



**PROGRAMME: FIFTH ANNUAL INTERNATIONAL MERCANTILE LAW
CONFERENCE, 31 OCTOBER – 1 NOVEMBER 2018**

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WEDNESDAY, 31 OCTOBER 2018

Registration

Venue: Foyer of the Equitas Building

8:00 – 9:00 Registration

Welcome and Keynote Address

Venue: Equitas Senate Chambers

Session chairperson: Ms Bella Phore

09:00 – 10:00 Word of Welcome: Prof John Mubangizi, Dean, Faculty of Law, UFS
Poet: Mr Oratile Molale
Keynote Address: Ms Sandra du Toit, Executive: Investment Banking Solutions,
Standard Bank

Plenary session

Venue: Equitas Senate Chambers

Session chairperson: Ms Bella Phore

10:00 – 10:30 Mr Francois Cilliers, UFS
Could social media be a gateway to employment discrimination?
10:30 – 11h00 Mr Christo Fritz, UP
Racism in the workplace.

Tea break

11:00 – 11:30 Equitas Foyer

Breakaway Session 1a (Trade Law)

Session chairperson: Ms Gerda Du Toit

Venue: Equitas Senate Chambers

- 11:30 – 12:00 Dr Karl Marxen, UJ and Germany
Payment and security for payment in international mercantile transactions: Global developments and challenges
- 12:00 – 12:30 Mr Nation Bobo, Zimbabwe
Unrestricted state sovereignty diminishes the effectiveness of International Investment Law.
- 12:30 – 13:00 Dr Karl Marxen, UJ and Germany
De-Risking and its detrimental effect on trade finance and financial inclusion in developing markets: Legal compliance challenges in international banking and mercantile transactions.

Breakaway Session 1b (Intellectual Property Law)

Session chairperson: Ms Laetitia Fourie

Venue: Equitas Auditorium

- 11:30 – 12:00 Prof Wim Alberts, UJ
Promotional trademark use: Does it qualify for bona fide use?
- 12:00 – 12:30 Mr Pieter Brits, UFS
Copyright in traditional work and indigenous knowledge - implications of the second Protection, Promotion, Development and Management of Indigenous Knowledge Bill (2016).
- 12:30 – 13:00 Mr V Hobololo, UCT
Ownership of intellectual property created by employees for the employer and the implications for distribution of commercialisation revenue: Lessons from the *Makate v Vodacom* case.

Lunch

13:00 – 14:00 Group photo in front of the Equitas Building
Lunch, Pimento Restaurant

Keynote Address

Venue: Equitas Senate Chambers

14:00 – 15:00 Keynote Address: The Hon Judge Dennis Davis
Poet: Oratile Molale

Breakaway Session 2a (Company Law)

Session chairperson: Mr Mmiselo Qumba

Venue: Equitas Senate Chambers

15:00 – 15:30 Dr Brighton Mupangavanhu, UWC
Evolving statutory derivative action principles in South Africa - Good faith criterion and a court's discretion in granting leave to bring derivative action.

15:30 – 16:00 Mrs T Moranjane, UP
Insiders for insider trading purposes in South Africa.

16:00 – 16:30 Prof H Chitimira, NWU
Reaffirming the role of the Directorate of Market Abuse and the meaning of 'inside information' in the adjudication of insider trading cases: *Zietsman and Another v Directorate of Market Abuse and Another* 2016 1 SA 218 (GP).

Breakaway Session 2b (Labour Law)

Session chairperson: Dr Denine Smit

Venue: Equitas Auditorium

- 15:00 – 15:30 Prof Karin Calitz, US
Sexual harassment, racial abuse and discipline at the workplace.
- 15:30 – 16:00 Mrs J van de Rheede, UWC
Can the South African legislature do more to involve employees in the process of racial transformation?
- 16:00 – 16:30 Dr Anri Botes, NWU and Miss Laetitia Fourie, UFS
Disability discrimination in the South African workplace: The case of infertility.

Gala dinner

- 18:00 Bus departs from Equitas Building to Warm Karoo
Dress code: Formal
- 22:00 Bus returns to Equitas Building campus

The welcoming function is sponsored by Juta Publishers

THURSDAY, 1 NOVEMBER 2018

Keynote Address

Venue: Equitas Senate Chambers

- 8:30 – 9:00 Keynote Address: The Hon Madam Justice Connie Mocosie

Breakaway Session 3a (Trade Law)

Session chairperson: Ms Leani Van Niekerk

Venue: Equitas Auditorium

- 9:00 – 9:30 Dr Adeola Kehinde, Nigeria
Telecommunication business in Nigeria and the need for legislative intervention.
- 9:30 – 10:00 Mr Mmiselo Qumba, UFS
South Africa's move away from international investor-state dispute: A breakthrough or bad omen for investment in the developing world?
- 10:00 – 10:30 Mr M Muhammad Bello, UFS and Nigeria
Defining Responsible Lending in Sovereign Debt Governance: A Socio-economic Rights' Perspective.
- 10:30 – 11:00 Mr Simba Tavuyanago, UFS
The criminalisation of cartel and the confluence of the roles of the Competition Commission, specifically the Cartels Division and the National Prosecuting Authority.

Breakaway Session 3b (Mining Law and Social Security Law)

Session chairperson: Prof Elizabeth Snyman-Van Deventer

Venue: Equitas Senate Chambers

- 9:00 – 9:30 Mrs Bella Phore, UFS
Are the powers of the Minister in terms of section 17(2) (ii) of the Mineral Petroleum and Resources Development Act in competition matters still relevant?
- 9:30 – 10:00 Miss Vuiswa Mbali, UFS
Sustainable development: The role of institutional investors in mining companies.
- 10:00 – 10:30 Mr Z Xuma, UFS
The effects of climate change on mining companies in South Africa.
- 10:30 – 11:00 Dr Meryl du Plessis, Wits
Social security for pregnant employees who perform dangerous work in South Africa

Breakaway session 3c (Tax Law and Insolvency Law)

Session chairperson: Mr Pieter Brits

Venue: Equitas Lecture Room 4

- 9:00 – 9:30 Dr Carika Fritz, UP
Tax preference in insolvency proceedings: various permutations,
- 9:30 – 10:00 Mr Kgosi Mokgoetsi, Wits
Is there a need for a statutory hypothec when a body corporate is a creditor of the insolvent owner who is a party to a sectional title scheme?

Tea break

- 11:00 – 11:30 Equitas Foyer

Breakaway Session 4a (Labour Law)

Session chairperson: Ms Maralize Conradie

Venue: Equitas Auditorium

- 11:30 – 12:00 Dr Denine Smit, UFS
The underrepresentation of females in the judiciary: Glass ceilings or Queen Bees at work in an existing “old boys’ club”?
- 12:00 – 12:30 Mrs Martie Bloem, UFS
Employment references: Lessons from the UK.
- 12:30 – 13:00 Mr V Hobololo, UCT
Decriminalisation of cannabis: A recipe for healthy employer-employee relations?

Breakaway Session 4b (Company Law)

Session chairperson: Mr Grey Stopforth

Venue: Equitas Senate Chambers

- 11:30 – 12:00 Ms Rehana Cassim, Unisa
An analysis of directors' fiduciary duties in the removal of a director from office.
- 12:00 – 12:30 Mr Friedrich Hamadziripi, UFH
Judicial construction of the requirement of good faith in section 165(5)(b) of the Companies Act 71 of 2008: *Mbethe v United Manganese of Kalahari*.
- 12:30 – 13:00 Mr Vela Madlela, UFH
The appointment of a proxy "at any time" in terms of section 58 of the Companies Act 71 of 2008.

Lunch

- 13:00 – 14:00 Lunch, Pimento Restaurant

Breakaway Session 5a (Labour Law)

Session chairperson: Mr Quintin Cilliers

Venue: Equitas Auditorium

- 14:00 – 14:30 Mr Cameron Morajane, CCMA
An analysis of the South Africa dispute resolution systems with specific reference to the proposed minimum wage bill.
- 14:30 – 15:00 Dr M Tenza, UKZN
The effects of violent strikes on the economy of a developing country: A case of South Africa.
- 15:00 – 15:30 Mr Clement Marumoagae, Wits
Evaluation of the circumstances under which retirement funds can withhold and deduct members' retirement benefits when they exit the fund.
- 15:30 – 16:00 Mrs Kamalesh Newaj, UP
Resolving the first stage of the "benefits" inquiry.

Breakaway Session 5b (Company Law)

Session chairperson: Mr Simba Tavuyanago

Venue: Equitas Senate Chambers

- 14:00 – 14:30 Mr Friedrich Hamadziripi, UFH
Should directors owe fiduciary duties to creditors?
- 14:30 – 15:00 Mrs Silke de Lange, US
Compliance notices in terms of the Companies Act 71 of 2008: Some observations regarding the issuance of compliance notices and objecting thereto.
- 15:00 – 15:30 Mrs Magdalena Hattingh, UFS
State-owned companies: The effect of poor corporate governance on stakeholders.
- 15:30 – 16:00 Prof Elizabeth Snyman-Van Deventer, UFS
Revisiting section 228 of the Companies Act 1973 in view of the 2008 Act.

Tea and coffee

- 16:00 – Equitas Foyer