It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No. 6 of 2019: Protection, Promotion, Development and Management of Indigenous Knowledge Act, 2019

Zwi khou divhadziwa henefha uri mupresidende o tendelana na uyu mulayo une wa khou andadziwa hu u itela nqivhadzo kha tshitshavha:—

Nom 6 ya 2019: Mulayo wa Tsireledzo, Nyaluso, Mveledziso na u Langa Ndivho Yapo wa, 2019
ACT

To provide for the protection, promotion, development and management of indigenous knowledge; to provide for the establishment and functions of the National Indigenous Knowledge Systems Office; to provide for the management of rights of indigenous knowledge communities; to provide for the establishment and functions of the Advisory Panel on indigenous knowledge; to provide for access and conditions of access to knowledge of indigenous communities; to provide for the recognition of prior learning; to provide for the facilitation and coordination of indigenous knowledge-based innovation; and to provide for matters incidental thereto.

PREAMBLE

RECOGNISING that the liberation of South Africa and its people from centuries of racial discriminatory colonial rule and domination and the establishment of a constitutional democracy was, is and will remain a historic achievement of all our people;

EMPHASISING that the Constitution of the Republic of South Africa, 1996, enshrines the founding values of human dignity, the achievement of equality, non-racism and non-sexism, as well as the Bill of Rights entrenches inalienable rights to and freedom of human dignity, equality, education, culture, religion, language, research, creativity, environment and property, among others;

NOTING that the Republic of South Africa as a sovereign democratic state has taken its rightful place in the family of sovereign states and is committed and obligated to observe international treaties, covenants, as well as international law;

REALISING that the Government of the Republic of South Africa is committed to the economic, cultural and social upliftment and well-being of its people, free of discrimination;

TAKING into account that in the exercise of its sovereignty, South Africa has enacted and continues to enact legislation that underpins the protection, promotion and development of indigenous knowledge systems and indigenous knowledge;

RECOGNISING that indigenous knowledge is a national asset and that it is therefore in the national interest to protect and promote indigenous knowledge through law, policy and both public and private sector programmes;

WISHING to encourage the use of indigenous knowledge in the development of novel, socially and economically applicable products and services;

ACCEPTING that indigenous innovation is a unique approach to social innovation that informs and underpins the work of indigenous communities,
MULAYO

U ita mbetshele malugana na tsireledzo, nyaluso, mveledziso na u langa nًdvho ya yapo; u ita mbetshele ya uri hu vhe na u thomiwa ha Ofisi ya Lushaka ya Sisi%emne dza Nًdvho Yapo na mishumo yapo; u ita mbetshele ya kulangele kwa pfanelo dza zwitshavha zwa nًdvho yapo; u ita mbetshele ya uri hu thomiwe Phanele ya Vhueleitchesedi kha zwa nًdvho yapo na mishumo ya iyo phanele; u ita mbetshele ya u swikelela na milayo ya u swikelela nًdvho ya zwitshavha zwapo; u ita mbetshele ya lavhelesa-vho zwine muthu a vha na nًdvho khazwo a so ngo tou dzhena tshikolo; u ita mbetshele ya u leludza na u konanya vhuthomi ho sendekaho kha nًdvho yapo; na u ita mbetshele ya zwi kwamaho izwi.

MVULATSWINGA

NGA U VHONA uri mbofholowo ya shango la Afrika Tshipembe na vhatu vha%ho kha min%wa minzhi ya tshi%alula na u vhwsa nga vhuko%oni na u tsikeledzwa na u thomiwa ha mbofholowo ha demokirasi zwo vha%ho hone, zwi re hone na zwino nhone zwine zwa dho dzula zwi d%ivhazwakale yo swikelelwaho nga vhatu vhshu vhote; 

NGA U OMBEDZELA uri Ndayotewa ya Riphabul%iki ya Afrika Tshipembe ya, 1996, i tsireledza ndayo dza tshirunzi tsha muthu, u swikelela u edana ha vhatu, u edana ha mirafho na u edana ha mbeu khati%hi na Mulayotibe wa Pfanelo une wa khwa%hisa pfanelo dza ndemesa na mbofholowo kana tshirunzi tsha muthu, u edana, pfunzo, mvelele, vhulereli, luambo, t%odsismo, vhukoni, mupo na ndaka, na zwi%we zwinzhi;

NGA U DZHIELA NT%HA uri Riphabul%iki ya Afrika Tshipembe ndi shango lo d%imisaho nga lo%hete lo dzha shikha%la tshone-tshone kha m%uta wa mashango o imaho nga o%the nhone lo diimisela na u vhofhea kha u tevhedza thendelano dza li%hasi, milanga na mulayo wa li%hasi;

NGA U LIMUWA uri Muvhuso wa Afrika Tshipembe wo diimisela kha zwa ikonomi, mvelele na u khwini%sa vhutshilo kha zwa matshilele, ndondolo ya vhatu vha%lo, na mbofholowo kha tshi%alula;

NGA U DZHIELA NT%HA uri nga u shumi%sa vhudilang%i, Afrika Tshipembe lo sika milayo nhone li khou ya phand%a na u sika milayo ine ya khwa%hisa tsireledzo, nyaluso na mveledziso ya sis%emne dza n°dvho yapo;

NGA U VHONA uri ndi%vho yapo ndi ndaka ya lushaka na uri ndi zwi funwaho nga lushaka uri hu tsireledzwe na u alusa ndi%vho yapo nga kha mulayo, mbekanyamaitele na nga mbekanyamushumo dza se%ithara dza phura%ethe na dza muvhuso;

NGA U FUNA u %huwedza na shumiswa ha ndi%vho yapo kha u beveledzisa nganetshele, matshili%ano na ikonomi nga ndi%la yo fanelaho zwiveledzwa na tshumelo;

NGA U TANGANEDZA uri u thoma zwithu zwapo ndi ndi%la yo khetheako kha u thoma zwa matshili%ano zwine zwa khwa%hisa mushumo wa zwitshavha zwapo,
BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

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CHAPTER 1

DEFINITIONS

Definitions

1. In this Act, unless the context indicates otherwise—
   “access” includes the acquisition of indigenous knowledge by natural and legal persons as facilitated by NIKSO in terms of this Act;
   “accreditation” means a formal procedure by which NIKSO grants or delegates authority to an assessor to assess and verify the qualification of indigenous knowledge practitioners in accordance with pre-determined requirements for purpose of certification;
   “assessor” means a qualified person accredited and assigned by NIKSO to assess applicants according to applicable pre-determined standards having regard to that person’s possession of indigenous knowledge, expertise and skills for the purpose of being certified as an indigenous knowledge practitioner;
   “benefit sharing” means the fair and equitable sharing of monetary and non-monetary benefits in terms of a benefit sharing agreement between the trustee of the indigenous community and the licence holder;
   “certification”, in respect of indigenous knowledge practitioners, means the formal qualification acknowledgment, subject to an assessment by an assessor of a practitioner within a discipline or practice, according to applicable, pre-determined standards, having regard to that person’s possession of indigenous knowledge expertise and skills;
   “commercial use” means the use of indigenous knowledge for financial gain;
   “cultural and social identity” means the particular and distinctive identity or characteristics of a certain indigenous community or of an individual as far as he or she is influenced by belonging to a certain indigenous community;
   “Curator” means the Curator of indigenous knowledge, who is the head of the Registration Office of Indigenous Knowledge appointed in terms of section 18 of this Act;
   “Department” means the department responsible for science and technology;
   “discipline of practice” means a group of people who share the same understanding and methodology of a given practice, craft or profession, which—
   (a) evolved spontaneously; or
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U SHUMISWA HA NĐIVHO YAPO SA VHUBINDUDZI

25. U bveledzisa tshibveledzwa, u tshi bindudza, shumelo na maitele
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NDIMA YA 1

THALUTSHEDZO

Thalutshedzo

1. Kha uno Mulayo, nga ndala ha musi nyimele i tshi sumbedza nga inwe ndiila—
   “u swikelela” zwi katele u wana ndívho yapo nga muthu wa mvelo na nga zenithiswa zwo tshimbidzwa nga NIKSO i tshi khou tevhedza uno Mulayo;
   “utendela” zwi amba kuitele kwa NIKSO u fha kana u hwesa maanda kha uyo muñáthuvhuri uri a ñáthuvhe ne u khwañáthuvedza ndalukano dza vhshumi vha zwa ndívho yapo u ya nga ñódjea dzo dzulako dzo vhvea ndívho i ya u fha ñáñziela;
   “muñáthuvhuri” zwi amba muthu o fushaho ndalukano vhshumi o tendelwaho vhshumi nga NIKSO uri a ñáthuvhe vhañumbhneli u ya nga zwitañadzi zwo vhvea nhono zwo teaho ho sedzwa ndívho, vhúvhi na vhuñoni zwine uyo mühumbeli a vha na zwo ndívho i ya u mu fha ñáñziela ya uri ndi mühumi wa zwa ndívho yapo;
   “u kovhekana mbuelo” zwi amba u kova mbuelo nga ndila i sa dzhihi sisa nhono mbuelo dzo linganaho dza tshelede na dzero dza tshelede hu tshi khou tevhedzwa thendelano ya u kovhekana mbuelo vhukati ha mulondoli wa tshítshávha tshápo na uyo mupe wa jaisentsè;
   “u fha ñáñziela” zwi tshi khou kwama vhshumi vha zwa ndívho yapo sialala, zwi amba khwañáthuvedzo ya ndalukano ya fomala, hu tshi tevhedzwa ñáthuvho yo itwaho nga muñáthuvhuri kha uyo mühumi wa iyo thero kana mühumi, u ya nga zwitañadzi zwo vhvea nhono zwo teaho, ho lavheleswa vhuñoni vhune uyo muthu u vha na zwo;
   “u bindudza” zwi amba u shumisa ndívho yapo kha u wana masheleli;
   “Ndlayotèwa” zwi amba Ndlayotèva ya Riphabuljiki ya Afrika Tshipembe ya, 1996;
   “vhühe ha zwa matshilele na mvele” zwi amba phambanyo u vhühe yenyenyana zwitañali zwa tshítshávha tshápo tshenetho kana muthu zwi tshi tšuñwedzwa nga tšenetsho tshítshávha tshápo;
   “Mulondoli” zwi amba Mulondoli wa ndívho yapo sa ene ñóho ya Ofisi ya u walisa Ndívho Yapo o tholwaho hu tshi khou tevhedzwa khethakanyo ya 18 ya uno Mulayo;
   “Muhasho” zwi amba Muhasho u re na vhújifinduleli kha zwa saintsi na tšehkonjodzhi;
Act No. 6 of 2019
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(b) is created based on people’s engagement,

in a process of collective learning in a shared domain of human endeavour;

“functional”, in relation to indigenous knowledge, means knowledge that is

scientific and, or technical in nature;

“indigenous community” means any recognisable community of people—

(a) developing from, or historically settled in a geographic area or areas located

within the borders of the Republic;

(b) characterised by social, cultural and economic conditions, which distinguish

them from other sections of the national community; and

(c) who identify themselves as a distinct collective;

“indigenous cultural expression” means expressions that have a cultural content

that developed within indigenous communities and have assimilated into their

cultural and social identity, including but not limited to—

(a) phonetic or verbal expressions;

(b) musical or sound expressions;

(c) expressions by action; and

(d) action tangible expressions;

“indigenous knowledge” means knowledge which has been developed within an

indigenous community and has been assimilated into the cultural and social

identity of that community, and includes—

(a) knowledge of a functional nature;

(b) knowledge of natural resources; and

(c) indigenous cultural expressions;

“indigenous knowledge practitioner” means a person who is certified as

sufficiently knowledgeable in indigenous knowledge practices to render a related

service, subject to section 15 of this Act and relevant prescribed practice standards

being met;

“licence holder” means any person who successfully enters into a licence

agreement with an indigenous community to use indigenous knowledge;

“Minister” means the Minister responsible for science and technology;

“natural resources” means any materials and components that can be found

within the environment and may exist as a separate entity, such as genetic

resources, fresh water, air, and mineral deposits with actual or potential use or

value;

“NIKSO” means the National Indigenous Knowledge Systems Office established

in section 4;

“prescribed” means prescribed by regulations;

“prior informed consent” means the consent in respect of indigenous knowledge

granted by a trustee, which has been obtained—

(a) free from any manipulation, interference or coercion;

(b) after full disclosure of the intent and scope of the activity; and

(c) in a language and process understandable to the community;

“Registration Office” means the Registration Office for Indigenous Knowledge

within NIKSO;

“Register” means the Register of indigenous knowledge provided for in section

19, and includes any official documents, compilations or records, including

databases, reflecting information in respect of indigenous knowledge kept by

NIKSO;

“Register of Designations” means a register of names and levels of competencies

of certified indigenous knowledge practitioners and accredited assessors;

“regulations” means regulations made in terms of this Act;

“this Act” includes the regulations; and

“trustee” means a natural or legal person that is duly delegated in terms of the

practices of an indigenous community to represent that indigenous community in

matters pertaining to indigenous knowledge and to be vested with the custodian-

ship of indigenous knowledge emanating from it, which person is deemed to be a

trustee appointed in terms of the law of trusts and to have the powers and duties of

such a trustee, with any reference in this Act to an act performed, or the rights held,

by an indigenous community deemed to be a reference to that act performed, or

rights held, by the trustee of that indigenous community.
“thero ya mushumo” zwi ambा tshigwadà tsha vhathu vhane vha fana kha u pфesësa na ngona dza mushumo wonoyo, vhutsila na phrofesheni yenenyo, zwine izwi—
(a) zwo vha honе nga lwa mupo; kana
(b) zwo itwa nga nwambo wa u ambedzана na vhathu,
nga kha kуitele kwa u guda vhathu vе guге fhethu hune vha tou kovhekana ndingедzedo dza vhathu;
“ndǐvho ya saṁthiǐkì kana thekhenìkhàla” ho sedzwa ndǐvho yapо, zwi ambа ndǐvho ine ya vha saṁthiǐkì ni, kana thekhenìkhàla;
“tshitshavha tshapo” zwi ambа tshitshavha tshi dǐvheahо tsha vhathu—
(a) vha bvahо kha kana tshîne nga dǐvхawɔkale tshо vha tshì khоu dzula kha vhuпоv hu wanalaho ngomo u mikano ya Riphabulikі;
(b) vhane vha paluswa nga nyimele dza matshilele, mvеlele na ikonom, zwine izwi izwi ita uri vha sa fane na vhаwе kha dзiнwe khethekanyo dza tshitshavha тsha lushaka; na
(c) vhane vha diжîvho vе tshigwadа tso fhambanahо na зwiіwе;
“kuамble kwa mvelele kwapo” zwi ambа kuамble kwa farаho mvеlele ya tshitshavha nahone izwi zwo bva kha henеfhо ngomo u tshitshavha zwapо nahone zwa yongovhela kha mvеlele na kutshilele, hu tshì katelwa zwi sa gumiho kha zwi tvehelahо—
(a) kuамble kwa ipфи kana fonеtikа;
(b) muungо wa kuамble na muzика;
(c) зwi vhонаlahо nga nyito; na
(d) nyito i sumbedzахо зwi vhонаlahо;
“ndǐvho yapо” zwi ambа ndǐvho yo bvеledziswaho ngomo kha tshitshavha tshipо na u mvеlele kha khethekanyo kha tshitshavha, nahone zwi tshì katelа—
(a) ndǐvho ya saṁthiǐkì kana ya thekhenìkhàla;
(b) ndǐvho ya звиko zwa mupo; na
(c) mbonαlо ya mvеlele yapо;
“mushumi wa zwa ndǐvho yapо ” zwi ambа amбuthу o fhiwаho thанζiela i sъmbаho uri u nа ndǐvho yo lингanаho nga hаmаitele a zwa ndǐvho yapо urі u kоне u фа tshumεlo a tsh̩i kхου тeвhедzа khethekanyo ya 15 ya uno Mulayо na zwo hαndεdа zwa mαitεle o rαndεlвhаho a tsh̩i тeа u fуshwa-hо;
“муге wa lаisente” zwi amбuthу mунwе na mунwе o konαho u džhεna kha thεndεlεna ya lаisente на tshitshavha tshipо uro a shумιse ndǐvho yapо;
“Minιstα” zwi ambа Минιstа a re na vhуdiфiндυleli kha zwa sаintsi на тэkhнοлđzхи;
“zwiko zwa mupo” zwi amба звιshiumiswa на звιpιdа-пiдa звиnе зва nga wαnαwа kha mupo nahone звиnе зва vha honе sa zwi ithu zwo imαho nga zwoгtе, sa гενεtιc rεsοurсεs, mаţi, mυαу, na zwa мιgοdι звиnе зwa ngа shumιswa звωvхυkυma kаnа lwa ндеме;
“NIKSO” zwi ambа Ofιsι ya Lυshαkа ya Sиsιтεmε dзα Nдǐvho Yapo yo sιkwαhо u ya ngа kхεthεkαnyο ya 4;
“rαndεlα” zwi ambа u rαndεlа nga ndαnguло;
“u tεndа wo thοmа wа vhudzwa” зwi amба u тεндα malуганα na u фа ndǐvho yapо nа thαrisitий, ine yo wαnαwа—
(a) nga mαhаlа zwi so ngο tshιmbιdзwа zвωvхυlι, ho vha na u dзhеnεlεlεkαnyа kаnа u kοmbεtshedzа;
(b) nga mυrаhu hа u bula ndǐvho na tshitkουpу тshα mushумо; nahоне
(c) hu tshì khou shumιswa luамbо na kуiteле kу pfεсεswаhо nа tshitshavха;
“Ofιsι yа wαlιsα” zwi amба Ofιsι ya u wаlιsа Nдǐvho Yapo и re nگe kha Ofιsι ya NIKSO;
“Redžišиtαrα” зwi ambа Redžиšιtαrα yа ndǐvho yapо зwi izwi зwi na mбεtsεhεlо kha kхεthεkαnyо ya 19, nahоне зwi katεlа mαnαlwαlа mαnιwе на mαnιwе a thιshιfιsι, rεkhοdо dzо itwαhо, hu tshì kαtelа dαtαbεsі, dзi сумbεdzαho mαfυngo а ndǐvho yapо o wυlυngwαhо ngа NIKSO;
“Redžиšиtαrα yа mαdzιnα а vhυmо” зwi amба redžиšιtαrα yа mαdzιnα на lεvεlε dзα vхυkοмι ha vhαshumι vha zwa ndǐvho yapо vho fιwаhо thαнζиэla на vхαtάфθυvhi vho tεndεlεwαhо;
“Ndαnguλо” зwi amба ndαnguλо dzо itwαhо u ya ngа uno Мulαyо;
“uno Mulαyо” зwi katεlа ndαnguло; na
CHAPTER 2

APPLICATION AND OBJECTS OF ACT

Application of Act

2. This Act applies to all—
   (a) persons in the Republic, including the State; and
   (b) indigenous knowledge registered under this Act.

Objects of Act

3. The objects of this Act are to—
   (a) protect the indigenous knowledge of indigenous communities from unauthorised use, misappropriation and misuse;
   (b) promote public awareness and understanding of indigenous knowledge for the wider application and development thereof;
   (c) develop and enhance the potential of indigenous communities to protect their indigenous knowledge;
   (d) regulate the equitable distribution of benefits;
   (e) promote the commercial use of indigenous knowledge in the development of new products, services and processes;
   (f) provide for registration, cataloguing, documentation and recording of indigenous knowledge held by indigenous communities;
   (g) establish mechanisms for the accreditation of assessors and the certification of indigenous knowledge practitioners; and
   (h) recognise indigenous knowledge as prior art under intellectual property laws.

CHAPTER 3

NATIONAL INDIGENOUS KNOWLEDGE SYSTEMS OFFICE

Establishment of NIKSO

4. NIKSO is hereby established within the Department.

Functions and powers of NIKSO

5. The functions and powers of NIKSO include—
   (a) implementation of this Act;
   (b) protecting and recognising indigenous knowledge as property owned by indigenous communities;
   (c) facilitating the redress of rights and benefits to indigenous communities which have previously been deprived of such rights and benefits;
   (d) facilitating and coordinating the development of indigenous knowledge;
   (e) establishing and managing the registration of assessors and indigenous knowledge practitioners;
   (f) empowering indigenous communities through education and awareness campaigns to enable them to recognise and utilise indigenous knowledge for cultural and economic benefit;
   (g) determining the criteria for issuing licences for the use of indigenous knowledge;
   (h) certifying licence agreements for the use of indigenous knowledge;
“thirasiti” zwi amba muthu wa vhukuma wa mvelo kana tshiimiswiwa tsho rutwaho u ya nga maitele a tshitshavha tshapo uri a imele itsho tshitshavha tshapo kha mafhungo a kwamaho ndivho yapo nahone a hweswe na maanda a u londola ndivho yapo i bvaho kha itsho tshitshavha ane uyo muthu a dzhiiwi o tholwa sa thirasiti hu tshi khou tevhedzwa mulayo wa thirasiti nahone a vhe na maanda na mishumo ya u vha thirasiti havwe, ho sedzwa uno Mulayo kha mushumo une a vha o u shuma, kana pfanelo dza tshitshavha tshapo tshi dzhiiwaho tshi kwamana na iyo nyito yo itwaho, kana pfanelo dzo farwaho nga thirasiti itsho tshitshavha tshapo.

NDIMA YA 2

KUSHUMISELE KWA MULAYO NA ZWIPIKWA ZWA MULAYO

Kushumisele kwa Mulayo

2. Uyu Mulayo u shuma kha—
   (a) vhathu vho theliki, hu tshi katelwa Muvhuso; na
   (b) ndivho iwe na iwe yo waliswa nga fhasi ha uno Mulayo.

Zwipikwa zwa Mulayo

3. (1) Zwipikwa zwa uyu Mulayo ndi u—
   (a) tsireledza ndivho yapo ya zwitshavha zwapo uri ya sa shumiswe zwi songo tendelwa, na uri ya sa dzhiiwe zwi songo tendelwa;
   (b) tujwedza tshitshavha uri tshi divhe na u pfesesa nga ha ndivho yapo uri i shumiswe na u bveledziswa nga njila yo tandaavhuwaho;
   (c) bveledzisa na u kwhinisa vhukoni ha zwitshavha zwapo kha u tsireledza ndivho yapo ine ndi yavho;
   (d) langula phadaladzo i linganaho ya mbuelo;
   (e) tujwedza zwa vhathu u ndivhuko dza u zwitshavha zwapo uyo mu zwa yapo;
   (f) tujwedza zwa vhubindudzi kha ndivho yapo musi hu tshi bveledzwa zwibveledzwa zwiswa, tshumelo ntswa na maitele maswa;
   (g) iteta uri hu vhe na mbetshelo ya u inwalisa, u dzundzanya/vhekanya, u iwalla na u rekhoza ndivho yapo ine zwitshavha zwapo zwa vha nayo;
   (h) thoma njila dza u tendela vhaqathuhvihi na u fha tshuza vhushumi vha zwa ndivho yapo; na
   (i) lavhelesa /dzhiiela njha ndivho yapo sa vhutsila ha u thoma nga fhasi ha milayo ya zwa vhunge ha ndivho.

NDIMA YA 3

OFISI YA LUSHAKA YA SISIȚEME DZA NDIVHO YAPO

U thomiwa ha NIKSO

4. NIKSO i khou thomiwa nga ngomu kha Muhasho.

Mishumo na maanda a NIKSO

5. (1) Mishumo na maanda zwa NIKSO hu katelwa—
   (a) u shumisa uyu Mulayo;
   (b) u tsireledza na u lavhelesa ndivho yapo sa ndaka ine vhunge vhayo ndi zwitshavha zwapo;
   (c) u leludza u khakhulu pfanelo na mbuelo kha zwitshavha zwapo zwine zwo khakhelwa tshiifhingani tsho fhelahe zwi si djiphihe nga pfanelo na mbuelo dza zwa ndivho yapo;
   (d) u leludza na u konanya mveledziso ya ndivho yapo;
   (e) u thoma na u langula u inwalisa vhaqathuhvihi na vhushumi vha ndivho yapo;
   (f) u maandaifhazda zwitshavha zwapo nga kha pfunzo na mafulo a uri vhathu vha divhe na u kona u vhona na u shumisa ndivho yapo kha mbuelo ya mvelela na ekonomi;
   (g) u ta njila dza u petsheza jaisente dza u shumisa ndivho yapo;
   (h) u kwaqathisesa thendelano dza jaisente malugana na u shumisa ndivho yapo;
(i) assisting indigenous communities in the negotiation of benefit sharing agreements for the use of indigenous knowledge;

(j) facilitating the negotiation of licences between trustees and users for the use of indigenous knowledge for commercial purposes;

(k) making recommendations to the Minister regarding norms and standards for the certification of indigenous practitioners;

(l) liaising with the Department to facilitate the entering into of licence agreements with users of indigenous knowledge on behalf of an indigenous community where the relevant indigenous community cannot be identified;

(m) ensuring that the Register of Designations is maintained and made available; and

(n) carrying out any functions that are consistent with the objects of this Act.

Administration of NIKSO

6. (1) The Minister must appoint a suitably skilled and qualified person as the Head of NIKSO in accordance with the Public Service Act, 1994 (Proclamation No. 103 of 1994).

(2) The Head of NIKSO—

(a) is responsible for the administration and general management of NIKSO, subject to directions and instructions issued by the Minister or the Director-General as delegated by the Minister; and

(b) must report to the Director-General on all matters relating to the management of NIKSO.

(3) The staff of NIKSO consists of such number of employees as may be—

(a) appointed by the Minister, in accordance with the Public Service Act, 1994; or

(b) seconded from any organ of state,

as are necessary to enable NIKSO to perform its functions.

Establishment of Advisory Panel

7. (1) The Minister may establish an Advisory Panel based on criteria as prescribed, consisting of a minimum of five, but no more than ten, members on specific matters relating to the objects of this Act.

(2) The Advisory Panel must be broadly representative of the—

(a) different relevant government departments;

(b) indigenous knowledge practitioners;

(c) industry; and

(d) specialists in the discipline of practice,

based on criteria as prescribed.

(3) The Advisory Panel may be convened by the Head of NIKSO, as and when the need arises.

(4) The members of the Advisory Panel, with the exclusion of subsection (2)(a) representatives who are subject to public service remuneration prescriptions, must only be remunerated for time spent on the business of NIKSO, in accordance with rates determined by the Minister, with the concurrence of the Minister of Finance.

(5) A member of the Advisory Panel holds office for a period of three years and may, upon expiry of that period, be reappointed for a further period of three years.

(6) Notwithstanding subsection (5), for the sake of continuity, the Minister may reappoint a core of at least three members of the Advisory Panel, as prescribed.

(7) The Minister may, subject to the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), remove a member of the Advisory Panel for—

(a) non-performance;

(b) serious misconduct;

(c) conduct that undermines the integrity or objective of the Advisory Panel; or

(d) being convicted of a criminal offence and sentenced to imprisonment without the option of a fine.
Mulayo wa Tsireledzo, Nyaluso, Mveledziso na u Langa Ndvivo Yapo wa, 2019

Nom 6 ya 2019

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(i) u thusa zwishavha zwaPO kha nyambedzano dza thendelano dza u kovhekana mbuelo musi hu tshi shumiswa ndivivo yapo;
(j) u tshimbidiza nyambedzano dza laisense vhu kata ha dzinthirasiti na vhashumisi vha ndivivo yapo kha zwa ndivivo dza vhubindudzi;
(k) u ita themendelo kha Minista malugana na ndayo na zwi tandadi zwa u fha thanziela dza vhashumi vha zwa ndivivo yapo;
(l) u kwamana na Muhasho u itela u tshimbidiza zwi kwamahlo a dzhena kha thendelano dza laisense na vhashumisi vha ndivivo yapo ho imelwa tshishavha tshapo hune tshishavha tsho teaho tshapo tsho sa divhee;
(m) u vhona uri Redzhisitjara ya Madzina a vhuinga yo vhulinga nasho na a wanalea;
(n) u shuma mishumo miine na miine ine ya yelana na zwipikwa zwa uno Mulayo.

Kulangele kwa NIKSO

6. (1) Minista u tea u thola muthu ane a fusha thoqeda nahone a re na vhukoni uri a vhe ene Thoho ya Ofisi ya Lushaka ya Sisitjeme dza Ndvivo Yapo u ya nga Mulayo wa Tshumulo ya Muvhuso wa, 1994 (Mulevho wa nomboro ya.103 wa 1994).

(2) Thoho ya NIKSO—
   (a) ndi vhufihinduleli kha ndaulo ya na u langa NIKSO, a tshi khou tevhezda ndaela dzi bvalo kha Mulangi-Muangaredzi kana Minista; na
   (b) u tea u vhiga mafhungo oghe a kwamaho u laula NIKSO kha Mulangi-Muangaredzi.

(3) Vhashumi vha NIKSO ndi tshivhala tshemetsho—
   (a) tsho tholwaho nga Minista a tshi khou tevhezda Mulayo wa Tshumulo dza Muvhuso wa, 1994; kana
   (b) avho vho tou dzinginywaho uri vha tholwe vha tshi bva kha zwiini zwimiswa zwa muvhuso,
   hu na thoqeda ya uri NIKSO i shume zwavhuvhi.

U thomiwa ha Phanele ya Vhueletshedzi

7. (1) Minista a nga vhumba Phanele ya Vhueletshedzi a tshi khou shumisa ndjila dzo randelwaho, ine iyo phanele i do vha i na mirafo i si ho fhsu ha miatu, fhedzi iyo mirafo a i nga fhiri fumi, ine ya do lavhelesa kha mafhungo eneo a kwamaho zwipikwa zwa uno Mulayo.

(2) Phanele ya Vhueletshedzi nga vhuphara i imela—
   (a) mihasho ya muvhuso yo fhambanaho;
   (b) vhashumi vha zwa ndivivo yapo;
   (c) ndowetshumo; na
   (d) vhadihvi kha theo ya uno muschumo,
   zwo sendeka kha ndjila yo randelwaho.

(3) Phanele ya Vhueletshedzi i nga vha na mutjangano yo rambwa nga Thoho ya NIKSO, musi hu na thoqeda.

(4) Mirafo ya Phanele ya Vhueletshedzi, hu songo katelwa khethekanyo vhukyu ya
   (2)(a) vhaimeleli vhane vha hola muvhusoni u ya nga thendelo ya muvhuso, vha do to
   badelwa fhedzi shishingga tse vha tshi fhedza vhe kha mushumo wa NIKSO, hu tshi
   khou tevhezdwa mitengo yo tiwaho nga Minista o tendelana na Minista wa zwa
   Mashele.

(5) Murafo wa Phanele ya Vhueletshedzi u vha murafo wa Phanele lwa minwaha miraru, nahone musi shishingga tso fhela tsha u vha kha ofisi, murafo a nga dovha a
   tholsa hafhu lwa minwaha miraru.

(6) Naho hu na khethekanyo ya (5), hu tshi itelwa uri hu vhe na u ya phanda
   zwavhuqi, Minista a nga thola hafhu mirafo miraru ya Phanele ya Vhueletshedzi sa zwo
   randelwaho.

(7) Minista a tshi khou tevhezda Mulayo wa Promotion of Administrative Justice Act,
   2000 (Act No. 3 of 2000), a nga pandela murafo wa Phanele ya Vhueletshedzi zwi tshi
   khou itiswa nga—
   (a) u sa kona u shuma ha uyo murafo;
   (b) u sa difara zwavhuqi ha uyo murafo;
   (c) vhudihi vhune ha nyadza thiruruni kana zwipikwa zwa Phanele ya
      Vhueletshedzi; kana
   (d) u wanwa mulandu wa vhuubhinyi nahone murafo uyo o gwevhelewa u dzula
      dzhele hu si na u tou bodela ndatjiso ya mashele.

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(8) NIKSO must provide administrative and secretarial support to the Advisory Panel.

(9) For the purpose of subsection (2)(c), “industry” means any sector of an economy dealing in the commercial use of indigenous knowledge based products and services.

Role of Advisory Panel

8. The Advisory Panel must—
   (a) provide expert and strategic advice to NIKSO in respect of the protection, promotion, development and management of indigenous knowledge;
   (b) assist with the mobilisation of indigenous communities for purposes of pursuing specific activities conducted by NIKSO; and
   (c) advise NIKSO on any specific issue referred to it and execute any task that NIKSO may entrust to it in terms of this Act.

CHAPTER 4

PROTECTION OF INDIGENOUS KNOWLEDGE

Subject matter of protection

9. (1) This Act protects registered indigenous knowledge.
   (2) Indigenous knowledge constitutes property of indigenous communities within the meaning of section 25 of the Constitution.

Term of protection

10. (1) Indigenous knowledge is protected for as long as it meets the eligibility criteria set out in section 11.
    (2) If indigenous knowledge ceases to meet the eligibility criteria set out in section 11, it falls into the public domain from the date of proven ineligibility.

Eligibility criteria for protection

11. The protection of indigenous knowledge contemplated in section 9 applies to indigenous knowledge, which—
   (a) has been passed on from generation to generation within an indigenous community;
   (b) has been developed within an indigenous community; and
   (c) is associated with the cultural and social identity of that indigenous community.

Vesting of rights in indigenous knowledge

12. (1) Subject to section 9, the custodianship of indigenous knowledge eligible for protection vests in the trustee of that indigenous community.
    (2) The trustee of the indigenous community—
        (a) holds the indigenous knowledge in trust on behalf of the indigenous community; and
        (b) is responsible for and accountable to the indigenous community for the protection of their rights.
    (3) In the event that, and for as long as, the indigenous community of the relevant indigenous knowledge cannot be identified and designated, NIKSO must act as custodian of that indigenous knowledge, with the rights and obligations of a trustee in respect of that indigenous knowledge.

Rights conferred

13. (1) Subject to subsection (3), the indigenous community holding indigenous knowledge has the exclusive right to—
    (a) any benefits arising from its commercial use;
    (b) be acknowledged as its origin; and
    (c) limit any unauthorised use of the indigenous knowledge.
(8) NIKSO i tea u thusa Phanele ya Vhueleletshedzi nga ndaulo na vhunwaleli.

(9) U itela ndivho ya khahekanyo thukhu ya (2)(c), "ntowetshumo" zwi amba sekithara iwe ya zwa ikonomi ine ya shumana na zwa u shumisa ha ndivho yapo kha u bindundza zwo sendeka kha zwibveledzwa na tshumelo.

Mushumo wa Phanele ya Vhueleletshedzi

8. Phanele ya Vhueleletshedzi i tea u—
   (a) fha mudivhi na nyleletshego NIKSO malugana na tsireledzo, nyaluso, mveledziso na ndaulo ya sisiqemfe ya ndivho yapo;
   (b) thusa nga u vhea fhethu huthihi zwitshavha zwapo u itela uri hu shumiwe mishumo ya NIKSO; na
   (c) eletsheza NIKSO malugana na mafungo o diswa na u shuma mishumo ine NIKSO ya fha Phanele u ya nga Mulayo uno.

NDIMA YA 4

TSIRELEDZO YA NDIVHO YAPO

Mafhungo a thero dzine dza khou tsireledzwa

9. (1) Uyu Mulayo u tsireledza ndivho yapo yo ñwaliswaho.
   (2) Ndivho yapo i vhumba ndaka ine yo ambiwa kha khethekanyo ya 25 ya Ndayotewa.

Vhulapfu ha tshifhinga tsha u tsireledza

10. (1) Ndivho yapo i tsireledzwa lwa tshifhinga tsha musi i tshi kha dzi fusha thodzwa dza uri i tsireledzwe u ya nga khethekanyo ya 11.
    (2) Arali ndivho yapo ya swika tshifhinga tshine ya vha i sa tsha fusha thodzwa dza khethekanyo ya 11, i mbo wela fhasi ha tshitshavha tsho thje u tou bva nga ñuva line ya sa tsha fusha.

Ndila dzine dza shumiswa uri ndivho yapo i tsireledzwe

11. U tsireledza ndivho yapo ho bulwaho kha khethekanyo ya 9 hu shumiswa kha ndivho yapo ine—
   (a) yo ratha i tshi bva kha murafho u ya kha munwe murafho ngomu kha tshitshavha tshapo;
   (b) yo bveledziswa kha tshitshavha tshapo; na
   (c) i na vhushaka na vhune ha mvelele na matshilisano zwa tshitshavha tshapo.

U fha pfanelo dza ndivho yapo

12. (1) Hu tshi khou tevhedzwa khethekanyo ya 9, vhuchogomeli ha ndivho yapo ine ya tea u tsireledzwa vhu hweswa thirasiti wa tshitshavha tshapo tshenetsho.
    (2) Thirasiti wa tshitshavha tshapo—
        (a) o fara ndivho yapo i re kha thirasiti o imela tshitshavha tshapo; na
        (b) u na vhudiendeulela nahone u tea u vhiqela tshitshavha tshapo nga ha u tsireledzwa ha pfanelo dzavho sa tshitshavha.
    (3) Kha nyimele ine mune wa ndaka yapo a sa ñivhe kana u sumbea na musi tshitshavha tshapo tsha iyo ndivho yapo tshi sa ñivhe, NIKSO ndi yone ine ya do dzhiisa sa vhulondoli ha iyo ndivho yapo, na pfanelo na vhudiendeulela ha thirasiti malugana na ndivho yapo iyo.

Pfanelo dzo getschedzwaho

13. (1) Hu tshi tevhedzwa khethekanyo thukhu ya (3), mune ya ndivho yapo u na pfanelo dzo khetheaho malugana na ndivho yapo kha—
        (a) mbuelo dzi wawaho musi hu tshi bindudzwa iyo ndivho;
        (b) u ambiwa na u lvhuwiwa uri ndi ene mune wa ndivho; na
        (c) u thivhela u shumiswa ha iyo ndivho yapo zwi songo tendelwa.
(2) Subject to subsection (3), a person wishing to make commercial use of indigenous knowledge must—
   (a) apply through NIKSO for a licence in accordance with section 26(1); and
   (b) when so applying, must indicate—
       (i) the identity of the indigenous community;
       (ii) the place of origin of the indigenous knowledge; and
       (iii) whether prior informed consent of the indigenous community has been obtained and a benefit sharing arrangement entered into with that indigenous community.

(3) An individual member of the indigenous community holding indigenous knowledge who wishes to make commercial use of the indigenous knowledge—
   (a) must obtain permission from the indigenous community; and
   (b) may only make commercial use of that indigenous knowledge in a manner and subject to the indigenous community imposed terms and conditions as formalised in an agreement with the trustee.

CHAPTER 5
RECOGNITION OF PRIOR LEARNING OF INDIGENOUS KNOWLEDGE PRACTITIONERS

Accreditation of assessors

14. (1) A certified indigenous knowledge practitioner may apply to NIKSO in the prescribed manner for recognition and accreditation as an assessor.
   (2) In processing a subsection (1) application, NIKSO—
       (a) must evaluate each application in accordance with the prescribed procedures and requirements; and
       (b) may issue an accreditation certificate to act as an assessor if it is satisfied that the applicant meets the prescribed criteria.
   (3) NIKSO may impose any reasonable conditions on such accreditation.
   (4) NIKSO may, in the prescribed manner, cancel the accreditation of an assessor, if the assessor has—
       (a) made a false declaration or intentionally submitted a fraudulent application to NIKSO;
       (b) failed to comply with or contravened any of the conditions of the accreditation;
       (c) failed or refused to comply with the prescribed accreditation process;
       (d) accepted unlawful compensation, in respect of the certification of an indigenous knowledge practitioner;
       (e) charged excessive or unreasonable fees in respect of the certification of an indigenous knowledge practitioner;
       (f) undermined, through any act of omission, the interests of the discipline or practice for which the assessor is registered; or
       (g) been convicted of a criminal offence and sentenced to imprisonment without the option of a fine.
   (5) The Minister must prescribe accreditation procedures to be followed by registered assessors.

Certification of indigenous knowledge practitioners

15. (1) Any person who wishes to register their qualifications as an indigenous knowledge practitioner must apply, in the prescribed manner, to NIKSO to be so certified and recorded in the Register of Designations.
   (2) NIKSO may refer the application for certification to an assessor for assessment and recommendation.
   (3) In assessing the eligibility of an applicant, the assessor must apply the prescribed norms and standards for certification of indigenous knowledge practitioners.
   (4) Upon completion of the assessment, if an applicant meets all the prescribed requirements, the assessor must recommend to NIKSO that a certificate of competency be issued to the applicant for purposes of certification.
(2) Hu tshi tevhedzwa khethekanyo ţhukhu ya (3), muthu ane a funa u shumisa ndįivho yapo kha zwa u bindula u tea u—
(a) ita khumbelo nga kha ya ţaisentse kha NIKSO u ya nga khethekanyo ya 26(1); na
(b) musi khumbelo i tshi itiwa hutea u sumbedzwa—
(i) dzina la/vhuqe ha tshitshavha tshapo;
(ii) fethu ha vhuvbo ha iyo ndįivho yapo; na
(iii) uri nna u tenda muthu o thoma a vhudzwa ha mupe wa ndįivho yapo ho wamala kha tshitshavha tsha ndįivho yapo nhone nzudzanyo dza u kovhekana mbufelo dzo itwa na itsho tshitshavha tshapo nna.
(3) Muthu wa tshitshavha tsha ndįivho yapo a re na ndįivho yapo ane a funa u ita vhubindudzi ha ndįivho yapo—
(a) u tea u wana themendelo u bva kha tshitshavha tshapo; nhone
(b) a nga ita fhedzi vhubindudzi nga iyo ndįivho yapo nga ndiila ine ya tevhedza milayo yo vhewaho ya tshitshavha tsha ndįivho yapo sa zwe zwa tendelanwa na thirasiti.

NDIMA YA 5
U DZHIELA NTĩHA NDĮIVHO I SONGO WANWAHO TSHIKOLONI YA VHASHUMI VHA ZWA NDĮIVHO YAPO

U tendelwa ha vhaţhathuvi

14. (1) Mushumi wa zwa ndįivho ya sialala a re na ţhanziela a nga ita khumbelo ngei kha NIKSO a tshi khou tevhedzwa ndįila yo randelwaho uri a tendelwe u vhashumi uva nyathi. (2) Musi hu tshi khou shumiwa khumbelo ya khethekanyo ya (1), NIKSO—
(a) i tea u sengulusa khumbelo inwe na inwe u ya nga maitele na ţhoqea dzo randelwaho; na
(b) i nga qetsedza ţhanziela ya u tendela uri muhumbeli a vhe muţhathuvi arali khumbelo yo fusha zwine zwa khou ţhoqwa nga olisi uri muhumbeli ngoho o fusha ndįila dzo randelwaho.
(3) NIKSO i nga vhea milayo i pfadzaho musi i tshi tshi fha thendelo.
(4) NIKSO nga ndįila yo randelwaho i nga fhelisa uho u tendelwa ha muţhathuvi, arali muţhathuvi o—
(a) bula mazwifhi kana nga khole o qetsedza khumbelo lwa vhufhura kha NIKSO;
(b) o kundelwa u anana kana o pfuka milayo i kwamaho u tendelwa;
(c) kundelwa kana o hana u anana na kuitede kwa u tendelwa kwo randelwaho;
(d) tʃanganedza mbadelo zwi si ho mulayoni, malugana na u fha ţhanziela ya mushumi wa ndįivho yapo;
(e) bedelisa masheleni a sa pfadzii nahone o kalulesaana malugana na u fha ţhanziela ya mushumi wa ndįivho yapo;
(f) o vha na lunyadzo nga u pfuka madzangalelo a thero kana mushumo wa muţhathuvi o nwalisaho; kana
(g) wanwa mulandu wa vhuţshinyi nahone o gwevhiwa u dzula dzhele hu si na u badela ndaliso.
(5) Minis a nga yandela maitele a u tendela ane a tea u tevhendzwa nga vhaţha ţhuvhi vho nwaliswaho.

Ţhanziela dza vhashumi vha zwa ndįivho yapo

15. (1) Muthu muńwe na muńwe ane a funa u nwalisana ndalukano dzawe sa mushumi wa zwa ndįivho yapo u tea u ita khumbelo nga ndįila yo randelwaho ngei kha NIKSO uri a wane ţhanziela ya u khaţhisedza na u rekhođiwa kha ređzhisita ya Mushumo. (2) NIKSO i nga isa khumbelo uri khaţhisedzwe ngei kha muţhathuvi ane a ķo i ţhaţhuvha na u ita themendelo.
(3) Musi hu tshi khou ţhaţhuvhiwa uri muhumbeli u a fusha ţhoqea nna, muţhathuvi u tea u shumisa zwiţhandadi na milayo yo randelwaho musi hu tshi khaţhisedzwa uri muthu ndi mushumi wa zwa ndįivho yapo.
(4) Musi u ţhaţhuvha zwo fhela, arali muhumbeli o fusha ţhoqea dzotโซe dzo randelwaho, muţhathuvi u tea u ita themendelo kha NIKSO uri hu şekedzwe ţhanziela ya vhukoni kha muhumbeli ndįivho i ya u khaţhiseda.
(5) Subject to subsection (4), NIKSO must—
   (a) issue the certificate of competency to the applicant; and
   (b) record the applicant as a certified indigenous knowledge practitioner in the Register of Designations.

(6) Subject to subsection (5), no indigenous knowledge practitioner may practice for gain, unless the practitioner is registered with the relevant government department and been granted permission to practice in terms of the applicable prescribed practice standards.

(7) NIKSO may, in the prescribed manner, revoke the certification of an indigenous knowledge practitioner if such practitioner has—
   (a) made a false declaration or intentionally submitted a fraudulent application to NIKSO;
   (b) failed or refused to comply with the prescribed certification procedures;
   (c) failed to comply with or contravened any of the conditions set out in the certificate;
   (d) undermined, through any act or omission, the interests of the discipline of practice for which the practitioner is certified;
   (e) been convicted of a criminal offence and sentenced to imprisonment without the option of a fine; or
   (f) voluntarily relinquished practice as an indigenous knowledge practitioner.

(8) The Minister must prescribe application standards and procedures to be followed by applicants.

Register of Designations

16. (1) NIKSO must—
   (a) keep the Register of Designations in the prescribed manner; and
   (b) ensure the security of the Register of Designations.

(2) Where information may be accessed by persons other than the indigenous community or an individual within that indigenous community, NIKSO must facilitate such access on payment of a prescribed fee.

CHAPTER 6

REGISTRATION OF INDIGENOUS KNOWLEDGE

Registration Office for Indigenous Knowledge

17. NIKSO must establish a Registration Office for Indigenous Knowledge.

Curator of indigenous knowledge

18. (1) The Minister must appoint a suitably skilled and qualified person as the Curator of indigenous knowledge in accordance with the Public Service Act, 1994 (Proclamation No. 103 of 1994).

(2) The Curator is responsible for the control of the Registration Office, subject to the directions and instructions issued by the Minister or the Director-General as delegated by the Minister.

(3) The Curator may delegate any of the powers and entrust any of the duties assigned to him or her by this Act, to any officer within NIKSO.

(4) The Curator must permit the trustee to act on behalf of the indigenous community for whom he or she is a trustee, in connection with registration under this Act or any proceeding relating thereto.
(5) NIKSO i tshi khou tevhedza khethekanyo ya (4) i tea—
   (a) u nekedza ñhanziela ya vhukoni kha muhumbeli; na
   (b) u rekhoa muhumbeli sa mushumi wa zwa ndiqhvo yapo o kwaqhisedzwaho kha Redzhisitara ya Mishumo.

(6) Hu tshi khou tevhedza khethekanyo ya (5), a hu na mushumi wa zwa ndiqhvo yapo ane a a nga shuma a tshi itela malamba, nga ndja ha musi mushumo uyo o ñwalisa kha muhasho wo teaho wa muvhuso nahone o ñhiwa thendelo ya u shuma u ya nga zwijandadi zwo randelwaho nahone zwo teaho.

(7) NIKSO nga ndjila yo randelwaho, i nga ñhelisa ñhanziela ya mushumi wa zwa ndiqhvo yapo arali uyo mushumi—
   (a) o amba mazwifhi kana o ita tshi ñtanziela ya khamubelo a ñshumisa vhufhura ngei kha NIKSO;
   (b) o kundelwa u tevhedza kana o hana u tevhedzela maitele o randelwaho a u kwaqhisedza;
   (c) o kundelwa u tevhedzela kana o pfuka milayo miwne na miwne yo sumbedzwaho kha ñhanziela;
   (d) nga zwe a ita kana u pfuka a vha o nyadza madzangalelo a maitele kwa o mihumbeli o ñhelwa one ñhanziela;
   (e) o vanwa mulandu wa vhutshinyi nahone o gwevhelwa u dzula dzhele hu si na u tou badela ndatiso; kana
   (f) ene mupe o ñtshela mushumo wawe wa u shuma sa mushumi wa zwa ndiqhvo yapo.

(8) Minista fanela utea themendelo kha malugana na milayo na zwijandadi zwa u tendela vhashumi.

Redzhisitara ya Madzina a vhuimo

16. (1) NIKSO—
   (a) i vhulunga Redzhisitara ya Madzina a vhuimo nga ndjila yo randelwaho; na
   (b) i vhona uri hu vhe na tsireledzo ya Redzhisitara ya Madzina a vhuimo.
(2) Hune maRungo a nga swikelelwa nga vhathu nga ndalukano dzone-dzone sa Mulondoli wa ndiqhvo yapo u ya nga Mulayo wa Tshumelo dza Muvhuso wa, 1994 (Proclamation No. 103 of 1994).

(3) Mulondoli wa ndiqhvo yapo u na vhudihinduleli ha u langa Ofisi ya u walisa a tshi khou tevhedza ndaela dzi bvaho kha Minista na Mulangi-Muangaredzi o rumelwa nga Minista.

(4) Mulondoli uyu a nga hwesa maand a awe muofisiri muwine na muwine ane a wanala kha NIKSO ane a mu themba uri a shume mishumo ye a hweswa yone nga uno Mulayo.

(5) Mulondoli u tea u tendela thirasitii uri a shume o imela tshitshavha tsapho tshine a vha thirasitii watsho malugana na u ñwalisa nga fhasi ha uno Mulayo kana tshinwe na tshiwe tshi itwaho.

NDIMA YA 6
U WALISA WA NDIQHVO YAPO

Ofisi ya u walisa zwa Ndiqhvo Yapo

17. NIKSO i vhumba Ofisi ya u walisa Ndiqhvo Yapo.

Mulondoli wa ndiqhvo yapo

18. (1) Minista u tea u thola muthu a re na vhukoni ho teaho nahone ane a vha na ndalukano dzone-dzone sa Mulondoli wa ndiqhvo yapo u ya nga Mulayo wa Tshumelo dza Muvhuso wa, 1994 (Proclamation No. 103 of 1994).

(2) Mulondoli wa ndiqhvo yapo u na vhudihinduleli ha u langa Ofisi ya u walisa a tshi khou tevhedza ndaela dzi bvaho kha Minista na Mulangi-Muangaredzi o rumelwa nga Minista.

(3) Mulondoli uyu a nga hwesa maand a awe muofisiri muwine na muwine ane a wanala kha NIKSO ane a mu themba uri a shume mishumo ye a hweswa yone nga uno Mulayo.

(4) Mulondoli u tea u tendela thirasitii uri a shume o imela tshitshavha tsapho tshine a vha thirasitii watsho malugana na u ñwalisa nga fhasi ha uno Mulayo kana tshinwe na tshiwe tshi itwaho.
Register of indigenous knowledge

19. (1) NIKSO must—
   (a) keep a Register of Indigenous Knowledge in the prescribed manner; and
   (b) ensure the security of the Register.

   (2) The Curator must record in respect of each item of indigenous knowledge—
       (a) the particulars of the indigenous community from which the indigenous
           knowledge originates;
       (b) whether the indigenous knowledge is functional indigenous knowledge or an
           indigenous cultural expression, or both;
       (c) whether the information provided may only be shared with persons outside the
           indigenous community with its prior informed consent;
       (d) whether any agreements have been entered into between an outside party and
           the indigenous community;
       (e) whether the indigenous knowledge is closely related to indigenous knowledge
           registered by another indigenous community, and if so, details of that
           indigenous knowledge; and
       (f) any such other particulars as may be prescribed.

   (3) The Register is presumed to be evidence of any matters directed or authorised by
       this Act to be recorded therein.

Registration of indigenous knowledge

20. (1) The trustee of an indigenous community may apply to the Curator in the
    prescribed manner for the registration of indigenous knowledge.

   (2) Subject to the provisions of this Act, the Curator may—
       (a) approve the application;
       (b) approve the application subject to any conditions or limitations, and register
           the indigenous knowledge; or
       (c) reject the application if it does not meet the criteria set out in section 11.

   (3) The Curator must, within 30 days after the registration of the indigenous
       knowledge—
       (a) issue to the applicant a certificate of registration in the prescribed form; and
       (b) publish, in the prescribed form, a notice of registration in the Indigenous
           Knowledge Bulletin and any appropriate publication.

   (4) In order to exercise any right in respect of indigenous knowledge under this
       Act, the indigenous community must register the indigenous knowledge in terms of
       Chapter 6.

Inspection of Register

21. (1) Subject to the provisions of this Act, the Curator must make the Register
    available for inspection by the public during working hours, upon payment of the
    prescribed fee.

   (2) Notwithstanding subsection (1), additional documents relating to the registration
       of indigenous knowledge may only be made available to the public, if the person seeking
       access enters into a prescribed non-disclosure agreement.

   (3) The Curator must, as prescribed, at the request of any person, and on payment of
       the prescribed fee, furnish a copy of an extract of the Register, or a copy of a certificate
       of registration.

Certificates of Curator to be prima facie evidence

22. (1) A certificate appearing to be issued by the Curator, in respect of any record
    authorised by this Act, is presumed evidence of the content thereof and action authorised
    therein, unless proven otherwise.

   (2) In any judicial proceedings—
       (a) printed or written copies or extracts appearing to be copies of or extracts from
           the Register; or
Mulayo wa Tsireledzo, Nyaluso, Mveledziso na u Langa Ndivho Yapo wa, 2019
Nom 6 ya 2019

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Redzhisitara ya ndivho yapo

19. (1) NIKSO i tea u—
   (a) vhulunga Redzhisitara ya Ndivho Yapo nga ndjila yo randelwaho; na
   (b) vhona uri hu vhe na tsireledzo kha iyo Redzhisitara.
   (2) Mulondoli u tea u rekhoda tshitenwa tshinwe na tshinwe tsha ndivho yapo—
   (a) zwidodombedza zwa tshitshavha tshapo afho hune ndivho yapo yo thoma hone;
   (b) hu nga vha ndivho i tshi shumiswa kana i ndivho ya u sumbedza mvelele, kana
   zwoghe;
   (c) hu nga vha mafhungo o getshedzwaho a tshi nga kovhelwa-vo na vhathu vha
   nga nnja ha tshitshavha tshapo ho ranga ha vha na u tenda wo vhudzwa;
   (d) hu nga vha thendelano iwe na iwe ye ya dzhenha khayo vhukati ha vhathu
   vha nnja na tshitshavha tshapo;
   (e) hu nga vha ndivho yapo i tshi jutshelana na ndivho yapo yo ñwaliswa nga
   tshinwe tshitshavha tshapo, nahone arali zwo ralo, zwidodombedza zwa iyo
   ndivho; na
   (f) zwidodombedza zwiwiwe na zwiwiwe u ya nga he zwa randelwa.
   (3) Redzhisitari i dzhiiwa hu hone vhujanzi ha mafhungo maíwe na maíwe o
   laelwaho na u tendelwa nga uno Mulayo.

U ñwaliswa ha ndivho yapo

20. (1) Thirasiti wi tshitshavha tshapo a nga ita khumbelo kha Mulondoli nga ndjila
    yo randelwaho a tshi itela u ñwalisa ndivho yapo.
   (2) Hu tshi khou tevhedza uno Mulayo, Mulondoli a nga—
   (a) tendela iyo khumbelo;
   (b) tendela khumbelo a tshi khou tevhedza milayo miwe miwe kana
   phungudzelo, nahone a kona-ha u ñwalisa iyo ndivho yapo; kana
   (c) hanela khumbelo arali i sa fushi ndjila dzo vhevah wo kha khethekanyo ya 11.
   (3) Hu sa athu u fheka madojwe a 30, nga murahu ha u ñwalisa nghosto yapo, Mulondoli
   u tea u—
   (a) getshedza muhumbeli ñhanziela ya u ñwalisa a tshi khou tevhedza ndjila yo
   randelwaho; na
   (b) a ndjala ndjivhadoro ya u ñwalisa Ndivho Yapo kha Gurannja ya mafhungo na
   kha iwe nyandzado yo teaho, zwi tshi khou itwa nga ndjila yo randelwaho.
   (4) U itela u shumisa phanele zwi tshi kwama ndivho yapo nga fhasa ha uno Mulayo,
   tshitshavha tshapo tshi tea u ñwalisa ndivho yapo u ya nga Ndima ya 6.

U ingamelwa ha Redzhisitara

21. (1) Hu tshi khou tevhedza mbetselo dza uyu Mulayo, Mulondoli u tea u ita uri
    Redzhisitara i ingamelwe nga tshitshavha nga tshifhinga tsha musiromo, musi ho badelela
    mbadelo yo randelwaho.
   (2) Naho hu na khethekanyo tuku hu ya (1), maíwe maíwe a kwamaho u ñwalisa
   ndivho yapo a nga itwa uri a wanale nga tshitshavha fhzedi arali muthu ane a khou todo
   u a swikelela a tshi ita thendelano ya u ñhufulfhezisa u sa punjisa mafhungoswa zwe zwa
   randelwa.
   (3) Mulondoli nga ndjila yo randelwaho nahone ho itwa khumbelo nga muthu ufnho na
   ufhiho nahone ho itwa mbadelo yo randelwaho u tea u fho khiphi ya zwi hvah kho
   Redzhisitara, kana khiphi ya ñhanziela ya u ñwalisa.

Þhanziela dza Mulondoli ndi hone vhujanzi ha prima facie

22. (1) Ñhanziela i vholahalo unga yo getshedzwanga nga Mulondoli, malugana na
    rekhoda iwe na iwe yo tendelwaho nga uno Mulayo, i dzhiiwa hu hone vhujanzi ha
    zwi re nmuru na zwo itwah o wzo tendelwa, nga nnja ha musi zwo sumbedzwa nga
    iwe ndjila.
   (2) Kha khałulo dźiwe na dźiwe—
   (a) khiphi dzo phrinthiwaho na dzo tou ñwalwa nga zwi zwi bviswa kha izwi
   zwi vholahu ha khiphi dza kana zwo bviswa kha Redzhisitara; kana

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any document relating to indigenous knowledge certified by the Curator of the Registration Office, is presumed evidence of the content thereof, unless proven otherwise, and may be admitted as evidence without further proof or production of the original.

Register to be constructive notice

23. In any proceedings regarding the rights registered in respect of indigenous knowledge, it may be presumed—
(a) that every party to those proceedings was aware of the particulars entered in the Register from the date of the section 20(3)(b) publication; and
(b) that any person using the indigenous knowledge did so knowing that it was registered and that it was a pre-condition of use that the person should have entered into a benefit sharing agreement before commencing use.

Amendment of Register

24. (1) The Curator may—
(a) upon receiving an application from an interested person in the prescribed manner; and
(b) after granting the indigenous community an opportunity to make representations in response to the application, amend the Register.
(2) The Curator must amend an entry in the Register in accordance with any finding by a court.

CHAPTER 7

COMMERCIAL UTILISATION OF INDIGENOUS KNOWLEDGE

Product development, commercialisation, services and processes

25. (1) NIKSO may, at the request of an indigenous community, provide assistance or facilitate the commercial use of its indigenous knowledge.
(2) NIKSO must, in respect of commercial use of indigenous knowledge—
(a) promote partnerships for innovation and product development;
(b) coordinate funding;
(c) develop market strategies; and
(d) promote commercial use of products, services, processes and the use of technology.

Access to and use of indigenous knowledge

26. (1) Any person who intends to use indigenous knowledge for commercial purposes must—
(a) apply in the prescribed manner for a licence authorising the use of that indigenous knowledge; and
(b) enter into a licence agreement with the trustee of the relevant indigenous community for the use of that indigenous knowledge, as facilitated by NIKSO.
(2) NIKSO must consult with the trustee on the terms of the subsection (1)(b) licence agreement for the intended use and benefits payable by the licence holder.
(3) In the event that the indigenous knowledge, which is the subject of the licence agreement, is—
(a) functional in nature, then any obligation on the part of the licence holder to pay a royalty expires 20 years after the date of agreement; and
(b) an indigenous cultural expression, then any obligation on the part of the user to pay a royalty expires 50 years after the date of agreement.
(b) Jińwälwa jińwe na jińwe ji kwamaho ndįhvho yapo ḋo khwążisedzwaho nga Mulondoli wa Oólisya u walisa, ḋi dzhiwu hu vhńtanži hwa zwi re ngomu ha, nga mnąja ha musi hu na tsنمو ya jińwe njįla, nahone ḋi nga ťanganedzesa va vhńtanži hu sì na jińwe tsنمو kana u bvelėdzwabo ha jińwälwa ḋa oridżinála.

Redzhińiþēra i vha yone ndįhvhdzọ

23. Kha khothe ya malugana na pfanela dzǒ ñwaliswaho malugana na ndįhvho yapo, zwi dzhiwu—
   (a) uń muńwe na muńwe a kwameaho kha iyo mįtangano u na ndįhvho ya zwidodômbedźwa zwo džheniswaho kha Redzhińiþēra u bva nga datumu ya u andadza khethekanyo ya 20(3)(b); na
   (b) uń muthu muńwe na muńwe ane a khou shumisa ndįhvho yapo o i shumisa a tshi khou ċivha uri yo ñwaliswa nahone hu na milayoyo yo vhēwaho ya uri hu vhe na thendelano malugana na u kovhekana mbuelo phńdaga ha musi ndįhvho i tshi shumiswa.

U khakhulula Redzhińiþēra

24. (1) Mulondoli—
   (a) musi o źanganedza khumbelo i bva ho kha muthu a re na dzängalélo nga njįla yo randelwaho; na
   (b) nga murahu ha u fha tshıtshavha tshapo tshikhala tsha u sumbedza zwi kwamaho khumbelo, Mulondoli u ḋo khakhulula Redzhińiþēra.
   (2) Mulondoli u tea u khakhulula zwo ñwałwaho kha Redzhińiþēra u ya nga mawanwa a khothe.

NDIMA YA 7

U SHUMISWA HA NDĮHVHO YAPO SA VHUBINDUDZI

25. (1) NIKSO musi hu na khumbelo yo ċtawaho nga tshıtshavha tshapo i nga thusa kana u tshimbidźwa zwa u shumiswa ha ndįhvho yapo nga njįla i bindudzaho.
   (2) NIKSO malugana na u shumisa ndįhvho yapo nga njįla i bindulisaho—
      (a) i tea u źuńwedza tshımisano (vhu źatama) na u bvelėdzwabo tshibvelėdzwabo;
      (b) u konanyo ndambedzo;
      (c) u ita njįla dza u vhambadza; na
      (d) u źuńwedza u shumisa zwińvelele, tshumelo, kuitele na thekhnojodzhi nga njįla i bindulaho.

U swikelela na u shumisa ndįhvho yapo

26. (1) Muthu muńwe na muńwe ane a funa u shumisa ndįhvho yapo nga njįla ya bindu u tea u—
      (a) ita khumbelo nga njįla yo randelwaho uri a wane ḋaisentse i mu tendelaho u shumisa iyo ndįhvho yapo; na
      (b) ita thendelano na thirasitii wa tshıtshavha tshapo tsho teaho u itela u shumisa iyo ndįhvho yapo,
      zwi tshi khou tshimbidźwa nga NIKSO.
   (2) NIKSO i tea u kwama thirasitii zwi tshi kwama khethekanyo thukhu ya (1)(b) maelana na thendelano ya ḋaisentse ya u shumisa na mbuelo dzì badelwaho nga mune wa ḋaisentse.
   (3) Kha nyimele ine ndįhvho yapo ine y a tea u tevhedza thendelano ya ḋaisentse ndi—
      (a) ya vhuvha ha saintsi kana thekhenikhalá, zwenezwo-ha mbofho inwe na inwe kha mune wa ḋaisentse malugana na u badela mbadelo i thela nga murahu ha mińwaña ya 20 ya thendelano; nahone
      (b) ndįhvho i sumbedzaho zwa mvelele, mbofho ya hone kha mushumisi ane a badela mbadelo i ḋo thela nga murahu ha mińwaña ya 50 ya thendelano.
(4) No prior informed consent for the use of indigenous knowledge is required for—
(a) criticism or academic review;
(b) reporting news or current events;
(c) judicial proceedings;
(d) any use that is incidental to the above purposes; and
(e) in circumstances of national emergencies or natural disasters, as long as the relevant indigenous community is compensated for the use of their indigenous knowledge.

(5) A licence holder must, subject to subsection (1), acknowledge the relevant indigenous community by mentioning them or the geographical place from which the indigenous knowledge originated.

(6) Any person who is aggrieved by a NIKSO decision or the conditions imposed with regard to access, may within 60 working days declare a dispute and refer the matter for resolution in terms of section 27.

CHAPTER 8
ENFORCEMENT OF RIGHTS

Dispute Resolution Committee

27. (1) The Minister may, subject to prescribed terms and conditions, appoint members of the Dispute Resolution Committee to resolve any dispute arising from this Act on an ad hoc basis.

(2) In resolving a dispute, the Dispute Resolution Committee must consider customary laws which may have a bearing on the subject matter of the dispute.

(3) Any party to a matter referred to the Dispute Resolution Committee may take the matter for review to the High Court.

(4) The Dispute Resolution Committee may, as a sanction:
(a) issue a written warning to the licence holder;
(b) issue a notice prohibiting the unauthorised use of indigenous knowledge by the licence holder; and
(c) recommend to NIKSO the cancelling, suspending or revoking of the licence rights of a licence holder.

Offences and penalties

28. Any third party who—
(a) knowingly makes commercial use of indigenous knowledge in a manner which is not in accordance with an agreement entered into with the indigenous community; and
(b) infringes the rights of that indigenous community,
is guilty of an offence and on conviction liable to pay a fine as prescribed.

CHAPTER 9
GENERAL PROVISIONS

Transitional arrangements

29. (1) Indigenous knowledge originating in a foreign jurisdiction must be given the same protection granted to indigenous knowledge originating in the Republic, if the laws of that foreign jurisdiction provide reciprocal protection to indigenous knowledge originating in the Republic.

(2) In instances where indigenous knowledge originates in one or more indigenous communities in foreign jurisdictions and in the Republic, NIKSO must assist the relevant foreign authorities and the indigenous community of the Republic to conclude an arrangement to share equitably in the proceeds accruing to the indigenous communities in terms of that benefit sharing agreement.
(4) A hu na u tenda muthu o thoma a dživha dzwa malugana na u shumisa ndživho yapo kha zwa—
(a) tholo ya zwa akademi kana tsenguluso;
(b) u vhiga mafhungo;
(c) zwa khatjulo;
(d) kha ndživho dza thodisiso ya akademi hu si na u bindula; na
(e) kha nyimele ya lushinga kana zwiwo zwa mutso: tenda tshitshavha tshapo tsho teaho tsha bdelwa malugana na uho u shumiswa ha ndživho yapo ya tsho tshitshavha.

(5) Muthu a re na jaisentse a tshi khou tevhedza khethekanyo 交通枢纽 (1), u tea u livhuwa tshitshavha tshapo tsho teaho nga u bula dzina kana vhupho afho hune ndživho yapo ya bva hone.

(6) Muthu muñwe na muñwe ane a pfà o khakhelwa nga tsheo ya NIKSO kana milayo yo vhewaho malugana na uho u swikelela ndživho u tea uri hu sa athu u fhela mafhunga a 60 a mushumo, a ite khanedzo na u isá iyo thaidzo uri i tandululwe u ya nga khethekanyo ya vh 27.

**NDIMA YA 8**

**KUTEVHEDZELE KWA PFANELO**

**Komiti ya u Thasulula Phambano**

27. (1) Minisáta a tshi khou tevhedza milayo yo randelwaho, a nga thola mirado ya Komiti ya u Thasulula Phambano u itela u tandulula phambano dzi itiswaho nga uyu Mulayo kha yeneyo nyimele.
(2) Musi hu tshi tandululwa phambano, Komiti ya u Tandulula Phambano u tea u lavhelesa milayo ya mvelele ine ya nga thusa kha fhungo lì kwameaho kha phambano.
(3) Munwe na muñwe ane a kwamea kha fhungo lì iswaho kha Komiti ya u Thasulula Phambano, a nga isa lìo fhungo Khothe kuhlwan e uri lì lavheleswe.

(4) Komiti ya u Thasulula Phambano i tshi khou ita ndatiso i nga:
(a) netshedza khaidzo yo tou nwaélwaho mupe wa jaisentse; na
(b) netschedza ndživhadzo ya u ilézda u shumisa ndživho yapo hu si na thendelo i bhavo kha mupe wa jaisentse; na
(c) u themendela kha NIKSO uri hu fheliswe, hu imiswe kana u dzhiulula jaisentse ya pfanelo kha mupe wayo.

**Vhutshinyi na ndatiso**

28. (1) Muñwe muthu muñwe na muñwe ane—
(a) ane a tshi zwi divha a shumisa ndživho yapo Iwa u mu bindulisa nga njila ine ya Iwa na thendelano yo itwaho na tshitshavha tshapo; na
(b) u pfukekanya pfano dza tshitshavha tshapo,
u na mulandu wa vhutshinyi nahone u tewa nga u wanwa mulandu a bdel na ndatiso yo randelwaho.

**NDIMA YA 9**

**MBETSHELO NYANGAREDZI**

**Nzudzanyo dza tshanduko**

29. (1) Ndživho yapo ine ya bva kha mukano wa mashangojavha i tea u tsireledzwa u tou fana na ndživho yapo yo tumbukaho fhano kha Riphabuljiki, arali milayo ya ijo shangojavha ya vha na u ńekana tsireledzo kha ndživho yapo yo tumbukaho fhano kha Riphabuljiki.
(2) Kha nyimele dzine ndživho yapo ya vha yo tumbuka kha tshitshavha tshapo thithiihi kana zwinzhi kha mikano ya ndja na kha Riphabuljiki, NIKSO i tea u thusa manqalanga o teaho a mashangojavha na tshitshavha tshapo tsha Riphabuljiki kha u vhina nzudzanyo dza u kovhekana mbuelo i linganaho hu tshi khou tevhedza 50 thendelano ya u kovhana mbuelo.
Multiple claims to indigenous knowledge

30. (1) Where there are multiple claims to indigenous knowledge, any remuneration payable under a benefit sharing agreement must be apportioned equally among the trustees.

(2) Where an existing benefit sharing agreement in terms of subsection (1) does not include all the trustees of the relevant indigenous communities, the agreement must be amended accordingly.

Regulations

31. (1) The Minister may make regulations regarding any matter pertaining to—

(a) the protection, promotion, development and management of indigenous knowledge;

(b) procedures for securing registration in the Register and obtaining licences to use indigenous knowledge from NIKSO;

(c) matters which may or must be prescribed in terms of this Act; and

(d) in general, any ancillary or incidental matter that it is necessary to prescribe for the proper implementation or administration of this Act.

Effect on other laws

32. (1) This Act does not alter or detract from any right in respect of any statute or the common law.

(2) Compliance with any procedures or requirements laid down in this Act does not constitute compliance with any procedures or requirements imposed in any other Act.

Transitional arrangements

33. (1) An indigenous community wishing to register indigenous knowledge already in existence at the time of commencement of this Act, must register such indigenous knowledge in terms of this Act.

(2) Any continued use of indigenous knowledge, after the commencement of this Act, must be regulated in terms of a licence agreement between the trustee of the relevant indigenous community and the potential licence holder, entered into within 12 months from the date of commencement of this Act.

Short title and commencement

34. This Act is called the Protection, Promotion, Development and Management of Indigenous Knowledge Act, 2019, and comes into operation on a date determined by the President by proclamation in the Gazette.
Ndîvho yapo ine vhańe vhayo ndi vhánzhi

30. (1) Kha nyimele ine vhańe vha ndîvho yapo vha vha vhe vhánzhi, mbadelo inwe na inwe ine ya ḏo badełwa nga fhâsi ha thendelâno ya u kovhana mbuelo i ḏo kovhiwa u lingana ya badełwa kha dzîthîrasitïi.
   (2) Hune ha vha na thendelâno ya u kovhana mbuelo u ya nga khethekanyo ḏûkhu ya (1) i sa kateli dzîthîrasitïi ḏzo teaho ḏza zwichâvha zwapo, thendelâno i ḏo tea u khwînîswa zvâvhuði.

Ndângulo

31. (1) Minisîta a nga ita ndângulo malugana na mafhungo afhío na afhío a kwamaho—
   (a) tsireledzo, ḏûthuðwedo (nyałuso), mveledziso na vhulangi ha ndîvho yapo;
   (b) maîtele a u ēwalisa kha Redzhisîtara na u wana ēlaisentse ya u shumisa ndîvho yapo kha NIKSO;
   (c) mafhungo ane a nga kana ane a tea u randelwa u ya nga uyu Mulayo; na
   (d) nga u angaredza, mafhungo maîwe na maîwe anea tea u randelwa hu tshi itelwa uri hu vhe na ndâulo yavhuði na kushumisele kwa uno Mulayo.

U kwamea ha mînwe milayo

32. (1) Uyu Mulayo a u thuthi kana a fhungudzi pfanelo dzì kwamaho mulayo u itwaho nga phalamennnde kana mulayo wo ḏoweleaho.
   (2) U tevhedza maîtele na ḏ<thodază dza uyu Mulayo a zwi iti uri muthu a pfì u khou anana na maîtele kana ḏqołea ḏzo vhwaho nga mînwe Milayo.

Nzudzanyo dza tshanduko

33. (1) Tshitshavha tshapo tshînwe tsha phanda ha u thoma u shuma ha uno Mulayo, tshi tea u ēwalisa iyo ndîvho yapo u ya nga onoyu Mulayo.
   (2) U ya phanda ha u shumiswa ha ndîvho yapo, nga murau ha u thoma u shuma ha uno Mulayo, zwi tea u lângulwa u ya nga ēlaisentse ya thendelâno vhukati ha thîrasitïi wa tshitshavha tsho teaho na ane a ḏo wana ēlaisentse, yo itwaho kha mînwezi ya 12 i bva kha u thoma u shuma ha uno Mulayo.

Dzina lîpfufhi na u thoma u shumisa Mulayo

34. Uyu Mulayo u vhidzwa u pfì Mulayo wa Tsireledzo, Nyaluso, Mveledziso na u Langa Ndîvho Yapo wa, 2019, nahone u ḏo thoma u shumiswa nga datumu yo tiwaho nga Phresidennde nga mulevho wa Gazete.