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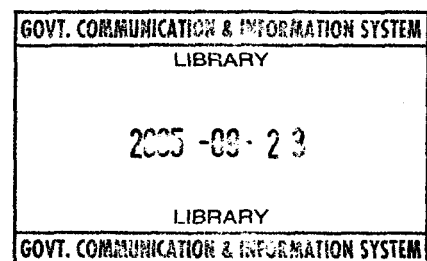
**PORTFOLIO COMMITTEE AMENDMENTS  
TO  
PATENTS  
AMENDMENT BILL**

[B 17—2005]

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*(As agreed to by the Portfolio Committee on Trade and Industry  
(National Assembly))*

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[B 17A—2005]

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**AMENDMENTS AGREED TO**  
**PATENTS AMENDMENT BILL**  
**[B 17—2005]**

CLAUSE 1

1. On page 2, in line 8, to omit “definition” and to substitute “definitions”.
2. On page 2, after line 8, to insert:
 

“‘genetic resource’ means—  
*fa*) any indigenous genetic material; or  
*b*) the genetic potential or characteristics of any indigenous  
species;
3. On page 2, from line 9, to omit the definition of “indigenous biological resource or genetic resource” and to substitute:
 

‘indigenous biological resource’ means an indigenous biological  
resource as defined in section 1 of the National Environmental  
Management: Biodiversity Act, 2004 (Act No. 10 of 2004);”; and
4. On page 2, in line 15, to omit “or” and to substitute “resource or a”.
5. On page 2, in line 18, to omit “or” and to substitute “resource or a”.

CLAUSE 2

1. On page 3, from line 1, to omit subsections (3A) and (3B) and to substitute:
 

“(3A) Every applicant who lodges an application for a patent  
accompanied by a complete specification shall, before acceptance of  
the application, lodge with the registrar a statement in the prescribed  
manner stating whether or not the invention for which protection is  
claimed is based on or derived from an indigenous biological resource,  
genetic resource, or traditional knowledge or use.

(3B) The registrar shall call upon the applicant to furnish proof in the  
prescribed manner as to his or her title or authority to make use of the  
indigenous biological resource, genetic resource, or of the traditional  
knowledge or use if an applicant lodges a statement that acknowledges  
that the invention for which protection is claimed is based on or  
derived from an indigenous biological resource, genetic resource, or  
traditional knowledge or use.”.

CLAUSE 3

1. On page 3, in line 23, after “knew” to insert “or ought reasonably to have known”.

LONG TITLE

1. On page 2, in the third line, to omit the first “or” and to substitute “resource, a”.