



Stellenbosch

UNIVERSITY
IYUNIVESITHI
UNIVERSITEIT

UMGAQONKQUBO WOKUKHUSELA NOKUSHISHINA

NGEPROPATI YEMVELISO YOBUNGQONDI (IP)

WEYUNIVESITHI YASE-STELLENBOSCH



forward together
sonke siya phambili
saam vorentoe

1 EyoMqungu 2023

UMGAQONKQUBO WOKUKHUSELA NOKUSHISHINA NGEPROPATI YEMVELISO YOBUNGQONDI (IP) WEYUNIVESITHI YASE-STELLENBOSCH

Uhlobo loxwebhu:	Umgaqonkqubo
Injongo:	Ukulawula nokubonelela ngokuchongwa, ukukhuselwa kunye nokuthengiswa kwePropati yoBukrelekrele yiYunivesithi yaseStellenbosch, kwaye ngakumbi njengoko kunokubela ngesha lokufundisa nokufunda kunye/okanye uphando kunye nophuhliso lwemisebenzi eyenziwa kwiYunivesithi yaseStellenbosch, nangokuthobela isikhokelo esisebenzayo solawulo nemithetho.
Samkelwe:	Libhunga leYunivesithi yaseStellenbosch
Umhla wokuvunywa - Umgaqonkqubo Wokuqala	EyoMnga 2004
Umhla wokuvunywa - Umgaqonkqubo Wesibini	EyoMnga 2010
Umhla wokuvunywa - Umgaqonkqubo Wesithathu	EyoMnga 2022
Umhla wokuphunyezwa kwawo:	1 EyoMqungu 2023
Uhlaziyo olugqithileyo:	Umgaqonkqubo wokuqala uphunyezwe ngeyoMqungu 2005 Ulungiso lokuqala lomgaqonkqubo ngeyoMdumba 2010 Umgaqonkqubo wokuqala wahlaziywa ngo2010 Umgaqonkqubo wesibini uphunyezwe ngeyoMnga ka2010 Umgaqonkqubo wesibini uhlaziywe ngo2021 Umgaqonkqubo wesithathu uphunyezwe ngeyoMnga wama2023
Umnini womgaqonkqubo:	IGosa eliLawula iMisebenzi kwiYunivesithi yaseStellenbosch
Umgcinimafa womgaqonkqubo:	UMphathi oyiNtloko: Ukwenziwa kwezinto ezintsha kunye noRhwebo
Amagama angundoqo:	imveliso eyilwe ngobungqondi, abasebenzi, abafundi, izinto eziqanjweyo, uphando lwekhontrakthi, ukubonisana, ilungelo lokushicilela, ukuxhaswa ngemali ngokuphandle, iindleko ezipheleleyo, ukubhengezwa, ukuchongwa, ukhuseleko, uphando kunye nophuhliso, urhwebo kunye nokwabelana ngenzuzo; Umthetho we-IPR, abaxhasi be-IP
Ukusebenza:	Inguqulelo yesiNgesi yalo mgaqo-nkqubo yinguqulelo esebenzayo, kwaye inguqulelo yeAfrikansi luguqulelo.



**UMGAQONKQUBO WOKUKHUSELA
NOKUSHISHINA NGEPROPATI YEMVELISO
YOBUNGQONDI (IP) WEYUNIVESITHI YASE-
STELLENBOSCH**

UMHLA WOKUQALA UKUSEBENZA: 1 EyomQUNGU 2023

ISIQULATHO

ICANDELO 1 IINKCAZELO

ICANDELO 2 UMGAQONKQUBO WASE-SU OMALUNGA NEPROPATI EYIMVELISO YOBUNGQONDI

2.1 AMAGQABANTSHINTSHI NGOMGAQONKQUBO

2.2 UKUSETYENZISWA KOMGAQONKQUBO

2.2.1 IMIBA GABALALA

2.2.2 I-IP ENTSHA

2.2.3 IINGQIQO EZINOKUZA NOSHISHINO

2.2.4 UPHANDO OLUCELIWEYO

2.2.5 IZIFUNDO ZETHUTYANA

2.2.6 IIMPAWU ZEZIKO

2.3 IINJONGO ZALO MGAQONKQUBO

2.4 IZISEKO ZALO MGAQONKQUBO

2.5 UKULUNGISWA KONGQUZULWANO

2.6 IZIKO ELINOXANDUVA LOMISELO LWALO MGAQONKQUBO

2.7 IIFOMU KUNYE NAMANYE AMAXWEBHU ENKXASO

ICANDELO 3 ILUNGelo LOBUNINI BOMBONO OKANYE BEMVELISO YOBUNGQONDI

3.1 ABASEBENZI

3.1.1 UMBA GABALALA

3.1.2 IMIQATHANGO YAMALUNGelo OBUNINI

3.1.3 IMIQATHANGO YOYILO OLUTSHA, IIDIZAYINI, ABATSHINTSHI BEZITYALO NEYOLWAZI

3.1.4 UPHANDO, UPHANDO LWETHUTYANA NOKUBONISANA NE-SU

3.1.5 AMALUNGelo KARHULUMENTE

3.1.6 UMSEBENZI UMNTU AWENZA BUCALA

3.1.7 IP YABASEBENZI ABAQESHWE YI-SU

3.1.8 ABANTU ABAQESHWE NGEKHONTRAKTHI

3.1.9 ABASEBENZI ABASEBENZELA IYUNIVESITHI NEZIKO LANGAPHANDLE NGAXESHANYE

3.2 ABAFUNDI

3.2.1 IMIBA GABALALA

3.2.2 IMIQATHANGO YELUNGelo LOBUNINI

3.2.3 IMIQATHANGO YOYILO OLUTSHA, IIDIZAYINI, ABATSHINTSHI BEZITYALO NEYOLWAZI

3.2.4 IMIBUTHO YANGAPHANDLE EBONELELA NGEMALI YOKUFUNDA (NGEEBHASARI)

3.2.5 I-IP EYIYEFUNDA

3.2.6 IMIQATHANGO YE-IP EBIKHONA NGAPHAMBILI

3.2.7 II-ASAYIMENTI, IDISETHEYSHINI NETHISISI

3.2.8 AMALUNGelo KARHULUMENTE

3.3 OOMPONDOZIHLANJIWE BABAPHANDI NABAHLLOHLI KUNYE NABO ABENZA IZIFUNDO EZINGAPHAYA KWEZOBUGQIRHA

3.4 ABAPHANDI NABAHLLOHLI ABAZINDWENDWE ZEYUNIVESITHI

3.5 IMIBUTHO YANGAPHANDLE

3.6 IIMPAWU ZEZIKO

ICANDELO 4 IINKQUBO ZOKUKHUSELA NOKUSHISHINA NGOMBONO OKANYE NGEMVELISO YOBUNGGONDI (IP)

- 4.1 UKUCHONGWA KWE-IP
- 4.2 AMALUNGELO ABHALISEKAYO OYILO OLUTSHA, IIDIZAYINI, NAWABAVELISI BEZITYALO
- 4.3 UKUDIZWA KWE-IP
- 4.4 UKUBHALISWA KWELUNGELO LOBUNINI, LEDIZAYINI OKANYE LOVELISO LWEZITYALO
- 4.5 INKQUBO YEKHOMPYUTHA
- 4.6 UNIKEZO NOKULAYISENISWA KWE-IP

ICANDELO 5 IINKQUBO ZOKUSHISHINA NGELUNGELO LOBUNINI NGEENKAMPANI EZINGAMAHLUMELA ENKAMPANI ENGUNDOQO

- 5.1 IZIGQEBA ZEENKAMPANI
- 5.2 AMANYATHELO OKUMISELA IINKAMPANI EZINGAMAHLUMELA ENKAMPANI ENGUNDOQO
- 5.3 UMSEBENZI ONGQUZULANA NOWEZIKO

ICANDELO 6 ULWAHLULO LWEMALI EYINGENISO EFUNYENWE NGOKUSHISHINA NGEMVELISO OKANYE NGOMBONO WOBUNGGONDI

- 6.1 UKWABIWA KWEMALI EYINGENISO EFUNYENWE KUSHISHINO NGE-IP
- 6.2 ULWABIWO LWENGENISO EFUNYENWE NGOSHISHINO NGE-IP APHO KUSABELWANA NGOBUNINI
- 6.3 IINZUZO EZIYIMALI NEZINGEYOMALI
- 6.4 INTLAWULO EYA KULOWO OKANYE ABO BATHE BANEGALELO KWI-IP

UMgaqonkqubo wePropati eyiMveliso yoBungqondi weYunivesithi yaseStellenbosch

Inombolo yesalathiso yolu xwebhu	
Ihlelo leHEMIS	
Injongo	Ukulawula nokulungiselela ukuchongwa, ukukhuselwa nokuthengiswa kwePropati eyiMveliso yoBungqondi yiYunivesithi yaseStellenbosch, ngakumbi njengoko kunokubela ngexesha lokufundisa nokufunda kunye / okanye kuphando nophuhliso lwemisebenzi eyenziwa kwiYunivesithi yaseStellenbosch, ngokuhambelana nesicwangciso esingolawulo nemithetho.
Uhlobo loxwebhu	Uxwebhu lomgaqonkqubo
Ukufikeleleka	Ngokubanzi (ngaphakathi)
Umhla wokuphunyezwa kwawo	1 EyoMqungu 2023
Umhla wohlaziyo	
Intsusa yomgaqonkqubo	Umgaqonkqubo wokuqala wasungulwa ngoJanyuwari 2005 Umgaqonkqubo wokuqala wahlonyelwa ngoFebruwari 2010 Umgaqonkqubo wokuqala wahlaziywa ebudeni buka2010 Umgaqonkqubo wesibini wasungulwa ngoDisemba 2010 Umgaqonkqubo wesibini uhlaziywe ebudeni buka2021 Umgaqonkqubo wesithathu wasungulwa
Umnini womgaqonkqubo (kwinqanaba leziko)	IGosa eliyiNtloko yeMisebenzi
Igosa leli ziko (umgcinimafa) ojongene nale migaqo	UYilo lweZinto eziNtsha noShishino
Umhla wokuvunywa - Umgaqonkqubo wokuqala Umhla wokuvunywa - Umgawonkqubo wesibini Umhla wokuvunywa - Umgaqonkqubo wesithathu	EyoMnga 2004 EyoMnga 2010
Wamkelwe	LiBhunga leYunivesithi yaseStellenbosch
Amagama angundoqo	Ipropati eyimveliso yobungqondi, abasebenzi, abafundi, uyilo, uphando olwenziwa ngekhontrakthi, ukucebisana neengcali, ilungelo lokushicilela, ukuxhaswa ngemali ngurhulumente, ukubhengeza, ukuchonga, ukukhusela, uphando nophuhliso, ukushishina nokwabelana ngenzuzo, i-IPR Act, Abanegalelo kwi-IP

ICANDELO 1: IINKCAZELO

Intsingiselo yala mabinzana alandelayo kufuneka iqondwe njengeneentsingiselo ezichazwe apha ngezantsi xa esetyenziswa kolu xwebhu:

IYUNIVESITHI YASESTELLENBOSCH OKANYE I-SU

IYunivesithi yaseStellenbosch okanye i-SU ihlanganisa zonke iifakhalathi, amasebe namacandelo ezifundo nangengowazifundo eyunivesithi, kwakunye neeyunithi, amaqumrhu namaziko obungcali kwakunye namaqela abufana nalawo amiselwe kwakunye nayinxalenye yale yunivesithi.

IPROPATI EYIMVELISO YOBUNGQONDI (IP)

IPropati eyiMveliso yoBungqondi ("IP") ihlanganisa naluphi na uyilo lwengqondo olunokukwazi ukukhuselwa ngumthetho ukuba lungasetyenziswa ngomnye umntu okanye elinye iqela, kubandakanywa nayiphi na into efunyanisiweyo, evelisiweyo, uhlobo lwesityalo olubhaqiweyo, idizayini, ubuchule bokwenza into, uhlobo lokurhweba, ingqiqo, idatha, ulwazi. inkqubo, isikhokelo, imathiriyeli, uqambo, imodeli, uvimba, inkqubo yekhompuyutha, isistimu, ikhowudi, umsebenzi wezandla, itekisi, umculo, uxwebhu, umzobo, iflowutshati, ialgorithm, ifomyula, itheyibhile, uqulunqo, ubalo, isipredishiti, umzobo ongumfuziselo, iplani yesakhiwo, ipatheni, inkqubo kunye/okanye ezinye iziphumo zophando, yaye ibandakanya nawaphi na amalungelo kolo yilo nokuba abhaliswe ngokusemthethweni, iinkcukacha eziyimfihlo, iimfihlo zorhwebo, amalungelo obunini, amalungelo oyilo okanye amalungelo abo basebenza ngezityalo okanye nawaphi amalungelo asondele kulawo, nokuba abhalisiwe okanye akabhaliswanga, kodwa kule IPP ayibandakanyi iimpawu zeenkampani, igama lewebhusayithi, igama leshishini, ibrhendi, ilogo okanye naluphi na uphawu olulolo hlobo nokuba lubhalisiwe okanye alubhaliswanga

UMGAQONKQUBO WEPROPATI EYIMVELISO YOBUNGQONDI (IPP)

UMgaqonkqubo wePropati eyiMveliso yoBungqondi ("IPP") uthetha lo Mgaqonkqubo waseSU olawula ukudiza, ukukhusela nokurhweba ngelP okwenziwa yiSU, nokunokuthi kuvele ngexesha kufundiswa okanye kufundwa, xa kusetyenzwa neSU kunye/okanye kusenziwa imisebenzi yeR&D eyenzelwa eSU.

UPHANDO NOPHULISO (R&D)

UPhando noPhuhliso ("R&D") luthetha umsebenzi woyilo nokusebenza ngokwenkqubo ethile owenzelwa ukunyusa uvimba wolwazi, kubandakanywa ulwazi loluntu nolwenkcubeko, okanye owokwenza iinkqubo ezintsha zolwazi olukhoyo.

UMTHETHO WAMALUNGELO EPROPATI EYIMVELISO YOBUNGQONDI (IPR ACT) ATHE AVELA NGENXA YOMSEBENZI WOMTHETHO OXHASWA NGEEMALI ZIKARHULUMENTE

UMthetho waMalungelo ePropati eyiMveliso yoBungqondi eXhaswa ngeeMali zikaRhulumente, uMthetho 2008 wango2010 ("IPR Act") ngumthetho olawula iIP eveliswe kumaziko oMzantsi Afrika asebenzisa inkxasomali karhulumente kwimisebenzi yophando nophuhliso (R&D) yaye, lo mthetho uchaphazela neSU njengeziko lemfundo ephakamileyo neloqeqesho elifumana nelisebenzisa inkxasomali karhulumente kwiR&D yalo.

IOFISI YESIZWE YOLAWULO LWEPROPATI EYIMVELISO YOBUNGQONDI (NIPMO)

Iofisi yeSizwe yoLawulo lwePropati eyiMveliso yoBungqondi ("iNIPMO") yiofisi yeSebe lobuNzululwazi noYilo lweZinto eZintsha emiselwe kulandelwa umthetho iIPR Act enomsebenzi wokubeka iliso kukhuselo nokurhweba ngelP kwimisebenzi exhaswe ngezimali zeR&D

zikhahulumente. iSU kufuneka inike ingxelo kwiNIPMO ngale misebenzi ngokokuthobela iIPR Act neMiqathango yawo.

IMIQATHANGO

IMiqathango ihlanganisa imiqathango ebophelelayo, imiyalelo, izikhokelo nemigqaliselo yokusebenza ekhutshwe ngokoMthetho weIPR, nokuba isuka kuMphathiswa osebenza ngalo mthetho okanye kwiNIPMO.

I-INNOVUS TTO

I-Innovus TTO yiOfisi yoHanjiso lweTekhonoloji yeInnovus, icandelo leSU elinoxanduva lokulawula, lokukhusela nokurhweba ngelIP yeSU, isebenzisana neNIPMO kananjalo isenza umsebenzi weSU wokuthobela umthetho obizwa iIPR Act neMiqathango yawo.

ABASEBENZI ABASISIGXINA NABANYE ABASEBENZI

Abasebenzi baseSU nabaphangeli bayo bebonke babandakanya bonke abantu abanekhonthakthi yokubonelela ngeenkonzo kwiSU, nokuba umsebenzi wabo ngowokuhlohla abafundi okanye asingowokuhlohla, kubandakanywa bonke abasebenzi bethutyana nabasisigxina baseSU, abasebenzi abakwikontraka yaseSU, abantu abathunyelwe ngamanye amaziko ukuba baze kusebenza eSU, abahlohli, abancedisi babaphandi, oosihlalo babaphandi, kunye nabaphandi/abahlohli abazindwendwe zeYunivesithi yaseStellenbosch kwakunye nabasebenzi abasezifisini zaseSU abangoomabhalane nabanika inkxaso.

ABAFUNDI

Abafundi baseSU babandakanya bonke abantu ababhalisele izidanga okanye izifundo ezithile, kubandakanywa abo bafunda unyaka wonke kunye nabo beza ngamaxesha athile, yaye babandakanya abo benza izifundo zethutyana kunye nabafundi abasuka kwamanye amazwe, kodwa ababandakanyi abafundi abanabahloli abangabancedisi abangabasebenzi baseSU babe abafundi bona bengabhaliselanga izifundo zaseSU.

ABASELE BEPHUMELELE IZIDANGA ZOBUGQIRHA

Abantu abasele bephumelele izifundo zobugqirha ngabo bapase iPhD abathi bafumane isibonelelo semali ukubancedisa ukuba baphumeze amakhondo abo ezifundo zophando. Abangobafundi okanye abasebenzi baseSU kodwa babhalisiwe ngokusesikweni yaye bangamalungu eSU. Eyona bayenzayo eSU luphando kodwa basenokuyenza neminye imisebenzi edibene nezifundo efana nokuhlola abafundi nokuba ngabahloli kubafundi abenza izifundo zophando phantsi komhloli ongumphangeli waseSU.

ABANTU ABANEGALELO KWI-IP

Abantu abaneGalelo kwiIP bahlanganisa bonke abasebenzi, abo sele bephumelele izifundo zobugqirha nabafundi baseSU abathe banegalelo elibambekayo ekumiselweni kwiIP ngokuba negalelo kwimveliso ethile, kubandakanywa abavelisi, ababhali nabanye abayili baloo IP, kwakunye nabo bancedisileyo ngemibono (abantu abangayenzanga loo mveliso kodwa baneline igalelo elenze ukuba kubekho loo mveliso okanye olo yilo nekuthe kwavunyelwana nabo ukuba kufuneka bafumane isabelo kwinzuzo yaloo mveliso) kwakunye nabanye abathe banegalelo kuphuhliso lwaloo IP abanokuthi banikwe ingqwalasela yiInnovus TTO yaye kwenziwe isivumelwano nabo ngabayili beIP. Abantu abaneGalelo kwiIP kuya kulindeleka ukuba bavumelane ngegalelo labo kwakunye nomyinge wexabiso lokumiselwa kwiIP.

IINDLEKO EZIPHELELEYO

Iindleko ezipheleleyo zithetha ukuba iR&D ihlawulelwe ngokupheleleyo ngendleko zabucala ngokwemiqathango yeIPR Act neMimiselo yayo. I-IPR Act ayisebenzi kwiIP eveliswe kulandelwa isiseko seeNdleko ezipheleleyo njengoko kuchaziwe kwiMiqathango yeIPR Act. Inkqubo engqalileyo yokugqiba ngeendleko ezipheleleyo ichazwe kwiSU *Policy for the Costing and Pricing of Research and Research Related Contracts* eyamiselwa yiSU ukuqinisekisa ukuba kuthotyelwa iMiqathango.

UBONELELO NGEENKONZO ZOBUNGCALI

Xa kubonelelwa ngeenkonzobungcali, ulwazi lusetyenziswa ngengqiqo kananjalo kungade kuziwe nesisombululo kwiingxaki. Injongo yokubonelela ngenkonzo yobungcali mayingabi kukuza nolwazi olutsha oluninzi koko mayibe yindlela yokusebenzisa ulwazi olukhoyo. Zimbini iintlobo zobonelelo ngenkonzo yobungcali, ezizezi, ukwenza oku usebenzela iSU kwakunye neyomntu ozisebenzelayo. Inkonzo yobungcali ebonelelwa yiSU yenzeka xa umphangeli ebonelela ngenkonzo yobungcali komnye umntu ngokwekhontrakthi ephakathi kweSU nomntu lowo. Inkonzo yobungcali yabucala yeyaxa umphangeli othe wafumana imvume kwiSU ukuba enze umsebenzi wabucala, ebonelela ngolwazi analo komnye umntu oza kumhlawula, ekwenza oko engasebenzisi izibonelelo zaseSU yaye engasebenzisi abanye abasebenzi okanye abafundi baseSU. Inkonzo yobungcali yabucala, xa ithelekiswa nenkonzo yobungcali ebonelelwa yiSU, ayenziwa ngegama leSU, kodwa umphangeli uyazenzela ngokwakhe kwindawo anikwe ikhontrakthi kuyo.

UPHANDO OLUCELIWEYO

Injongo yophando oluceliweyo kukukhangela ulwazi olutsha. Uphando oluceliweyo lucelwa ngumbutho wangaphandle yaye lusenokudinga ukuba kusetyenziswe izibonelelo zeSU. Omnye umphangeli kunye/okanye abafundi baseSU basenokubandakanyeka kuPhando oluceliweyo. Uphando oluceliweyo lwenziwa egameni leSU yaye umphangeli akazenzeli ngokunokwakhe ecaleni.

I-IP EBIKHONA

I-IP eBikhona ibhekisa kwiIP ebesele ikhona xa kuqalwa umsebenzi wophando nophuhliso (R&D) okanye omnye umsebenzi woyilo lwezinto ezintsha ethi isetyenziswe ngumsebenzi okanye umfundi ngeenjongo zaloo R&D okanye kumsebenzi woyilo. Kusenokufuneka ukuba kufunyanwe imvume yomnini waloo IP ukuze isetyenziswe, kwanokuze kurhwetywe ngeziphumo zeR&D okanye ngeziphumo zomsebenzi ezixhomekeke ekusetyenzisweni kwaloo IP eBikhona.

UMHLA WOKUQALA UKUSEBENZA

UMhla wokuqala ukuSebenza ngumhla eya kuthi le IPP iqale ukusebenza ngawo, ongowe1 KweyoMqungu 2023 njengoko kubhaliwe kwiphepha lokuqala lale IPP.

ISIKHOKELO SOSETYENZISO

Lulwazi okanye iinkcukacha ezinexabiso ebezingaziwa nezikhokelela kushishino oluthile okanye kwiziphumo ezithile eziphathekayo okanye ezinobungcali obuthile. ISikhokelo soSetyenziso sidla ngokuba sisihlomelo kwenye iIP kuba sisenokudingeka ukuze kumiselwe, kusetyenziswe ngempumelelo inkqubo ethile, kunye/okanye ukuze kugcinwe ngendlela loo IP. ISikhokelo soSetyenziso ingaba yinkqubo elandelwayo, izigaba ezilandelwayo, into eyenziwayo, isakhono esisetyenziswayo, imodeli, ulandelelwano lwamanqanaba, inkcazelo, ulwakhiwo, idizayini, umgaqo, inkqubo, indlela yokwenza izinto, ingqiqo, ukuhambelana kwezinto, indlela yokusebenza, iimveliso ezingabhaliswanga ngokusesikweni okanye umbono omtsha woshishino.

ICANDELO 2: UMGAQONKQUBO WASE-SU OMALUNGA NEPROPATI EYIMVELISO YOBUNGQONDI

2.8 AMAGQABANTSHINTSHI NGOMGAQONKQUBO

IYunivesithi yaseStellenbosch yenze lo Mgaqonkqubo wePropati eyiMveliso yoBungqondi oxhasa imisebenzi engundoqo yeSU ngenjongo yokuphumeza umbono wayo neenjongo zesicwangciso sayo njengoko zichaziwe kwi*Institutional Vision 2040 and Strategic Framework 2019-2024*, kunye nomnqophiso wayo, ekuzibopheleleni ukuphumeza umnqophiso weziko wokuba liziko eliphume izandla kwizifundo nophando lobunzululwazi, ngokudala nokumisela imekobume yokufumana ulwazi, ukwabelana ngalo nokwenza ukuba kulo kuzuze uluntu. I-SU izinikele kumsebenzi wophando olunokukhokelela kulwazi olutsha, iimveliso ezintsha kunye nokuvulela uluntu kuvimba wolwazi ukuze kuzuze iSU, aBantu abaneGalelo kwiIP, kunye noluntu ngokubanzi. Ukushishina ngolwazi nokudlulisela iteknoloji kubonwa njengomcimbi ongundoqo kwimisebenzi yeSU ukuze kusetyenziswe olo lwazi ukwenza okuhle. Le IPP ayichaphazeli ukusetyenziswa kweempawu zeSU, amagama eziko, iilogo okanye izihloko zewebhusayithi, zinto ezo ezilawulwa nguMgaqonkqubo obizwa i*Policy in Respect of the Use and Licensing of Stellenbosch University Trade Marks neBrand Identity Manual* yeSU.

KwiYunivesithi yaseStellenbosch, bonke abathathinxaxheba beziko nabangaphandle kulindeleke ukuba bayifunde yaye bayiqonde le IPP yaye baqinisekise ukuba lonke uphando kunye neminye imisebenzi eyenzeka eSU enokukhokelela kwiIP yenziwa kuthotyelwa le IPP. Le IPP isebenza kuzo zonke iikhampasi zeSU, kubo bonke abasebenzi bethutyana nabasisigxina abahlawulwa leli ziko, kubasebenzi abakwikhontrakthi kubo bonke abafundi ababhalisileyo, abo sele bephumelele izifundo zobugqirha, nabaphandi/abahloli abazindwendwe zaseSU. Lo Mgaqonkqubo uchaphazela nabo benzelwa uphando leli ziko kunye namahlakani ophando eSU.

I-SU liziko lemfundo ephezulu noqeqesho, elifumana lisebenzise inkxasomali karhulumente kumsebenzi omninzi wayo weR&D. Ubuninzi beIP obubekho ngenxa yenkxasomali karhulumente yeR&D bulawulwa nguMthetho i*IPR Act and Regulations*, ngenxa yoko ke, iye yathathelwa ingqalelo i*IPR Act and Regulations* xa bekuqulunqwa le IPP. Iyanyanzeliswa i-SU yi*IPR Act and Regulations* ukuba iphuhlise ze imisele imigaqonkqubo yokuxela, ukuchonga, ukukhusela, ukuphuhlisa, ukushishina namalungiselelo okwabiwa kwenzuzo evela kwiIP ebekho ngenxa yenkxasomali karhulumente yeR&D kunye noveliso emalungeniswe kwiNIPMO olumiselwe kulandelwa iIPR Act ukuze lwamkelwe. Le IPP ibonelela ngaloo migaqonkqubo yaye iya kungeniswa kwiNIPMO ukuze yamkelwe.

Amaziko emfundo ephezulu ayanyanzeliswa ukuba amenteyine iofisi yodluliselo lweteknoloji ukuze kuphunyezwe imisebenzi ethile egameni leziko ngokokuthobela iIPR Act. I-Innovus TTO yiofisi yodluliselo lweteknoloji yaseSU. I-Innovus TTO ngoko ke inikwe uxanduva lokwenza imisebenzi yeofisi yodluliselo lweteknoloji egameni leSU phantsi koMthetho, kubandakanywa uphuhliso oluqhubekayo nolawulo lwale IPP nokungeniswa kwalo kwiNIPMO ukuze ilwamkele, ukukhusela amalungelo eIP eSU, awaBantu abaneGalelo kwiIP namahlakani, nokwenza ukuba uluntu luzifumane iziphumo zeR&D ngodluliselo lweteknoloji. I-Innovus TTO ixhotyisiwe yiSU ukuba yenze lo msebenzi. Ngoko ke, iinjongo eziphambili zeInnovus TTO kukumisela le IPP kubuhlakani obuyinzuzo kwiyunivesithi yaseStellenbosch nokusebenza kwayo ithobela izikhokelo zemithetho nemigaqo yokwenza lo msebenzi.

2.9 UKUSETYENZISWA KOMGAQONKQUBO

2.9.1 IMIBA GABALALA

Le IPP ihlanganiswe yaye iyinxalenye yezivumelwano eziphakathi kweSU nabaphangeli bayo, abo sele bephumelele izifundo zobugqirha nabafundi, kubandakanywa zonke iikhontrakthi zemisebenzi neekhontrakthi zobonelelo-zinkonzo ezenziwe naBasebenzi baseSU nezivumelwano nabo sele bephumelele izifundo zobugqirha nabafundi ababhalisela ukufunda eSU. Le IPP iya kuqala ukusebenza ngoMhla wokuQala ukuSebenza njengoko kuchaziwe kwiCandelo 1 lale IPP. Le IPP ihlaziyiweyo ayisayi kuba nafuthe kwizinto esele zidlulile yaye ayisayi kusebenza kuzo naziphi iintshukumo okanye imisebenzi ezenziwe phambi koMhla wokuQala ukuSebenza kwayo, iya kuchaphazela i-IPP ebekho ukususela ngomhla wokuqala ukusebenza kwayo.

Le IPP ayifikeleli kuyo yonke into kodwa iyinxalenye yemodeli yolawulo ehlanganisiweyo yeSU yaye kufuneka ifundwe kunye neminye imigaqonkqubo yeYunivesithi kubandakanywa uMgaqonkqubo waseSU ongoPhando, uMgaqonkqubo waseSU ongeeNdleko eziPheleleyo noMgaqonkqubo waseSU weZifundo zeThutyana. Owona msebenzi wale IPP kukuchaza indlela iIP, intsukaphi yayo iseSU, emayisetyenzwe ngayo, yaye ezona nto ijolise kuzo zezi:

- (a) ukujongana nobunini beIP nokusebenza okanye ukushishina ngayo okuchazwe kuMacandelo 2, 3 no-4 ale IPP; kunye
- (b) nokuchaza, kwiCandelo 5 lale IPP, indlela iSU ezimisele ukuqiniseka ngayo ukuba aBantu abaneGalelo kwiIP abangaba, umphangeli, abafundi, abo sele bephumelele izifundo zobugqirha abaphandi/abahlohli abazindwendwe zeSU, abathi bafumane ngayo ibango labo kwinzuzo yokushishina ngale IP.

2.9.2 I-IP ENTSHA

I-SU igcina iinkqubo ngokweCandelo 3 lale IPP, kwiIP entsha eveliswe ngumphangeli, abafundi, abo sele bephumelele izifundo zobugqirha nabaphandi/abahlohli abazindwendwe ze-SU, eziya kunceda ukuqinisekisa ukuba:

- (a) kufunyanwa abona Bantu abaneGalelo kwiIP kananjalo ukuba kukho into ezuzwayo, umntu ngamnye abe ufumana ngokwegalelo lakhe;
- (b) iIP iphuhliswe ngokwaneleyo ukuze ilungele ukuba ikhuselwe phantsi kwelungelo lobunini okanye amanye amalungelo eIP;
- (c) kuthathwa amanyathelo angawo ukukhusela iIP entsha phambi kwalo naluphi upapasho lweziphumo zomsebenzi weR&D;
- (d) kuthathwa amanyathelo angawo kwinkqubo yokukhusela iIP, kubandakanywa naxa kubhaliswa imveliso entsha, yaye injongo yezifundo yokupapasha iziphumo zophando lwezemfundo ithathelwa ingqalelo enamandla;
- (e) kwimeko nganye, iintlawulo zabiwa ngendlela enobulungisa kunye nayiphi na enye ingeniso yemveliso phakathi kweSU kunye nomvelisi ngokwemiqathango ekwiCandelo 6 lale IPP; nangokokuthobela iIPR Act neMiqathango yayo;
- (f) ukujonga ukukwazi ukusebenziseka nexabiso loshishino leIP nokuvavanywa ngendlela eyiyo.

2.9.3 IINGQIQO EZINOKUZA NOSHISHINO

I-SU imenteyina iinkqubo ngokweCandelo 4 lale IPP, malunga neengqiqo, izicwangciso, nemibono, malunga nokushishina ngelIP ezinokuthi zaziswe iSU ngumphangeli, abafundi, abo sele bephumelele izifundo zobugqirha nabaphandi/abahlohli abazindwendwe eziya kunceda ukuqinisekisa ukuba:

- (a) kuyakwazeka ukusebenziseka nokushishina ngezo ngqiqo ngokuthi oko kuvavanywe ngendlela eyiyo;

- (b) kuthathwa amanyathelo angawo ukugcina umongo wezo ngqiqo, ezo zicwangciso kunye/okanye imibono iyimfihlo kangangoko iziko linakho ukwenza oko;
- (c) kuthathwa amanyathelo angawo okuba lowo uthengisa loo ngcinga unikwa inkxaso, eya kubandakanya phakathi kwezinye izinto, uqeqesho, uncedo, ukhokelo nendawo yokuqala ukusebenzela, ukuqinisekisa ukuba ishishini likhula ngempumelelo; kananjalo
- (d) kwimeko nganye, iintlawulo zabiwa ngendlela enobulungisa kunye nayiphi na enye ingeniso yeshishini phakathi kweSU nalowo othengisa loo ngcinga kulandelwa iCandelo 6 lale IPP, kuthathelwa ingqalelo naziphi iindleko ezichithiweyo ngamaqela achaphazelekayo kumiselo lwelo shishini, kubandakanywa netyala elenziweyo.

2.9.4 UPHANDO OLUCELIWEYO

Kwimeko yeR&D eyenziwe neminye imibutho, iSU idinga ukuba:

- (a) iIP yeSU nomsebenzi womphangeli weziko, abafundi, abo sele bephumelele izifundo zobugqirha nabaphandi/abahlohli abazindwendwe zibe zikhuselwe ngokupheleleyo xa kusenziwa iikhontrakthi nalo mibutho; yaye
- (b) xa kuthathelwa ingqalelo oku kungentla, kwenziwe isivumelwano esibhaliweyo phambi kokuba kwenziwe uphando oluceliweyo nalo mibutho malunga:
 - namalungelo kunye nezinto ezilindelekileyo kuwo onke amaqela achaphazelekayo kuloo IP enokuvela kuloo R&D,
 - ukusetyenziswa kwaloo IP, kubandakanya ukunikezwa kwelayisenisi kunye nokushishina ngamalungelo, kunye
 - namabango neentlawulo ezisuka kuloo mveliso kunye nayiphi na enye ingeniso ebekho ngenxa yaloo IP.

2.9.5 IZIFUNDO ZETHUTYANA

UMgaqonkqubo *oMalunga neZifundo zeThutyana ezibonelelwa yiYunivesithi yaseStellenbosch* ungoququzelelo nolawulo kunye nolwahlulahlulo lwengeniso eyenziweyo olunento yokwenza nezo zifundo zethutyana. Ukusetyenziswa kweempawu zeSU ekuthengisweni okanye xa kufundiswa izifundo zethutyana nako kuthathelwe ingqalelo kule IPP. Kambe ke, kufuneka ithathelwe ingqalelo into yokuba, ngokoMhlathi 3.1.2 wale IPP, iSU inelungelo lobunini kwimathiriyeli yokufundisa yezifundo zethutyana yaye abo bathatha inxaxheba kwizifundo zethutyana zaseSU bathathwa ukuba bangabafundi baseSU ngokwale IPP yaye nayiphi na iIP eveliswe ngabo ngeli lixa bezimase ezo zifundo zethutyana, iya kulawulwa kulandelwa umhlathi 3.2 wale IPP.

2.9.6 IIMPAWU ZEZIKO

Iimpawu zeziko zeSU (kubandakanywa neelogo) zibhalisiwe ngenjongo zokuzibona kakuhle, xa kusenziwa ushishino, kunikezwa iinkonzo okanye kwiimveliso zaseSU kwiinkonzo okanye kwiimveliso zabo kukhutshiswana nabo. Ukusetyenziswa kweempawu zeSU kuchazwe kancinci kuMhlathi 3.6 wale IPP kwaze kwachazwa nzulu kuMgaqonkqubo *wokuSetyenziswa nokuLayiseniswa kweEmpawu zeYunivesithi yaseStellenbosch*. Kufuneka iqatshelwe into yokuba, ngaphandle kwakuMhlathi 3.6, le IPP ayichaphazeli iimpawu zeziko zeSU.

2.10 IINJONGO ZALO MGAQONKQUBO

I-SU ithathela ingqalelo ukuba iIP yayo kufuneka isetyenziselwe ukuzuzisa iSU, abasebenzi bayo nabafundi kunye noluntu ngokubanzi. Ekumiseleni le IPP, ekuzameni ukuba lihlakani lolwazi likarhulumente, lamashishini abucala neloluntu, iSU ithathela ingqalelo ukuba abasebenzi bayo kufuneka bazikhethela ukwenza uphando abafuna ukulwenzisa, ukukhupha iziphumo zophando lwabo babelane ngazo nabo basebenza kunye nabo basebenzisana nabo kunye nenkululeko

yokwenza umsebenzi wezifundo nowobunzululwazi. Ngaphezu koko, kunqwenelwa ukuba ukusebenza kwale IPP kuthathele ingqalelo iziseko zokudiza elubala, ubulungisa kuBantu abaneGalelo kwiIP nakwiSU, isidingo sokuqondana nokwenza okuhle omnye komnye kumaqela anento yokwenza neIP ethile. Okokugqibela, le IPP ifunelwa, yaye inenjongo yokuninisekisa ukuthotyelwa kwe*IPR Act and Regulations* yiSU (kubandakanywa zonke izikhokelo zokusebenza zeNIPMO ezimane zikhutshwa amaxesha ngamaxesha) kwizinto ezinento yokwenza neIP ebekho ngenxa yenkxasomali karhulumente yeR&D eyenziwe eSU. Le IPP ngoko ke inezi njongo zilandelayo:

- Ibonelela ngomgaqonkqubo nemiqathango ebekwe yiIPR Act emalunga neIP ebekho ngenxa yenkxasomali karhulumente yeR&D eyenziwe eSU
- Ibonelela ngemisebenzi yeInnovus TTO njengeofisi yodluliselo lweteknoloji yeSU ngokokuthobela *iIPR Act and Regulations* (kubandakanywa naziphi izikhokelo zokusebenza zeNIPMO)
- Icacisa amalungelo nezinto ezichaphazela iSU, nabaphangeli bayo, abafundi, amalungelo orhulumente waseMzantsi Afrika naweNIPMO namanye amahlakani eIP akhoyo eSU, kubandakanywa nalawo asuka ekufundiseni nasekufundeni, awezifundo zethutyana zaseSU, awoMsebenzi oweNziwa yiSU kunye nemisebenzi yeR&D
- Inikeza nemiqathango yokuchonga, yokuchaza, yokukhusela nokugcina ngokulungileyo iIP yaseSU
- Ibeka imiqathango yokukhusela eyona misebenzi yokufunda efana nokufundisa, upapasho lwezinto ezingemfundo kunye nenye iR&D yaye, apho kufanelekileyo, iququzelela ukusetyenziswa ngendlela elungileyo kwelIP yaseSU kwizinto ezingezezoshishino nezizezoluntu
- Ibonelela ngemiqathango yoboniswano kwezoshishino malunga neIP yaseSU, nokuba oko kwenziwa ngokomyalelo, ngokwelayisenisi okanye kwenziwa ziinkampani ezingamahlumela enkampani engundoqo
- Ibonelela ngamalungiselelo phakathi kweSU, abasebenzi bayo, abo sele bephumelele izifundo zobugqirha, abafundi namanye amahlakani malunga nokwabelana ngengeniso nezinye iinzuzo ezivele ngenxa yokushishina ngelIP yaseSU.

2.11 IZISEKO ZALO MGAQONKQUBO

Le IPP inenjongo yokuthobela ezi ziseko zingundoqo zilandelayo:

1. Le IPP kufuneka ijongane yaye iqinisekise ukuba kuthotyelwa yonke imigaqo nezikhokelo zemithetho ezibekwe ngumthetho, kubandakanywa eze*IPR Act and Regulations*.
2. Le IPP kufuneka ikhusele yonke imisebenzi yemfundo yaseSU, kubandakanywa ukufunda nokufundisa, nopapasho lwezinto ezingemfundo.
3. Le IPP kufuneka ixhase ze ikhuthaze ukuyilwa, ukuxelwa, ukukhuselwa nodizo loshishino, ukuchonga, ukukhusela, ukuphuhlisa, ukushishina nokusebenza ngelIP eSU ukulungiselela wonke ubani ochaphazelekayo.

2.12 UKULUNGISWA KONGQUZULWANO

Nayiphi imbambano emalunga nokuqondwa okanye ukusetyenziswa kwale IPP kufuneka kuqala yaziswe uMlawuli we*Technology Transfer* weInnovus TTO. Ukuba ngaba imbambano ayisombulukanga de kuphele iintsuku eziyi30 (amashumi amathathu) emva kokwaziswa ngayo, loo mbambano ingadluliselwa kuMlawuli oyiNtloko: wecandelo le*Innovation and Commercialisation* leInnovus TTO ukuba isonjululwe, yena oya kuthi azise iimanejala ezichaphazelekayo kunye/okanye umphathi/abaphathi bomntu ochaphazelekayo kuloo mba. Ukuba ngaba imbambano ayisombulukanga de kuphele iintsuku eziyi30 (amashumi amathathu) emva kokudluliselwa kwayo, imbambano ingadluliselwa kwilungu lesigqeba sabaphathi beSU abajongene neInnovus TTO onguMphathi oyiNtloko kwiCala lokuSebenza eSU onokuthi abandakanye amanye amagosa aseSU ngokokubona kwakhe. UMLawuli oyiNtloko: weCandelo le-*Innovation and Commercialisation* leInnovus TTO uya kuthi abonisane ze azise iDean echaphazelekayo okanye intloko yeZiko

eliChaphazelekayo lomntu obandakanyekayo phambi kokuba adlulisele loo mbambano kuMphathi oyiNtloko kwiCala lokuSebenza eSU.

2.13 IZIKO ELINOXANDUVA LOMISELO LWALO MGAQONKQUBO

I-Innovus TTO yiyo enoxanduva lokumisela le IPP, yaye ngenxa yoko -.

- I-Innovus TTO inoxanduva lokwenza, lokwamkela, lokuphonononga, lonxibelelwano nelokubeka iliso kule IPP, olubandakanya ukufumana invume yeNIPMO kwizinto ezichazwe kwiIPR Act.
- I-Innovus TTO inoxanduva elunikiweyo lokumisela nokulawula le IPP kunye nokusebenzisana kwanokunika ingxelo kwiNIPMO ngokwemiqathango ye-*IPR Act and Regulations*.
- Naluphi na ulwaphulomthetho okanye ukungathotyelwa kwale IPP kufuneka kuxelwe kwiInnovus TTO kunye neKomiti yoPhicotho ziNcwadi neyeMingcipheko yeSU (*SU's Audit and Risk Committee*).
- Amanyathelo okungathobeli le IPP aya kuthathwa emva kokubonisana neInnovus TTO kulandelwa amanqanaba olawulo ngokwemiqathango yoluleko esetyenziswa kumphangeli kunye/okanye abafundi baseSU.

2.14 IIFOMU KUNYE NAMANYE AMAXWEBHU ENKXASO

Amaxwebhu enkxaso ekubhekiswe kuwo kule IPP adweliswe phaya kwiShedyuli yale IPP yaye umntu angawafumana kwiwebhusayithi yeInnovus TTO kuwww.innovus.co.za okanye ngokuthumela i-imeyili kuforms@sun.ac.za.

ICANDELO 3: ILUNGelo LOBUNINI BOMBONO OKANYE BEMVELISO YOBUNGQONDI

3.1 ABASEBENZI

3.1.1 UMBA GABALALA

Kufuneka bonke abasebenzi bayithathele ingqalelo into yokuba ilungelo lobunini bayo nayiphi into abayiyilileyo okanye engumbono wabo (IP), eveliswe ngexesha besenza umsebenzi weziko eli, leleYunivesithi yaseStellenbosch (SU). Amacandelo 3, 4 no5 ale IPP achaza inkqubo ethi ilandelwe yiSU ekuqinisekiseni ukuba abasebenzi bayo bangathatha inxaxheba ekurhwebeni ngaloo IP kwanokuba babonelelwe ngokuthi bafumane isabelo nabo kwinzuzo efumaneka ngezinto ezithengiswa kusetyenziswa loo IP.

3.1.2 IMIQATHANGO YAMALUNGelo OBUNINI

Ilungelo lobunini kwimisebenzi ebekho ngenxa yephulo loPhando noPhuhliso (R&D) elixhaswa ngeemali ngurhulumente liya kuba leleSU ngokweIPR Act. Ubunini bemisebenzi eveliswe ngabo bonke abasebenzi baseSU abayenze ngexesha besenza umsebenzi weSU ngokweCandelo 21(1) (d) leCopyright Act buya kuba bobeziko eli. Akudingeki nokuba la malungelo adluliswe ngokusesikweni kwiSU, abasebenzi abasayi kububanga ubunini bawo yaye baya kunikezela ngawabo amalungelo kuloo misebenzi (kubandakanywa amalungelo okusebenzisa loo misebenzi) abakuthi bawanike iSU. Ngokwecandelo 3.1.8 lale IPP, abasebenzi abangoonokotraka kwiyunivesithi le, nabo kunyanzelekile ukuba banikezele amalungelo abo okuvelisa okanye okuyila okanye okubhala imisebenzi kuyo nayiphi na imisebenzi eyenziwe ngexesha besenza umsebenzi wekontraka weli ziko.

- **Indlela yokubonakalisa amalungelo emisebenzi**

Apho kunokwenzeka, yonke imathiriyeli yokufundisa, iifilimu eziboniswayo, izinto ezirekhodiweyo ezinezandi, imisebenzi epapashiweyo neenkqubo zeekhompyutha (*software*) ezenziwe ngabasebenzi beSU xa bebesenza umsebenzi wabo, kufuneka ibhalwe okanye iboniswe ngolu hlobo lulandelayo:

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Onke amalungelo ngaweli ziko

Unyaka obandakanywe kwinkcaza ngunyaka apho iikopi zemisebenzi ziye zenziwa zaze zanikwa abafundi okanye uluntu, okanye unyaka ekupapashwe ngawo umsebenzi lowo, okokuqala. Ukuba uphinde wahlaziywa loo msebenzi okanye uhlelo lwawo olutsha luye lwaphindwa lwapapashwa, kufuneka kuvele nomhla wopapasho lokuqala lomsebenzi obuwenziwe ngaphambili.

- **Imathiriyeli yokufundisa**

Yonke imathiriyeli yokufundisa eyenziwe ngabasebenzi beSU xa besenza umsebenzi wabo wesiqhelo, kubandakanywa ukufundisa, uphando nemisebenzi ebakhokelela

ekubeni baye kubonisana noluntu ekuhlaleni, iya kuthathwa njengemisebenzi efanele ukwenziwa ngabasebenzi ngokwengqesho yabo, ngaphandle kokuba kukho isivumelwano esingesinye. Le misebenzi ibandakanya imisebenzi eyilwe neyenziwe xa umsebenzi ebesenza umsebenzi wakhe wesiqhelo, okanye xa ebefundisa into ethile, okanye esenza uphando oluthile okanye iiprojekthi ezimhlanganisa noluntu ebezinikwe loo mphangeli yiSU ukuba azenze. Loo msebenzi uya kubandakanya, phakathi kwezinye izinto, yonke imathiriyeli yokufundisa, imathiriyeli efakwe kwiiNkqubo zeeKhompyutha eziGcina iMisebenzi yaBafundi kunye nakuvimba okhuselekileyo oyielektroniki weeNkqubo zokuGcina iMisebenzi yaBafundi, amanqaku abhalwa eklasini, iimvavanyo kunye namaphepha eemviwo, iimathiriyeli yezifundo zexeshana nayo yonke imathiriyeli esetyenziselwa abafundi abazimasa iiklasi kunye nabo bafundiswa bekude kusetyenziswa iinkqubo zekhompyutha kunye nabo bemfundo esesikweni nengekho sikweni, umz. imfundo yoluntu, iinkqubo zekhompyutha, oovimba kunye nemathiriyeli yeevidiyo nesebenzisa ezinye iintlobo zokufundisa elungiselelwe ukufundisa esetyenziswa ngabahlohi ukuze bafundise ngayo.

Umphangeli othi ayeke ukusebenzela i-SU, kufuneka phambi kokuba abe uyayishiya impangelo yaseSU, anikeze ngekopi yayo yonke imathiriyeli ebefundisa ngayo nebiyenziwe nguye ngexesha ebesebenzela eli ziko, ayinike uSihlalo weSebe okanye loo mntu otyunjelwe ukuba anikwe loo mathiriyeli kwifakhalathi asebenza kuyo njengeDean eliSekela (eJongene nokuFundisa). Akukho mntu uya kuthintelwa ukuba asebenzise imathiriyeli ebeyenze ngokwakhe ukuba afundise ngayo kwamanye amaziko ukuba nje ususe yonke into ekhankanya iSU.

Abasebenzi bangabandakanya imathiriyeli eveliswe ngabo kweminye imisebenzi efana neencwadi zokufundisa. Kambe ke, ukuba umphangeli ufuna ukuba loo misebenzi isetyenziswe ekufundiseni abafundi beSU (umz. iincwadi zokufundisa) ukuze bazithenge bazisebenzise kwizifundo zabo zaseSU, loo mphangeli uvelise loo msebenzi kufuneka aqale afumane imvume kwiDean yakhe.

Abasebenzi abaceba ukubandakanya imathiriyeli esuka ngaphandle kweyunivesithi nenelungelo lopapasho elingelolaseSU kwimathiriyeli yabo yokufundisa mabakwenze oko bethobela isivumelwano esibizwa ngokuba yiSU *General Copyright Guidelines under the provisions of SU's Blanket Licence Agreement* esikhutshwe nesilawulwa yiInnovus: Copyright; *Trade Marks and Short Courses Division*. Abasebenzi bangadibana neInnovus: Copyright; *Trade Marks and Short Courses Division* ukuba ibancede ukuba bafumene ilayisenisi edingekayo ukuba basebenzise loo mathiriyeli inelungelo elingelinye.

- **linkqubo zekhompyutha neeNtlobontlobo zeZiXhobo zoNxibelelwano**

Ilungelo lobunini beenkqubo zekhompyutha, elooimba, eleemibonisobhanyabhanya nelevidiyo, elezandi ezishicilelweyo, elosasazo neleemathiriyeli zezixhobo zoNxibelelwano ezizintlobontlobo eziveliswe ngabasebenzi xa besenza umsebenzi weyunivesithi liya kuba leleSU, kodwa iSU isenokuvumela ezinye izivumelwano kwiimeko ezithile. Umphangeli othi ayeke ukusebenzela iSU, kufuneka phambi kokuba abe uyayishiya impangelo yaseSU, anikeze ngekopi yayo yonke imathiriyeli ebefundisa ngayo nebiyenziwe nguye ngexesha ebesebenzela eli ziko, ayinike uSihlalo weSebe.

Abasebenzi kulindeleke ukuba bagcine iikopi zazo zonke iimathiriyeli zoyilo nezo kucatshulwe kuzo xa kuveliswa iinkqubo zekhompyutha. Ilungelo laloo mathiriyeli iya kuba leleSU, kodwa iSU isenokuvumela ezinye izivumelwano kwiimeko ezithile. Abasebenzi kufuneka bayigcine iyimfihlo loo mathiriyeli kwakunye nemiyalelo yokusetyenziswa kwezo nkqubo zekhompyutha enokuthi iveliswe ngexesha kusenziwa uphando yaye kufuneka banikeze loo miyalelo yokusetyenziswa kwezo nkqubo kuphela kubantu abanikezwa igunya lokuyigcina apha kwiSU xa iceliwe. Imathiriyeli ekuthathwe

kuyo iinkcukacha nemiyalelo yokusebenzisa iinkqubo ezo ethe yenzelwa kuphela ukubonisa abafundi, ingathi yona inikezwe abafundi mahala. Loo mathiriyeli nalo miyalelo iya kuba yinxalenye yemathiriyeli yokufundisa esele ikhanyiwe apha ngentla.

Izicelo zamalungiselelo angamanye malunga namalungelo obunini kumsebenzi othile okhankanywe apha kufuneka zibhalwe ze zithunyelwe elnovus TTO.

Abasebenzi kufuneka bazi into yokuba, noxa iinkqubo zekhomyutha zikhuselwe lilungelo lobunini, umntu akakuzenza zibe zezakhe yedwa, kambe ke oku kusenokungachaphazeli iinkqubo yekhomyutha enengcinga engazange yeza namntu, nto leyo enokwenza ukuba loo nkqubo yekhomyutha ikwazi ukufumana ilungelo lokuba ibe yeyomntu othile kuphela.

- **linkqubo zeKhompyutha eziTshintshekayo**

Noxa iSU isenokuba nebango kwiinkqubo zekhomyutha eziyilwe ngabasebenzi bayo, kambe ke iSU iyakuxhasa yaye ikukhuthaza ukuyilwa kunye nokuthathwa kwenxaxheba ekwenziweni kweenkqubo zekhomyutha ezinokutshintshatshintshwa okanye zifakelelwe.

Abasebenzi bangathi, bakhethe ukuzipapashela iinkqubo abaziyele ngokwabo okanye eziyilwe phantsi kweliso labo besebenzisa ilayisenisi yeenkqubo zekhomyutha ezikwazi ukutshintshaka ngaphandle kwezi ntlobo zilandelayo zeenkqubo zekhomyutha.

- Uluhlu 1: linkqubo zekhomyutha apho kudingeka imvume yeNIPMO phambi kokuba iinkqubo ezo zipapashwe,
- Uluhlu 2: linkqubo zekhomyutha ezinelungelo elingenakuthintwa okanye nayiphi iIP ekhuselweyo ekubhekiswe kuyo kumhlathi 4.2 apha ngezantsi, kunye
- Noluuhlu 3: linkqubo zekhomyutha ekunokushishinwa ngazo nezinokwenza ingeniso emandla.

KuLuhlu 1: imvume yeNIPMO ifunelwa ukuba kwaziswe uluntu ngeenkqubo zekhomyutha ezibekho ngenxa yophando olulandela iinkqubo ethile okanye eziveliswe emva kokwenziwa kofuziselo oluthile apho isiphumo solo phando singaziwa okanye kungaqinisekwanga ngaso njengakwezi meko zilandelayo:

- Ukuveliswa kwenkqubo entsha yokusebenza okanye isigama esitsha sokusebenzisa loo nkqubo
- Ukuyilwa nokumiselwa kwe-enjini yokuphanda entsha esekelwe kwitekholoji ebikhe yakhona ngaphambili
- Ukusonjululwa kwengxubakaxaka ekwizixhobo zekhomyutha okanye ekwiinkqubo zekhomyutha ngokuthi kujikajikwe iinkqubo esele ikhona okanye uthungelwano olukhoyo
- Ukuyilwa kwealgorithm entsha nesebenzayo esekelezelwe kwiqhinga elitsha (ukutsho oko, iqhinga ebelingaziwa ngaphambili nelingekapapashwa)
- Ukuyilwa kwekhowudi yokufihla iinkcukacha okanye kwecebo lokhuselo.

Abasebenzi kufuneka bahlale iinkqubo zekhomyutha eziveliswe ngabo okanye eziyilwe phantsi kweliso labo phambi kokuba zaziswe kuluntu ukuhlola ukuba ingaba ezi nkqubo zekhomyutha ziphantsi koLuhlu 1, 2 okanye 3 njengoko kuchaziwe apha ngentla. I-SU iyayamkela into yokuba utshintsho oluncinane pha naphaya kwiinkqubo esele zikhona zeekhomyutha ezinokutshintshaka, kusetyenziswa iindlela zesiqhelo zokusebenza

ngeenkqubo zekhompnyutha, olo tshintsho alwenzi ukuba inkqubo leyo ibe phantsi kwenye yezi zintlu.

Iinkqubo zekhompnyutha eziphantsi kwezi ziNtlu kufuneka zichazwe kwiInnovus TTO ze kuboniswa ngendlela ekufuneka ilandelwe phambi kokuba zibhengezwe kuluntu yaye umsebenzi kufuneka avumelane neInnovus TTO ngendlela eza kubhengezwa ngayo loo nkqubo. I-Innovus TTO iya kuba noxanduva lokufaka isicelo sayo nayiphi imvume esemthethweni yokubhengezwa kwaloo nkqubo nokuthatha amanyathelo adingekayo ngokokubona kweInnovus TTO, ukukhusela loo IP ekwiinkqubo zekhompnyutha ezichaphazelekayo phambi kokuba ibhengezwe.

Akudingi kwaziswa kweInnovus TTO ngemiyalelo yokuqala yokusebenza kwenkqubo xa kuboniswa abafundi, kufundiswa eklasini. Lo miyalelo yokusebenza kwenkqubo yekhompnyutha ethile iya kuba yinxalenye yemathiriyeli yezifundo ekhankanywe apha ngentla.

Ukuba ngaba abasebenzi basebenzisa iinkqubo zekhompnyutha ezinokutshintsheka bezisebenzisela uphuhliso, kufuneka baziqhelanise nemiqathango yeelayisenisi ezichaphazela ezo nkqubo zekhompnyutha ezinokutshintsheka yaye kufuneka bayithobele. I-Innovus TTO ingapapasha iilayisenisi yeenkqubo zekhompnyutha ezinokutshintsheka ezinokuchaphazela uphuhliso lwezinye iinkqubo zekhompnyutha yaye abasebenzi abaneenjongo zokusebenza imiyalelo yezo nkqubo ezifunyenwe zinalo miqathango yezo layisenisi ukuphuhlisa iinkqubo zekhompnyutha ezikuluhlul olunemiqathango echazwe apha ngentla kufuneka baqagamshelane neInnovus TTO phambi kokusebenzisa loo miyalelo kwiinkqubo zekhompnyutha.

- **Imisebenzi yoPhando kunye neMisebenzi yobuGcisa**

Ingeniso ebikho ngenxa yezi zintlu zemisebenzi echazwe apha ngezantsi ayidli ngakubangwa yiSU, nokuba umsebenzi lowo wenziwe ngeli lixa abasebenzi bebesenza umsebenzi weziko eli.

- Imisebenzi yobugcisa (umz. imizobo) kodwa engabandakanyi eyokusebenza njengeedizayini (umz. iiflowutshati, imizobo yokusebenza kombane nemizobo yokudizayina)
- Uluncwadi (umz. imibongo, imihlathi okanye iincwadi), kodwa olungabandakanyi imathiriyeli yokufundisa nemisebenzi ebhaliweyo esetyenziswa ekufundiseni njengoovimba kunye nemathiriyeli yokudizayina
- Umculo (uqambo), ukucula iingoma ezibhaliweyo nokuzirekhoda.

Loo misebenzi (umzekelo iincwadi zokufundisa) inganommiselo wokuba ifundwe ngabafundi ze bayithenge ukulungiselela izifundo zaseSU ezibhalwe nguloo mhlohli nezamkelwe yiDean yakhe, okanye yikomiti yefakhalti enikezwe igunya yiDean ukuba yenze oko.

Ilungelo lobunini kwiincwadi zokufundisa abafundi nemihlathi ebhalwe ngabaphandi nabahloli abangabasebenzi baseSU liya kuba lelabo basebenzi, kodwa kufuneka ukuba iSU ikhankanywe xa kupapashwa loo misebenzi. Indlela emayikhankanywe ngayo isenokuchazwa yiSU. Kweminye imisebenzi echazwe apha ngentla, abasebenzi kufuneka baqagamshelane ne-Innovus: Copyright; Trademarks and Izifundo zethutyana Division baqinisekise ukuba upapasho lwabo luza kuhlelwa ngolu hlobo phambi kokuba bapapashe umsebenzi wabo. Ngaphandle kokuba kuvumelekile ngokusemthethweni, nasemva kokwaziswa kweSU, abasebenzi baya kunikwa ilungelo lobunini okanye amalungelo okusebenzisa umsebenzi othile ze nengeniso ibe yeyabo kuloo misebenzi

(ngaphandle kwakwimisebenzi enemiqathango yobunini apho iSU inebango lelungelo lobunini). Kule meko, abasebenzi kufuneka bathathele ingqalelo ukuba yimisebenzi enelungelo lobunini enento yokwenza nemisebenzi yokufundisa abafundi kuphela engabandakanywanga kwimiqathango yeIPR Act, efunisa ukuba iNIPMO iqale inikwe ilungelo lokufumana iIP kwimisebenzi exhaswa ngezimali licandelo leR&D ukuba loo IP ayibangwa yiSU. Lonke ushishino olwenziwa ngabasebenzi ngemisebenzi enelungelo lobunini eyiyeyabo (umz. ushishino nabapapashi) kufuneka lwenziwe ngegama labo yaye ngabo abanoxanduva lwalo ngaphandle kokuba kukho isivumelwano esikhoyo kunye neSU. Abasebenzi bangasebenzisa inkxasomali efumaneka kwiSU ukuphumeza le njongo. Ukuba abasebenzi baseSU banqwenela ukubandakanya imathiriyeli enelungelo lobunini elileleSU kuloo misebenzi inelungelo lobunini (umz kwimisebenzi epapashelwe ukufundisa abafundi), kufuneka baqale bafumane imvume kwiSU yokuba kubandakanywe loo msebenzi. Abasebenzi bangabonisa neCandelo loPhando noPhuhliso ukufumana imvume yokupapasha imihlathi ekwimisebenzi yokufundisa ebandakanya imathiriyeli enelungelo lobunini elileleSU. Kuyo yonke eminye imisebenzi, kubandakanywa iincwadi zokufundisa, abasebenzi bangabonisa ne-Innovus: Copyright; Trademarks and Izifundo zethutyana Division ukufumana imvume yokubandakanya imathiriyeli enelungelo lobunini elileleSU. Ukuba iSU ngokwesicelo somsebenzi, iyavuma ukuba ibandakanyeke ngqo kushinino lokupapasha umsebenzi onelungelo lobunini enxalenye yalo ileleSU, loo mphangeli kufuneka avumela yaye anike iSU onke amalungelo adingekayo okuba iSU yenze umsebenzi wayo kolo shishino kumba weIP

3.1.3 IMIQATHANGO YOYILO OLUTSHA, IIDIZAYINI, ABATSHINTSHI BEZITYALO NEYOLWAZI

Abasebenzi baseSU (kubandakanywa abasebenzi abasisigxina kunye nabo basebenza ngekhontrakti) mabaqaphele ukuba onke amalungelo, ibango nesihloko sawo nawuphi na umsebenzi oyiliweyo omtsha, ilungelo labo basebenza ngezityalo, idizayini, iingcebiso ngorhwebo nezinye izinto ezihambelana nezi, nokuba ziyabhaliseka okanye azibhaliseki, eziveliswe ngabasebenzi beSU ngexa besenza umsebenzi wabo wesiqhelo kunye noko bafanele ukukwenza ngokwengqesho yabo eSU, amalungelo aloo misebenzi yonke ngaweSU, kananjalo ukuba ezi zinto azikho phantsi komthetho othile, abasebenzi banikezela onke amalungelo namabango kwiSU. Ngaphandle kokuba kuvunyelwene ngokukokunye, oku kuya kuya kubandakanya onke amalungelo, isihloko, nawuphi na umsebenzi oyiliweyo omtsha, iintlobontlobo zezityalo idizayini, iingcebiso ngorhwebo nezinye izinto ezihambelana nezi, eziveliswe ngabasebenzi kwicandelo lobungcali abasebenza nabatyunjelwe kulo abasebenzi beSU.

Lo msebenzi kunye nodluliselo lwamalungelo luya kubandakanya onke amalungelo, isihloko, nawuphi na umsebenzi oyiliweyo omtsha, iintlobontlobo zezityalo eziveliswe ngumsebenzi ngexa esenza umsebenzi wakhe wesiqhelo kunye noko afanele ukukwenza ngokwengqesho yakhe, kuthathelwa ingqalelo yokuba isicelo sobunini, sedizayini okanye selungelo loveliso lwezityalo esiya kwenziwa xa kupheliswe ubudlelwane bomsebenzi kunye neSU.

Lonke uyilo olutsha, amalungelo abo basebenza ngezityalo, iidizayini iingcebiso ngorhwebo nezinye izinto ezihambelana nezi eziveliswe ngumphangeli kwisithuba asebenzela ngaso iSU kwicandelo lobungcali asebenza natyunjelwe kulo eSU, luya kuthathwa (i) ukuba lubekho ngenxa yoncedo lwenkxasomali yoPhando noPhuhliso yeSU, ngaphandle kokuba umphangeli angabonisa ukuba loo IP ayixhaswanga ngezimali zeR&D ahlawulelwa ngazo yaye ayenziwanga ngeendleko ezipheleleyo ngokomhlathi 3.1.4 olapha ngezantsi, yaye (ii) ezi zinto azenziwanga ngumphangeli lowo ngexa esenza umsebenzi wakhe waseSU, yaye ukuba akavumelani noko, kuya kufuneka akuphikise esebenzisa isivumelwano anaso, incwadi ekubhaliswa kuyo yeehambo nemisebenzi, okanye enye imathiriyeli ebunjalo yobungqina. Olo

yilo lutsha, amalungelo abo basebenza ngezityalo, iidizayini iingcebiso ngorhwebo nezinye izinto ezihambelana nazo eziye zadakancwa elubala kungaphelanga iinyanga ezili12 emva kokuyeka ukusebenzela iSU ziya kuthathwa njengokuba zibekho ngenxa yoncedo lwenkxasomali yoPhando noPhuhliso yeSU kwanokuba zenziwe ngenxa umsebenzi esenza umsebenzi wakhe wesiqhelo weSU, ngaphandle kokuba umphangeli lowo angabonisa ubungqina obuphikisana nobo esebenzisa isivumelwano incwadi ekubhaliswa kuyo yeehambo nemisebenzi, okanye enye imathiriyeli ebunjalo yobungqina.

3.1.4 UPHANDO, UPHANDO LWETHUTYANA NOKUBONISANA NE-SU

Uphando luxatyiswe kakhulu njengomnye umsebenzi ongundoqo wabasebenzi abahlohla abafundi eSU. Uhlobo lophando lungalolona lususiseko okanye lube ngumsebenzi owenziwayo. Kwimeko yophando olusetyenziswa njengesiseko, ixabiso lemali olunokuba nalo olo uphando, lisenokungabonakali xa lusaqala uphando olo. Ngoko ke, bonke abaphandi kufuneka balithathele ingqalelo ixabiso enokuba nalo iIP xa bebonisana nabanye abaphandi okanye noosomashishini. Injongo asikokuthintela unxibelelwano nabanye abahlohlali kunye nentsebenziswano okanye intathoxaxheba kwiinkomfa neentlanganiso, koko kukukrobisa abaphandi kwinto yokuba, ukukhawuleza ubhengeze into ophanda ngayo ube ungayikhuselanga kungakhokelela ekuphulukaneni nokunikwa ingqalelo ngophando lwakho, ukhuseleko lweIP namathuba obunokuwasebenzisa.

Abasebenzi baseSU abatyelela amanye amaziko emfundo okanye eminye imibutho ngenjongo yokuxoxa ngophando lwabo okunokukhokelela ekuyilweni kweIP, okanye abenza uphando kwenye indawo ngexesha besathathe ikhefu, kufuneka baqinisekise ukuba kwenziwa izivumelwano ezifanelekileyo ezimalunga neIP phambi kolo tyelelo. Abasebenzi mabanxibelelane ukuze bancedwe malunga nalo mba.

Kwangendlela efanayo, abasebenzi abacelwa yimibutho yangaphandle ukuba benze uphando okanye umsebenzi wethutyana bewenzela loo mibutho phantsi kweSU okanye besebenzisa izixhobo zeSU, nokuba umsebenzi lowo wenzelwa ndawoni na, mabaqinisekise ukuba kukho iikhontrakthi ezifanelekileyo neSU. Ezo zivumelwano kufuneka ziqale zamkelwe yiSU, kulandelwa imiqathango ebekwe kumgaqo oyiSU *Contract Research Policy* okanye kwiSU *Consultation Work Policy* kunye nakule IPP. ICandelo loPhando noPhuhliso: leeKhontrakthi zoPhando liya kuncedisa abasebenzi kulo mba. I-Innovus TTO, isebenzisana neCandelo loPhando noPhuhliso, ihlala ikho ukunceda abasebenzi kuthethwano malunga nomsebenzi abawuvelisileyo nakumasolotya oshishino ezo khontrakthi. Uphando lweXeshana nokuBonisana neSU luya kuthathwa njengokuba luyinxalenye yeR&D exhaswa ngezimali ngurhulumente yaye luya kuthathwa njengomsebenzi wesiqhelo owenziwa ngabasebenzi abenza umsebenzi waseSU, yaye iIP enokuvela ngenxa yaloo khontrakthi yophando iya kuba yeyeSU, ngaphandle kwaxa kukho isivumelwano esenziwe nemibutho yangaphandle, kulandelwa imithetho echaphazelekayo.

Amalungelo oMsebenzi woMntu (IP) – Ahlawulelwa ngokuPheleleyo

I-SU iya kuzinika ingqwalasela naziphi na izicelo ezisuka kumbutho wangaphandle ezimalunga nobunini bamalungelo eIP abekho ngenxa yomsebenzi weR&D okanye owenziwe ngentsebenziswano neSU ukuba ngaba iR&D okanye intsebenziswano neSU iye yabandakanya iindleko ezipheleleyo njengoko kuchaziwe kwiSU *Policy for the Costing and Pricing of Research and Research Related Contracts*. Buya kujongwa ubungakanani begalelo lombutho wangaphandle kwiR&D, kubandakanywa nemali umbutho lowo oyifake kwiR&D, izinto okanye izixhobo obonelele ngazo, igalelo layo kwiIP eBikhona ngaphambili, igalelo layo kwiinzame zeR&D nasekushishinini ngayo. Kwii projekthi ezixhaswa ngezimali ngokupheleleyo, umthetho iIPR Act awusebenzi, kodwa le IPP iyasebenza yaye ukunikezwa kwelayisenisi kuyo nayiphi iIP ebikhona ngaphambili yaseSU kumbutho wangaphandle kwezo Projekthi ziXhaswa ngeZimali ngokuPheleleyo, kufuneka kuvunyelwe yiInnovus TTO,

isebenzisana neCandelo loPhando noPhuhliso. I-Innovus TTO ikunye neCandelo loPhando noPhuhliso zingamisela iinkqubo nezikhokelo zokuncedisa kulo nkqubo yonikezo lwelayisenisi.

Amalungelo oMsebenzi woMntu (IP) – Angahlawulelwa ngokuPheleleyo

Xa iindleko zeekontraka zophando zingahlawulelwa ngokupheleleyo, iSU kufuneka ithathele ingqalelo imigaqo nemithetho esebenza kwezi meko, kubandakanywa iR&D exhaswa ngezimali ngurhulumente. Ngaphezu koko, nayiphi iasayimenti, okanye ulwabelwano ngamalungelo eIP nombutho wangaphandle olwenzeke ngenxa yeKontrakthi yoPhando olungahlawulelwa Zonke iNdleko okanye olwenziwa kunye, kufuneka lwamkelwe yiInnovus TTO, isebenzisana neCandelo loPhando noPhuhliso, neNIPMO kuqala ze lusayinwe ngumntu otyunjwe yiSU. I-Innovus TTO ikunye neCandelo loPhando noPhuhliso zingamisela iinkqubo nezikhokelo zokuncedisa kulo nkqubo yonikezo lwelayisenisi.

I-IP ebikhona ngaphambili

Apho umsebenzi waseSU ecelwe ngumbutho wangaphandle ukuba enze uphando apho kukho iIP ebikhona ngaphambili (njengoko kuchaziwe kwiCandelo 1 lale IPP), engeyoyeSU, ekusafuneka yenziwe kwakhona okanye ingxaki ekhoyo kuyo kufuneka isonjululiwe, amalungelo obunini eSU aya kuba ngalawo ophuculo lweIP kuphela, kunye nalo naluphi na utshintsho olwenziweyo kwiIP ebikhona ngaphambili avele ngenxa yophando okanye ngenxa yeR&D nawo nawaphi na amalungelo emibono yabantu, awabakhulisi bezityalo, iidizayini kunye namalungelo obunini anokuthi avele ngenxa yolo phuculo kunye notshintsho. Kuzo zonke ezo meko, umsebenzi ochaphazelekayo kufuneka azise iInnovus TTO kwangethuba ngokusetyenziswa noxhomekeko kwiIP ebikhona ngaphambili ukuqinisekisa ukuba amalungelo amaqela achaphazelekayo kwiIP avele ngenxa yeR&D ayacaciswa kwikhontrakthi ebhaliweyo.

3.1.5 AMALUNGELO KARHULUMENTE

Abasebenzi mabawathathele ingqalelo kananjalo amalungelo oRhulumente woMzantsi Afrika kumba weliP esuka kwimisebenzi exhaswa ngezimali licandelo leR&D equlethwe kwiIPR Act nakwiMiqathango. I-SU kufuneka ithobele le miqathango nale mithetho. Le miqathango nale mithetho ayisebenzi kwimisebenzi enelungelo lobunini bomsebenzi wokuhlohla nowabahlohi okanye kwiIP ngenxa yeR&D ukuba iNdleko eziPheleleyo (njengoko kuchaziwe kwiUMgaqonkqubo waseSU for the Costing and Pricing of Research and Research Related Contracts) zeR&D zihlawulwa ngumntu wangaphandle okanye iziko langaphandle. I-Innovus TTO iya kuncedisa abasebenzi ekujongeni ukuba ingaba lo miqathango nalo mithetho iyasebenza na kwiR&D, kodwa abasebenzi mabavele bacingele ukuba inokuba iyasebenza de iprojekthi leyo yeR&D iqinisekise ngumntu otyunjweyo yiSU ukuba ithobela umgaqo oyiPolicy for the Costing and Pricing of Research and Research Related Contracts yeSU.

I-SU kufuneka imana inika ingxelo kwiNIPMO ngomba weliP eyiliweyo nekushishinwa ngayo evele ngenxa yeR&D exhaswa ngezimali ngurhulumente nabasebenzi. Ukuba oku akwenzeki, iNIPMO inganyanzelisa ukuba kudluliselwe iIP engaxelwanga kuyo. Abasebenzi nemibutho yangaphandle ebandakanyeka kwikontraka zophando kufuneka bavume ukuba iIP iza kuxelwa. I-NIPMO inyanzelekile ngokwasemthethweni ukuba ibe nazo ezo nkukacha kodwa izigcine ziyimfihlo.

I-NIPMO, ngokubanzi, inalo nelungelo lokuthatha inyathelo lokuqala ukufumana iIP esuka kwimisebenzi exhaswa ngezimali licandelo leR&D xa iSU isala ukuthatha elo bango okanye ifune ukhuselo olusemthethweni lwalo IP. Kuphela kuxa iNIPMO isala ukuba nebango kuloo IP apho iSU inokunikeza, kuqala, nawuphi umbutho wangaphandle ochaphazelekayo, okwesibini umsebenzi ochaphazelekayo ithuba lokufumana loo IP. Kwakhona, oku akusebenzi kwiR&D xa

umbutho wangaphandle uhlawule Zonke iiNdleko zemisebenzi enelungelo lobunini enento yokwenza nomsebenzi wesiqhelo owenziwa eyunivesithi.

3.1.6 UMSEBENZI UMNTU AWENZA BUCALA

Ukuze kuqondwe imihlathi 3.1.4, 3.1.5, no-3.1.6 ngendlela echanekileyo, kuyahlulwa phakathi koMsebenzi uMntu aWenza Bucala nalowo woBungcali oweNzelwa iZiko elithile yiSU, neKhontrakthi yoPhando, njengoko kuchaziwe kwiCandelo 1 lale IPP. Umsebenzi woBungcali oweNziwa yiSU (*SU Consultation*) neKhontrakthi yoPhando wenziwa ngokomyalelo weSU apho kuthi kubekho ikhontrakthi phakathi kweSU nelinye iqela, ngeli lixa uMsebenzi waBucala usenziwa ngumsebenzi ezenzela yena engafakanga iSU kuloo msebenzi. Umsebenzi wabucala kufuneka wenziwe kulandelwa umgaqo weSU obizwa ngokuba yi*General Procedure for Private Work* owenziwa ngoNovemba 2006 kunye ne*Consultation Work Policy* yeSU kusetyenziswa neKomiti eJongene noMsebenzi onokuthi uNgquzulane nomnye (*iConflicts of Interest Committee*) noMgaqonkqubo, kuxhomekeke kwimeko leyo.

Isiphumo soMsebenzi waBucala, nokuba yingxelo, umbono, okanye nayiphi na imveliso okanye inkonzo ebonelelweyo ngumsebenzi weSU kumbutho wangaphandle kubandakanywa ilungelo lobunini kwimveliso leyo, ukuba nje akuzukudizwa iinkcukacha zeSU, singachazwa kungafunyenwanga mvume ibhaliweyo esuka kwiSU. Iinkcukacha eziyimfihlo zeSU zibandakanya iziphumo zeR&D zingabandakanya iR&D ezifunyenwe ngabasebenzi ngexesha besenza umsebenzi wabo waseSU. Isizathu salo mqathango kukuba iSU ingathanda ukukhusela amalungelo kumaphepha aseyunivesithi apapashiweyo kunye nabasebenzi ukuze bangacalulwa yaye iSU ingathatha amanyathelo adingekayo ukuthintela olo calulo. Kambe ke iSU, yiyo egcina ilungelo lobunini kwidatha engekasetyenzwa eyenziwe ngexesha leR&D ukuze kukhuthazwe uphando olungolunye. Abasebenzi baseSU ngoko banikeza iSU ilungelo lobunini kunye nawaphi na amanye amalungelo edatha engekasetyenzwa, ngaphandle kokuba kuvunyelwene neSU.

Eminye imisebenzi yabucala engakhankanywanga kwinkcazelo iya kuthathwa njengeKhontrakthi yoPhando, ngaphandle kokuba kukho isivumelwano esingesinye, yaye oku kuya kuqwalaselwa ngokwemiqathango yomhlathi 3.1.4.

3.1.7 IP YABASEBENZI ABAQESHWE YI-SU

Nawuphi na umsebenzi obanga ukuba iP yeyakhe, makeze nobungqina kwiSU bokuba loo IP ayibangakho ngenxa yomsebenzi obuxhaswa ngezimali licandelo leR&D yaye akawenzanga ngexesha ebesenza umsebenzi wakhe wesiqhelo wale yunivesithi. I-SU iya kuthathela ingqalelo ukuba ingaba iP ibekho ngexesha umsebenzi ebezenzela uMsebenzi wakhe waBucala, okanye umsebenzi uwenze esebenzisa izibonelelo zeSU, ijonge netayitile yokufunda yomsebenzi okanye isikhundla sakhe, kunye/okanye ubudlelwane bakhe bengqesho neSU. Ukuba abasebenzi bafuna ukushishina ngelIP eyiyeyabo, ilnovus ingancedisa kulo mba, ngereyithi esetyenziswayo kwimakethe.

3.1.8 ABANTU ABAQESHWE NGEKHONTRAKTHI

Abantu abaqeshwe ngekhontrakthi yiSU babandakanyiwe kwisigama esithi "abasebenzi" kunye nakweso sithi "amalungu asebenzela iziko" esisetyenziswe kule IPP, yaye ngenxa yoko kufuneka bathobele imiqathango enento yokwenza naMalungelo eIP esetyenziswa kubasebenzi beSU, ngaphandle kokuba kukho isivumelwano esiphikisana noku ekuvunyelwene ngokucacileyo ngaso. Ukuba iP eveliswe ngabasebenzi abakwikhontrakthi ngexesha besenza umsebenzi waseSU asiyo yeyeSU ngokomthetho, loo nokontraka kufuneka adlulisele amalungelo akhe onke, itayitile nendima yakhe kuloo IP, kubandakanywa uyilo olutsha, idizayini, amalungelo okhuliso lwetyalo, ulwazi kunye nemisebenzi enelungelo

lobunini kwiSU, ukanti ukuba loo malungelo akadluliseleki kwiSU, oonokontra mabanike iSU amalungelo awodwa angenamiqathango okusebenzisa nokunyanzelisa iIP ngokungathi yeyayo yaye unokontra uza kuwanikezela onke awakhe amalungelo kwiSU. Ukuphepha ukuthandabuza, umqathango omalunga nalo mba uza kubandakanywa kuzo zonke iikhontrakthi ezibhaliweyo ezenziwe nabantu abaqeshwe ngekhontrakthi.

Ngaphandle kokuba kuvunyelwene nabantu abaqeshwe ngekhontrakthi, ubudlelwane phakathi kweSU nabo bantu baqeshwe ngekhontrakthi buya kulawulwa yikhontrakthi ebhaliweyo eya kudandalazisa phakathi kwezinye izinto, oku kulandelayo:

- Ukuthatha isigqibo sokunikeza nokudluliseka kwiSU amalungelo eIP angafanelekanga ukuba abe ngaweSU ngokomthetho;
- Nokuqinisekisa ukuba iSU iza kuba nelungelo elilodwa lokusebenzisa nokunyanzelisa loo IP ngaphandle kwemida nemiqathango okanye izithintelo;
- Ukuyeka amalungelo obulungisa kwimisebenzi enelungelo lobunini;
- Ukuthatha isigqibo sokunikeza nokudluliseka ilungelo lobunini kangangokuba ilungelo lokuqala kunye neleasayimenti elandela eyokuqala enelungelo lobunini liya kusebenza ixeshanyana elifutshane ngokomthetho elikho ngenxa yawo.

Umsebenzi ngamnye ongunokontra kufuneka azalise ifomu eyilnovus TTO emalunga neIP ebekho ngexesha esenza umsebenzi wekhontrakthi.

I-SU iya kubahlawula abantu abaqeshwe ngekhontrakthi kumba wengeniso efunyenwe kumalungelo eIP ngohlobo olufanayo nabasebenzi abasisigxina beSU, ngokweCandelo 5 lalo Mgaqonkqubo.

3.1.9 ABASEBENZI ABASEBENZELA IYUNIVESITHI NEZIKO LANGAPHANDLE NGAXESHANYE

Ubunini beIP yabasebenzi abasebenzela iSU kunye nelinye iziko elingumbutho ongaphandle buya kugqitywa kulandelwa isivumelwano phakathi kweSU nalo mbutho wangaphandle, kuxhomekeke kwimithetho echaphazela eso sivumelwano, kubandakanywa naleyo yemisebenzi exhaswa ngezimali licandelo leR&D. Ngaphandle kokuba oku kubhaliwe kweso sivumelwano, yonke iIP evele ngenxa umsebenzi esenza wakhe wesiqhelo weSU iya kuba yeyeSU yaye iya kuba phantsi kwale IPP.

3.2 ABAFUNDI

3.2.1 IMIBA GABALALA

Abafundi baseSU basebenzisa izibonelelo zeyunivesithi, benza umsebenzi wabo ngeli lixa befunda ukuze baphumelele izifundo yaye umsebenzi wabo uxhaswa ze ukhokelwe ngabasebenzi baseSU. Yonke iIP evele kumsebenzi owenziwe ngabafundi ngexesha befunda kule yunivesithi, noba loo msebenzi ufakiwe okanye awufakwanga eSU, iya kuthathwa njengokuba ibekho ngenxa yoncedo lwenkxasomali yoPhando noPhuhliso yeSU yaye ngenxa yoko iya kuba yeyeSU. Oku kuya kubandakanya ilungelo lobunini bento eyilwe ngumntu, ukhuliso lweentlobontlobo zezityalo, idizayini, iingcebiso ngorhwebo nezinye izinto ezihambelana nezi. Ukuba loo IP asiyoyeye-SU ngokwasemthethweni, abafundi baya kunika iSU loo IP. Umsebenzi lowo wenziwe emva nangenxa yokubhalisa komfundi kweli ziko. Le IP sele ikhankanyiwe inokuthi kwiimeko ezithile itshintshwe ngesivumelwano esibhaliweyo esiphakathi komfundi neSU. Eso sivumelwano siya kuxhomekeka kuyo yonke imithetho echaphazelekayo, kubandakanywa naleyo ichaphazela iR&D exhaswa ngezimali ngurhulumente. Abafundi bangaya elnovus TTO ukuya kubonisana ngemiqathango engeminye.

3.2.2 IMIQATHANGO YELUNGELO LOBUNINI

- **Imathiriyeli zokuNcedisa kwiZifundo**

Abafundi bayavuma ukunika iSU amalungelo abo obunini kuwo wonke umsebenzi owenziwe ngeli lixa befunda kweli ziko (kubandakanywa lonke uphando olwenziwe njengexalenye yezo zifundo) yaye ukuba loo IP ayinakudluliselwa kwiSU, iSU iza kuba nelungelo elilodwa lokusebenzisa nokunyanzelisa loo IP ngaphandle kwemida nemiqathango okanye izithintelo ngokungathi yeyayo. Abafundi kananjalo bayavuma ukunikeza nokudlulisela ilungelo lobunini kangokokuba ilungelo lokuqala kunye neleasayimenti elandela eyokuqala enelungelo lobunini liya kusebenza ixeshanyana elifutshane ngokomthetho elikho ngenxa yawo. Abafundi banikeza amalungelo abo obulungisa kulo misebenzi yaye bawanika iSU. Oku kubandakanya, zonke iintetha abazenzileyo, iiasayimenti, uvavanyo, iimviwo namaphepha eemviwo, iinowutshi zeklasi, izishwankathelo, iipowusta, amaphepha, iidisetheyshini, iithisisi, izandi ezishicilelweyo, iividiyo ezishicilelweyo, iinkqubo zekhompuyutha, oovimba, iidizayini nemifuziselo eyenziwe ngabafundi ngexesha besenza izifundo zabo. Kule meko, imiqathango yencwadi yonyaka yaseSU malunga nokufakwa kwezaziso zelungelo lobunini nokubhengezwa kwababhali ababhala imisebenzi yeyunivesithi efana nedisetheyshini nethisisi, kufuneka ithotyelwe. I-SU ingathi ithathe isigqibo kwezinye iimeko ukuba inikeze ilungelo lobunini okanye inxalenye yalo kumfundi, okanye imgunyazise ukuba ashishine ngomsebenzi wakhe. Abafundi bangathethana neInnovus: Copyright, Trade Marks and Izifundo zethutyana Division ukucela olo gunyaziso.

Abafundi baseSU bayakhuthazwa ukuba babelane yaye baxoxe ngeenowutshi zeklasi, nezishwankathelo, uvavanyo, amaphepha eemviwo nemathiriyeli yokufunda ebufana naleyo. Kambe ke, abafundi mabaqaphele ukuba iSU ayivumeli ukuba abafundi baseSU bahambise imathiriyeli yokufundisa ngaphandle kweziko lokufundisa eliyiSU, nokuba kungezixhobo ze-elektroniki okanye i-intanethi okanye nangayiphi na indlela, yaye akunakudluliswa iIP ngenjongo yokwenza inzuzo yemali. Ukuhanjiswa ngokungekho mthethweni nokusetyenziswa kwemathiriyeli yokufundisa yaseSU ngabafundi akuvumelekanga konke konke.

- **Imisebenzi yobuGcisa**

Ingeniso ebekho ngenxa yezi zintlu zemisebenzi echazwe apha ngezantsi ayidli ngakubangwa yiSU, nokuba umsebenzi lowo uyilwe ngexesha umfundi esenza izifundo zakhe.

- Imisebenzi yobugcisa (umz. imizobo) kodwa engabandakanyi eyokusebenza njengeedizayini (umz. iiflowutshati, imizobo yokusebenza kombane nemizobo yokudizayina)
- Uluncwadi (umz. imibongo, imihlathi okanye iincwadi), kodwa olungabandakanyi imathiriyeli yokufundisa nemisebenzi ebhaliweyo esetyenziswa ekufundiseni njengoovimba kunye nemathiriyeli yokudizayina
- Umculo (uqambo), ukucula iingoma ezibhaliweyo nokuzirekhoda.

Abafundi mabaqahagamshelane neInnovus: *Copyright, Trade Marks and Short Courses Division* (okanye kwimeko yezihloko zamaphepha eyunivesithi, neCandelo loPhando noPhuhliso laseSU) baqinisekise ukuba upapasho lwabo luza kuhletwa ngolu hlobo phambi kokuba bapapashe umsebenzi wabo. Ukuba ngaba kuyavumeleka ngokwasemthethweni, naxa kwazisiwe oko yiSU, abafundi baya kunikwa ilungelo lobunini okanye lokusebenzisa imathiriyeli yaye nengeniso ibe yeyabo kuloo misebenzi

(ngaphandle kwakwimisebenzi enemiqathango yobunini apho iSU inebango lelungelo lobunini). Kule meko, abafundi kufuneka bathathele ingqalelo ukuba yimisebenzi enelungelo lobunini enento yokwenza nemisebenzi yokufundisa abafundi kuphela engabandakanywanga kwimiqathango yeIPR Act, efunisa ukuba iNIPMO iqale inikwe ilungelo lokufumana iIP kwimisebenzi exhaswa ngezimali licandelo leR&D ukuba loo IP ayibangwa yiSU. Lonke ushishino olwenziwa ngabafundi ngemisebenzi enelungelo lobunini eyiyeyabo (umz. ushishino nabapapashi) kufuneka lwenziwe ngegama labo yaye ngabo abanoxanduva lwalo ngaphandle kokuba kukho isivumelwano esikhoyo kunye neSU. Ukuba iSU iyavuma ukuba ibandakanyeke ngqo kushinino lokupapasha umsebenzi onelungelo lobunini enxalenye yalo ileleSU, loo mfundi kufuneka avumele yaye anike iSU onke amalungelo adingekayo okuba iSU yenze umsebenzi wayo kolo shishino kumba weIP.

- **linkqubo zekhompnyutha**

Abafundi kulindeleke ukuba bagcine iikopi zazo zonke iimathiriyeli zoyilo nezo kucatshulwe kuzo xa kuveliswa iinkqubo zekhompnyutha eveliswe ngexesha besenza izifundo zabo eSU. Abafundi kufuneka bayigcine iyimfihlo loo mathiriyeli kwakunye nemiyalelo yokusetyenziswa kwezo nkqubo zekhompnyutha enokuthi iveliswe ngexesha kusenziwa uphando yaye kufuneka banikeze loo miyalelo yokusetyenziswa kwezo nkqubo kuphela kubantu abanikezwe igunya lokuyigcina apha kwiSU xa iceliwe. Imathiriyeli ekuthathwe kuyo iinkcukacha nemiyalelo yokusebenzisa iinkqubo ezo eveliswe ngabo abafundi ngexesha bethabatha inxaxheba kwizifundo ingathi inikezwe mahala kubahloli babo kunye nabanye abafundi abathatha inxaxheba kwezo zifundo.

Abafundi kufuneka bazi into yokuba, noxa iinkqubo zekhompnyutha zikhuselelwe lilungelo lobunini, umntu akakuzenza zibe zezakhe yedwa, kambe ke oku kusenokungachaphazeli inkqubo yekhompnyutha enengcinga engazange yeza namntu, nto leyo enokwenza ukuba loo nkqubo yekhompnyutha ikwazi ukufumana ilungelo lokuba ibe yeyomntu othile kuphela. Ukuba umfundi akaqinisekanga ngale nto, makaqhagemshane nelNovus TTO.

Noxa iSU isenokuba nebango kubunini beenkqubo zekhompnyutha ezenziwe ngabafundi bayo, iSU iya kuxhasa ukuyila nokuthatha inxaxheba ekwenziweni kweenkqubo zekhompnyutha ezinokutshintsheka.

Kule meko abafundi mabaqaphele ukuba iSU idinga imvume esemthethweni yokuchazwa nokwamkelwa kweentlobo ezithile zeenkqubo zekhompnyutha ezinokutshintsheka eziveliswe eSU. Abafundi abavelisa iinkqubo zekhompnyutha ngexesha besenza uphando beseSU kufuneka baqale babonisane nabahloli bemisebenzi yabo phambi kokuchazela uluntu ngezo nkqubo ukuze bajonge iinkcukacha zaloo nkqubo. Abafundi abaphuhlisa imiyalelo yeenkqubo zekhompnyutha ngeli lixa besafunda eyunivesithi abanyanzelekanga bona ukuba babonisane nabahloli bemisebenzi yabo phambi kokuchazela uluntu ngezo nkqubo.

Ukuba abafundi basebenzisa iinkqubo zekhompnyutha ezinokutshintsheka uluntu, esele zikhona, ngexesha besenza izifundo zabo okanye uphando eSU kufuneka baziqhelanise nemiqathango yelayisenisi esebenza kwezo nkqubo zekhompnyutha yaye bayithobele. I-Innovus TTO isenokupapasha uludwe lweelayisenisi zeenkqubo zekhompnyutha ezinokutshintsheka ezinokudala umngcipheko ekuvelisweni kweenkqubo zekhompnyutha eSU yaye abafundi abazimisele ukuvelisa imiyalelo yokusebenzisa iikhompnyutha efunyenwe ngokwezo layisenisi ukulungiselela uphando abalwenza eSU, kufuneka bafumane imvume kubahloli bezifundo zabo phambi kokusebenzisa loo miyalelo yeenkqubo zekhompnyutha.

3.2.3 IMIQATHANGO YOYILO OLUTSHA, IIDIZAYINI, ABATSHINTSHI BEZITYALO NEYOLWAZI

Abafundi baseSU bayaziswa ukuba onke amalungelo, ibango nesihloko kuwo nawuphi na umsebenzi oyiliweyo omtsha, nowabo basebenza ngezityalo, idizayini, iingcebiso ngorhwebo nezinye izinto ezihambelana nezi, nokuba ziyabhaliseka okanye azibhaliseki, eziveliswe ngumfundi ngexesha esenza izifundo zakhe/uphando lwakhe eSU, ngaweSU ngokwasemthethweni phantsi kwelPR Act yaye ukuba loo malungelo asingoweSU ngokwasemthethweni, abafundi baya kuwanika iSU. Ngaphandle kokuba kuvunyelwene ngokukokunye, oku kuya kuya kubandakanya onke amalungelo, isihloko, nawuphi na umsebenzi oyiliweyo omtsha, iintlobontlobo zezityalo idizayini, iingcebiso ngorhwebo nezinye izinto ezihambelana nezi, eziveliswe ngumfundi kwicandelo lobungcali alifundelayo eSU ngeli lixa angumfundi.

Lo msebenzi kunye nodluliselo lwamalungelo luya kubandakanya onke amalungelo, isihloko, nawuphi na umsebenzi oyiliweyo omtsha, iintlobontlobo zezityalo eziveliswe ngumfundi ngexesha esenza izifundo zakhe/uphando lwakhe eSU kuthathelwa ingqalelo yokuba isicelo sobunini, sedizayini okanye selungelo loveliso lwezityalo siya kwenziwa xa kupheliswe ubudlelwane bomsebenzi kunye neSU.

Lonke uyilo olutsha, amalungelo abo basebenza ngezityalo, iidizayini iingcebiso ngorhwebo nezinye izinto ezihambelana nezi eziveliswe ngumfundi ngexesha angumfundi ngalo eSU luya kuthathwa (i) ukuba lubekho ngenxa yoncedo lwenkxasomali yoPhando noPhuhliso yeSU, ngaphandle kokuba umfundi angabonisa ukuba loo IP ayixhaswanga ngezimali zeR&D yaye ayenziwanga ngeendleko ezipheleleyo ngokomhlathi 3.1.4 olapha ngezantsi, yaye (ii) ezi zinto umfundi akazenzanga ngexesha angumfundi waseSU, yaye oko akuphikise esebenzisa isivumelwano anaso, incwadi ekubhaliswa kuyo yeehambo nemisebenzi, okanye enye imathiriyeli ebunjalo yobungqina. Olo yilo lutsha, amalungelo abo basebenza ngezityalo, iidizayini iingcebiso ngorhwebo nezinye izinto ezihambelana nazo eziye zadakancwa elubala kungaphelanga iinyanga ezili12 emva kokumka eSU ziya kuthathwa njengokuba zibekho ngenxa yoncedo lwenkxasomali yoPhando noPhuhliso yeSU kwanokuba zenziwe ngeli lixa angumfundi wesiqhelo weSU, ngaphandle kokuba umfundi angabonisa ubungqina obuphikisana nobo esebenzisa isivumelwano incwadi ekubhaliswa kuyo yeehambo nemisebenzi, okanye enye imathiriyeli ebunjalo yobungqina.

3.2.4 IMIBUTHO YANGAPHANDLE EBONELELA NGEMALI YOKUFUNDA (NGEEBHASARI)

Apho imibutho yangaphandle ibonelela ngeemali zokufundisa abafundi ukuba bafunde eSU, ze ifune amalungelo eIP asukela kwezo zifundo okanye kolo phando olwenziwa ngabo bafundi, loo mbutho kufuneka uthethe neCandelo loPhando noPhuhliso (lisebenzisana neInnovus TTO) ukuze baxoxe ngokunikezwa kwala malungelo. Abafundi abavumelekanga ukuba banikeze amalungelo ngokunokwabo kwimibutho yangaphandle. Umbutho wangaphandle kufuneka wenze isivumelwano neSU kuqala malunga nobunini kunye nokusetyenziswa kwaloo IP evele ngenxa yezifundo okanye uphando lomfundi alwenza eSU. Ezo zivumelwano kuya kufuneka zithobele imigaqo nemithetho echaphazela loo mba, kubandakanywa nezinto ezinento yokwenza neR&D exhaswa ngezimali ngurhulumente. Luxanduva lomfundi ukuncedisa ekumiselweni kweso sivumelwano.

Mayithathelwe ingqalelo ngabafundi nemibutho exhasa ngezimali into yokuba, inkxasomali yokufunda ebhatalelwa umfundi okanye ehlawulwa kwiSU egameni lomfundi (njengentlawulelo yendawo yokuhlala neyeemali zokufunda zomfundi) ayizihlawuli ngokuPheleleyo iiNdleko zokufunda okanye zophando zomfundi. Ezo zifundo kunye nolo

phando ziye zinciphisa nangemali karhulumente, yaye ngenxa yoko, iIP ethi ivele ngenxa yezo zifundo nophando iya kuba yeyeSU ngokomthetho. Ukudlulisela okanye ukunikeza loo malungelo eIP kumntu wangaphandle akukwazeki yaye akunakusetyenziswa okanye akunakunyanzeliswa ngokwasemthethweni.

Abafundi baya kwabela iyunivesithi kwingenisiso yemali abaya kuyifumana ngokushishina ngelIP eveliswe ngabo ngohlobo olufanayo nolo lwabasebenzi beSU, njengoko kuchaziwe kwiCandelo 5 lalo Mgaqonkqubo ngaphandle kokuba kwenziwe isivumelwano esibhaliweyo seSU naloo mfundi.

3.2.5 I-IP EYIYABAFUNDI

Ukuba umfundi ubanga ukuba iIP yeyakhe, makeze nobungqina kuMlawuli oyiNtloko: *welInnovation and Commercialisation* elnovus TTO bokuba loo IP ayibanga kho ngexesha esenza izifundo zakhe okanye uphando eSU. Ukuba umfundi ufuna ukushishina ngelIP eyiyeyakhe, uyacetyiswa ukuba aqhagamshelane neInnovus TTO ukuze afumane iingcebiso noncedo.

3.2.6 IMIQATHANGO YE-IP EBIXHONA NGAPHAMBILI

Apho umfundi ezimisele ukufaka iasayimenti okanye ithisisi (umz. yezifundo zeonazi okanye imastazi) okanye idisetheyshini (yezifundo zobugqirha) enelIP ebixhona ngaphambili elungelo layo ileleziko langaphandle (enokuba yayiveliswe nguye na), loo IP wayeyivelisile ngaphambili phantsi kwesivumelwano nombutho wangaphandle (kubandakanywa awayevelise engumphangeli okanye ingcali eqeshwe liziko elithile), umfundi makayazise iSU phambi kokuba abhalisele izifundo zakhe okanye ngokukhawuleza emva kokuba eyazile. I-SU ayizi kunyanzeleka ukuba iyibandakanye loo IP. Kulo mba, funda umhlathi 3.2.1 olapha ngentla.

Umfundi kufuneka achaze ubungakanani bamalungelo ombutho wangaphandle kwelIP ebixhona ngaphambili yaye kufuneka efumene imvume efunwa yiSU yokubandakanya loo IP ebixhona ngaphambili kwizinto ezingeniswa eSU. I-SU ingakhetha ukwenza isivumelwano malunga nale IP ebixhona ngaphambili enento yokwenza neasayimenti/ithisisi/idisetheyshini yomfundi kunye nombutho wangaphandle ochaphazelekayo. Kulo mba, mayiqatshelwe into yokuba iSU iya kuba kuphela komnini welungelo lobunini leasayimenti/ithisisi/idisetheyshini engenisiweyo nokuba bekukho iIP ebixhona ngaphambili. Ngaphezu koko, iSU iya kuba kuphela komnini weIP yalo naluphi na uphuculo, okanye utshintsho kwelIP ebixhona ngaphambili yomsebenzi womfundi.

Ngaphezu koko, iSU iza kudinga ilungelo lokupapasha oko kuqulathwe kwimathiriyeli engenisiweyo ngokukhawuleza kangangoko. I-SU ingathi kwiimeko ezizodwa ivume ukumisa kancinci olo papasho kodwa nguMgaqonkqubo weYunivesithi ukungagcini iyimfihlo nayiphi asayimenti/ithisisi/idisetheyshini ngaphezu kwesithuba seminyaka emithathu. Ngaphandle kokuba kuvunyelwene ngembalelwano, iSU inelungelo lokupapasha nayiphi iasayimenti/ithisisi/idisetheyshini engenise kuyo nangayiphi indlela ebona ifanelekile.

3.2.7 II-ASAYIMENTI, IDISETHEYSHINI NETHISISI

Ngokomhlathi 3.2.2, iSU inelungelo lobunini yaye ingapapasha iasayimenti/ithisisi/idisetheyshini nangayiphi indlela ebona ifanelekile, kubandakanywa ibe yincwadi okanye ibe elektroniki. Abafundi, ingakumbi abo benza iidigri zesibini nangaphezulu, mabazigcine iiasayimenti, idisetheyshini neethisisi zabo ziyimfihlo phambi kokuba zipapashwe. Abafundi bakhuthazwa ukuba bapapashe iasayimenti/ithisisi/idisetheyshini okanye into esuka kuzo kwijenali okanye njengenxalenye yencwadi ukuba ngaba oko kuhambelana nomgaqonkqubo wokupapasha oko, kubandakanywa umhlathi 4.3 olapha, oxela ukuba

izinto ezintsha, iidizayini nezityalo ezitsha ezikhulisiweyo zixelwa njani kwilInnovus TTO. Abafundi mabaqale kuqala bafumane imvume ebhaliweyo esuka kwiSU phambi kokwenza olo papasho. Abafundi mabafumane imvume ebhaliweyo kumhloli womsebenzi wabo phambi kokufaka izinto zabo okanye amaphepha abo kwijenali, kwiincwadi okanye kumaphepha eenkomfa. Kwezinye iintlobo zopapasho, kubandakanywa iincwadi zokufunda zaseziyunivesithi, abafundi mababonise ne-Innovus: Copyright; Trade Marks and Izifundo zethutyana Division ukufumana imvume ebhaliweyo. Abafundi nabahloli bemisebenzi yabo mabaqinisekise ukuba zichaziwe zonke izinto ezintsha, iidizayini neentlobo ezintsha zezityalo ezikhuliswe ngabo phambi kokuba kukhutshwe upapasho ukuze ilInnovus TTO ifake isicelo samalungelo obhaliselo ilandela umthetho iIPR Act.

Kumanqaku akwijenali ezisesikweni okanye afakwe kumaphepha eenkomfa amkelwe ngolo hlobo yiSU, abafundi mabachaze ukuba uphando lwenziwe eSU. I-SU isenokutsho ukuba loo nkcazelo mayibhalwe njani na.

I-SU ingathi ngokwaMacandelo 5 no6 ale IPP, ishishine ngomsebenzi womntu, ngelungelo lesityalo esikhulisiweyo nangedizayini yomntu nezinto ezihambelana noko ezivela kwiasayimenti/ithisisi/idisetheyshini yomfundi.

3.2.8 AMALUNGELO KARHULUMENTE

Abafundi mabawathathele ingqalelo kananjalo amalungelo oRhulumente woMzantsi Afrika kuyo yonke imisebenzi exhaswa ngezimali licandelo leR&D kwiIPR Act nakwiMiqathango. Le miqathango nale mithetho ayisebenzi kwimisebenzi enelungelo lobunini bomsebenzi wokuhlohla nowabahloli okanye kwiIP ukuba iiNdleko eziPheleleyo (njengoko kuchaziwe kwiCandelo 1 lale IPP) zihlawulwa ngumntu wangaphandle okanye iziko langaphandle. I-Innovus TTO iya kuncedisa abafundi ekujongeni ukuba ingaba lo miqathango nalo mithetho iyasebenza na kuphando lwabo kodwa abafundi mabavele bacingele ukuba inokuba iyasebenza de ilInnovus TTO ithi oko akunjalo.

I-SU kufuneka imana inika ingxelo kwiNIPMO ngomba weIP eveliswe ngabasebenzi baseSU nabafundi, ukanti xa oku kungenzeki, iNIPMO inganyanzelisa ukuba kudluliselwe iIP engaxelwanga kuyo. Abafundi nemibutho yangaphandle ebandakanyeka kwikontraka zophando kufuneka bavume ukuba iIP iza kuxelwa. I-NIPMO inyanzelekile ngokwasemthethweni ukuba ibe nazo ezo nkukacha kodwa izigcine ziyimfihlo.

I-NIPMO, ngokubanzi, inalo nelungelo lokuthatha inyathelo lokuqala ukufumana iIP esuka kwimisebenzi exhaswa ngezimali licandelo leR&D xa iSU isala ukuthatha elo bango okanye ifune ukhuselo olusemthethweni lwalo IP. Kuphela kuxa iNIPMO isala ukuba nebango kuloo IP apho iSU inokunikeza, okokuqala, nawuphi umbutho wangaphandle ochaphazelekayo, okwesibini umsebenzi ochaphazelekayo ithuba lokufumana loo IP. Kwakhona, akusebenzi oku kumsebenzi weR&D xa umbutho wangaphandle uhlawule Zonke iiNdleko zemisebenzi enelungelo lobunini enento yokwenza nomsebenzi wesiqhelo owenziwa eyunivesithi.

3.3 OOMPONDOZIHLANJIWE BABAPHANDI NABAHLOHLI KUNYE NABO ABENZA IZIFUNDO EZINGAPHAYA KWEZOBUGQIRHA

Imiqathango yomhlathi 3.1 walo Mgaqonkqubo emalunga nabasebenzi beYunivesithi iya kusebenza ngokufanayo nakubaphandi asele bedlulile kwizifundo zobugqirha kunye nabo sele kulithuba bengabaphandi kunye nakubahloli abazimasa izifundo eSU kumba weIP eveliswe ngexesha besenza uphando beseSU ngaphandle kokuba kwenziwe isivumelwano esingesinye. Abaphandi asele bedlulile kwizifundo zobugqirha kunye nabo sele kulithuba bengabaphandi nabahloli kuza kufuneka bathobele imiqathango yalo mgaqonkqubo. Bayavuma ukuba, ukuba kuthe ngexesha belapha eSU, besenza nayiphi na iprojekthi yophando yaseSU enokukhokelela ekuvelisweni kweIP,

loo IP iya kuba yeyeSU ukuba iIP yeyomsebenzi weR&D oxhaswa ngezimali ngurhulumente. Ukuba loo IP asiyoyeSU ngokomthetho, abaphandi abenza izifundo ezingaphaya kwezobugqirha nabo sele kulithuba bengabaphandi nabahlohi bayavuma ukuba banikezele ngaloo IP kwiSU yaye ukuba loo malungelo ukuba loo akakwazeki ukudluliselwa kwiSU, iSU iza kuba nelungelo elilodwa lokusebenzisa nokunyanzelisa loo IP ngaphandle kwemida nemiqathango okanye izithintelo ngokungathi yeyayo. Abaphandi asele bedlulile kwizifundo zobugqirha kunye nabo sele kulithuba bengabaphandi nabahlohi bayavuma kananjalo ukunikeza ngalo naliphi ilungelo lobunini elibandakanyeka kuloo IP kangangokuba ilungelo lokuqala kunye neleasayimenti elandela eyokuqala enelungelo lobunini liya kusebenza ixeshanyana elifutshane ngokomthetho elikho ngenxa yawo.

I-SU ibanga iIP yabaphandi abenza izifundo ezingaphaya kwezobugqirha nabo sele kulithuba bengabaphandi neyabahlohi esuke okanye eveliswe ngeli xesha besenza umsebenzi beseSU okanye kwixeshana emva koko kodwa isukela kuleyo IP okanye kwiIP abayinikwe yiSU ngexesha lotyelelo lwabo. I-SU iya kubabuyekeza abaphandi abenza izifundo ezingaphaya kwezobugqirha nabo sele kulithuba bengabaphandi nabahlohi kwingeniso esuka kumalungelo eIP ngohlobo olufanayo nolo lwabasebenzi beSU, ngokweCandelo 5 lalo Mgaqonkqubo.

3.4 ABAPHANDI NABAHLOHLI ABAZINDWENDWE ZEYUNIVESITHI

Abaphandi nabahlohi abazindwendwe, kungafuneka ukuba phambi kotyelelo lwabo, bathathe isifungo sokuba zonke iinkcukacha eziyimfihlo abaya kudibana nazo ngexesha betyelele iSU baya kuzigcina ziyimfihlo, yaye baya kuzisebenzisa kuphela kwimiba abavunyelwe yiSU ukuba bazisebenzise kuyo.

Abahlohi abazindwendwe kufuneka bamkele ukuba yonke imathiriyeli yokufundisa abayinikiweyo yabafundi baseSU, kubandakanywa iimathiriyeli yokufundisa, iinowutshi zeklasi, uvavanyo, iimviwo namaphepha eemviwo, ingaphinde iveliswe yaye ihanjiswe yiSU kubo bonke abasebenzi nabafundi ababandakanyeka kwezo zifundo zichaphazelekayo nakwabo bangomabhalane, nabanikeza izatifikethi zempumelelo nabo banomsebenzi wokubeka iliso kweso sifundo. Abahlohi abazindwendwe kusenokufuneka ukuba banikeze ngekopi yaloo mathiriyeli yokufundisa kubasebenzi baseSU abanoxanduva lokubeka iliso kweso sifundo.

Abaphandi abazindwendwe bayamkela ukuba yonke iIP eveli ngexa besenza uphando eSU yeyeSU. Ukuba umphandi olundwendwe uyavuma ukuba yinxalenye yeprojekthi yophando yaseSU, loo mphandi olundwendwe uyavuma ukunikeza ngaloo IP athe waba negalelo kuyo ngexesha esenza uphando kwiSU.

I-SU iya kubahlawula abaphandi abazindwendwe kwingeniso yeIP ababe negalelo kuyo ngohlobo olufanayo nolo lwabasebenzi beSU, ngokweCandelo 5 lalo Mgaqonkqubo.

3.5 IMIBUTHO YANGAPHANDLE

Ukubonelela ngenkxasomali yokufunda okanye ibhasari kubafundi okanye yophando ngumbutho wangaphandle akuthethi ukuba loo mbutho unebango kumalungelo eIP avele ngenxa yaloo nkxasomali. Amalungelo eIP asuka kuyo yonke iR&D exhaswa ngezimali ngurhulumente, kunye nophando oluyinxalenye oluxhaswa yimibutho yangaphandle, aya kuba ngaweSU, ngaphandle kwaxa iIP yenziwa kunye nabaphandi bombutho wangaphandle, apho iIP iya kuba yeyala maziko omabini.

Ukuba ngaba umbutho wangaphandle unqwenela ukufumana amalungelo eIP okanye isabelo kushishino lweIP efunyenwe ngomsebenzi owenziwe eSU, kufuneka wenze isivumelwano sekhontrakthi neSU yaye oko kuya kujongwa ngokomhlathi 3.1.4. Zonke iikhontrakthi ezinento yokwenza naloo IP, kubandakanywa iikhontrakthi zophando, kufuneka zibhalwe phantsi yaye zibe

phakathi kombutho wangaphandle kunye neSU, yaye kufuneka zamkelwe ngumntu otyunjiweyo yiSU ngokwemigaqonkqubo yayo. Kweso sivumelwano, kuya kucaciswa ulwabiwo lobunini nolwamalungelo okusebenzisa loo IP kunye nokwahlulwa kwengeniso. Ezo zivumelwano kuya kufuneka zithobele imigaqo nemithetho echaphazela loo mba, kubandakanywa nezinto ezinentso yokwenza neR&D exhaswa ngezimali ngurhulumente kunye neMiqathango yeIPR Act. Buya kujongwa ubungakanani begalelo lombutho wangaphandle xa kusenziwa isigqibo ngokukwazi kweSU ukunikeza ilungelo leIP kuloo mbutho wangaphandle. Elo galelo liya kubandakanya nemali umbutho lowo oyifake kuphando, izinto okanye izixhobo obonelele ngazo, igalelo layo kwiIP ebikhona ngaphambili nenxaxheba kuphando noshishino ngalo. Imibutho yangaphandle mayithathele ingqalelo amalungelo oRhulumente woMzantsi Afrika kumba weIP esuka kwimisebenzi exhaswa ngezimali licandelo leR&D equelethwe kwiIPR Act nakwiMiqathango. I-SU kufuneka ithobele le miqathango nale mithetho. Le miqathango nale mithetho ayisebenzi kwimisebenzi enelungelo lobunini bomsebenzi wokuhlola nowabahlohi okanye kwiIP ngenxa yeR&D ukuba iNdleko eziPheleleyo zihlawulwa ngumntu wangaphandle okanye iziko langaphandle. I-Innovus TTO iya kuncedisa abasebenzi ekujongeni ukuba ingaba lo miqathango nalo mithetho iyasebenza na kwiR&D, kodwa abaphandi mabavele bacingele ukuba inokuba iyasebenza de iprojekthi leyo yeR&D iqinisekiswa ngumntu otyunjiweyo yiSU ukuba ithobela umgaqo oyi*Policy for the Costing and Pricing of Research and Research Related Contracts* weSU.

Ngokwesi sikhokelo somthetho, iSU kufuneka imana inika ingxelo kwiNIPMO ngomba weIP ovele oxhaswa ngezimali licandelo leR&D oyilwe ngabasebenzi nabafundi. Ukuba oku akwenzeki, iNIPMO inganyanzelisa ukuba kudluliselwe iIP engaxelwanga kuyo. Imibutho yangaphandle ebandakanyeka kwikontraka zophando kufuneka ivume ukuba iIP iza kuxelwa. I-NIPMO inyanzelekile ngokwasemthethweni ukuba ibe nazo ezo nkukacha kodwa izigcine ziyimfihlo.

I-NIPMO, ngokubanzi, inalo nelungelo lokuthatha inyathelo lokuqala ukufumana iIP esuka kwimisebenzi exhaswa ngezimali licandelo leR&D xa iSU isala ukuthatha elo bango okanye ifune ukhuselo olusemthethweni lwalo IP. Kuphela kuxa iNIPMO isala ukuba nebango kuloo IP apho iSU inokunikeza, kuqala, nawuphi umbutho wangaphandle ochaphazelekayo, okwesibini umsebenzi ochaphazelekayo ithuba lokufumana loo IP. Kwakhona, oku akusebenzi kwiR&D xa umbutho wangaphandle uhlawule Zonke iNdleko zemisebenzi enelungelo lobunini enentso yokwenza nomsebenzi wesiqhelo owenziwa eyunivesithi.

3.6 IIMPAWU ZEZIKO

i-SU ingumnini weempawu zeziko ezibhalisiweyo nezingabhaliswanga yaye amalungelo onke eempawu zeziko ngawayo kubandakanywa naziphi na iilogo, igama, imbasa, izishunqulelo zamagama okanye iimpawu ezinjalo ezinentso yokwenza neSU. Ezi zibankanya, amagama athi, Matie, Matieland and Coetzenburg, imibala yeziko, amagama neelogo ezenziwe ngamasebe, abaziko amaqumrhu okanye iiyunithi kunye neSU kunye namagama eendawo zayo neempawu zeintanethi yayo. Isilogeni esithi *Forward together / Sonke siya phambili / Saam vorentoe* sikwaluphawu lweziko lwaseSU yaye amalungelo aso ngawaseSU.

Le IPP ayisebenzi ekusetyenzisweni kophawu lweziko lwaseSU. Ukusetyenziswa kolu phawu lweziko lulawulwa ngumgaqo oyi-*Policy in Respect of the Use and Licensing of Stellenbosch University Trade Marks neBrand Identity Manual* yaseSU. Xa kusetyenziswa olu phawu lweziko ngabasebenzi, okanye abafundi, abaphandi asele bedlulile kwizifundo zobugqirha kunye nabo sele kulithuba bengabaphandi nabahlohi nabaphandi/abahlohi abazindwendwe ngexesha besenza umsebenzi wabo okanye izifundo zabo, kufuneka bathobele imiqathango esebenza kuloo mba (umz. kwi-*letterheads*) njengoko kuchaziwe kumgaqo oyi-*Policy in Respect of the Use and Licensing of Stellenbosch University Trade Marks neBrand Identity Manual* waseSU. Akuvumelekanga konke konke ukusetyenziswa kophawu lweziko lwaseSU xa lusetyenziselwa umsebenzi wabucala okanye inzuzo ngabasebenzi, abafundi, abaphandi asele bedlulile kwizifundo zobugqirha kunye nabo sele kulithuba bengabaphandi nabahlohi nabaphandi/abahlohi abazindwendwe okanye uluntu.

I-SU inganikeza ilayisenisi ngokusetyenziswa kwegama okanye kophawu lweziko olubhalisiweyo kumahlakani ayo oshishino. Kambe ukuba umsebenzi, umfundi, umphandi osele edlulile kwizifundo zobugqirha kunye nabo sele kulithuba bengabaphandi nabahlohi nabaphandi/abahlohi abazindwendwe, bafuna ukusebenzisa uphawu lweziko lwaseSU bengalandeli imiqathango ye-*Policy in Respect of the Use and Licensing of Stellenbosch University Trade Marks*, kufuneka bafake isicelo kwilnnovus: Copyright; Trade Marks and Izifundo zethutyana Division ukuze bafumene isigunyaziso. Ukusetyenziswa kophawu ngumntu ofake isicelo sesigunyaziso, kuya kuhamba nemiqathango enikezwe yiSU kweso sigunyaziso.

ICANDELO 4: IINKQUBO ZOKUKHUSELA NOKUSHISHINA NGOMBONO OKANYE NGEMVELISO YOBUNGGONDI (IP)

4.1 UKUCHONGWA KWE-IP

Ukukhuselwa kweIP yaseSU kuluxanduva lweInnovus TTO. Ukuncedisa ilnnovus TTO ukuba yenze lo msebenzi, bonke abaphathi, abasebenzi nabafundi kufuneka basebenzisane yaye bancede ilnnovus TTO ekuchongeni nasekukhuseleni iIP eveliswe ngexesha umntu esenza umsebenzi waseSU. Ukusetyenziswa kwaloo IP, okulandela iinkqubo zeInnovus TTO, kwenziwa ngobanjiswano nabo bathe baneGalelo kuyo ukuze kuzuze iSU, abasebenzi bayo nabafundi. I-Innovus TTO inoxanduva lwezi nkonzo zilandelayo malunga nokusetyenziswa kwemibono yoluntu neemveliso ezintsha, iintlobo zezityalo, iidizayini nengqiqo zoshishino kunye nenye i-IP eveliswe ngabasebenzi nabafundi:

- uphando lweteknoloji lokufumanisa ukuba ingaba iIP inokukhuselwa na
- ukuqikelela ixabiso layo loshishino
- ukuphanda izinto ezinokwenziwa ukushishina nokulayisenisa ngayo
- ukuthatha amanyathelo obhaliso apho oko kufanele ukuba kube njalo
- uhlelo lwemarike yokuqala, ukunceda ukumisela isicwangciso soshishino, uphando lwezinto ezinokwenziwa (nokuba oko kwenziwa ngokunikezwa kwelayisenisi, ukuthengiswa kwamalungelo okanye ngomiselo lweenkampani ezingamahlumela enkampani engundoqo)
- ukuphanda imithombo yenkxasomali, ukwenziwa kobuhlakani nokufumana abathengi
- ukubonisana ngeekhonthrakthi zoshishino kunye namahlakani oshishino
- ukhuselo, ukubeka iliso nokubonelela ngenkxaso eqhubekayo yeIP emva kwesivumelwano sekhonthrakthi nehlakani.
- ukulawula ubudlelwane namahlakani oshishino kunye nengeniso eyenzeka ngenxa yoshishino
- ukusebenzisana nokunikeza ingxelo kwiNIPMO nokufumana imvume yeNIPMO xa oko kuyimfuneko
- ukufumana imvume yeBhanki enguVimba (*Bhanki enguVimba*), eyeSebe eliHlola iziMali kunye / okanye iKomishoni eLawula uRhwebo lweHlabathi apho oko kuyimfuneko.

Kwiimeko ezithile, ilnnovus TTO isenokudinga ukusebenzisa enye inkampani ukuncedisa kolu xanduva lungentla. Ezinye zeendleko zokwenza lo msebenzi zingafunyanwa kwingeniso yokusetyenziswa kweIP ngokwemiqathango exelwe kumhlathi 6.1 wale IPP okanye, apho oko kuyimfuneko, kwiNgxowamali yeNkxaso yePropati eyiMveliso yoBungqondi emiselwe ngokweIPR Act xa oko kwamkelwe yiNIPMO. Ukuba iSU ayizuzi kuloo ngeniso, umsebenzi kunye/okanye umfundi ochaphazelekayo nguye oya kuhlawula ezo ndleko.

Kudla ngokulindeleka ukuba abasebenzi kunye/okanye abafundi abachaphazelekayo ukuba bathathe inxaxheba kwinkqubo yoshishino ngokwesicelo seInnovus TTO. Abasebenzi nabafundi abavuma ukuba yinxalenye yoshishino baye basebenzisane neSU kunye neInnovus TTO kulo mba, kubandakanywa ukuya nokutyelela iindawo zoshishino ukuya kusombulula imiba ebekhona ngenxa yeIP kunye/okanye izinto ezingezinye ezithe zavela ngenxa yokushishina ngayo

Ukuba umsebenzi okanye umfundi uya kwiInnovus TTO ephethe isiphakamiso soshishino sengqiqo ethile yokushishina, okanye iIP eveliswe nguye, ilnnovus TTO iya kuphanda izinto ezinokwenziwa ngaloo IP isebenzisana nomntu lowo. Ukuba iSU, isebenzisa ilnnovus TTO, igqiba kwelokuba ingabandakanyeki kushishino ngelIP, umntu ochaphazelekayo uvumelekile ukuba aqhubeke ngengqiqo leyo okanye ngelIP leyo esenzela yena (inzuzo okanye ilahleko). I-Innovus TTO ingamncedisa loo mntu ze imhlawulise ngokweendleko zemarike.

Ukuba umsebenzi okanye umfundi uya kwilnnovus TTO ephethe isiphakamiso sokusetyenziswa kwelP eveliswe nguye okanye wazisa ilnnovus TTO ngelP eyiyeyeSU, ilnnovus TTO iya kuthi isebenzisana nomsebenzi okanye umfundi ochaphazelekayo, iphande ngezinto ezinokwenziwa ngaloo IP. I-Innovus TTO iya kulwenza ilugqibe olo phando kwisithuba seenyanga ezintandathu ize ngalo lonke elo xesha ibonisane nomsebenzi okanye umfundi, ze emva koko ilnnovus TTO yazise umsebenzi okanye umfundi ochaphazelekayo ngembalelwano ukuba ingaba iza kuqhubeka okanye ayiqhubeki nokuba yinxalenye yoshishino ngaloo IP.

Isigqibo sokushishina ngelP yeSU siya kuthathwa kulandelwa isikhokelo semigaqo nemithetho echaphazelekayo, kubandakanywa izikhokelo ezichaphazelekayo ezipapashwe yiNIPMO amaxesha ngamaxesha, yaye uyakwaziswa umntu ochaphazelekayo. Ukuba ilnnovus TTO igqiba ekubeni ingalandeleli umba wokushishina ngelP exhaswe ngezimali yiyunivesithi le, kuya kufuneka yazise iNIPMO ngeso sigqibo yaye ke iNIPMO ingayiyo elandelela loo IP. I-SU nomntu ovelise loo IP baya kuthi kuloo meko injalo bavumeleke ukuba bayisebenzise ukwenza olunye uphando okanye kumsebenzi wokufundisa.

Xa ilnnovus TTO igqiba ekubeni ingalandeleli umba wokushishina ngelP eyiyeyeSU, umfundi okanye umsebenzi ochaphazelekayo angathi afake isicelo kwilnnovus TTO ukuba agunyaziswe ukuba aqhubeke nokusebenza ngelP leyo ngokunokwakhe. I-Innovus TTO ingamncedisa umntu lowo ze imhlawulise ngokweendleko zemarike. Abasebenzi nabafundi mabaqaphele ukuba ilnnovus TTO iya kulandela isikhokelo semigaqo nemithetho echaphazelekayo ekuthatheni isigqibo sokuba ilinike na elo gunya okanye ingalinikezi, kusenokufuneka *-ukuba idlulisele loo IP ukuba isetyenziswe yiNIPMO kunye/okanye elinye iziko elibandakanyeka kwinkxasomali yeR&D ethe yanegalelo kubukho baloo IP phambi kokuba inikeze loo IP kumsebenzi okanye umfundi ochaphazelekayo. Kuya kuxhomekeka kumalungelo karhulumente xa oko kunento yokwenza nelP ebekho ngenxa yenkxasomali karhulumente yeR&D, kubandakanywa ilungelo layo lokusebenzisa loo IP kwimiba yezempilo, ukhuseleko nezidingo zikaxakeka zoMzantsi Afrika nokuphelisa ilungelo elilodwa kunye/okanye unikezo lweelayisenisi ezisisinyanzelo ezinento yokwenza naloo IP engasetyenziselwa ushishino njengoko kusenziwa njalo xa inikezwa iNIPMO ngokomthetho ochaphazelekayo.

4.2 AMALUNGelo ABHALISEKAYO OYILO OLUTSHA, IIDIZAYINI, NAWABAVELISI BEZITYALO

Kukho imiqathango ebalulekileyo ekufuneka ithotyelwe ekufumaneni ilungelo lobunini, ledizayini okanye loveliso lwezityalo yaye nawuphi na umvelisi welP kufuneka xa ediza ilungelo lobunini bemveliso yakhe kwilnnovus TTO athathele ingqalelo into eyaziwayo kwelo candelo leteknoloji enento yokwenza nolo yilo, loo dizayini okanye olo veliso lwezityalo (ubungqina bokwaziwa). Ubungqina bokwaziwa bubandakanya naluphi udizo, noba lwalwenziwe njani, olungeyomfihlo, olubandakanya upapasho nosetyenziso lweemveliso ezibufana naleyo. iinkqubo ezibunjalo ezikhe zasetyenziswa kwicandelo elichaphazelekayo. Phambi kokuchazwa kwelungelo loyilo olo lwedizayini okanye loveliso lwezityalo, kufanele kufunyanwe imvume kuSihlalo weSebe kunye/okanye iDean echaphazelekayo ngezinto ekufuneka zichaziwe kwilnnovus TTO. Abafundi nabasebenzi kufuneka baqinisekise ngalo lonke ixesha ukuba uyilo olutsha, iintlobo zezityalo needizayini zigcinwa ziyimfihlo nanjengoko upapasho olwenziwe phambi kwexesha lungatshabalalisa amathuba okufumana ilungelo lobunini kunye nobhalio okanye ukhuselo lwedizayini yesityalo esitsha. Ukuba kukho umntu ekufuneka aziswe phambi kwexesha, kufuneka oko kuxelelwe ilnnovus TTO ngoko nangoko.

Kusenokubakho iintlobo ezahlukileyo zokhuseleko lwelP yaye ilnnovus TTO iya kuthathela ingqalelo olo dizo ze icebise ngolona khuseleko lufanelekileyo.

4.3 UKUDIZWA KWE-IP

Ukuze kukwazi ukuba kuchongwe ze kushishinwe ngelIP entsha, kufuneka kwaziswe ilnnovus TTO ngokukhawuleza kangangoko (zingaphelanga iintsuku ezingama90 emva komiselo lwayo) ukuxelwe ukuba iIP ivelisiwe okanye ingqiqo yoshishino enokuthi ikhokelele kushishino ngayo ivelisiwe. Olo dizo kufuneka lwenziwe ngokuthi kuzaliswe iFomu yokuChaza ngeMveliso eNtsha (*Innovation Disclosure Form*) efumaneka elnnovus TTO.

I-IP edaleke emva kokusetyenziswa kwenkxasomali yoluntu engaxelwanga kwiNIPMO ingabangwa yiNIPMO ilandela imiqathango yeIPR Act. Kubalulekile ke ngoko ukuba nayiphi na iIP eyenziwe eSU ixelwe elnnovus TTO ukwenzela ukuba i-Innovus TTO iyixele kwiNIPMO ze ijonge nokuba iIP leyo kungashishinwa na ngayo. E-SU, iikhontrakthi zophando zilawulwa liCandelo loPhando noPhuhliso elithi lisebenzisane ne-Innovus TTO. Emva kokuxelwa kwelIP, i-Innovus TTO inoxanduva lokuthatha amanyathelo okuhlola into enokwenziwa ngayo, ukhuselo lwayo nokusebenza ngayo ngokohlobo ekuchazwe ngalo kumhlathi 4.1 olapha ngentla.

Bonke abaphandi kufuneka bagcine iirekhodi ezipheleleyo ezixhasa imvelaphi yombono omtsha nanjengoko ubungqina bokuxhasa budingeka xa kusenziwa isicelo sokhuselo lwelIP olusesikweni. Imathiriyeli emayigcinwe kakuhle ibandakanya yonke imathiriyeli yophando neziphumo, imathiriyeli yokudizayina kunye nemiyalelo yokusebenza kwenkqubo entsha yekhompyutha.

I-IP entsha kufuneka igcinwe iyimfihlo yaye ingaxelelwa uluntu de ibe ikhuselwe. Kwezinye iimeko, kunokudingeka ukuba kuqale kufunyanwe imvume kwiNIPMO phambi kokugunyaziswa kokuba ixelwe uluntu. I-Innovus TTO iya kuzama ngoko konke ukuqinisekisa ukuba isithuba sokungadizwa kwelIP asibi side kakhulu. Abaphandi kunye neInnovus TTO mabathathe onke amanyathelo ukuqinisekisa ukuba azidizwa iinkcukacha zolwazi nemathiriyeli enento yokwenza neIP entsha (kubandakanywa imveliso entsha, uyilo olutsha kunye/okanye iintlobo ezintsha zezityalo).

4.4 UKUBHALISWA KWELUNGelo LOBUNINI, LEDIZAYINI OKANYE LOVELISO LWEZITYALO

I-Innovus TTO yiyo egqiba ngohlobo lokhuseleko olufanelekileyo lwelIP inkqubo yokwenziwa kwayo kwakunye nokugcinwa kwayo, ilandela imiqathango yeIPR Act and Regulations (kubandakanywa nayiphi imigqaliselo enokumana ikhutshwa yiNIPMO amaxesha ngamaxesha). Iindleko zomiselo, zokwenziwa nezokumenteyina iIP ebhalisiweyo zikhutshwa yiSU, ngaphandle kokuba kukho esinye isivumelwano esenziwe nalowo ube neGalelo kwelIP.

Kwiimeko apho ilnnovus TTO igqiba kwelokuba ingafuni khuseleko lusesikweni lwelIP enokubhaliswa ebekho ngenxa yenkxasomali yeziko yeR&D, ilnnovus TTO iyanyanzeliswa ngumthetho ukuba yazise iNIPMO ngeso sigqibo ze inike nezizathu zoko. Kuloo meko iNIPMO isenokukhetha ukuba ithathe ubunini baloo IP okanye inyanzelise ukuba iIP leyo inikwe elinye iqela ze ibe yeyalo. Ukuba akukho mntu ubange ubunini baloo IP, ilnnovus TTO iya kuthi, xa kukho umbutho wabucala othe waxhasa ngezimali uphuhliso lwalo IP, inike loo mbutho igunya lokubanga loo IP nokufumana ukhuseleko lwamalungelo ayo. Ukuba akukho mbutho unjalo, okanye loo mbutho awufumani malungelo elIP, lowo okanye abo bathe banegalelo kuloo IP baya kunikwa ilungelo lokuba bayithathe ibe yeyabo loo IP kananjalo baqhubeka nokuyimisela, bayimenteyine yaye barhwebe ngayo ukuze inzuzo ingene kubo. Ngaphandle kwegunya leSU, elinikezwa ilnnovus TTO, akukho msebenzi okanye mfundi onokuqhubeka ngokwakhe aye kwigqwetha lamalungelo eemveliso zabantu, ukuba aye kubhalisa iIP ebekho ngomsebenzi okanye izifundo ezenziwe eSU.

I-Innovus TTO iya kugqiba ngommandla eya kukhuselwa kuwo iIP ebhalisekayo. Ukuba lowo okanye abo bathe banegalelo kuloo IP bakholelwa ukuba ilungelo leIP ebhalisekayo kufuneka libhaliswe nakwamanye amazwe, oko kuya kwenziwa ngogunyaziso lwelnnovus TTO. Iyaqondwa into yokuba, abo bathe banegalelo kuloo IP bangacelwa ukuba bahlawulwe ezinye iindleko okanye zonke iindleko zokwenziwa kwezo zicelo. Ukuba abo bathe banegalelo kuloo IP bakulungele ukuhlawula iindleko zolo bhaliso, bangathethathethana neInnovus TTO ukuze bafumane isabelo esithe xhaxhe

kuloo mimandla yongeziweyo ekuya kuthi kwabelwane ngayo ngokwesivumelwano, hayi ngokwemiqathango ekwiCandelo 6 lale IPP.

4.5 INKQUBO YEKHOMPHYUTHA

Ukhuseleko lwelungelo lobunini lusebenza kwinkqubo yekhompnyutha, kodwa ubhaliso lwelungelo lobunini luyenzeka nakwezinye iimeko apho ukuseleko lungelolweNkqubo yekhompnyutha, olunokubandakanya ukusebenza kwayo, neendlela zokusebenzisa inkqubo yekhompnyutha. Iimveliso ezinokubhaliswa ezibandakanya inkqubo yekhompnyutha ziya kulandela imiqathango ekwiCandelo 4.

Ukunikezwa kwelungelo lobunini kwinkqubo yekhompnyutha kucaciswe kwiCandelo 3, imihlathi 3.1.2 no-3.2.2. Abasebenzi bekhontrakthi bona kufuneka babe nobulumko kumba wenkqubo yekhompnyutha abayivelise xa besenza umsebenzi wabo. Abasebenzi abasisigxina kunye nabasebenzi bekhontrakthi, xa kuphela ikhontrakthi yabo okanye umsebenzi wabo eSU, abavumelekanga ukuba basebenzise, bahambise, bavelise kwakhona, basuse okanye bathathe ikopi yayo nayiphi inkqubo yekhompnyutha eyenziwe ngexesha besenza umsebenzi wabo waseSU, kunye nayo yonke imathiriyeli ehambelana naloo msebenzi, nokuba ibhaliwe okanye i-elektroniki okanye yenziwe nangayiphi na indlela, ngaphandle kokuba oko kugunyaziswe yiSU yaye baza kunikeza ngekopi yaloo nkqubo yekhompnyutha nemathiriyeli ehambelana nayo kumntu oseSU obengumphathi wakhe phambi kokuba ahambe. Ngaphezu koko, umphangeli makagcine iziqukatho, ubume nesistimu yenkqubo yekhompnyutha iyimfihlo ngawo onke amaxesha ngeli lixa aqeshwe yiSU nasemva koko, ngaphandle kokuba ukudiza oko kugunyaziswe ngokucacileyo yiSU.

Abasebenzi nabafundi bangathi bakhethe ukuzipapashela iinkqubo abaziyile ngokwabo okanye eziyilwe phantsi kweliso labo besebenzisa ilayisenisi yeenkqubo zekhompnyutha ezikwazi ukutshintsheka ngaphandle kwezi ntlobo zilandelayo zeenkqubo zekhompnyutha.

- Uluhlu 1: Iinkqubo zekhompnyutha apho kudingeka imvume yeNIPMO phambi kokuba iinkqubo ezo zipapashwe,
- Uluhlu 2: Iinkqubo zekhompnyutha ezinelungelo elingenakuthintwa okanye nayiphi iIP ekhuselweyo ekubhekiswe kuyo kumhlathi 4.2 apha ngezantsi, kunye
- NoluLuhlu 3: Iinkqubo zekhompnyutha ekunokushishinwa ngazo nezinokwenza ingeniso emandla.

KuLuhlu 1: imvume yeNIPMO ifunelwa ukuba kwaziswe uluntu ngeenkqubo zekhompnyutha ezibekho ngenxa yophando olulandela inkqubo ethile okanye eziveliswe emva kokwenziwa kofuziselo oluthile apho isiphumo solo phando singaziwa okanye kungaqinisekwa ngaso njengakwezi meko zilandelayo:

- Ukuveliswa kwenkqubo entsha yokusebenza okanye isigama esitsha sokusebenzisa loo nkqubo
- Ukuyilwa nokumiselwa kwe-enjini yokuphanda entsha esekelwe kwitekholoji ebikhe yakhona ngaphambili
- Ukusonjululwa kwengxubakaxaka ekwizixhobo zekhompnyutha okanye ekwiinkqubo zekhompnyutha ngokuthi kujikajikwe inkqubo esele ikhona okanye uthungelwano olukhoyo
- Ukuyilwa kwe*algorithm* entsha nesebenzayo esekelezwe kwiqhinga elitsha (ukutsho oko, iqhinga ebelingaziwa ngaphambili nelingekapapashwa)
- Ukuyilwa kwekhowudi yokufihla iinkcukacha okanye kwecebo lokhuselo

Iinkqubo zekhompnyutha eziphantsi kweZintlu 1, 2 okanye 3 kufuneka zichazwe kwilnnovus TTO ngendlela ebekiweyo phambi kokuba zibhengezwe kuluntu yaye umphangeli kufuneka avumelane

neInnovus TTO ngendlela eza kubhengezwa ngayo loo nkqubo. Oko kudiza kufuneka kwenziwe kwilInnovus TTO, kusetyenziswa iFomu yokuChaza ngeMveliso eNtsha. Inkqubo yekhompnyutha eyenzelwe intathoxaxheba okanye ukubonisa okuthile xa umntu efundisa eklasini ayidingi kuchazwa kwilInnovus TTO ngaphandle kokuba loo nkqubo yekhompnyutha isenokusetyenziselwa ezinye iinjongo. Qaphela ukuba ubunini beIP kwiinkqubo yekhompnyutha buza kuhlala ibobeSU nokuba abudizwanga.

Umyalelo wendlela yokusebenzisa inkqubo yekhompnyutha eyenziwe eSU mawunikwe iSU ngokwemiyalelo yomhloli wabafundi okanye umphathi wabasebenzi obeke iliso kuphuhliso lwayo, kulandelwe neMiqathango yoLawulo looVimba boPhando baseSU xa kugqityiwe ukuveliswa kwenkqubo yekhompnyutha, ukanti xa kusaqhutyekwa, makwenziwe oko kwisigaba ngasinye esigqityiweyo. Kuzo zonke ezi meko, yonke imathiriyeli evelisiweyo nayo yonke imiyalelo yendlela yokusebenzisa inkqubo nganye yekhompnyutha evelisiweyo enelayisenisi yaseSU mayithi xa igqityiwe okanye xa umntu eyeka ukusebenza okanye ukufunda eSU, isiwe elInnovus TTO okanye inikwe umntu ekufanelwe ukuba idluliselwe kuye ngokwemiyalelo yeInnovus TTO.

4.6 UNIKEZO NOKULAYISENISWA KWE-IP

I-SU, isebenzisa iInnovus TTO, ingenza izivumelwano namahlakani oshishino ukuze icinge indlela engashishina ngayo ngelIP eveliswe ngabasebenzi nabafundi bayo. Ezo zivumelwano zingabandakanya unikezo okanye ukulayiseniswa kwalo IP kumahlakani oshishino. Ezo zivumelwano kuya kufuneka zithobele imigaqo nemithetho echaphazela izinto ezinento yokwenza neR&D, ngaphandle kokuba yonke iIP echaphazeleka apho isuka kwiR&D exhaswe ngezimali ngumbutho wangaphandle othe wahlawulela zonke iindleko okanye iIP ibandakanya ilungelo lobunini lomsebenzi wokuhlola eyunivesithi wesiqhelo. Isikhokelo semigaqo nemithetho esisebenza kwilIP exhaswe ngezimali yiR&D sibandakanya iIPR Act neMiqathango ehambelana naloo mthetho yaye sinyanzelisa ukuba imisebenzi enento yokwenza naloo IP ithathele ingqalelo ezi zinto zilandelayo:

- makunikwe ingqalelo kuqala kwilayisenisi engakhethiyo;
- makunikwe ingqalelo kuqala kumaziko eBBBEE namashishini amancinci;
- makunikwe ingqalelo kuqala kumaqela afuna ukusebenzisa iIP ngeendlela eziza kuzuzisa uqoqosho nomgangatho wobomi babantu baseMzantsi Afrika;
- makunikwe ingqalelo kuqala kumaqela athe anegalelo kwiR&D ethe yazala loo IP;
- usetyenziso ngalunye lweIP malubonelele urhulumente waseMzantsi Afrika ngelayisenisi engenakutshintshwa nengenamaqithiqithi ukuze urhulumente asebenzise loo IP kwihlabathi lonke kwimiba yezempilo, yokhuseleko neyazingo zexesha likaxakeka zoMzantsi Afrika;
- usetyenziso ngalunye lweIP malube nomqathango othi, ukuba iqela liye lasilela ukushishina ngelIP ukuze kuzuze abemi boMzantsi Afrika, uRhulumente unelungelo lokufumana igunya lokunikezela ngelayisenisi ezisisinyanzelo emva kokulandela imiqathango yemithetho;
- iziko labucala okanye umbutho ungangumninilayisenisi onamalungelo obunini beIP angawawo kuphela ebekho ngenxa yeR&D exhaswa ngezimali liziko ukuba ngaba iyakwazi ukulawula nokushishina ngelIP ngendlela ezuzisa uMzantsi Afrika;
- ilayisenisi eyiyeyomntu othile kuphela kufuneka izibophelele ekubeni, xa kukwazeke, iya kuvelisa, yenze ze ishishine ngelIP eMzantsi Afrika;
- Ukuba umnini welayisenisi eyiyeyomntu othile kuphela akakwazi ukuqhubeka nokushishina ngelIP eMzantsi Afrika ngexesha lokusebenza kwelayisenisi, iSU kufuneka inike iNIPMO izizathu ezipheleleyo zokuba loo mninilayisenisi aqhubeke inguye yedwa onelungelo layo zingaphelanga iintsuku ezingama30 emva kokwazi ukuba loo mntu okanye elo shishini alikwazi ukushishina ngayo, kananjalo ukuba akukho zizathu zivakalayo, iNIPMO ingawaphelisa loo malungelo awodwa omninilayisenisi;

- unikezo lweIP yiSU kwishishini elincinci ukuze kuzuzwe izabelo, kufuneka luqulathe imiqathango ethi xa litshona elo shishini, iIP iya kubuyiselwa eSU.
- Usetyenziso lweIP olubandakanya unikezo lweIP yiSU kudinga, apho kuyimfuneko, iMvume yeNIPMO, ukanti kwezinye imeko neyeBhanki enguVimba, yeSebe *leFinancial Surveillance*;
- ushishino ngelIP namazwe aphehaya, kufuneka luchazwe kwiNIPMO kwangethuba yaye kufuneka luthobele yonke imiqathango nezikhokelo ezikhutshwe yiNIPMO okanye kufuneka lwamkelwe yiNIPMO yaye, apho kuyimfuneko, nayiBhanki enguVimba, iSebe *leFinancial Surveillance*;
- kwimeko yoshishino namazwe aphehaya ngokuthi kunikezwe iIP okanye ilayisenisi eyiyeyomntu othile kuphela , iNIPMO kufuneka yaneliseke ukuba akekho omnye umntu eMzantsi Afrika onokusebenza okanye ashishine ngaloo IP kwanokuba abemi boMzantsi Afrika baza kuzuzwa kushishino lwaphehaya kolwandle;
- kufuneka kufunyanwe imvume yeNIPMO kuzo zonke iilayisenisi ezingenamaqithiqithi kunye neelayisenisi ezinemigqaliselo engasokolisiyo, yaye ukuba ezo layisenisi zezamazwe aphehaya, kufuneka kufunyanwe nemvume neyeBhanki enguVimba, yeSebe *leFinancial Surveillance*;
- iSU iyanyanzeliswa ngumthetho ukuba iqinisekise kuqala ukuba nabani onikwe ilayisenisi eyiyeyomntu othile kuphela uyakwazi ukusebenza nokushishina ngayo kummandla esebenza kuwo loo IP.

ICANDELO 5: IINKQUBO ZOKUSHISHINA NGELUNGELO LOBUNINI NGEENKAMPANI EZINGAMAHLUMELA ENKAMPANI ENGUNDOQO

Ekuzibopheleleni kwayo kushishino ngelP yayo, iSU iya kuxhasa ukumiselwa kweenkampani ezingamahlumela enkampani engundoqo ukuze kushishinwe ngelP yayo, xa oko kufanelekile naxa kukwazeka, yaye kuloo meko baye bandakanywe abasebenzi nabafundi. Zonke ezo nkampani ezingamahlumela enkampani engundoqo kufuneka zimiselwe zihlanganiswe yiInnovus TTO yaye lonke ubandakanyeko lwabasebenzi nabafundi kufuneka lugunyaziswe. Abasebenzi nabafundi baseSU abavumelekanga ukuba bashishine namashishini abucala okanye amaziko azimeleyo ashishina ngelP yaseSU ngaphandle kwemvume yoMlawuli oyiNtloko: *welInnovation and Commercialisation*. Olo shishino kufuneka lulandele imigaqonkqubo yaseSU echaphazela abafundi nabasebenzi, eya kuthi kubasebenzi inyanzelise ukuba bacele ukuba bagunyaziswe ukuba benze umsebenzi wabucala ofunyenwe kulandelwa imiqathango yeNkqubogabalala yoKwenza uMsebenzi waBucala (*General Procedure for Private Work*) yaseSU.

5.4 IZIGQEBA ZEENKAMPANI

Kwiimeko apho iInnovus TTO kufuneka ithathe isigqibo, emva kokubonisana naLowo okanye abo bathe baNegalelo kuloo IP okanye lowo umaketha umbono woshishino, sokuba kushishinwe ngelP okanye kuqhutywe nombono othile woshishino ngokuthi kumiselwe ishishini elilihlumela lenkampani engundoqo, oko kuya kwenziwa yiInnovus TTO eya kuthi imisele ishishini elizimeleyo apho iSU, okanye inkampani etyunjwe yiSU (umz. iUniversity of Stellenbosch Enterprises (Pty) Ltd), nalapho abo bathe banegalelo kwiIP, kunye namanye amahlakani anokuba khona, aya kuthi afumane izabelo okanye abe nebango kwishishini, kuxhomekeke kumalungiselelo enziweyo ekunokuthi kuvunyelwane ngawo neInnovus TTO kwasekuqaleni.

Abasebenzi baseSU abasayi kubandakanyeka kuwo nawapho na amanye amashishini abucala okanye azimeleyo okanye amashishini akhuphisana neSU, kubandakanywa lawo akhuphisana ngezifundo, uphando okanye eminye imisebenzi engundoqo eyenziwa yiSU. Kule meko, kufuneka ithathelwe ingqalelo into yokuba, bonke abasebenzi kulindeleke ukuba baqinisekise ukuba inkxasomali yophando abayifumeneyo yokuba benze uphando beseSU ihlawulwa ngqo kwiSU. Abasebenzi abasayi kuvunyelwa ukuba bathabathe inxaxheba kulo naliphi na iziko labucala elinikeza inkxasomali yophando ukuba kwenziwe uphando eSU ngaphandle kwaxa kufunyenwe (i) imvume yomphathi womphangeli neyeDean kulandelwa imiqathango yeSU *Conflict of Interest Policy* kunye (ii) nogunyaziso olubhaliweyo olusuka kuMlawuli oyiNtloko: wecandelo le-*Innovation and Commercialisation*.

Akukho msebenzi obandakanyeka kwishishini elilihlumela lenkampani engundoqo okanye elinye ishishini elinobuhlakani neSU oya kuthi akhuphisane nelo shishini okanye abandakanye kulo naliphi na elinye iziko elikhuphisana nelo shishini ngokuthi libonelele ngezinto okanye iinkonzo ezibufana, engafumenanga mvume yoMlawuli oyiNtloko: wecandelo le-*Innovation and Commercialisation*.

I-SU ingala ukumisela ngaphezu kweshishini elinye elilihlumela lenkampani engundoqo kwicandelo elifanayo. Amashishini abucala okanye amashishini angamahlumela enkampani engundoqo enza ushishino olukhuphisana nala mashishini akanakuvunyelwa ukuba enze ushishino neSU, kananjalo bonke abasebenzi abavumelekanga ukuba babe yinxalenye yaloo mashishini kukhutshiswana nawo ngaphandle kwemvume ebhaliweyo esuka kuMlawuli oyiNtloko: wecandelo le-*Innovation and Commercialisation*.

I-SU inelungelo lokwenza nokumisela isicwangciso senkampani eyekayo ukusebenza kwiinkampani ezingamahlumela enkampani engundoqo, esinesivumelwano sokuba naluphi ushishinino ngelP nganye olubandakanya unikezo lweIP kwishishini njengoko kuchaziwe kwiCandelo 5, kufuneka ngokwelPR Act siqulathe umqathango othi, xa inkampani ibhangiswa, iIP iya kubuyela kwiSU.

5.5 AMANYATHELO OKUMISELA IINKAMPANI EZINGAMAHLUMELA ENKAMPANI ENGUNDOQO

Ukukwazi ukumisela ishishini elihlumela lenkampani engundoqo kuya kuphandwa yilnnovus TTO emva kokuba kuzaliswe ifomu exeliweyo yokuChaza ngeShishini elo (*Business Disclosure form*) nasemva kokuba loo fomu ingeniswe kwilnnovus TTO. Ukuba ngaba uMlawuli: weTechnology Transfer esebenzisana noMlawuli oyiNtloko: wecandelo le*Innovation and Commercialisation* bagqiba kwelokuba ishishini elihlumela linokumiselwa, kuya kulandelwa inkqubo emiselwe yilnnovus TTO, yokumisela elo shishini enokubandakanya:

- Ukuchonga nokubonisana nabaphathi abafanelekileyo nabasebenzi abangundoqo abaza kubandakanyeka kwishishini;
- Ukuxhasa, apho kuyimfuneko, ngoqeqesho lwabasebenzi kubandakanywa ukwenziswa uqeqesho oluchanekileyo ngomsebenzi oza kwenziwa;
- Ukuxhasa ngokwenziwa kwesicwangciso seshishini;
- Ukuchonga amahlakani aza kuba lulutho kwishishini, kubandakanywa awokuxhasa ngemali nalawo asele ekwelo shishini;
- Ukuncedisa ngokufumana imali yokuqala ishishini;
- Ukufumana izinto eziza kuncedisa ukukhulisa ishishini kubandakanywa izixhobo ezingundoqo ezibandakanya izibonelelo zoxibeletwano;
- Ukubonelela okanye ukuncedisa ekuboneleleni iinkonzo ezingundoqo, ezifana nezokusebenza kweofisi, iT, iinkonzo zomthetho neenkonzo zemali ezisebenza kwishishini.

Uxwebhu olubizwa *ilnnovus Spin-Out Company Terms* lumane luhlaziywa ukuze lubonise uluhlu lwazo zonke iinkonzo ezibonelelwa yilnnovus TTO, kwakunye nezikhokelo zemigaqo, imiqathango yolawulo elindelekileyo kunye nenkqubo yokwenza inkampani elihlumela eSU. Olu xwebhu lufumaneka elnnovus TTO. I-Innovus TTO isenokubonelela ngeenkonzo nenkxaso echazwe apha kwishishini elitsha ze yona ifumane izabelo kulo nkampani okanye intlawulo ngeenkonzo ezibonelelayo. I-Innovus TTO isenokufuna ukuba kubekho isivumelwano esibhaliweyo esichaza oku.

Akukho shishini elihlumela lenkampani engundoqo eliya kuvunyelwa ukuba lisebenzise izakhiwo eziseSU njengeofisi yalo engundlunkulu, ngaphandle kokuba oko kuvunyelwe nguMlawuli oyiNtloko: wecandelo le*Innovation and Commercialisation* laseSU. Oku akuchaphazeli izibonelelo zokuncedisa ukuqalisa kweshishini ezibonelelwa yiSU. Xa kusetyenziswa iofisi okanye izixhobo zelebhu eziseSU, kufuneka kuqala kwenziwe isivumelwano sokurenta neshishini elihlumela lenkampani engundoqo. Eso sivumelwano sokurenta siya kusoloko silungiselela izidingo zokufundisa zaseSU kuqala. ISunCom, elicandelo leInnovus, yiyo enoxanduva lokwenza nokulawula ezo zivumelwano zokurenta.

5.6 UMSEBENZI ONGQUZULANA NOWEZIKO

Abasebenzi kufuneka bathobele i*Conflicts of Interest Policy* yaseSU xa bezibandakanya neenkampani ezingamahlumela enkampani engundoqo. Abasebenzi banyanzelekile ukuba bachaze kuSihlalo weSebe kunye/okanye neDean malunga nomsebenzi abawenza bucala kumashishini nakumaziko, nokuba elo shishini leleSU okanye asilolayo. Lo mgaqonkqubo usebenza kwizikhundla zokuba ngumlawuli, umninizabelo, ukuba yinxalenye yenkampani nomsebenzi ongesosigxina.

Abasebenzi mabafake ingxelo ebhaliweyo yokuchaza kuMlawuli oyiNtloko: wecandelo le-*Innovation and Commercialisation* laseSU neDean echaphazelekayo okanye iNtloko yeZiko malunga nawuphi na umsebenzi okanye ubandakanyeko kulo naliphi na iziko elidinga ilayisenisi yaseSU okanye elisebenzisa iIP yaseSU kunye nayiphi inzuzo yemali okanye engeyoyamali okanye nayiphi na into

elulutho efunyenweyo okanye esenokufunyanwa ngumphangeli waseSU (okanye naliphi ilungu losapho lwakhe, isizalwane, isihlobo sakhe okanye ihlakani lezoshishino lomphangeli) kuso nasiphi na isivumelwano esicetywayo okanye naluphi ushishino olubandakanya iIP yaseSU phambi kokuba eso sivumelwano okanye ushishino luqale. Xa umsebenzi esilele ukuchaza ngokupheleleyo ezo zinto abandakanyeka kuzo, oko kuya kuthathwa njengokophulwa kwesivumelwano anaso sekhontrakthi yakhe yokusebenza, nto leyo enokukhokelela kumanyathelo oluleko okanye ukugxothwa.

Njengomgaqo, abasebenzi baseSU abavumelekanga ukuba babandakanyeke kwindima yokuba ngumphathi, kubandakanywa ukuba liGosa eLilawula iNkampani, kulo naliphi na ishishini elilihlumela lenkampani engundoqo. Ubandakanyeko olunjalo luya kudinga ukuba abasebenzi bafumane imvume yokwenza umsebenzi wabucala kulandelwa imiqathango ye*General Procedure for Private Work* yaseSU, kunye, nemvume yeDean echaphazelekayo okanye eyeNtloko yeZiko aphantela kulo, esekelwe kudizo olupheleleyo malunga nobandakanyeko lomphangeli lowo. Ukuba loo mvume ayinikwanga yobandakanyeko lwalo mphangeli lokuba enze loo msebenzi kwishishini elilihlumela lenkampani engundoqo abe yena umphangeli enqwenela ukuba aqhubeke nalo msebenzi, umphangeli kuya kufuneka ukuba ayeke ukusebenzela iSU isigxina ukuze enze omnye umsebenzi lowo wangaphandle.

ICANDELO 6: ULWAHLULO LWEMALI EYINGENISO EFUNYENWE NGOKUSHISHINA NGEMVELISO OKANYE NGOMBONO WOBUNGGONDI

I-Innovus TTO iya kugcina irekhodi yalo naluphi ushishino ngelIP kunye nolwenzuzo nengeniso yemali eyenzeke ngenxa yayo. Ngaphandle kokuba kuvunyelwene ngembalelwano phakathi kweSU nabasebenzi bayo okanye abafundi, imali efunyenwe ngokushishina ngelIP iya kwahlulwa kulandelwa umhlathi 6.1. Yimali nenzuzo kuphela ezifunyenwe ukuze kubuyiswe ukunikezwa kwamalungelo yiSU eIP eya kwahlulwa kulandelwa le nkqubo. Imali eyingeniso efunyenwe ngokuthengisa okanye ukunikeza ilayisenisi yezinto ezizimpawu zaseSU ayibandakanywa apha. Imali eyingeniso, eyezabelo nezinye iinzuzo efunyenwe yiSU okanye iinkampani ezingamahlakani ayo njengembuyekezo yokufumana okanye yokunikeza izibonelelo, iinkonzo okanye inkxasomali (nokuba lutyalomali okanye amatyala) kuye nawuphi na umntu okanye iziko, noxa amalungelo eIP aseSU enokunikwa loo mntu okanye elo ziko, kulwahlulo oluphantsi kwale IPP. Mayithathelwe ingqalelo into yokuba noxa inkqubo yokwaba echazwe apha isebenza kwingenisu eyenziwe yiSU kwiIP yophando olwenziwe eSU, oku akusebenzi kwinkxasomali okanye elinye igalelo lemali okanye elingelolamali lokuxhasa olo phando. Ngaphezu koko, inkqubo yokwaba ayisebenzi kwingenisu yeIP ekuvunyelwene ngayo ukuba ibe yeyabasebenzi kunye/okanye abafundi baseSU kuphela.

6.1 UKWABIWA KWEMALI EYINGENISO EFUNYENWE KUSHISHINO NGE-IP

Ngaphandle kokuba kuvunyelwene ngembalelwano phakathi kweSU nomsebenzi okanye umfundi ochaphazelekayo, kananjalo nangokuxhomekeke kumhlathi 6.2, imali eyingeniso ebekho ngenxa yokushishina ngelIP eveliswe ngumsebenzi okanye umfundi, ibe yona iyeyeSU, iya kwabiwa ngendlela ekuchazwe ngayo kulo mhlathi. Imali eyingeniso emayahlulwe, ibandakanya zonke iintlobo zengeniso okanye iinzuzo ezivele ngenxa yokushishina nge-IP njengoko kuchaziwe kwiIPR Act, kubandakanywa neentlawulo ezingabuyiswayo zabavelisi, imali efunyanwa ngokuba yinxalenye yenkampani, (kubandakanywa ubuninizabelo), izahlulo, iintlawulo nazo zonke iimali ezihlawulwayo ezifunyenweyo kunye nexabiso lamalungelo angeyomali neenzuzo ezifunyenwe ngokushishina ngawo, kodwa oko akubandakanyi amalizo.

Abo bathe banegalelo kwiIP bangathi babandakanyeke ekumiselweni kweIP yaseSU. Izabelo zengeniso ezifanele ukuhlawulwa kwaBo bathe baneGalelo kwiIP zabiwa ngokwegalelo labo ekuvelisweni kunye/okanye ekuphuhliseni kweIP.

Abo bathe banegalelo kwiIP kulindeleke ukuba bathi bakugqiba ukuzalisa iFomu yokuChaza iMveliso eNtsha, baxele ze bavumelane ngobungakanani begalelo labo kwiIP kunye nezabelo abafanele ukuzifumana kwingenisu eza kwahlulwa. Ukuba kuthe nanini na, ubungakanani begalelo batshintsha, yaye bahluke kobo buchazwe kwifomu ezaliswayo exela ngemveliso leyo, mhlawumbi ngenxa yempazamo okanye ngenxa yolunye uphuhliso oluye lwaba khona lweIP, kufuneka kwenziwe isicelo esibhaliweyo sithunyelwe kwi-Innovus TTO ukuqinisekisa negalelo elitshintshileyo lomntu ngamnye kwaBo bathe baneGalelo kwiIP. Eso sicelo kufuneka sisayinwe ngabo bonke abathe banegalelo ze singeniswe kwiInnovus TTO xa kuchazwa ngelIP yaye siya kuba sisivumelwano esibophelelayo kwaBo bathe baneGalelo kwi-IP. Ukuba kuthe kwakho ukuphikisana phakathi kwaBo bathe baneGalelo kwiIP malunga nobungakanani begalelo labo, bonke abo bathe banegalelo bangacelwa ukuba babhale isicelo ze bangenise izimvo zabo kuMlawuli: *weTechnology Transfer* malunga nalo mpikiswano yaye isigqibo soMlawuli: *weTechnology Transfer* kulo mba siso esiya kuma yaye sibabophelele bonke.

Kwimeko yeIP esaphuhliswayo (umz. eyenkqubo yekhompuyutha), iFomu yokuChaza iMveliso eNtsha eneenkcukacha ezintsha emalunga negalelo kwiIP ingangeniswa kwiInnovus TTO echaza izinto ezitshintshileyo okanye eziphuculiweyo kwiIP eza kusetyenziselwa ushishino. Phambi kokuqhubeka nethuba loshishino kumba weIP, iInnovus TTO ingadinga ukuba iFomu yokuChaza

iMveliso eNtsha isayinwe ze ingeniswe kuyo nguLowo okanye abo bathe baneGalelo kuloo IP ukuqinisekisa ngegalelo lomntu ngamnye. I-Innovus TTO iya kwahlula yonke imali eyingeniso efanele ukuhlawulwa aBo bathe baneGalelo kwi-IP ngokwefomu yesivumelwano yokugqibela engeniswe kuyo nesayinwe nguLowo okanye aBo bathe baneGalelo kuloo IP. Luxanduva lwaLowo okanye abo bathe banegalelo kuloo IP ukuqinisekisa ukuba ifomu yesivumelwano ichaza ngokuchanekileyo igalelo labo kunye nesabelo emabasifumane kwingenisu. Lowo okanye abo bathe banegalelo kuloo IP mabathathele ingqalelo into yokuba nasiphi eso sivumelwano esichaza ngesabelo sengeniso sisenokwahluka kwisabelo esixelelwe kwiIPR Act yaye loo fomu yesivumelwano isusa amabango afanele ukwenziwa ngokwemiqathango yeIPR Act.

Noxa inzuzo eya kudluliselwa kuLowo oneGalelo kwiIP idla ngokuba nezabelo zemali eyingeniso njengentlawulelo enikezwa abo beze nemveliso okanye izabelo, lowo uneGalelo kwiIP angathi abe nesabelo (nokuba kungegama lakhe, okanye eletratsi okanye elinye) kulo naliphi na iziko elisebenzisa loo IP, njengakwinkampani elihlumela emiselwe ngokweCandelo 5 lale IPP. Ukuba umsebenzi okanye umfundi uba nesabelo okanye uba yinxalenye yeshishini elithile (umz. abe ngumninizabelo), ibango lakhe lesabelo kwingenisomali engene eSU ehlawulwa phantsi kwale IPP iya kuthi ngaphandle kokuba kuvunyelwene ngembalelwano, icuthwe kujongwe inzuzo engenye efunywana kwelinye iziko ngulowo unegalelo, kananjalo uyawayeka onke amabango alawulwa yiIPR Act kwiimali ezicuthiweyo. Zonke iinzuzo eziya kulowo uneGalelo kwiIP ezihlawulwa ngaloo maziko abucala ashishina ngelIP, ukulungiselela ukubala, phantsi koMhlathi 6.1, ziya kuthathwa njengeentlawulo esele zihlawulwe Lowo unegalelo kwiIP njengenxalenye yengeniso yezabelo zakhe yaye ziya kutsalwa kwiimali ezifanele ukuba zihlawulwe Lowo uneGalelo kwiIP. I-SU ingafuna ukuba lowo unegalelo kwiIP asayine iFomu yoNikezelo apho avuma ukuba kubekho intlawulo ecuthwayo kunye/okanye ayeke iinzuzo ezifumaneka phantsi kwale IPP phambi kokuba iSU inikeze ngamalungelo okushishina ngelIP kwinkampani elihlumela apho Lowo uneGalelo kwiIP enesabelo yaye iSU ingasebenzisa olo cuthomali okanye oko kungahlawuli kuzo zonke izabelo eziyingenisu yeSU ekufuneka ihlawulwe Lowo uneGalelo kwi-IP phantsi kwale IPP.

Ukuba lowo uneGalelo kwiIP uyinxalenye yeshishini leziko elibandakanyeka ekushishinini ngelIP, iInnovus TTO isenokufuna ukuba enze isivumelwano esibhaliweyo sentlawulo eyahlukileyo kwisabelo sengeniso yakhe ngokwale IPP yaye inokwenza ifomu yesivumelwano ekufuneka isayinwe nguLowo unegalelo kwiIP ze ayingenise kwiInnovus *Technology Transfer* phambi kokunikeza ngamalungelo eIP kwiziko elichaphazelekayo. Umahluko kwizabelo zengeniso zaLowo uneGalelo kwiIP ekuvunyelwene ngawo neInnovus TTO awusayi kuchaphazela uxanduva lwaye nawuphi na uMntu oneGalelo kwi-IP kodwa uya kuchaphazela uxanduva lweSU lokwaba ingeniso phantsi kwale IPP.

Ukuba kufunyanwa ilungelo okanye inzuzo engeyomali njengenxalenye yokusetyenziswa kwelIP, iSU iza kufumana ixabiso laloo malungelo nezo nzuzo isebenzisa iziseko zokubala ixabiso zehlabathi.

Ngaphandle kokuba oku akuvunyelwanga ngokwasemthethweni, iindleko eziza kutsalwa zokuhlawula ingeniso ("**indleko ezingqalileyo**") ziya kubandakanya iindleko zemali ezihlawulwe ngumntu, imirhumo neemali ezihlawulwa yiSU kwiziko okanye inkampani, zihlawulela ezi zinto zilandelayo:

- (i) ukufaka amaxwebhu, ukuqhubeka nenkqubo de igqitywe, uphuhliso nokuqhubeka kukhuselwa iIP ngokwasemthethweni, yaye ezo ndleko azibandakanyi iimali ezifunyenwe yiSU kumaziko.
- (ii) uphicothozincwadi, ukubuyisela nokuqokelela ingeniso, kubandakanywa iimali ezitsalwa yibhanki, imirhumo kunye naziphi na ezinye iintlawulo ezihlawulwa yiSU ukuze iqokelele, ifumane okanye inike ingxelo ngeemali ezihlawulwe kuyo ngoshishino ngelIP;
- (iii) ukhuselo, uqinisekiso nonyanzeliso lwelIP kuyo nayiphi iofisi okanye inkundla yeIP;

- (iv) iingcebiso neenkonzozo zomthetho malunga nale miba ingentla okanye ukubonelelwa ngokhuselo okanye ezinye izinto ezifuna ingqwalasela kumba wengeniso, okanye kwimiba enento yokwenza nokufakwa kwetyala elinento yokwenza neIP; kunye
- (v) neendleko ezichithiweyo kuphando lwemakethi, ukuphuhliswa koshishino, ukumaketha, ukwenza iintengiso, ukubonisa imveliso okanye ukuthengisa, kunye neendleko zokwenza wonke loo msebenzi, nokuba ezo ndleko zihlawulwe kwelinye iziko okanye zihlawulwe yiSU.

Iimali ezinikwe Lowo okanye abo bathe baneGalelo kuloo IP mazisetyenziselwe uphando yaye azinakwabelwa omnye umntu ukuze yena azenzele imali ngazo. YiSU elawula olu lwabiwo ilandela iIPR Act kunye nemiqathango yeNkonzo yeNgeniso yoMzantsi Afrika emalunga nengeniso enjalo, yaye iSU inelungelo lokumisela iinkqubo nezigqeba ezifanelekileyo zokwenza lo msebenzi.

Imali eyiNgeniso yeQondo lokuQala: Ingeniso iyonke ukuya kwiR1,000,000 (isigidi seeRandi):

Inyathelo 1:

125% yengeniso iyonke yabelwa umsebenzi okanye umfundi waseSU othe waneGalelo kuloo IP okanye inzalelwane yakhe efanele ukufumana ilifa lakhe. Olo lwabiwo lwezabelo lwabiwa ngokobungakanani bomsebenzi ovelisiweyo kunye/okanye uveliso lweIP njengoko kuchaziwe kwiFomu yokuChaza iMveliso eNtsha ngaphandle kokuba kukho enye into ekuvunyelwene ngembalelwano ngayo ("**Isabelo seGalelo leQondo lokuQala**").

Inyathelo 2:

Zonke iindleko ezinentsi yokwenza nenkqubo yokhuselo noshishino kunye nezinye iindleko ekuvunyelwene ngazo ukuba ziza kubuyiswa zingathi zibuyiswe ngamaqela athe achitha ezo Ndleko ziNgqalileyo ngokuthi zithathwe kwingeniso iyonke ngokwezixa ukuya kuma kwiindleko ezichithwe liqela ngalinye phambi kokuba kwabiwe intsalela yeNgeniso.

Inyathelo 3:

Intsalela yeNgeniso (ukuba ikhona), emva kokuphunyezwa kweNyathelo 1 nelesi-2 apha ngentla, (ekubhekiswe kuyo apha njengokuba "yiNgeniso yeQondo lokuQala"), iya kwabiwa ngolu hlobo lulandelayo:

- 150% yengeniso yeQondo lokuQala yabelwa ingxowamali yengqiqo ezintsha eziveliswe eSU.
- 150% yengeniso yeQondo lokuQala iya kwabiwa ngolu hlobo lulandelayo:
 - 130% yengeniso yeQondo lokuQala yabelwa iakhawunti yophando yaseSU yaLowo okanye abo bathe banegalelo kuloo IP ukuba bayisebenzise kumsebenzi wabo wophando nakwigalelo labo ekuveliseni kunye/okanye ekuphuhliseni iIP, de kuphele ingqesho yabo eSU, apho iya kuthi yabelwe isebe/iqumrhu/iyunithi/iziko apho umyili/umvelisi/umbhali ebesebenza khona;
 - 110% yengeniso yeQondo lokuQala yabelwa isebe/iqumrhu/iyunithi/iziko apho Lowo okanye abo bathe banegalelo kuloo IP basebenza khona ze inxalenye yayo ihlawulwe bona ngegalelo labo ekuveliseni kunye/okanye ekuphuhliseni iIP;
 - 110% yengeniso yeQondo lokuQala yabelwa iifakhalthi ekusebenza kuzo abo banegalelo ze inxalenye yayo ihlawulwe bona ngegalelo labo ekuveliseni kunye/okanye ekuphuhliseni iIP, eya kuthi ilawulwe yiDean, isebenzisana neNtloko yeSebe.

Ingeniso yeQondo leSibini : Ingeniso iyonke engaphezu kweR1,000,000 (isigidi seeRandi)

Inyathelo 1:

Zonke iindleko ezinentsi yokwenza nenkqubo yokhuselo noshishino kunye nezinye iindleko ekuvunyelwene ngazo ukuba ziza kubuyiswa zingathi zibuyiswe ngamaqela athe achitha ezo Ndleko ziNgqalileyo ngokuthi zithathwe kwingeniso iyonke ngokwezixa ukuya kuma kwiindleko ezichithwe liqela ngalinye phambi kokuba kwabiwe intsalela yeNgeniso.

Inyathelo 2:

Intsalela yeNgeniso (ukuba ikhona), emva kokuphunyezwa kweNyathelo 1 elilapha ngentla (ekubhekiswe kuyo apha njengokuba "**yiNgeniso yeQondo leSibini**"), iya kwabiwa ngolu hlobo lulandelayo:

- I35% yeNgeniso yeQondo leSibini yabelwa Lowo okanye abo bathe banegalelo kuloo IP okanye inzalelwane yabo efanele ukufumana ilifa labo. Kuya kwabelwana ngaloo ngeniso ze inxalenye yayo ihlawulwe bona ngegalelo labo ekuveliseni kunye/okanye ekuphuhliseni iIP, ngaphandle kokuba kuvunyelwene ngokunye ngembalelwano ("**Isabelo seGalelo leQondo leSibini**").
- I35% yeNgeniso yeQondo leSibini yabelwa ingxowamali yengqiqo ezintsha eziveliswe eSU.
- I30% yeNgeniso yeQondo leSibini iya kwabiwa ngolu hlobo lulandelayo:
 - I10% yeNgeniso yeQondo leSibini yabelwa iakhawunti yophando yaseSU yaLowo okanye abo bathe banegalelo kuloo IP ukuba bayisebenzise kumsebenzi wabo wophando nakwigalelo labo ekuveliseni kunye/okanye ekuphuhliseni iIP, de kuphele ingqesho yabo eSU, apho iya kuthi yabelwe isebe/iqumrhu/iyunithi/iziko apho Lowo okanye abo bathe banegalelo kuloo IP bebesebenza khona;
 - I10% yeNgeniso yeQondo leSibini yabelwa isebe/iqumrhu/iyunithi/iziko apho Lowo okanye abo bathe banegalelo kuloo IP basebenza khona ze inxalenye yayo ihlawulwe bona ngegalelo labo ekuveliseni kunye/okanye ekuphuhliseni iIP;
 - I10% yeNgeniso yeQondo leSibini yabelwa iifakhalthi ekusebenza kuzo abo banegalelo ze inxalenye yayo ihlawulwe bona ngegalelo labo ekuveliseni kunye/okanye ekuphuhliseni iIP, eya kuthi ilawulwe yiDean isebenzisana neNtloko yeSebe.

IMIZEKELO YOKWABIWA KWENGENISO

Ukuba ababini kwabo bathe banegalelo kwiIP (A & B) benze umsebenzi oyi50% kuphuhliso lwelIP, kuya kuthi umntu afumane i50% yesabelo sabantu abaneGalelo kwiQondo lokuQala nesabelo sabaneGalelo kwiQondo leSibini (njengoko kuchaziwe apha ngentla).

- Kuba iSabelo seGalelo leQondo lokuQala siyi25% yeNgeniso yeQondo lokuQala, oko kuthetha ukuba umntu ngamnye onegalelo kwiIP ufanele ukufumana i12.5% yeNgeniso yeQondo lokuQala; yaye
- Kuba iSabelo seGalelo leQondo leSibini siyi35% yengeniso yeQondo leSibini, oko kuthetha ukuba umntu ngamnye onegalelo kwiIP ufanele ukufumana i17.5% yaloo Ngeniso yeQondo leSibini.

Ukuba Lowo uneGalelo kwiIP (ongu-A) ukhethe ukuba abe nesabelo kwiziko eligunyaziswe yiSU ukuba lishishine ngelIP, ibango lakhe kwiSabelo sabo baneGalelo kwiQondo lokuQala neSabelo sabo baneGalelo kwiQondo leSibini liya kwehliswa liye kwinzuzo ayifumana ngokuba yinxalenye yelo ziko okanye yelo shishini ngaphandle kokuba kukho isivumelwano esithile esikhoyo. Owesibini oneGalelo kwiIP (ongu-B) akasayi kuchatshazelwa yiloo meko omnye azikhethele yona.

Ukubala ezinye iimali ezifanele ukuhlawulwa Lowo unegalelo kwiIP (A) elapha ngezantsi, zonke iinzuzo ezifunyanwa nguLowo unegalelo kwiIP (A) kobo buhlakani bentlawulo (kubandakanywa izabelo ezivela ekuthengiseni) ziya kuthathwa njengeentlawulo esele zihlawulwe oneGalelo kwiIP (A) njengenxalenye yesabelo sabo baneGalelo kwiQondo lokuQala neSabelo sabo baneGalelo kwiQondo leSibini.

Kwangokunjalo, kuya kusetyenziswa oku kulandelayo, ngaphandle kokuba kuvunyelenwe ngokukokunye neSU ngembalelwano*:

- Onegalelo kwiIP (B) (ongafumenanga ntlawulo) uya kuba nelungelo lokufumana i12.5% yeNgeniso kwiQondo lokuQala ne17.5% yeNgeniso yeQondo leSibini eSU (nokuba loo ntlawulo isuka kwizabelo okanye ekuthengiseni izabelo okanye imali ehlawulelwa uveliso lomsebenzi).
- Onegalelo kwiIP (A) (ofumene intlawulo kwishishini) uya kufumana kuphela ezinye iintlawulo kuphela xa ngaba ilungelo lakhe lokufumana i12.5% yeNgeniso kwiQondo lokuQala ne17.5% yeNgeniso yeQondo leSibini yaseSU ingaphezu kweenzuzo ekufanele ukuba zifunyanwe nguLowo oneGalelo kwi-IP (A) kwintlawulo yeshishini (nokuba loo ntlawulo isuka kwizabelo okanye ekuthengiseni). Ukuba iSU ithengisa izabelo zayo, aze lowo oneGalelo kwiIP (A) angazithengisi, inzuzo eya kufunyanwa ngoneGalelo kwiIP (A) iya kuba lixabiso lezabelo ezingathengiswanga ezibalwa ngexabiso lentengiso yezabelo zaseSU.

*Mayithathelwe ingqalelo into yokuba Lowo uneGalelo kwiIP usayina iFomu yoNikezelo apho avumelana neSU kucutho oluthile kunye/okanye ukunikezela ngeenzuzo ezithile phantsi kwale IPP, olo cutho okanye nolo nikezelo lusenokusetyenziswa yiSU nakweyiphi na imeko.

6.2 ULWABIWO LWENGENISO EFUNYENWE NGOSHISHINO NGE-IP APHO KUSABELWANA NGOBUNINI

Apho iIP iyeyeSU kunye nombutho ongaphandle, ulwahlulo lwengeniso phakathi kweSU kunye nomnye umnini wesibini walo IP luya kwenziwa kuqala kulandelwa inkqubo ekuvunyelwene ngayo nomnini wesibini. Emva koko, isabelo seSU siya kwabiwa ngokomhlathi 6.1. Kwiimeko apho iIP iyeyomsebenzi okanye umfundi othe wacela iSU ukuba imncedise ashishine ngayo, kuya kuthi kuvunyelwane ngolwahlulo lwengeniso kwasekuqaleni ngamaqela lawo. Kananjalo, ulwahlulo lwengeniso kuvunyelwana ngalo kwasekuqaleni apho iSU igunyazise umsebenzi okanye umfundi ukuba ashishine ngelIP ngaphandle kobudlelwane bakhe neSU.

6.3 IINZUZO EZIYIMALI NEZINGEYOMALI

Umgqonkqubo weSU kushishino ngelIP kukufumana inzuzo yemali naphi na apho kunokukwazeka. Umntu uyifumana inzuzo ngokuba anikwe isixa esithile semali ngomsebenzi wakhe kunye/okanye intlawulo ngezabelo eye yahlulahlulwe ngokweCandelo 6 lale IPP, ngaphandle kokuba kukho enye into ekuvunyelwene ngayo.

Ukuba inzuzo iyiasethi iSU ebona ukuba ayinakwahlulahlulwa (umz. isixhobo), iSU iya kusithatha eso sixhobo ize ibe ngumnini waso ikunye naLowo okanye abo baneGalelo kuloo IP, okanye xa ithanda, iSU ingathi nanini na ithenge eso sabelo singahlulwanga saLowo okanye aBo bathe baneGalelo kuloo IP.

I-SU yiyo eza kugqiba ngokuba zihlala phi, zisetyenziswa njani yaye kushishinwa njani ngeeasethi ekubanjiswene ngobunini bazo. Xa loo asethi yamaqela amabini ithengiswa, irentiswa okanye kushishinwa ngayo yiSU, imali ezuzeka apho iya kwahlulwa ngokwenkqubo yokwaba echazwe apha.

Ukuba iSU ikhetha ukuthenga isabelo esingahlulwanga saLowo okanye abo bathe baneGalelo kuloo IP esiyiasethi eyiyeyeSU kunye nomnye umntu, iSU iya kuzama ukuba kuvunyelwane ngexabiso lokuthengisa kunye naLowo okanye abo bathe baneGalelo kuloo IP, kodwa ukuba eso sivumelwano asiphumeleleli kwiintsuku eziyi30 (amashumi amathathu) sokusenza, iSU ingacela ukuba kujongwe ixabiso laso ngabaphicothizimali abazimeleyo, ekuya kuthi ixabiso laso ibe lilo elisetyenziswayo yaye libophelele wonke onegalelo kuloo IP. Abaphicothizimali baya kujonga ixabiso lesabelo esingahlulwanga ngokuthi bajonge ukuba siyimalini ze basebenzise inkqubo yokwaba echazwe apha. I-SU ingathenga izabelo ezingahlulwanga zingaphelanga iintsuku eziyi60 (amashumi amathandathu) okufumana ixabiso lezabelo ezingahlulwanga kubaphicothizincwadi. Xa kuthengiswe isabelo esingahlulwanga, akukho mali iya kuhlawulwa kwiakhawunti yophando yaLowo okanye yaBo bathe baneGalelo kuloo IP okanye kumasebe, amaziko okanye iifakhalthi zaLowo okanye aBo bathe baneGalelo kuloo IP.

Ukuba ezinye iinzuzo ezichongiweyo ezingeyomali ziza kuba yinxalenye yezinto eziza kuthathelwa ingqalelo xa kusetyenziswa iIP, iSU iza kwenza isivumelwano sembuyekezo enobulungisa kuLowo okanye abo bathe banegalelo kuloo IP phambi kokwamkela kwezo nzuzo, yaye ukuba eso sivumelwano asiphumeleleli, iSU ingacela ukuba kujongwe ixabiso laso ngabaphicothizimali abazimeleyo ekuya kuthi ixabiso lalo ibe lilo elisetyenziswayo yaye libophelele kuLowo okanye aBo bathe baneGalelo kuloo IP yaye lingathi lisetyenziswe yiSU njengesiseko sokubuyekeza Lowo okanye aBo bathe baneGalelo kuloo IP, isebenzisa inkqubo yokwaba exelwe apha.

6.4 INTLAWULO EYA KULOWO OKANYE ABO BATHE BANEGALELO KWI-IP

I-SU iyafuna ukumhlawula Lowo okanye aBo bathe baneGalelo kwiIP emva nje kokufumana imali eyingeniso yeIP yaye ngokomthetho kufuneka iyihlawule zingaphelanga iinyanga ezili12 (ezilishumi elinambini) emva kokuba iyifumene. Luxanduva lwaLowo okanye abo bathe banegalelo kwiIP ukuqinisekisa ukuba iSU ineenkcukacha zokubhankisha zamvanje nezichanekileyo ukuze ikwazi ukwenza intlawulo. Zonke iintlawulo ziya kwenziwa nge-elektroniki yaye zihlawule ngeeRandi zaseMzantsi Afrika kwiakhawunti zeebhanki eziseMzantsi Afrika ngaphandle kokuba kukho enye into ekuvunyelwene ngayo. Iindleko zebhanki zaloo ntlawulo kwabo banegalelo kwiIP ziya kuhlawulwa nguLowo okanye aBo bathe baneGalelo kuloo IP, kubandakanywa naziphi na iindleko zokubakhangela. Ukuba iSU ayikwazi kuhlawula iimali ngenxa yeenkcukacha zebhanki ezingachanekanga, iSU iya kugcina ezo mali kwitrasti isithuba esingekho ngaphezu kweminyaka emithathu, ekuya kuthi emva koko amalungelo aLowo okanye aBo bathe baneGalelo kuloo IP okufumana loo ntlawulo abhangiswe, ze loo mali ikhutshwe kuloo trasti. Ukuba iSU ihlawule imali kwiakhawunti engachanekanga ngenxa yeenkcukacha ezinikeziweyo ezingasasebenziyo okanye ezingachanekanga, akukho xanduva longolunye oluya kuthathwa yiSU kuloo ntlawulo ebithathwe ngokuba yenziwe ngokuchanekileyo ngokweenkcukacha ezinikiweyo.

ULUHLU LWAMAXWEBHU AXHASAYO

Igama	Ubume	Umninixwebhu
UMgqaonkqubo wokuBala iiNdleko nokuMisela aMaxabiso oPhando naweeKhontrakthi eziNxulumene noPhando.	Wamkelwe	USekela weSekela Ngqonyela: kuPhando, ezobuChule neziFundo zabaThweswe iZidanga
Umgaonkqubo oMalunga nokuSetyenziswa nokuLayiseniswa kweeMpawu zoShoshino zeYunivesithi yaseStellenbosch	Wamkelwe	IGosa eliyiNtloko yeMisebenzi
IManyuwali yeBhrendi	Ukwamkelwa akukaphunyezwa	USekela weSekela Tshansila: Ifuthe kwezeNtlalo, iNguqu nemiba yabaSebenzi
UMgqaonkqubo oMalunga nokuFundiswa kweeKhosi eziMfutshane kwiYunivesithi yaseStellenbosch	Wamkelwe	IGosa eliyiNtloko yeMisebenzi
Izikhokelo ngokubanzi zelungelo lokushicilela phantsi kwemimiselo yeSivumelwano soLayisensogabalala saseSU	Uhlaziyo lokugqibela lwalungo2020	Ukuyilwa kweZinto eziNtsha nokuShishina
UMgqaonkqubo woPhando oluPhikisayo	Wamkelwe	USekela weSekela Ngqonyela: kuPhando, ezobuChule neziFundo zabaThweswe iZidanga
UMgqaonkqubo woMsebenzi woBungcali	Ukwamkelwa akukaphunyezwa	USekela weSekela Ngqonyela: kuPhando, ezobuChule neziFundo zabaThweswe iZidanga
UMgqaonkqubo woNgquzulwano lweZenzo	Wamkelwe	USekela weSekela Tshansila: Ifuthe kwezeNtlalo, iNguqu nemiba yabaSebenzi