



## ***SOUTH AFRICAN INTELLECTUAL PROPERTY LAW JOURNAL (IPLJ)***

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### **PEER REVIEW POLICY**

The *IPLJ* aligns itself fully with the Academy of Science of South Africa's Code of Best Practice in Scholarly Journal Publishing, Editing and Peer Review, March 2018 and with the Forum of Editors of Academic Law Journals in South Africa' "Guidelines for Best Practice in Editorial Discretion and Peer Review" August 2008. This Policy must be read in conjunction with and in addition to those documents and the *IPLJ* Editorial Policy.

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## **A. PEER REVIEW FORMAT**

The *IPLJ* implements a double blind peer-review process for all article and case note submissions.

Book reviews, news articles and similar information pieces are subject to internal review by the Editors, in accordance with our conflict of interest policy.

## **B. PEER REVIEW PROCESS**

### *Call for contributions*

The *IPLJ* calls for contributions periodically. Contributions are accepted and processed for peer review on an ongoing basis. Contributions which are not received or fully processed within the time-frame for a particular issue, are rolled over to the next issue, with the permission of the author. The journal is published annually.

### *Process*

The following process applies respect of all contributions which are received.

1. The contribution is received by the Editors and an acknowledgement of receipt is sent to the author. The Editors make an initial assessment to determine the nature of the contribution. Contributions which do not fall within the scope of the journal, namely intellectual property rights in Africa and specifically, South Africa, are rejected. The author is informed that this is the reason for the rejection.

Contributions which do fall within the scope of the subject matter, are categorised as according to whether they require peer review. All contributions, except for book reviews and news articles, are subject to the double blind peer review process.

Book reviews and news articles are reviewed by the Editors. The Editors communicate with authors whether or not the contribution is publishable, along with any revisions which may need to be made.

2. Contributions which are incomplete, incoherent, speculative, without scholarly value, fundamentally flawed, too brief, far in excess of the word limit, or which do not conform to the published Style Guide, may be rejected by the Editors, prior to the peer review process. The reasons for the rejection will be communicated to the author.

3. Contributions which are not rejected as set out above, are subjected to the peer review process.

4. The Editors identify appropriate reviewers based on the subject matter of the contribution. See *REVIEWER SELECTION* below. In doing so, the Editors are cognisant of the need to ensure that there is sufficient distance between the author and the reviewer in order to overcome any conflict of interest or potential bias. Accordingly, knowledge about the parties' institutional affiliation and scholarly engagements, in the context of the academic landscape, may inform whether or not a reviewer is appropriate.

5. The two best reviewers are approached by the Editors to determine their availability to review the article within a stipulated time frame, usually four weeks. If they agree, the anonymised contribution and the *SAIPLJ* Report Form are sent to them. A minimum of two reviewers are required for each submission.

6. Reviewers must provide a written assessment on the suitability for publication. The written assessment usually comprises of the completed Report Form and/or additional mark-ups on the text.

7. Once the reviewers' reports have been submitted, they are assessed by the Editors to determine whether there is sufficient support for the contribution to be published, and if so, whether there are revisions which must be made.

The Editors regard the reviewers' reports as paramount but the final decision lies with the Editors.

The Editors, in communicating the decision to the author, will either give the reasons for the rejection, or will indicate the basis on which the contribution will be accepted for publication.

In the latter instance, this may include a condition that revisions be satisfactorily made.

Occasionally, the author may be encouraged to do significant further work on the contribution and to resubmit it as a new contribution, in which case the contribution being considered *de novo*.

8. Where there are conflicting reports, the Editors may resolve it through any number of ways, depending on the nature of the conflict.

- If the difference is minor, it may be that the Editors make the appropriate recommendation from a conspectus of the two reports read together.
- If the recommendation is that further work needs to be done to the contribution, this may require (a) in minor cases, that these can be done to the satisfaction of the Editors, or (b) in more major cases, that the contribution be reconsidered by the reviewers after that has occurred; or (c) that it be reconsidered by a new

reviewer or reviewers after that has occurred. There will be times where (b) will be appropriate, but times where (c) will be appropriate (for example, where an original reviewer has adopted a dogmatic rejection of the author's approach that may mean that the original reviewer is not suitable for further consultation).

- Where there is a clear conflict in the two reports, it will normally be appropriate to refer the matter to an independent third reviewer, and for decisions to be taken only after that report has been received. In most cases the third reviewer should act independently of the others, but in some cases (particularly where the dispute is on a fine point or there is a dogmatic objection by one reviewer) it may be appropriate to seek specific guidance from the third reviewer on the problem that has been raised by the reviewers' conflict.

### **C. REVIEWER SELECTION**

1. Only reviewers who have demonstrated expertise in the topic covered by the contribution will be considered appropriate. Such expertise may be the result of their scholarly engagement in the form of published research, publications in recognised legal outputs, affiliation to recognised scholarly institutions, practical experience in the area, and advocacy engagement.
2. Editors may not act as reviewers.
3. Members of the Editorial Advisory Board may be approached to act as reviewers.
4. The reviewer should indicate any conflict of interest which may be apparent (even though the contribution is anonymised) before embarking on the review.

### **D. GUIDELINES FOR REVIEWERS**

Reviewers are expected to assess the merit of the contributions to determine whether they meet the standard required for publication in a scholarly journal.

In doing so, reviewers should:

- maintain the confidentiality of the review process
- immediately alert their editor of any real or potential competing interest that could affect the impartiality of their reviewing, and decline to review where appropriate
- conduct their review objectively and diligently

- formulate their responses clearly, referring to supporting arguments, citation of further literature, and examples where necessary
- conduct themselves fairly and impartially, particularly where the reviewer comes from a particular school of thought and/or may have strong ties to a particular interest
- identify gaps that could be explored to enhance the interpretability and strength of the findings and/or insights
- consider whether any instances of plagiarism appear in the work, and to report any such examples to the editor
- suggest how the paper can be improved
- provide clear recommendations for acceptance of the paper in question, with or without revision, or reasons for rejection, as the case may be
  - assess the originality of references of previously published studies and ensure that the work is positioned in the relevant field
- contest conclusions when they are not justified by the results or arguments presented.