



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

On 20 JULY 1910 was established the Union of South Africa, and became the first national state of the British Empire, and on 31 May 1910 was established the Union of South Africa. It has since been known as the Union of South Africa.

## STAATSKOERANT

### VAN DIE REPUBLIEK VAN SUID-AFRIKA

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#### DEPARTMENT OF THE PRIME MINISTER

No. 1050.

15 June 1977.

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

No. 75 of 1977: National Institute for Metallurgy Amendment Act, 1977.

#### DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1050.

15 Junie 1977.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 75 van 1977: Wysigingswet op die Nasionale Instituut vir Metallurgie, 1977.

Act No. 75, 1977

NATIONAL INSTITUTE FOR METALLURGY AMENDMENT  
ACT, 1977.REPUBLIC OF SOUTH AFRICA  
GOVERNMENT GAZETTE ACT

To amend the National Institute for Metallurgy Act, 1965, so as to extend the power of the National Institute for Metallurgy to compensate persons for, and to enter into agreements in respect of, discoveries, inventions and improvements; and to provide for matters incidental thereto.

(English text signed by the State President.)  
(Assented to 7 June 1977.)

**B**E IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 10 of Act 90 of 1965, as amended by section 4 of Act 48 of 1972.

1. Section 10 of the National Institute for Metallurgy Act, 1965 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of subsection (4) of this section and section 11, the rights in all discoveries, inventions and improvements made by officers or employees of the institute, or by persons, other than officers or employees of the institute, assisting the institute with any investigation or research, or by persons to whom bursaries have been granted or to whom grants-in-aid have been made by the institute in terms of this Act, shall vest in the institute and the institute may make such discoveries, inventions or improvements available for use in the public interest subject to such terms and conditions and the payment of such fees or royalties as the institute may, in accordance with regulations made in terms of section 12, determine.”; and

(b) by the substitution for subsection (4) of the following subsection:

“(4) The provisions of this section shall not apply in respect of a discovery, invention or improvement referred to in subsection (1) which, in the opinion of the Minister, was made by the person concerned otherwise than in the course of his employment as an officer or employee of the institute or in the course of any research in respect of which he receives a bursary or grant-in-aid from the institute or in the course of any investigation or research while assisting the institute, and is not connected with such employment, research or investigation.”.

2. The following section is hereby substituted for section 11A of the principal Act:

“Cession by institute of certain rights to certain bodies or persons. 11A. (1) If the rights in any discovery, invention or improvement vest in the institute in terms of section 10 or 11, the institute may, notwithstanding the provisions of the said sections, by written agreement and subject to the terms and conditions set out in such

Substitution of section 11A of Act 90 of 1965, as inserted by section 6 of Act 48 of 1972.

WYSIGINGSWET OP DIE NASIONALE INSTITUUT  
VIR METALLURGIE, 1977.

Wet No. 75, 1977

Wet No. 75, 1977, van die Nasionale Instituut vir Metallurgie, 1965, word hierby gewysig om die bevoegdheid van die instituut te vergroot en om ooreenkoms te gaan ten opsigte van ontdekings, uitvindings en verbeterings; en om vir bykomstige aangeleenthede voorsiening te maak.

**WET**

**Tot wysiging van die Wet op die Nasionale Instituut vir Metallurgie, 1965, ten einde die bevoegdheid van die Nasionale Instituut vir Metallurgie uit te brei om persone te vergoed vir, en om ooreenkomste aan te gaan ten opsigte van, ontdekings, uitvindings en verbeterings; en om vir bykomstige aangeleenthede voorsiening te maak.**

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 7 Junie 1977.)

**DAAR WORD BEPAAL** deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

**1. Artikel 10 van die Wet op die Nasionale Instituut vir Metallurgie, 1965** (hieronder die Hoofwet genoem), word hereby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Behoudens die bepalings van subartikel (4) van hierdie artikel en artikel 11, berus die regte op alle ontdekings, uitvindings en verbeterings wat gedoen word deur amptenare of werknemers van die instituut, of deur ander persone as amptenare of werknemers van die instituut wat die instituut met enige ondersoek of navorsing behulpsaam is, of deur persone aan wie beurse of hulptoelaes deur die instituut ingevolge hierdie Wet toegestaan is, by die instituut, en die instituut kan sodanige ontdekings, uitvindings of verbeterings vir gebruik in die openbare belang beskikbaar stel op die bedinge en voorwaardes en teen betaling van die gelde of tantième wat die instituut bepaal ooreenkomstig regulasies kragtens artikel 12 uitgevaardig.”; en

(b) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Die bepalings van hierdie artikel is nie van toepassing nie ten opsigte van 'n ontdekking, uitvinding of verbetering vermeld in subartikel (1) wat, volgens die oordeel van die Minister, deur die betrokke persoon gedoen is anders as in die loop van sy werk as amptenaar of werknemer van die instituut of in die loop van navorsing ten opsigte waarvan hy 'n beurs of hulptoelae van die instituut ontvang of in die loop van enige ondersoek of navorsing waarmee hy die instituut behulpsaam was, en geen verband met sodanige werk, navorsing of ondersoek hou nie.”.

**2. Artikel 11A van die Hoofwet** word hereby deur die volgende artikel vervang:

„Sessie van sekere regte deur die instytuit aan sekere liggome of persone. 11A. (1) Indien die regte op 'n ontdekking, uitvinding of verbetering ingevolge artikel 10 of 11 by die instytuit berus, kan die instytuit, ondanks die bepalings van daardie artikels, bedoelde regte by skriftelike ooreenkoms en op die bedinge en voor-

Wysiging van artikel 10 van Wet 90 van 1965, soos gewysig deur artikel 4 van Wet 48 van 1972.

Vervanging van artikel 11A van Wet 90 van 1965, soos ingevoeg deur artikel 6 van Wet 48 van 1972.

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NATIONAL INSTITUTE FOR METALLURGY AMENDMENT  
ACT, 1977.

agreement, cede the said rights to the corporation or to any other body established by or under any law and empowered to develop or exploit such discovery, invention or improvement, or to any other person, in order to enable the corporation or the other body or person concerned to develop or exploit the discovery, invention or improvement in terms of the provisions of the Inventions Development Act, 1962 (Act No. 31 of 1962), or the law applicable to such other body, or in terms of an agreement with such other person, as the case may be.

(2) Where the rights in any discovery, invention or improvement have in terms of subsection (1) been ceded to the corporation or any other body or person—

(a) the corporation or the other body or person concerned, as the case may be, shall for the purposes of the Patents Act, 1952 (Act No. 37 of 1952), be deemed to be the assignee of the discoverer or inventor in question;

(b) any patent granted to the institute in respect of such discovery, invention or improvement, or any application made by the institute for any such patent, shall be deemed to have been ceded by the institute to the corporation or to the other body or person concerned, as the case may be.”.

Short title.

**3. This Act shall be called the National Institute for Metallurgy Amendment Act, 1977.**

WYSIGINGSWET OP DIE NASIONALE INSTITUUT  
VIR METALLURGIE, 1977.

Wet No. 75, 1977

waardes wat in die ooreenkoms uiteengesit word, aan die korporasie of aan 'n ander liggaaam wat by of kragtens 'n wet ingestel is en bevoeg is om die ontdekking, uitvinding of verbetering te ontwikkel of te benut, of aan enige ander persoon, sedear ten einde die korporasie of die betrokke ander liggaaam of persoon in staat te stel om die ontdekking, uitvinding of verbetering te ontwikkel of te benut ingevolge die bepalings van die Wet op die Ontwikkeling van Uitvindings, 1962 (Wet No. 31 van 1962), of die wet wat op daardie ander liggaaam van toepassing is, of ingevolge 'n ooreenkoms met so 'n ander persoon, na gelang van die geval.

(2) Waar die regte op 'n ontdekking, uitvinding of verbetering ingevolge subartikel (1) aan die korporasie of 'n ander liggaaam of persoon gesedeer is—

- (a) word die korporasie of die betrokke ander liggaaam of persoon, na gelang van die geval, by die toepassing van die Wet op Patente, 1952 (Wet No. 37 van 1952), geag die sessionaris van die betrokke ontdekker of uitvinder te wees;
- (b) word 'n patent wat ten opsigte van die ontdekking, uitvinding of verbetering aan die instituut verleen is, of 'n aansoek wat deur die instituut om so 'n patent gedoen is, geag deur die instituut aan die korporasie of aan die betrokke ander liggaaam of persoon, na gelang van die geval, gesedeer te wees.”.

3. Hierdie Wet heet die Wysigingswet op die Nasionale Kort titel.  
Instituut vir Metallurgie, 1977.

