



Joint Media Statement

For Immediate Release

To: All Media
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Attention: News Editors / Agricultural Writers

HIGH COURT DISMISSES VETVAX AND DESIGN BIOLOGIX APPLICATION AGAINST ONDERSTEPSPOORT BIOLOGICAL PRODUCTS AND THE AGRICULTURAL RESEARCH COUNCIL

Pretoria: The Onderstepoort Biological Products (OBP) and the Agricultural Research Council (ARC) have welcomed the High Court ruling dismissing a case brought by Vetvax (Pty) Ltd and Design Biologix CC, with costs.

On 12 March 2025, the full bench of the High Court of South Africa handed down a judgment in favour of OBP and ARC, two statutory bodies mandated to act in the public interest (jointly “the respondents”).

The 8-page judgment by Judges Molopa-Sethosa J, Yacoob J *and* Raubenheimer AJ, dismissed the application brought by Vetvax (Pty) Ltd and Design Biologix CC, and their co-founder, Ms. Karen Nel (jointly “the applicants”), with punitive costs.

The applicants filed an application against the respondents in 2023, following a dispute over a viral strain of Rift Valley Fever Virus (RVFV) that the applicants allegedly obtained from ARC-Onderstepoort Veterinary Institute in 2001. The applicants

attempted to register a vaccine using the ARC viral strain, which prompted the State Security Agency (SSA) to notify the then Minister of Agriculture, Land Reform and Rural Development and the ARC. The applicants' effort to register the vaccine using the ARC viral strain without previous authorisation from the ARC raised a red flag because the RVFV is classified as 'Controlled Goods' under the Non-Proliferation of Weapons of Mass Destruction Act ("WMD Act") and requires a permit, which the applicants lacked.

Furthermore, the applicants did not have permission from the ARC to use their proprietary ARC viral strain. In dismissing the application, the Court granted a punitive cost order against the applicants and thus made a ruling, one of a significant victory for the respondents, with the court record running into more than 6,000 pages over the three years of the now-concluded case. The applicants could not convince the court that the ARC viral strain was obtained lawfully and that compliance with the WMD Act, the Animal Diseases Act and Act 36 was adhered to. This remains a factual disagreement between the parties.

The President and CEO of the ARC, Dr Litha Magingxa welcomes the court ruling in favour of the ARC and OBP.

"The ARC operates within the parameters of the law, there are process and procedures that must be legally followed to obtain any scientific information," concluded Dr Magingxa.

Furthermore, the CEO of the OBP, Dr Jacob Modumo, added that the court ruling is a milestone in the scientific field.

"The court's decision strengthens the respondents' resolve to defend their biological material, assets, and intellectual property from unlawful misappropriation, as well as to take quick action against any party attempting to undermine their statutory objectives to the harm of the public interest" concluded Dr Modumo.

Follow the ARC and OBP on social media platforms for more information.

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Notes to the Editors

About the Agricultural Research Council

The Agricultural Research Council is a premier science institution that conducts research with partners, develops human capital and fosters innovation in support of the agricultural sector. The ARC provides diagnostic, laboratory, analytical, agricultural engineering services, post-harvest technology development, agrochemical evaluation, consultation and advisory services, food processing technology services as well as various surveys and training interventions. For more information visit the ARC website at: www.arc.agric.za

About the Onderstepoort Biological Products

Onderstepoort Biological Products SOC Ltd is a South African state-owned animal vaccine manufacturing entity whose mandate is to manufacture and distribute animal vaccines to prevent and control animal diseases that impact food security, human health and livelihoods. The mandate is delivered through the continued development of innovative products and efficient manufacturing, which ensures vaccine affordability and accessibility through varied distribution channels. For more information, visit the OBP website at: www.obpvaccines.co.za

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