectual Property System for Universities, University Researchers and Research and Development Organisations*, World Intellectual Property Organization in co-operation with the Ministry of Science, Technology and Higher Education of the United Republic of Tanzania, Dar Es Salaam, Tanzania, 20–22 June 2000

Organisations, World Intellectual Property Organization in co-operation with the Ministry of Science, Technology and Higher Education of the United Republic of Tanzania, Dar Es Salaam, Tanzania, 20–22 June 2000


National Conference Papers

99. “Education and Capacity Development” paper delivered at the Accelerating IP and Innovation in South Africa Conference held in Cape Town on 18-21 September 2011

100. The FOSS Policy: The IP Connection” paper delivered at the SITA GovTech 2011 on the 14th of September 2011


105. “Cyberlaw Case Law” E-Diligence [Solutions] delivered 12 November at Chetty Law 11-12 November Johannesburg

106. “The Ten Things I hate About the ECT Act or...the Ten Things that Should be Included in Project 126” paper delivered on the 22nd of July 2010 at the Convention on Lex Informatica - (2010) held 22-26 July 2010 at the Innovation Hub (invited paper)

107. "IP Implications of Outsourcing ICT" paper delivered on the 18th of March 2010 at the Outsourcing & ICT Contracts & Service Level Agreements held 18-20 March 2010 in Pretoria (Invited paper)

108. A Comparative Review of Trans-Border Domain Name Arbitration: How Alternative are the .za ADR Decisions? Paper delivered at the 4th International Trans-border Commercial Law Workshop held on the 19th-20th of October 2009, Johannesburg, South Africa

109. “Snail Mail, E-Mail and other forms of Mail: A South African Perspective on Slippery E-contracting Issues” Lecture presented at the E-commerce Workshop held on the 5th of September 2009 at University of Pretoria, Pretoria


113. "Traditional knowledge and copyright protection" paper presented at the Conference on Traditional Knowledge in Legal Context, North-West University, Potchefstroom, 17-18 March 2009 (Invited paper)


118. "The Role of IP in the South’s Development Agenda" paper presented on the 10th of October 2008 at the Alexander von Humboldt Foundation Conference on Sustainable Development of Southern Africa held on the 8th of the 10th of October 2008

119. "Reverse Domain name Hijacking in .co.za" paper presented at a training workshops held by the CO.ZA domain name administrators, UniForum SA, in association with the SAI IPL, the .ZA Domain Name Authority in Cape Town on the 19th of September 2008

120. "The meaning and Purpose of Reverse Domain name Hijacking" paper presented at a training workshops held by the CO.ZA domain name administrators, UniForum SA, in association with the SAI IPL, the .ZA Domain Name Authority in Pretoria on the 16th of September 2008

121. "The Phone Book Case: Reverse Domain name Hijacking" paper presented at a training workshops held by the CO.ZA domain name administrators, UniForum SA, in association with the SAI IPL, the .ZA Domain Name Authority in Pretoria on the 15th of September 2008,

122. "The IP Protection of Electronic Databases: Copyright or Copywrong?" on 11 July 2008 at the 2008 ISSA Innovative Minds Conference


125. "How alternative is the .za ADR?", paper delivered at the Second Annual Cyberlaw Conference, Pretoria, South Africa, 4-6 September 2007


129. "Cyber griping: freedom of expression or abusive domain name registration?", paper delivered at the ISSA 2005 Conference, Johannesburg, South Africa, 30 June 2005

130. "Cyberloafing@work: the monitoring of employees", paper delivered at the Sixth Annual Conference on World Wide Web Applications, Rand Afrikaans University and the Technikon Witwatersrand, Johannesburg, South Africa, 1–3 September 2004


133. "Thumbnail images, fair use & copyright owners" and On-line consumer protection – vapourware?", papers delivered at the e-Commerce & Current Commercial Law Workshop 2003, Centre for Business Law, University of South Africa, Sandton, Johannesburg, 28 August 2003

134. "Intellectual property and electronic commerce" (co-author Coenraad Visser), paper delivered at the ABLU 2003 Annual Banking Law Update 2003, Rand Afrikaans University, Witkoppen, Johannesburg, South Africa, April 2003


136. "Nuwe regsontwikkelinge in e-handel" ("New legal developments in e-commerce"), paper delivered at the AHI Legal Committee Meeting, Pretoria, South Africa, 1 August 2002


143. "Intellectual property and cyber law" (co-author Coenraad Visser), paper delivered at the Annual Banking Law Update Conference 2000, Rand Afrikaans University, Witkoppen, Johannesburg, South Africa, 12 April 2000


145. The enforceability of shrink-wrap and click-wrap agreements and the rights, duties and obligations arising there from", paper delivered at a conference entitled Year 2000 Disaster or Delight? and What is the Supplier's Liability?; Sunnyside, Pretoria, South Africa, 21 April 1999

146. "Formation of Internet contracts: an analysis of the contractual and security issues", paper delivered at the Current Commercial Law Workshop, Centre for Business Law, University of South Africa, Midrand, South Africa, 11 March 1999


149. "Functional designs and the South African semiconductor chip industry", paper delivered at the Congress of the Association of University Law Teachers, University of the Western Cape, Cape Town, South Africa, 23 January 1996

150. "Die outerusregbeskerming van funksionele artistieke werke: die problematiek van funksionaliteit versus estetika" ("The copyright protection of functional artistic works: the problem of functionality versus aesthetics"), paper delivered at the Congress of the Association of University Law Teachers, Stellenbosch University, Stellenbosch, South Africa, 20 January 1993

International Workshops Presented:

152. Presented and led a five-day Workshop for Development of a Framework/Model for Open Licensing of Materials Between Southern African ODL Institutions, University of South Africa, Pretoria, South Africa, 27 February–3 March 2006 “Developing of content of identified components” paper delivered on the 28th of February 2006 at the Workshop for development of a Framework/Model for Open Licensing of Materials between Southern African ODL Institutions held on the 27th of February to the 3rd of March 2006 at the University of South Africa

153. Seminar/Workshop for Development of E-Laws (Electronic or Cyberlaws) for Namibia, Office of the Prime Minister, Windhoek, Namibia, 23–24 May 2005 on the 23rd of May 2005 at the Seminar/Workshop for Development of E-Laws (Electronic or Cyberlaws) for Namibia held by the Office of the Prime Minister, Namibia, at the Nampower Convention Centre, Windhoek, 23-24 May 2005:

   a. “Overcoming the Legal Barriers to Electronic Commerce: A Namibian Approach” paper delivered on the 23rd of May 2005
   b. “E-commerce and Issues Related to intellectual property law – lessons for Namibia” paper delivered on the 23rd of May 2005
   c. “Workshop II: Legal Aspects of Electronic commerce” (Panel Leader: Prof Tana Pistorius (Unisa)) workshop held on the 23rd of May 2005
   d. “Workshop VI: Intellectual Property Law Aspects of the Internet” (Panel Leader: Prof Tana Pistorius (Unisa)) workshop held on the 23rd of May 2005
   e. “Report Due Diligence Review of Namibian Laws for E-Laws Regime” paper delivered on the 24th of May 2005
National Workshops Presented:

154. Co-presented a one-day Workshop on Global Villages and IP on the Internet Johannesburg, South Africa, 12 September 2001 on "The protection of electronic databases", "Digital licensing", "Digital security", and "Limitation of liability for copyright infringement", and "Copyright infringement and the Internet" (co-presenter Prof CJ Visser)


161. Presented a half-day workshop on "Commissioning Computer program development"; Legal issues related to information security and legislation; Introduction to ECT Act; Legal effect of e-communications; Platform development for e-commerce and m-commerce: Interface between legal & technical requirements" at the Artificial Intelligence and Information Security Conference 2008 held on 29th of August, 2008 ABSA Conference Centre, Pretoria

162. Co-presented a one-day LEAD workshop for the Law Society of South Africa and delivered papers on “Overview of the ECT Act”; “Legal Recognition and Contract
Formation”; “Rights and Obligations of On-line Vendors and Suppliers” and “Domain Name ADR Rules and Procedures”; at Midrand on the 15 May 2009

163. Co-presented a one-day LEAD workshop for the Law Society of South Africa and delivered papers on “Overview of the ECT Act”; “Legal Recognition and Contract Formation”; “Rights and Obligations of On-line Vendors and Suppliers” and “Domain Name ADR Rules and Procedures”; in Durban on 29 May 2009

164. Co-presented a one-day LEAD workshop for the Law Society of South Africa and delivered papers on “Overview of the ECT Act”; “Legal Recognition and Contract Formation”; “Rights and Obligations of On-line Vendors and Suppliers” and “Domain Name ADR Rules and Procedures” in Cape Town on 05 June 2009

165. Co-presented a one-day LEAD workshop for the Law Society of South Africa and delivered papers on “Overview of the ECT Act”; “Legal Recognition and Contract Formation”; “Rights and Obligations of On-line Vendors and Suppliers” and “Domain Name ADR Rules and Procedures” in Port Elizabeth on 31 July 2009
Contributions to law updates

166. “Copyright” (1993) LAWSA Supplement (1993) (co-authors: Vorster LP; Faris JA; Jansen M; Mare MC; Alheit K; Lotter S)
167. “Designs” (1993) LAWSA Supplement (1993). (co-authors: Vorster LP; Faris JA; Jansen M; Mare MC; Alheit K; Lotter S)
168. “Patents, Inventions and Heraldry” (1993) LAWSA Supplement (1993) (co-authors: Vorster LP; Faris JA; Jansen M; Mare MC; Alheit K; Lotter S)
169. “Copyright” (1995) LAWSA Supplement (1995). (co-authors: Vorster LP; Faris JA; Jansen M; Mare MC; Alheit K; Lotter S)
171. “Patents, Inventions and Heraldry” (1995) LAWSA Supplement (1995) (co-authors: Vorster LP; Faris JA; Jansen M; Mare MC; Alheit K; Lotter S)
172. “Copyright” (1996) LAWSA Supplement (1996) (co-authors: Vorster LP; Faris JA; Jansen M; Mare MC; Alheit K; Lotter S)
173. “Designs” (1996) LAWSA Supplement (1996) (co-authors: Vorster LP; Faris JA; Jansen M; Mare MC; Alheit K; Lotter S)
174. “Patents, Inventions and Heraldry” (1997) LAWSA Supplement (1997) (co-authors: Vorster LP; Faris JA; Jansen M; Mare MC; Alheit K; Lotter S)
175. “Copyright” (1997) LAWSA Supplement (1997) (co-authors: Vorster LP; Faris JA; Jansen M; Mare MC; Alheit K; Lotter S)
176. “Designs” (1997) LAWSA Supplement (1997) (co-authors: Vorster LP; Faris JA; Jansen M; Mare MC; Alheit K; Lotter S)
177. “Patents, Inventions and Heraldry” (1997) LAWSA Supplement (1997) (co-authors: Vorster LP; Faris JA; Jansen M; Mare MC; Alheit K; Lotter S)
178. “Trade Marks” (1997) LAWSA Supplement (1997) (co-authors: Vorster LP; Faris JA; Jansen M; Mare MC; Alheit K; Lotter S)
International Research reports


182. *A South African Perspective on the Treatment of Know how in international R&D Cooperation* (research report commissioned and complied by University of Aachen, Aachen, Germany (project leader) and the Munich Intellectual Property Law Centre and Fraunhofer Institut), Munich, Germany (1 December 2008)) [http://www.kooperation-international.de/fileadmin/redaktion/doc/South_Africa_Laenderberichte_Geistiges_Eigentum.pdf](http://www.kooperation-international.de/fileadmin/redaktion/doc/South_Africa_Laenderberichte_Geistiges_Eigentum.pdf)

National Research reports

188. ZA2007-0005 (Telkom SA Ltd v the phonebook.co.za & white pages.co.za) .za DNS ADR decision http://www.domaindisputes.co.za/downloads/decisions/ZA2007-0005.pdf
194. Copyright Review Commission Report (2012) (Member of the Copyright Review Commission)