



ICANN | 75 KUALA LUMPUR

Perceived impact of GI Regulations on the .ZA Namespace

Your online presence is our business

Presentation Overview

01 The Presenter

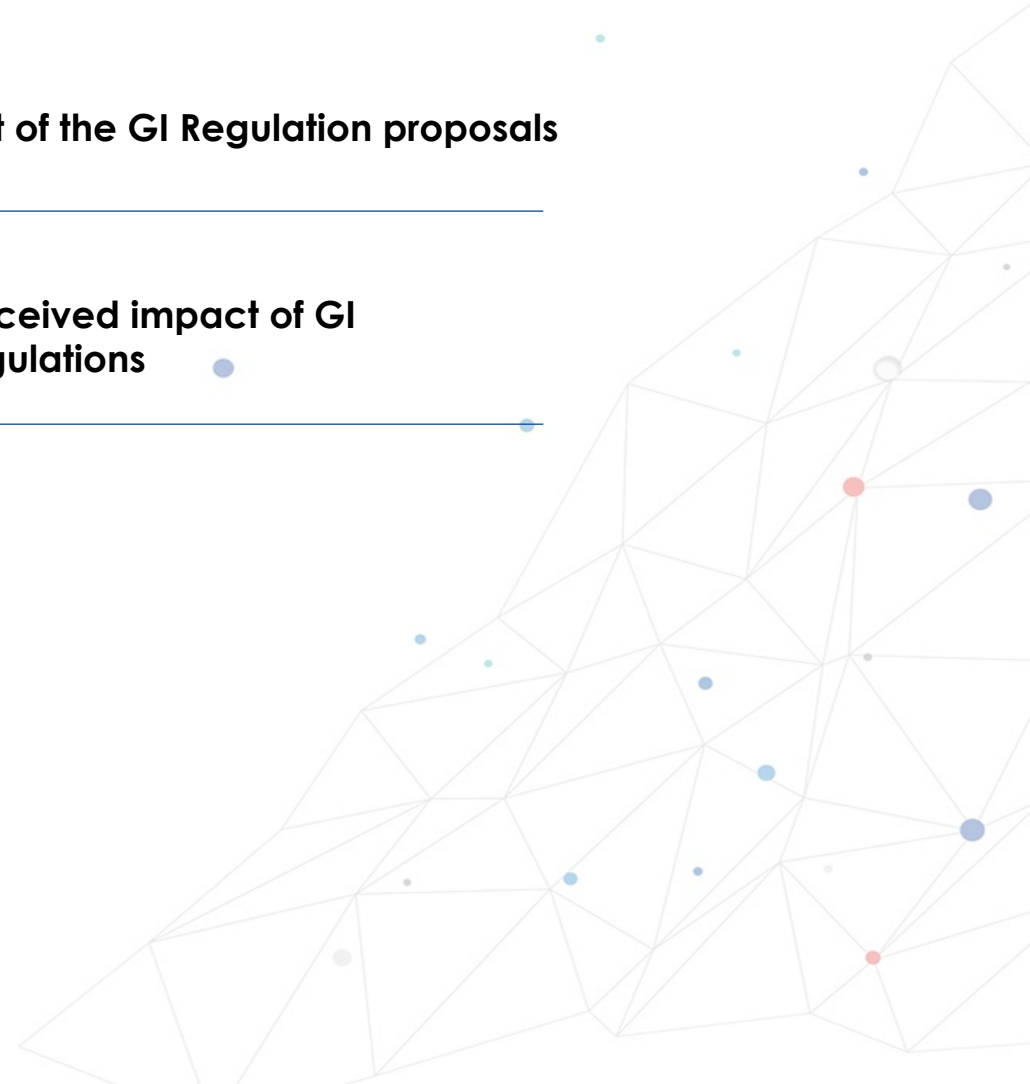
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The Presenter



- **Mr Molehe Michael Wesi**
 - A dedicated public servant.
 - Currently serves as the Chief Executive Officer - ZA Domain Name Authority (ZADNA)
 - He has knowledge and expertise in IT Service management, Governance oversight, Change management.
- **Two interesting facts**
 - I am #9 out of 9 kids
 - I think I have a fixation of Sci-fi movies and anime

ZADNA on a Page



Your online presence....
Our business



- The .za Domain Name Authority (ZADNA) is statutory regulator and manager of .ZA Namespace.



- The Authority must enhance public awareness on the economic and commercial benefits of domain name registration.



- Comply with international best practice in the administration of the .ZA domain name space; license and regulate registries and registrars and publish guidelines on .ZA domain namespace.



- ZADNA is the custodian of the Internet Governance in South Africa.

Legislated Mandate

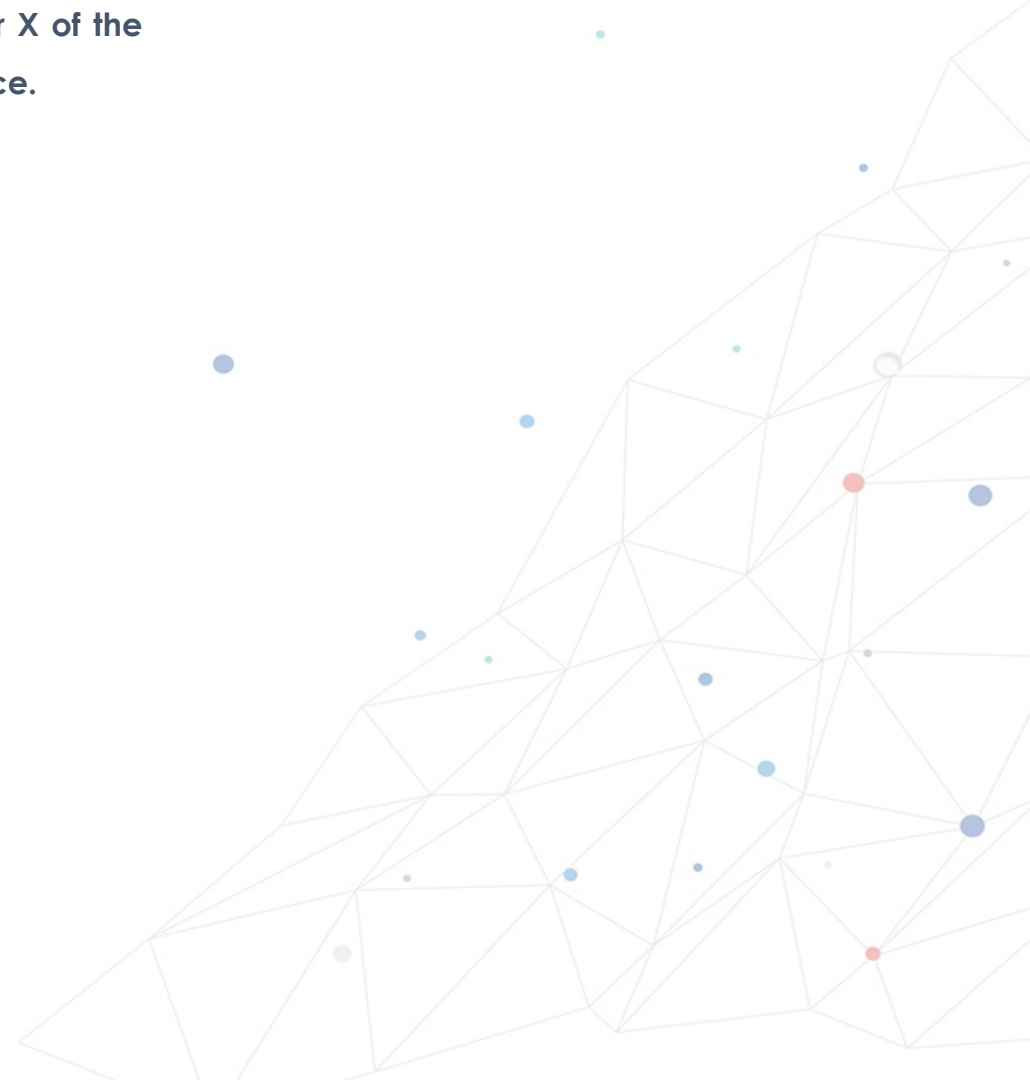
ZADNA is a statutory, not-for-profit entity established in terms of Chapter X of the ECT Act 25 of 2002 to administer, manage and regulate the .ZA namespace.

The mandate can be summed up as follows:

- a) Management and administration of the .ZA namespace;
- b) .ZA policy, licensing and regulation;
- c) Monitoring and compliance;
- d) Domain name awareness and education;
- e) Research and development;
- f) Making relevant policy recommendations to the Minister and;
- g) Alternate Dispute Resolution Regulations.

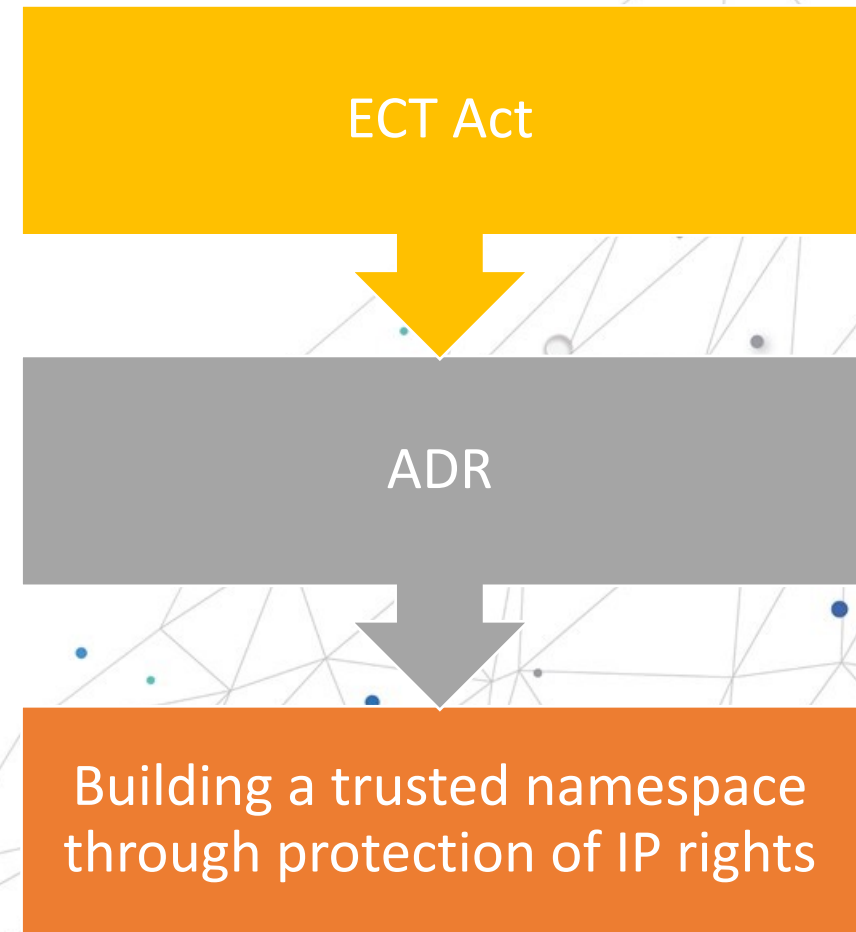
Additional non-ECT Act Responsibilities

- i. dotCities
- ii. Internet Governance



.za ADR Regulations

- As of 22 November 2006, the then Minister of Communication (now Communications and Digital Technologies) under section 69 read with section 94 of the ECT Act, 2002 in consultation with the Minister of Trade and Industry promulgated the Alternative Dispute Regulations(ADR).
- According to the ADR, ZADNA is mandated to accredit suitable service providers to provide ADR services, and to receive fees (10%) from the providers for each resolved dispute.
- These fees are to be used to fund those that cannot afford to lodge a dispute.

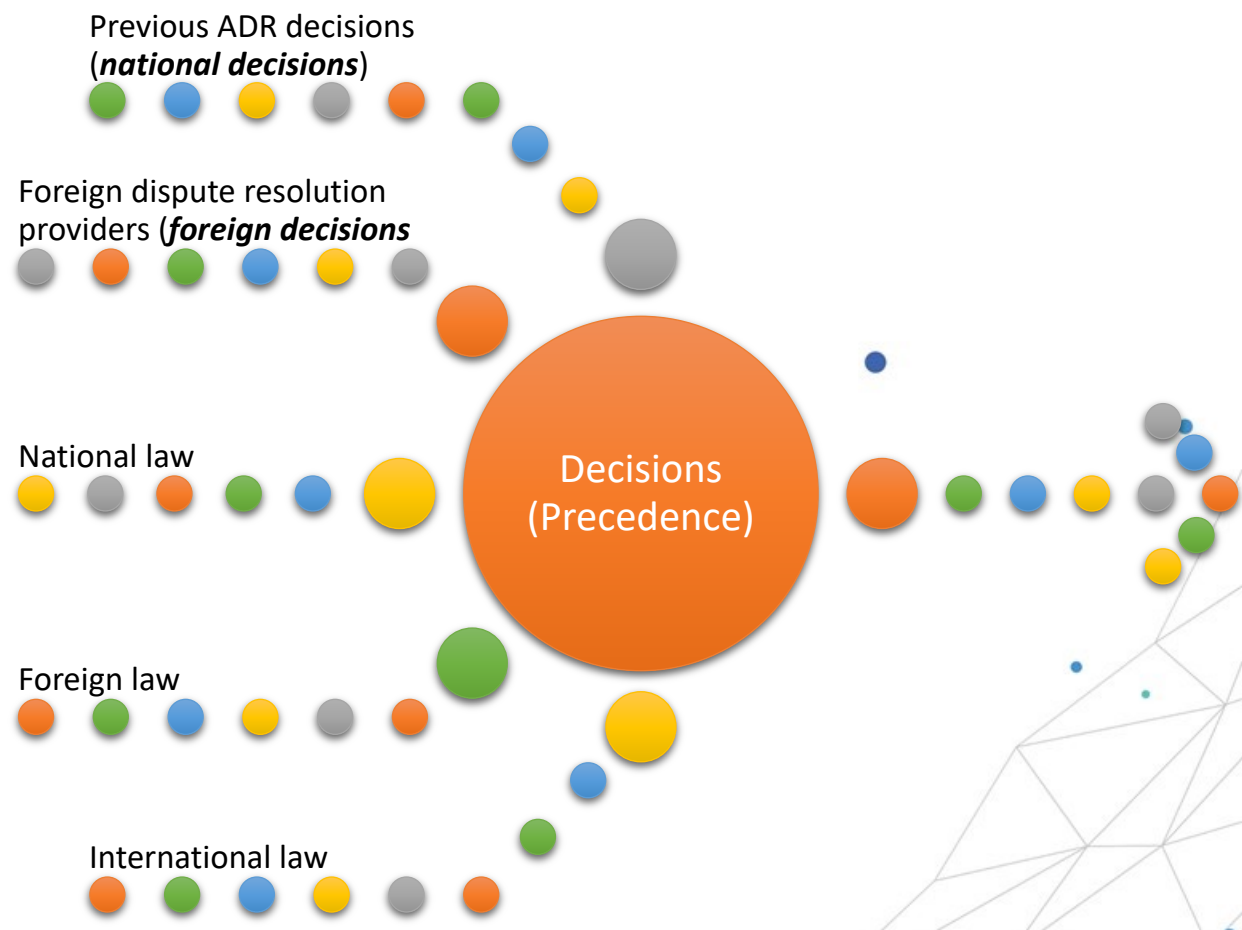


.za ADR Regulations

- The ADR were reviewed in 2014 to be applicable to org.za, web.za, net.za and co.za (commercial .za namespace);
- Excludes moderated and private Second Level Domains;
- Currently the adjudication is done by two (2) dispute resolution service providers:
 - *South African Institute of Intellectual Property Law (SAIIPL)*
 - *Arbitration Foundation of Southern Africa*
- Adjudications is done by one or three adjudicators, at a fee of **10 000 ZAR (~585 USD)** and **24 000 ZAR (~1 404 USD)** respectively.



.za ADR Regulations



Gist of the GI Regulation proposals

GIs in the European Union (*Overly simplified*)

- GIs in the EU are already regulated in previous Regulations.
 - Proposal for a Regulation on European Union geographical indications for wine, spirit drinks and agricultural products; and
 - Proposal for a Regulation on geographical indication protection for craft and industrial products.
- Emphasis on enforcement of GI compliance on the Internet.

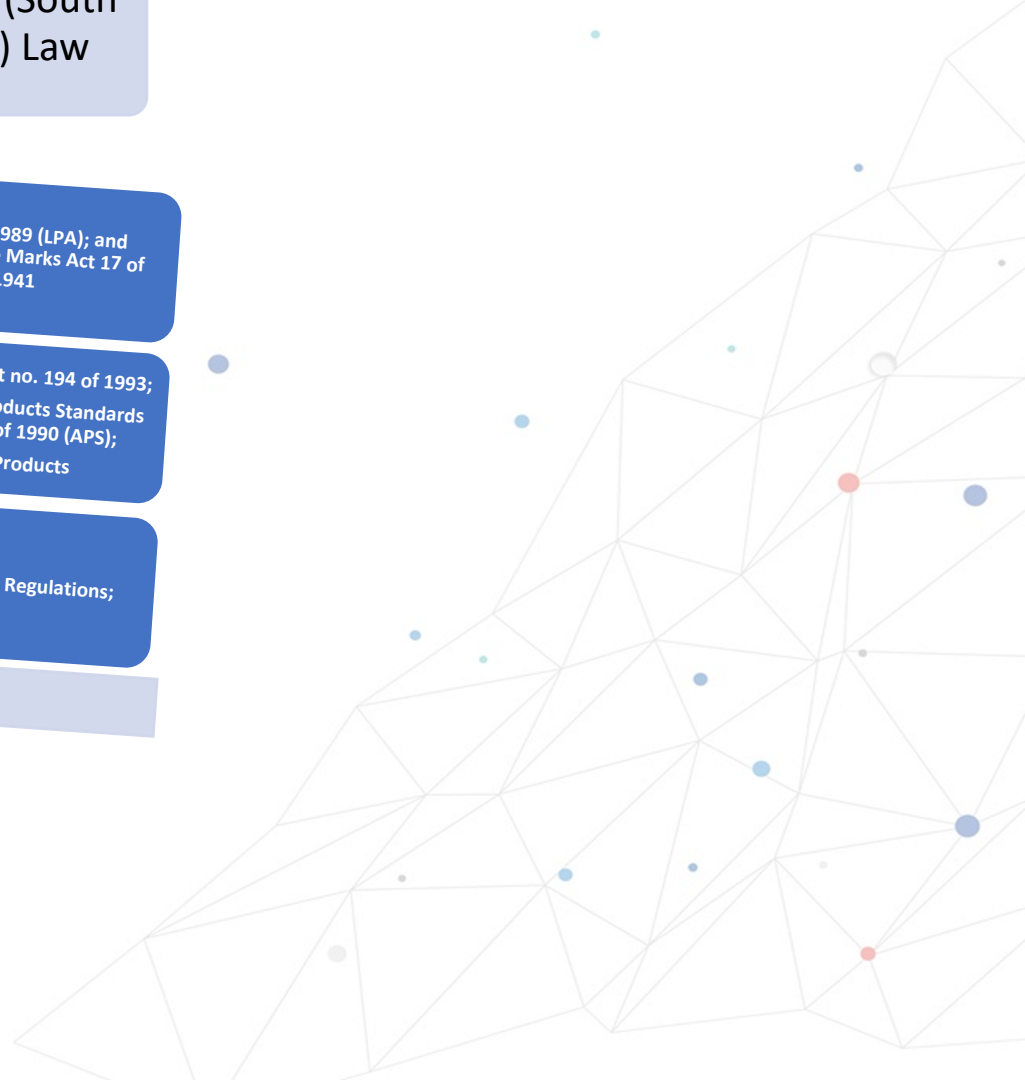
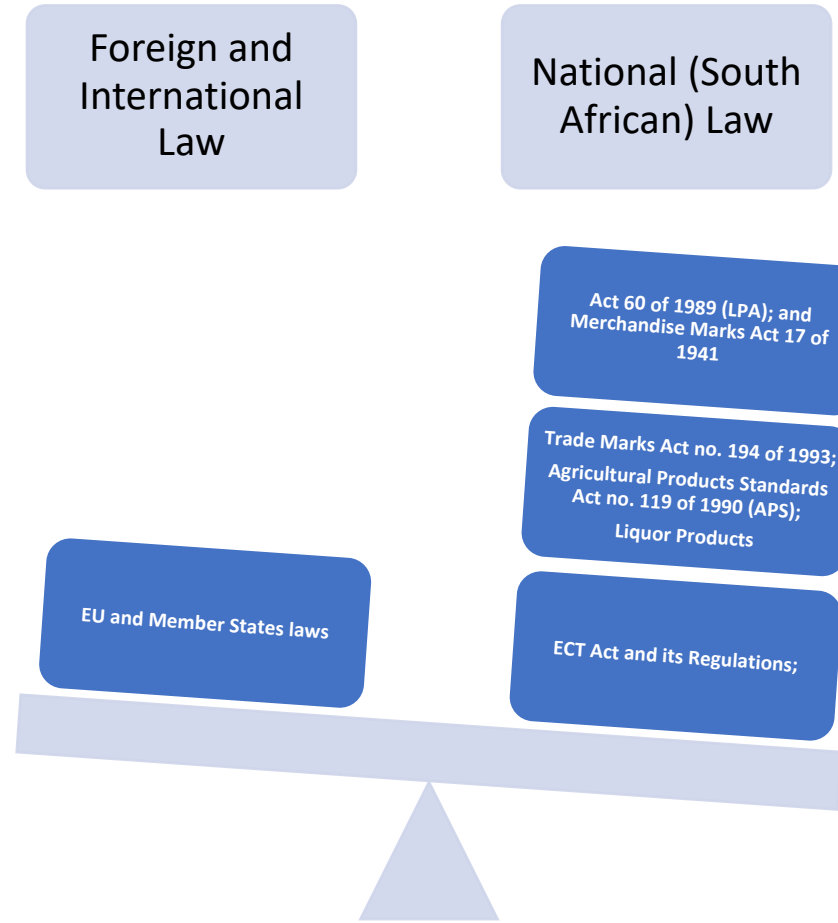


Perceived impact of GI Regulations

National and Regional relevance

- While this is limited to EU Members states, it should be noted this is extended to South Africa and regional Countries through bilateral and multilateral treaties and agreement, which are(some):
 - Berne Convention, since October 1928;
 - Paris Convention, since December 1947;
 - WIPO Convention, since March 1975;
 - TRIPS Agreement, since January 1995;
 - Budapest Treaty (Deposit of Micro-organisms), since December 1997;
 - Patent Cooperation Treaty (PCT), since March 1999.
 - Protocol Amending TRIPS, since February 2016.
 - International Convention for the Protection of New Varieties of Plants, since November 1977;
 - Convention on Biological Diversity (CBD), since November 1995
 - Cartagena Protocol on Biosafety and the Nagoya Protocol on Access and Benefit
 - Economic Partnership Agreement (EPA), since 2016
 - African Regional Intellectual Property Organization (ARIPO)
 - ***Pan African Intellectual Property Organization (PAIPO).***

Perceived impact of GI Regulations



Perceived impact of GI Regulations



Work towards updating codified legislations.

Update the ECT Act Regulations to balance of the National priorities and International priorities.

Thank you – molehe@zadna.org.za