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SOUTH AFRICAN INTELLECTUAL PROPERTY LAW JOURNAL (IPLJ)

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EDITORIAL POLICY

The *IPLJ* and its publisher, Juta & Co (Pty) Ltd, are committed to maintaining the highest standard of publication ethics and best practice. Both align themselves 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 Editorial Policy must be read in conjunction with and in addition to the documents mentioned above, the *IPLJ* Peer Review Policy, the *IPLJ* Contributor Agreement, and any other reference herein.

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1. ABOUT THE *IPLJ* AND JUTA & CO (PTY) LTD

1.1. The *IPLJ* is a peer reviewed journal and is accredited by the South African Department of Higher Education and Training. It is published annually, in English.

1.2. The journal is committed to publishing original scholarly contributions on all aspects of intellectual property law that have relevance to Africa, and in particular, to South Africa. The *IPLJ* strives to be the journal of choice for academics, practitioners and students of intellectual property law.

1.3. The *IPLJ* is published by Juta & Co (Pty) Ltd. Juta & Co (Pty) Ltd is committed to:

- maintaining and supporting the editorial independence of its journal editors;
- supporting journal editors to run their journals transparently and ethically in terms of national and international best-practice guidelines;
- acting always in the interests of academic and scientific integrity, including taking all appropriate measures to clarify alleged or proven scientific misconduct, fraudulent publication or plagiarism, and publishing corrections and retractions when necessary.

1.4. The publisher is responsible for all the typesetting, printing, publication, distribution, advertising, copyright matters and the financial arrangements (such as subscriptions, accounting, royalty payments) pertaining to the journal.

2. NATURE OF CONTRIBUTIONS ACCEPTED FOR PUBLICATION

2.1. The *IPLJ* welcomes contributions on all aspects of intellectual property law that have relevance to Africa, and particularly to South Africa.

2.2. Submissions must be original and must not have been published elsewhere or have been submitted for publication elsewhere. The Editors retain the discretion to consider publishing a submission which has been previously published. This will only be exercised in very exceptional circumstances where such a deviation is justified.

2.3. All submissions must be of a scholarly nature and must conform to the published *IPLJ Style Guide*. Submissions may be in the form of articles or notes not exceeding 10 000 words and 6000 words respectively (excluding footnotes). Book reviews will also be considered.

2.3.1. Articles should provide a comprehensive and detailed, if not seminal, analysis of the topic under discussion. Articles should not exceed 12 000 words (excluding references of reasonable length). Special permission will have to be sought from the editors to consider contributions longer than this. As from 2019, each article must be accompanied by an abstract of not more than 200 words. The abstract should summarise rather than introduce the argument of the article and should contain appropriate key words.

2.3.2. Notes are more focused comments or contributions on a specific point of law and may include an analysis of a case or legal question. Although notes are shorter than Articles, they must not be merely descriptive. Notes may not exceed 6000 words (excluding references). Notes require a short abstract of no more than 100 words.

2.4. Note that only Articles and Notes which have undergone the peer review process are considered for subsidy purposes in terms of the policies of the South African Department of Higher Education and Training.

3. PEER REVIEW POLICY

The *IPLJ* is double blind peer-reviewed. The peer review process, including guidelines for reviewers is set out in the *IPLJ Peer Review Policy*.

4. COPYRIGHT AND ACCESS

4.1. Authors of contributions which have been accepted for publication are required to sign a *Contributor Agreement* with the Publisher (Juta & Co Ltd) as a precondition to the work

being published. The *Contributor Agreement* contains a clause in terms of which the author grants to the publisher the exclusive right and licence to publish and reproduce and further to license the Contribution to all media in all languages for the legal term of copyright throughout the world.

4.2. The *Contributor Agreement* also regulates the dissemination of the contribution by the author.

4.3. Authors should contact the publishers for further information relating to copyright and permissions to use the work.

5. CONDITIONS FOR PUBLICATION

Publication of contributions is subject to the following:

5.1. The publication of any contribution is subject to the author agreeing to the terms in the publisher's *Contributor Agreement*.

5.2. The *SAIPLJ* only considers manuscripts in English.

5.3. Manuscripts will only be considered for publication

-on the assurance that it has not in whole or in part or in substance been published or offered for publication elsewhere, and

-on the understanding that the Editors reserve the right to make what changes they consider desirable –

- (a) to bring the manuscript into line with the house style of the *SAIPLJ*
- (b) to eliminate errors of typing, grammar, syntax, punctuation, spelling, idiom and the like; to produce accuracy and coherence; to improve the mode of expression and style of writing; and to avoid possible criminal or civil liability.

Authors are required to read their manuscripts very carefully to avoid the need for the Editors to exercise these rights extensively. Note in particular that every quotation and every reference is to be *carefully* checked for accuracy.

5.4. The manuscript must conform to the house style of the *IPLJ*. A submission may be rejected without review if it is not compliant in this respect.

5.5. Authors must adhere to the highest ethical standards in their submission of manuscripts for consideration. This includes ensuring that:

- the work is original and written by them;
- authorship of the paper is accurately attributed and represented, and there is no example of either ghost, gift or guest authorship, which the journal considers unethical.

- their work has not been previously published and has been submitted only to the journal;
- where material is taken from other sources (including their own published writing) the source is clearly cited and that where appropriate permission is obtained;
- their work does not infringe on any rights of others, including privacy rights and intellectual property rights;
- their data or source material is true and not manipulated;
- their data or source material is their own or that they have permission to use data or source material reproduced in their paper;
- any real or apparent conflicting or competing interest is clearly stated on submission of the paper (this would include funding support);
- they adhere to all research ethics guidelines of the legal discipline, particularly where human or animal subjects are involved.

5.6. Authors must adhere to the terms of the Editorial Policy and any additional conditions which may be required.

5.7. As a general policy, only one contribution per author will be considered at a time, and further submissions will not be considered while a former piece is still in the reviewing process.

5.8. The *IPLJ* has a policy that no individual author's work in the subsidy-earning categories may be published more than once in a year. This rule has been adopted in the interests of giving as diverse a cohort of authors an opportunity to publish in the journal, and to avoid certain individuals or institutions dominating the pages of the *IPLJ*, as is mandated by the general guidelines in the DHET Research Outputs Policy.

6. SUBMISSION PROCESS

6.1. All material for publication, including articles, case notes and comments, tributes and correspondence, is to be sent to the Editors at Editoriplj@uct.ac.za.

6.2. Contributions are welcome at any time, and will be allocated for reviewing (where they comply with the journal's substantive and formal requirements and policies) as they are received. Contributions will then go into the reviewing process, the speed of which depends on a number of variable factors such as the efficiency of reviews; whether the contribution is rejected or can be accepted "as is" after reviewing, or whether it requires revision; the extent of such revisions; and the speed with which the author attends to any further requirements or

comments before the contribution is ultimately settled and accepted. The Editors do not guarantee publication in a specific issue.

6.3 Authors must supply an accurate and up-to-date institutional affiliation. Those who are affiliated to academic institutions should supply an ORCID with their submission.

6.4. In order to avoid duplicate publication in other journals, and attendant copyright issues with other publishers, all contributors of articles and notes will be required to submit a declaration, in writing, that the work has not, either as a whole or in part or in substance, been published or submitted for publication elsewhere. Where work has been published in the author's thesis or dissertation, this fact should be acknowledged.

6.5. Any conflicts of interest or other factors relating to the ethics of the publication must be disclosed.

6.6. Where an author has submitted a contribution elsewhere, it will only be considered if the author has withdrawn it from the other journal, or if the other journal has rejected it.

6.7. The Editors reserve the right to withdraw the contribution from consideration or publication, or to retract the piece, where it deems it necessary to uphold the integrity of the journal.

6.8. Members of the editorial team are entitled to submit contributions for consideration in the same way as any other author, and they will be subject to the same reviewing and placement process as any other contribution. Where a member intends to submit, they must inform the other Editor(s) so that arrangements are made for the author's work to be reviewed in a way that does not create any conflict of interest or compromise the integrity of the peer review process.

7. CONFLICT OF INTEREST

7.1. The COPE Guidelines on Good Publication Practice indicate: "Conflicts of interest arise when authors, reviewers, or editors have interests that are not fully apparent and that may influence their judgments on what is published. They have been described as those which, when revealed later, would make a reasonable reader feel misled or deceived."

7.2. Some scholars, researchers and professionals may have potential conflicts of interest, that could or could be seen to, have an effect on their research. A potential conflicting interest might arise from relationships, allegiances or hostilities to particular groups, organisations or interests, which may influence excessively one's judgments or actions. The issue is particularly sensitive when such interests are private, relate to funding, and/or may

result in personal gain. Perceptions of bias or tailoring of research outcomes are of specific concern.

7.3. Examples of conflicts of interest might include the following:

- having received fees for consulting on the research project;
- having received research funding that has enabled the research, from private donors;
- having signed confidentiality or non-disclosure agreements in relation to the research (this would normally be a bar to pursuing publication);
- having been, or currently being, employed by the organisation about which the research has been done;
- having received funds from a private donor or conference organiser reimbursing the author for preparing the work for presentation at a conference;
- having been a party to the legal matter under analysis, having acted as a legal representative to parties involved in the legal matter under analysis, or having acted as a member of a judicial or quasi-judicial tribunal which took a legal decision involving the matter under legal analysis.

7.4. If there are other interests which the reasonable reader might feel has affected the research, the author should declare them.

7.5. If a conflict is not disclosed, but subsequently becomes apparent, the Editors reserve the right to refuse to continue with the review process; to insist on full disclosure (if this is possible ex post facto); to refuse to publish the work; or to amend, correct or retract the article in terms of the journal's Corrections Policy (see 12 below).

7.6. The existence of a declared conflict or potential conflict does not necessarily mean the work will not be considered for publication, or published. Some of the cases described above may be covered by a declaration as to the interest, to alert readers and avoid any perception of research bias or deception. Other cases may, by contrast, be prohibitive of publication. The Editors shall consider each case on its merits.

7.7. If the work is ultimately accepted for publication, a declaration about the potential conflict shall be placed in a footnote at the commencement of the published piece.

8. CONFIDENTIALITY POLICY

8.1. The *IPLJ* recognises the importance in all phases of the editorial process of respecting the requirements of confidentiality, data protection and the principles relating to the protection of personal information. In the South African context, the Editors are guided by the

relevant provisions of the Protection of Personal Information Act 4 of 2013 and its regulations.

8.2. Unless otherwise specified, the Editors and reviewers are to handle all submissions in confidence. The Editors will protect the confidentiality of all material submitted to the journal and all communications with reviewers, unless otherwise agreed with the relevant authors and reviewers.

8.3. Unless reviewers have agreed to disclose their names, the Editors will protect reviewers' identities.

8.4. Unpublished materials disclosed in a submitted manuscript must not be used in an Editors' or reviewer's own research without the express written consent of the author.

8.5. Privileged information or ideas obtained through peer review must be kept confidential and not used for personal advantage.

8.6. If a reviewer wishes to delegate the review or seek the opinion of a colleague on a specific aspect of the submission, the reviewer is expected to clear this with the Editors in the first instance.

8.7. In exceptional circumstances and in consultation with the publisher, the Editors may share limited information with editors of other journals where deemed necessary to investigate suspected research misconduct. If such misconduct is identified, the editors reserve the right to report and disclose such adverse findings, including the identity of the authors, to any institution to which the author is affiliated, for its attention.

9. EDITORIAL TEAM AND EDITORIAL ADVISORY BOARD

9.1. The Editorial team is responsible for the academic administration of the journal.

9.2. The Editorial Team comprises of the Editors and editorial assistants. The Editors are responsible for the academic side of the journal. For the current Editorial Team members, see <http://www.jutajournals.co.za/south-african-intellectual-property-law-journal/>

9.3 The Editorial Advisory Board plays an advisory role and supports the Editors.

Membership of the Editorial Advisory Board is by invitation. For the current members of the Editorial Advisory Board, see <http://www.jutajournals.co.za/south-african-intellectual-property-law-journal/>

10. PAGE FEES AND ADVERTISING

There are no page-fee charges for publishing work in the *IPLJ*.

11. COMPLIMENTARY COPIES

Each author of a published article or note/comment will receive one .pdf copy of the part of the *IPLJ* in which his or her contribution appears, accompanied by a cover page and a contents page, and one hard copy. Authors of correspondence or book reviews do not receive such copies. Current members of the Editorial Advisory Board will receive complimentary hard copies of each part of the journal.

12. CORRECTIONS (Errata, corrigenda and retractions)

12.1. The *IPLJ* takes issues of copyright infringement, plagiarism and other breaches of best practice in research publication very seriously.

12.2. In the cases where a breach of publication ethics or copyright infringement are discovered, the *IPLJ* and its publishers reserve the right to take appropriate action to correct the academic record, including but not limited to:

- publishing an erratum or corrigendum;
- publishing an expression of concern linked to the article;
- retracting the article and publishing an accompanying retraction notice; or
- removing an article for legal reasons and replacing the removed article with a notice.
- publishing a retraction, correction or apology specifically written by the author(s).

In such cases the Editors and the publisher will be guided by COPE's [Correction and Retraction Guidelines](#).

12.3. Where significant editorial or formatting errors or omissions are identified after the publication of the part, the *IPLJ* and its publishers will publish errata or corrigenda in the next immediate part of the journal due for publication. Digital versions will be adjusted to reflect the accurate position.

13. PUBLICATION MALPRACTICE POLICIES

13.1. Allegations of misconduct or malpractice (including, but not limited to: research fraud, defamation; plagiarism; improper or inaccurate citation of source material; manipulation of data or source material; authorship identification irregularities; peer review fraud; undisclosed conflicts of interest) will be investigated in accordance with the journal's policies and procedures. The editors also act in such cases with reference to [COPE Best Practice Guidelines](#) as is suitable to the case.

13.2. Plagiarism

Plagiarism constitutes unethical publishing behaviour and is unacceptable. Plagiarism is the duplication in a text of another person's words, phrases, concepts or ideas in a manner that represents to the reader of the text that such words, phrases, concepts or ideas are the author's own original thoughts expressed in writing. Plagiarism takes many forms, from passing off another's work as the author's own, to copying or paraphrasing substantial parts of another's work (without attribution), to claiming results from research conducted by others. It can include copyright infringement. The *IPLJ* takes guidance from the COPE [Discussion paper on plagiarism](#) as to the multitude of ways in which plagiarism can occur, and the forms it can take.

While many cases of plagiarism may be intentional, subjective intention may be difficult to prove, and even cases involving honest mistakes may amount to a form of plagiarism, in that the research or words come across objectively as the work of another, violating ethical publishing principles.

Editors are encouraged to be vigilant about the possibility of plagiarism in the contributions which they receive, and are encouraged to ensure that the reviewers, who are likely to be best-placed to identify such transgressions, do the same. The Editors will also receive and consider any reports of suspected or alleged plagiarism from complainants, particularly after publication.

Where a case of suspected plagiarism is identified or reported, the Editors in the first instance consult the COPE guidelines on [what to do if you suspect plagiarism](#) dealing with cases of suspected misconduct. To summarise some of the fundamental principles to which the *IPLJ* subscribes:

- The Editors shall immediately inform the author of the suspicion or allegation in writing, and give that author a reasonable opportunity to respond to the allegation in writing;
- If the case is substantial and serious, cannot be dealt with directly with the author, or where the author simply denies the charge despite *prima facie* evidence, the Editors must refer the case for investigation to an independent person, preferably one who is a recognised authority in the subject area of the submission. That independent investigator should conduct a thorough investigation of the submission, the allegation as to what may have been plagiarised, and the author's response. In addition, the independent investigator should scrutinise or consider any other sources relevant to the potential plagiarism, which may include, but are not limited to: consulting implicated researchers, and consulting all potentially relevant research sources.

Where potential plagiarism is suspected, identified, alleged or reported, the Editors and the publisher reserve the right to run the work through text-matching software (eg Turn-it-In, Ithenticate) as a component of its investigation.

- The independent investigator shall deliver a full written report to the Managing Editor, detailing his/her findings. These findings may be shared with the publisher, for its views on the matter.
- The report should be shared with the author, and the author may make any further representations or concessions in response.
- The Editors reserve the right to make a determination as to how to proceed with the submission at this point. This includes reserving the right to withdraw the article from consideration, or to correct or retract published work. Please see the Errata, Corrigenda and Retractions Policy (above at 12).

/end/