

# **ELECTRONIC COMMUNICATIONS AND TRANSACTIONS ACT OF 2002**

## **Alternative Dispute Resolution Regulations**

### **SAIPL Proposal regarding accreditation of adjudicators**

#### Accreditation as a Trainee Adjudicator

1. An application must be submitted electronically, fully supported by appropriate documentation, to be considered by the Accreditation Sub-Committee of the ADR Committee of the Institute;
2. Applicants must be members of the SAIPL;
3. Notwithstanding paragraph 2, the Accreditation Sub-Committee has an overriding general discretion to admit a person to the panel and the Accreditation Sub-Committee's decision will be final.

#### Accreditation as an Adjudicator

The institute proposes the following qualifications and experience to enable an applicant to be accredited as an adjudicator in relation to the SAIPL service:

4. an application must be submitted electronically, fully supported by appropriate documentation, for consideration by the Accreditation Sub-Committee of the ADR Committee of the Institute;
5. applicants must comply with all the following requirements:
  - 5.1 be an admitted South African attorney or advocate, or person having other appropriate legal qualification to the satisfaction of the accreditation Sub-Committee;
  - 5.2 if an attorney, to have had at least 5 years post-articles experience in trade mark practice;
  - 5.3 if an advocate, to have had at least 5 years' experience at the Bar in dealing with trade mark cases;
  - 5.4 to have had at least 5 years suitable trade mark experience to the satisfaction of the Accreditation Sub-Committee;
  - 5.5 be a South African citizen or permanent resident;
  - 5.6 to have attended an adjudication training course conducted by the SAIPL;

- 5.7 to have passed the subject SA Trade Mark Law and Practice conducted by the SAIPL or a 1 year course at a University on Intellectual Property Law (including Trade Marks Law) or equivalent; and
  - 5.8 to have been involved as a trainee in at least two ADR decisions under the guidance of an accredited adjudicator;
6. In addition, and notwithstanding paragraph 2, the Accreditation Sub-Committee has an overriding general discretion to admit a person to the panel and the Accreditation Sub-Committee's decision will be final.

## Notes

1. The Accreditation Sub-Committee shall comprise the present chairperson of the SAIPL ADR Committee, the immediate past chairperson of the SAIPL ADR Committee, and the CEO of the ZA Central Registry.
2. The training mentioned in 5.6 shall:
  - be conducted by senior adjudicators on a rotational basis
  - include the acceptable formulation of one (mock) decision
3. Senior adjudicators shall be invited from the ranks of accredited adjudicators by the Accreditation Sub-Committee to be Senior Adjudicators.
  - A person will be invited to become a Senior Adjudicator if he/she has had substantial involvement in adjudications/ has had 20 years' experience in trade mark law/adjudication/is or otherwise considered by the Accreditation Sub Committee to be a suitable candidate
  - Senior Adjudicators shall present the adjudication training courses on behalf of the SAIPL, on a rotational basis
  - Senior Adjudicators shall be appointed to the appeals panels to hear appeal matters in terms of the SAIPL Regulations

**Trainee Adjudicator Application Form**

Full name of applicant:

SA Identity number of applicant:

Email address of applicant:

Date of admission as an attorney/advocate:  
(Please attach proof of admission)

Please attach references from two trade mark professionals or current adjudicators, outlining and confirming the applicant's experience and knowledge of trade mark and related matters.

The application form should be submitted electronically to [saiipl@icon.co.za](mailto:saiipl@icon.co.za).

The applicant confirms that the information provided is true and correct.

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date)

**Adjudicator Application Form**

Full name of applicant:

SA Identity number of applicant:

Email address of applicant:

Please provide a brief overview of your experience in trade mark law, stating inter alia how long you have been involved in this field, in which firm you have practised, to whom you have reported, etc.

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Please attach proof that you have passed the subject SA Trade Mark Law and Practice conducted by the SAIPL or a 1 year course at a University on Intellectual Property Law (including Trade Marks Law) or equivalent.

Please advise when you attended the adjudication training course conducted by the SAIPL, and provide us with the name of the lecturer at that course?

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Please provide the names of the ADR cases that you have been involved with as a trainee. If these were not cases involving a .co.za dispute that was adjudicated by SAIPL adjudicators, please provide the full reference of the case, as well as the name of the adjudicator and his/her contact details?

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The application form should be submitted electronically to [saiipl@icon.co.za](mailto:saiipl@icon.co.za).

The applicant confirms that the information provided is true and correct.

\_\_\_\_\_  
(signature)

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(date)