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GUIDELINE 7.1 OF 2019

OFFICE OF TECHNOLOGY TRANSFER SUPPORT FUND

1. OVERVIEW

The Intellectual Property Rights from Publicly Financed Research and Development Act (“IPR Act”) No. 51 of 2008 came into effect on 2 August 2010.

According to Section 6(4)(a) and (b) of the IPR Act “NIPMO may, on terms and conditions determined by it, provide assistance to institutions for the establishment of offices of technology transfer... [which assistance] may include – (i) financial assistance;...and (iii) development of appropriately skilled personnel for the offices of technology transfer”.

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should you have any enquiries regarding any matter relating to this Guideline.

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HEAD: NIPMO

DATE: 30 April 2019

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3. GLOSSARY OF TERMS

IP7	Means the Form IP7 as attached to the Regulations and titled “ <i>Intellectual Property Status and Commercialisation Report</i> ”
NIPMO KIM System	Means the NIPMO Knowledge Information Management System which must be used to submit the OTT Support Fund application
New applicants	Means applicants who have never before applied for OTT Support Funding
Previous applicants	Means applicants who have received OTT Support funding before or who are currently receiving OTT Support funding

4. LIST OF ACRONYMS USED

DST	Department of Science and Technology
HEI	Higher Education Institution
IP	Intellectual Property
IPR	Intellectual Property Rights
IPR Act	Intellectual Property Rights from Publicly Financed Research and Development Act (Act 51 of 2008)
KIM	Knowledge Information Management
KPI	Key performance indicator
NIPMO	National Intellectual Property Management Office
OTT	Office of Technology Transfer
R&D	Research and Development

5. STRUCTURE OF THE OTT SUPPORT FUND

5.1 Legislative mandate

The objects of the IPR Act are to ensure that “*intellectual property emanating from publicly financed research and development is identified, protected, utilised and commercialised for the benefit of the people of the Republic...*”. NIPMO, as the implementing office of the IPR Act, thus needs to, through compliance and enabling means, ensure that the objects of the IPR Act are given effect to.

Section 9 of the IPR Act provides explicitly for the functions of NIPMO to include: “*assistance to institutions with (i) the establishment of offices of technology transfer and related capacity-building; (ii) intellectual property transactions; commercialisation of intellectual property...*”. The mandate of NIPMO is further elaborated through section 9(5) which states “**NIPMO may do anything necessary to meet the objects of this Act and to carry out any other function consistent with those objects that may be prescribed**”. [own emphasis added]

5.2 Scope of the OTT Support Fund

In line with this legislative mandate NIPMO created the Office of Technology Transfer (OTT) Support Fund, which fund seeks, in broadest terms, to:

- (a) establish OTTs (“*OTT establishment/ maintenance*”);
- (b) build the human capacity and capabilities of the OTT (“*Capacity development*”);
and
- (c) empower the OTT to identify intellectual property (IP), protect IP (where appropriate) and ensure that this IP is deployed for socio-economic impact (“*Technology transfer*”).

6. REQUIREMENTS FOR APPLICATION TO THE OTT SUPPORT FUND

- (a) The application must be made by the institutional OTT, or appropriate designated individual for the respective institution.
- (b) A completed application (no template is provided) covering each of the areas in section 9 or 10, which must be signed off by an authorised representative at the applying institution and must be on an official institutional letterhead.
- (c) In any given financial year, only one application per institution may be submitted.

- (d) The application must be submitted on NIPMO's Knowledge Information Management (KIM) System.
- (e) The KIM System will open between 15 May and 31 May of each financial year for applications to the OTT Support Fund to be uploaded. No applications received after 31 May will be accepted.
- (f) NIPMO reserves the right to determine whether an activity for which funding is being requested falls within the scope of eligible claims and further whether the quantum of funding which is being requested is within a benchmarked range for the specific activity.
- (g) NIPMO reserves the right to determine whether an institution may apply in consecutive years for funding for the same/ similar activities.
- (h) NIPMO further reserves the right to determine whether previous applicants are eligible to apply for new funding based on minimum contractual requirements with the Intellectual Property Rights from Publicly Financed Research and Development Act (IPR Act) and use of previous funding received in line with contractually agreed deliverables.
- (i) Successful applicants will be required to enter into a contractual relationship with the Department of Science and Technology/ NIPMO. Failure to utilise the funding as per the contractual commitments will have consequences.

7. ELIGIBLE COSTS

The OTT Support Fund provides funding to institutions for:

- (a) **Establishment/ Maintenance of OTTs** including
 - (i) Salaries for the posts for which funding has been requested [**NOTE:** A sliding scale may be introduced for applications for posts which have previously been funded by NIPMO];
 - (ii) Operational activities including IP awareness, IP and TT-related events; publications etc;
- (b) **Capacity development** including
 - (i) IP Management and Technology Transfer courses, trainings, workshops etc;
- (c) **Technology transfer** including
 - (i) IP audit(s);
 - (ii) Contract drafting costs (to a maximum of R300 000 annually);

- (iii) Technoeconomic feasibility analysis(es) (for one or more IP7s);
- (iv) Market assessment(s) (for one or more IP7s);
- (v) Business plan development (for one or more IP7s); and
- (vi) Technology marketing; (for one or more IP7s);

8. NON-ELIGIBLE COSTS

The OTT Support Fund does not provide support for the following costs:

- (a) Office infrastructure;
- (b) Intellectual Property prosecution and maintenance (as they are provided for by the IP Fund); and
- (c) Capacity development in areas that are not related to IP management and transfer of technology.

9. NEW APPLICANTS

9.1 The application

<i>Section</i>	Detail required
Overview of institutional capabilities and current activities in research and development, and technology transfer	<p>This section must, at a minimum include, an overview of research budgets and activities, a list of faculties that conduct research and the number of researchers per faculty¹.</p> <p>Any existing relationships with other institutions and/or private sector parties should be set out. If the institution has an IP portfolio, details of the IP portfolio are required (including a technology sector profile) as well as any commercial activities which have been carried out to date.</p>
Policies and frameworks	<p>This section must provide a list of all policies/strategies in place, and/or those envisaged to be developed to provide scope/ clarity around IP management and technology transfer (e.g. IP Policy).</p>
Eligible Costs and budget requested	<p>This section must set out the budget against the key deliverables, timelines, milestones and targets for the funding support period in line with the eligible costs (a) to (c) below.</p> <p>Additionality anticipated by the OTT Support funding must be indicated wherever relevant.</p>
	<p>(a) OTT establishment</p> <p>Salaries: This section must provide details of:</p> <ul style="list-style-type: none"> (i) Why the institution intends to establish an OTT; (ii) Which department the OTT will be/ is placed and any existing relationship(s) with other departments; (iii) Organogram of requested posts including any current posts. For each post for which funding is being requested the following must be provided:

¹ This information is required in order to assess the potential research and development outputs from the applying institution and hence the most appropriate sized OTT to match the level of outputs.

	<p>Job title; Purpose of the position; Key performance areas; and Key competency (minimum requirements) areas. See NIPMO approved positions and salary scales in Annexure A for guidance.</p> <p>(iv) Duration of NIPMO support required (between 1 and 3 years);</p> <p>(v) Institutional commitment post-NIPMO support.</p> <p>Operational activities: This section must provide details of IP awareness, IP and TT-related events and publications etc.</p>
	<p>(b) Capacity development IP Management and Technology Transfer courses, trainings, workshops etc</p>
	<p>(c) Technology transfer <i>This area of support is not available for new applicants.</i></p>

9.2 Evaluation Criteria

An OTT Support Fund Allocations Committee will review all applications received and give particular attention to the following areas when evaluating and adjudicating on an application to the OTT Support Fund:

- (a) Alignment of the application to the requirements as set out in this Guideline;
- (b) Institutional areas of research excellence;
- (c) Funding needs and duration of support requested;
- (d) Requested budget against the proposed KPIs;
- (e) Post-NIPMO funding institutional financial support; and
- (f) Positioning and motivation for establishing an OTT.

10. PREVIOUS APPLICANTS

10.1 The application

Section	Detail required
Overview of institutional capabilities and current activities in research and development, and technology transfer	This section must, at a minimum include, an overview of currently active IP Creators. Any existing relationships with other institutions and/or private sector parties should be set out. Details of the IP portfolio are required (including a technology sector profile) as well as all commercial activities which have been carried out to date.
Policies and frameworks	A comprehensive list of existing policies as well as any envisaged amendments to be carried out during the applied for funding period. Any challenges with existing policies should be set out.
Eligible costs and budget requested	<p>This section must set out the budget against the key deliverables, timelines, milestones and targets for the funding support period in line with the eligible costs (a) to (c) below.</p> <p>Additionality anticipated by the OTT Support funding must be indicated wherever relevant.</p>
	<p>(a) OTT establishment</p> <p>Note: Only applicants who did not apply for OTT establishment funding in the previous three (3) financial years can apply for OTT establishment funding.</p> <p>Salaries:</p> <p>(i) Organogram of OTT including the requested posts and indicating any “existing NIPMO paid employee(s)”, “new requested NIPMO paid employee(s)” and previously NIPMO-funded positions which were made permanent by the institution. Demographics of the current OTT structure in terms of gender, race, age should be included in the organogram.</p> <p>(i) For each post for which funding is being requested the following must be provided: Job title; Purpose of the position; Key performance areas; and Key competency (minimum</p>

	<p>requirements) areas. See NIPMO approved positions and salary scales in Annexure A for guidance.</p> <p>(ii) Duration of NIPMO support required (between 1 and 3 years);</p> <p>(iii) Institutional commitment post-NIPMO support.</p> <p>Operational This section must provide details of IP awareness, IP and TT-related events and publications etc.</p>
	<p>(b) Capacity development Note: Only applicants who did not apply for capacity development funding in the previous three (3) financial years can apply for capacity development funding.</p>
	<p>(c) Technology transfer This section must provide details of the activities for which funding support is being requested and where appropriate must be associated with one or more IP7s. Collaboration with other institutions/ industry partners will be more favorably considered.</p> <p>The annual budget may not exceed R1 million (one million rand) annually.</p>

10.2 Evaluation Criteria

The OTT Support Fund Allocations Committee will review all applications received and give particular attention to the following criteria when evaluating and adjudicating on an application to the OTT Support Fund:

- (a) Previous OTT Support Fund funding and the duration thereof;
- (b) Whether the funds previously allocated were used as per the original proposal;
- (c) Whether all legislative reporting requirements were/are and all contractual reporting were/ are being met by the institution;
- (d) Alignment of the application to the requirements as set out in this Guideline;
- (e) Current progress in technology transfer;
- (f) Funding needs and duration of support requested;
- (g) Requested budget against the proposed KPIs;
- (h) Current institutional funding commitment to the OTT; and
- (i) Post-NIPMO funding institutional financial support;

Furthermore, the evaluation committee may consider the following sliding funding scale criteria when evaluating proposals from previously funded institutions:

100% in Year 1 (Institutional contribution 0%);

75% in Year 2 (Institutional contribution 25%); and

50% in Year 3 (Institutional contribution 50%).

11. GENERAL OTT SUPPORT FUND GRANT CONDITIONS

- (a) Each Institution shall be required, at all times, to comply with the reporting requirements as per the IPR Act, in particular all regulatory and compliance requirements.
- (b) Grant funding is provided on a one to three-year funding cycle, subject to revision, milestone performance and availability of funding.
- (c) A project funding agreement must be concluded with each institution for which approval was given for funding.
- (d) The institution shall use the OTT Support Fund funding only for purposes outlined in the application to NIPMO and set out in the concluded project funding agreement, and for no other purpose without the prior written consent by NIPMO.
- (e) NIPMO shall on reasonable notice to the institution be allowed to visit the institution for the purpose of updating itself on progress in relation to the project funding agreement signed.
- (f) NIPMO solely reserves the rights to determine whether proposed activities fall within the scope of the OTT Support Fund.

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12. ANNEXURE A: NIPMO APPROVED POSITIONS, SALARY SCALES, QUALIFICATIONS AND EXPERIENCE

Positions	Suggested salary band ²	Qualifications	Experience
Head/ Director	R883 000 –R1 000 000	Min Master's degree, preferably PhD	8-10 years working experience, at least 5 years relevant experience
Manager	R706 200 – R823 900	Min Honours/ BTech degree, preferably masters	5 -8 years working experience, at least 3-5 years relevant experience
Co-ordinator/ Analyst	R529 650 – R647 350	Min. Bachelor's Degree / BTech, preferably Honours	3-5 years working experience, at least 3 years relevant experience
Officer	R353 100 - R470 800	Min. Diploma or Bachelor's Degree	1-3 years working experience
Administrator	R176 550 – R294 250	Min. Diploma	1-2 years working experience

² Rates as at 2019. NIPMO will communicate the annual NIPMO-approved salary increase, based on, at least, inflation.

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