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INCORPORATING
JAN S. DE VILLIERS

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Intellectual Property

Practice Area Overview

Intellectual property (IP) is well established as a significant contributor to enterprise value and economic growth. It is essential for business to act decisively to safeguard this valuable, albeit intangible, corporate asset. With its distinctive and unique approach, our Intellectual Property team applies cutting edge skills and commercially-minded solutions to a wide range of IP and related issues. Acting for multinationals, large local companies, international sports enterprises and individuals, the team crosses borders in Africa and internationally to register and protect clients' trade marks, patents, designs, copyright, domain names or, in the case of plant breeders, plant breeders' rights.

The team is skilled in assessing the size, content and value of clients' IP portfolios, and in following up with strategic development guidelines and portfolio management. In keeping with current technological advancements, clients enjoy free and direct Internet access to the IP portfolios managed on their behalf, a first for a South African law firm.

Where clients' IP rights are threatened, the team conducts litigation, whether in the form of interdicts, injunctions or claims for damages. Team members are also experienced in conducting domain name dispute proceedings.

The team expertly negotiates and prepares agreements on IP aspects of commercial transactions, such as those involving licensees and franchisees.

Services include dealing with:

- ▶ Registration of IP rights both locally and internationally
- ▶ Purchase, transfer and licensing of all IP rights (including copyrights, trade marks and patents)
- ▶ IP strategic planning and portfolio management
- ▶ Enforcement of trade marks, copyright and other IP rights
- ▶ Litigation and dispute resolution in relation to a diversity of IP issues
- ▶ Due diligence investigations
- ▶ Domain name protection, administration and disputes
- ▶ Anti-counterfeiting advice and actions
- ▶ Licensing and technology transfers
- ▶ Know-how
- ▶ Confidential information
- ▶ Restraints of trade
- ▶ E-commerce and IT law
- ▶ Biotechnology and related protection and rights
- ▶ Sponsorship agreements
- ▶ Trade mark, copyright and patent agreements
- ▶ Franchising
- ▶ Product design protection
- ▶ Commercial agreements relating to IP and franchising
- ▶ Registrability clearance searches
- ▶ Lotteries and gaming through media advertising
- ▶ Constitutional and administrative law aspects of IP
- ▶ Trade mark, copyright and unlawful competition disputes

About the team



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About Werksmans Incorporating Jan S. de Villiers

Werksmans Incorporating Jan S. de Villiers is a leading South African corporate and commercial law firm focused on achieving the best legal outcome for our clients, which include multinationals, listed companies, financial institutions, entrepreneurs and government. Our firm's coveted reputation is founded on the over 100-year track record of Werksmans and Jan S. de Villiers, which merged at the beginning of 2009 to create South Africa's most powerful law firm specialising in mergers and acquisitions (M&A).

Our firm also has a formidable reputation in commercial litigation and dispute resolution, as well as banking and finance. We are distinguished by the people, clients and work that we attract and retain - our more than 160 lawyers are a powerful team of independent-minded individuals who share a common service ethos.

The firm is built on a solid foundation of insightful and innovative deal structuring and legal advice, as well as a keen ability to understand the greater economic forces of the marketplace. In addition to being well established in Gauteng and the Western Cape, we offer a gateway into 25 other African countries through our African legal network, Lex Africa.

Information correct as at 1 June 2009.



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