
IPO MATURITY ASSESSMENT: KENYA COUNTRY REPORT

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Intellectual Property Administration Structure

- Legal and Institutional framework:
 - Industrial Property
 - Copyright
 - Protection *sui generis* (TK, biological, genetic)
- Enforcement

Background

Intellectual property instruments:

- Policy
- Legislation
- Institutions

National Laws

- The Constitution of Kenya 2010.
- Industrial Property Act 2001.
- Trade Mark Act Cap 506.
- Copyright Act 2001.
- Anti-Counterfeit Act 2008.
- Traditional Knowledge Protection Act.
- Seeds and Plant Varieties Act
- Geographical Indications Bill

International Treaties/Conventions

- Member of WIPO.
- PCT
- ARIPO
- Madrid Protocol
- Paris Convention

IP Institutions in Kenya

1. Kenya industrial property institute (KIPI) under IPA 2001
2. Kenya Copyright Board (KECOBO) under Copyright Act. 2001.
3. Anti-Counterfeit Agency under ACA 2008
4. KEPHIS under an Act of 1997.

National innovation system

1. KENIA/NRF
2. Innovation hubs/Incubation centres
3. Innovation week
4. Science congress
5. Young Scientists Kenya
6. **Kenya ranked 2nd in SSAf in WIPO Global Innovation Index 2019

ABOUT KIPI

- Kenya Industrial Property Institute is a state corporation under Ministry of Industrialization and Enterprise Development.
- Established on 2nd May 2002 upon coming into force of the Industrial Property Act 2001.
- Previously existed as KIPO, which was established in February 1990 after enactment of the Industrial Property Act, CAP 509 of the Laws of Kenya.

KIPI Mandate

The functions of the Institute are:-

- To consider applications for and grant, Industrial Property (IP) rights;
- To screen technology transfer agreements and licences;
- To provide to the public IP information for technological and economic development;
- To promote inventiveness and innovativeness in Kenya; and
- To organize and conduct training, competitions and awards relating to IP matters.

Application Filing

- Local applications
- Direct foreign applications
- Regional applications
- International applications

Application Filing

- Use IPAS
- applications are filed on paper.
- Previously file taken to examiner in paper form.
- EDMS -electronic dossier reduce/ eliminate paper-based workflows;
- Paper file is scanned using WIPOScan
- Checks for errors and cleaning
- Data is uploaded into the the main IPAS;

Digitization

- Institute undertook a project to digitize IP documents -2017.
- The project sponsored by WIPO
- Outsourced to a local firm.
- By the end of June 2017 all backfile IP documents had been scanned and indexed, and are available on IPAS.

Publications/Gazettes

- Main publication at the Institute is the IP Journal published monthly.
- Posted on the Institute website since 2012
- PDF format and downloadable free of charge.

Payments

- No cash payments at office
- Mobile money service (M-Pesa) for clients to pay the patent/trademark fees using the service.
- Cheques
- Bank deposit
- Other payment methods in pipeline

Infrastructure

- Server room installation/cooling/access control/cctv/Firewall
- Servers for TM and PT; Test server
- WIPOscan/EDMS
- PCT download module
- Madrid module
- MS Module
- Enterprise Resource Planning
- Office 365 (email, Sharepoint)

Infrastructure

- Specs for epayment
- Link to e-government portal (e-citizen)
- PKI
- Interactive Voice Response
- USSD – Unstructured Supplementary Service Data

Planned/future

- WIPO File
- Upgrade of IPAS
- Data validation and verification
- Interface IPAS to payment gateway and e-citizen portal
- Integrate IPAS with office systems eg ERP

Challenges

- ICT section is under resourced when compared to industry benchmarks, in terms of infrastructure, skilled human resources and finances;
- Not fully automated; paper document is legal document; as we move away from the paper documents there is need for digital signatures used to publish electronic documents.

How Kenyans do it



Thank You