

# Use of IP statistics in Kenya

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Sub-Regional Workshop on the Development and Effective Use  
of Intellectual Property Statistics for ARIPO Member States

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# Background: Kenya Industrial Property Institute

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- 2006: Autonomous government agency
- 2010: New Constitution: “...the state shall support, promote and protect IPRs...”
- Mandate:
  - Patents, Industrial Designs, Utility models
  - Trade Marks
  - IP awareness & Training

# Background: Kenya Industrial Property Institute

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- Self funding
- Income : July 2015-June 2016
  - Ksh. 265M ( $\approx$  US\$ 2.65 M)
  - 88 members of staff

# Why use statistics?

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1. Planning, e.g. budget
2. Annual Performance Contract
3. Prioritizing intervention measures e.g. legal, policy, practice
4. Designing IP awareness programmes (general and targeted)
5. Improving service delivery: service charter, Customer satisfaction surveys

# Budgeting: 2015/2016 Budget

	Approved (US\$)	Actual Expenditure (US\$ )
Staff cost	1,342,000 (58%)	1,042,605.0825 (47%)
Operations	951,600 (41%)	1,105,317.3275 (50%)
WIPO membership	5,000 (0.2%)	-
ARIPO membership	5,000 (0.2%)	58,300 (3%)
<b>Total Budget</b>	<b>2,303,600 (100%)</b>	<b>2,206,222.41 (100%)</b>

# Budget: Source of income

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- Primary
  - Trade mark fees (National): 66%
  - Fees from WIPO (Madrid Trade marks): 18%
  - Total (trade marks): 84%
  
  - Patent, Utility model and design Fees (National): 9%
  - Fees from ARIPO (Patents, utility models and Industrial designs): 5%
  - Total (patents, Utility models, industrial designs): 14%
  - Government grant (recurrent): 1%
- Secondary
  - Technical support: e.g. WIPO/JP FITs (digitization)

# 2015/2016 Performance targets

	No of Applications			Income	
	Target	Actual (% of total)	Variance	Target	Actual
Trade marks (National)	5430	4831 (79%)	-599	-	US\$ 1,85 M (78%)
Trade marks (Madrid)	1500	1267 (21%)	-233	-	US\$ 0.51 M (22%)
<b>Total</b>	<b>6930</b>	<b>6098 (100%)</b>	<b>-832</b>	-	US\$ 2,36 M (100%)
National applications (patents, UM, ID)	480	471 (41%)	-9	-	US\$ 264,507 (66%)
ARIPO Applications (Patent, UM, ID)	-	677 (59%)	-	-	US\$ 134,300 (34%)
<b>Total</b>		<b>1148 (100%)</b>			US\$ 398,807 (100%)
<b>Grand total</b>				US\$ 2.56 M	US\$ 2,77 M

# Service delivery

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- Government policies
  - Ease of doing business
    - e-citizen, <https://www.ecitizen.go.ke/>
      - online payment and registration of companies, business, marriages, driving licences etc.
    - Huduma centres
      - One stop shop for government services
  - Improving service delivery
    - Service charters
  - ISO certification
    - Internal, external audit
  - Performance Contracts
    - Quarterly reporting, midterm review, evidence based evaluation



# Analysis of compliance with service charter

Activity	Target (days)	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Avr
Filing date examination and acknowledgement of new patent applications	12	●10		●7		●9	●11	●16	●9	●8	●13	●11	●12	●11
Filing date examination and acknowledgement of new utility model applications	12	●11		●9		●10	●9	●14	●7	●6	●7	●8	●11	●9
Filing date examination and acknowledgement of new design applications	12	●6		●6		●10	●9	●17	●10	●7	●12	●14	●7	●10
Patent formality examination report	30	●24		●24		●23	●15	●57	●21	●17	●14	●18	●20	●23
Utility model formality examination report	30	●20		●16		●21	●12	●57	●20	●18	●12	●23	●22	●22
Design formality examination report	30	●17		●9		●20	●18	●48	●25	●23	●20	●19	●18	●22
Issuance of certificates	20	●17	●19	●22	●33	●21	●50	●48	●51	●36	●35	●25	●24	●32
Publication of applications	30	●11	●20	●16	●5	●37	●24	●45	●27	●15	●15	●13	●17	●20

# Designing/prioritizing intervention measures

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- Analysis of key indicators
  - Filing and registration trends
  - Most active applicants
  - Feedback from applicants, including complaints
    - Concern that registration procedures are complicated and lengthy
    - Use registration as a bargaining chip
  - Emerging issues: Innovations in ICT
    - Software patents? to what extent?

# Utility model applications

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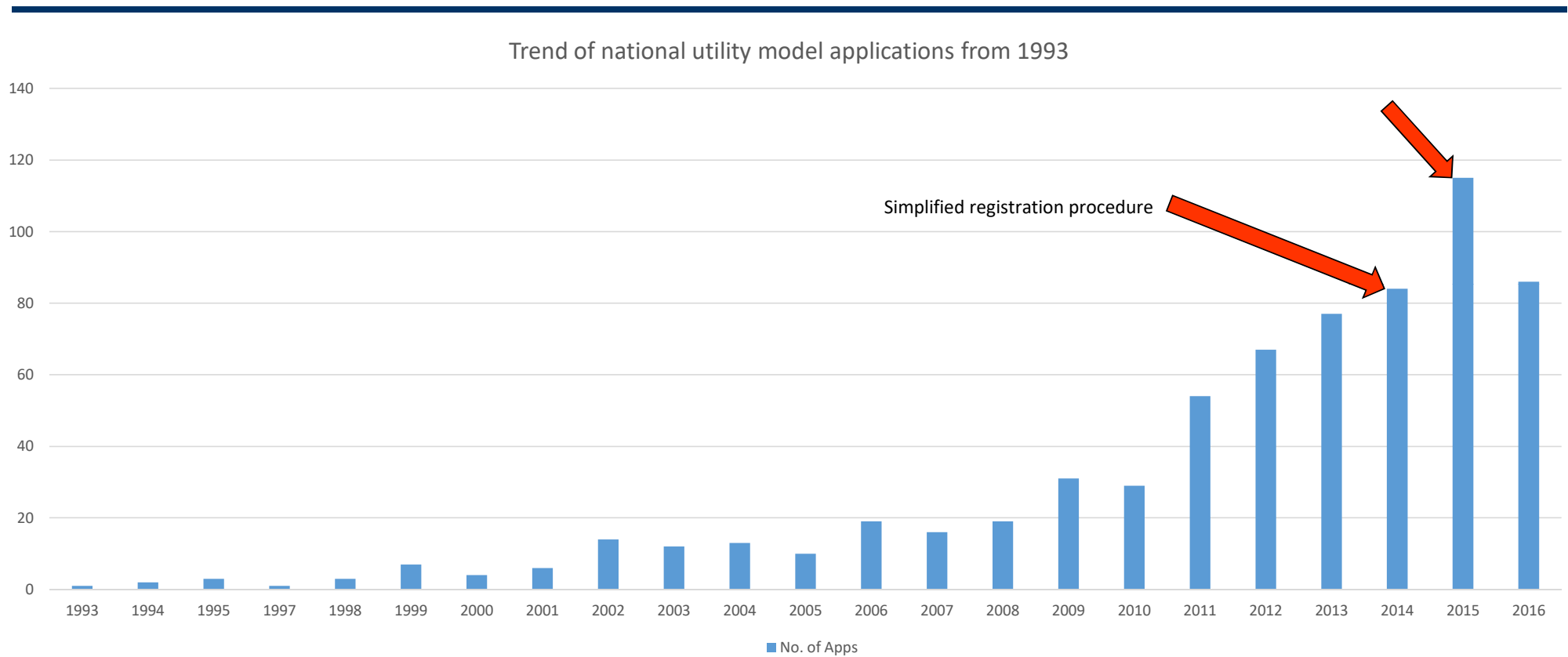
- key indicators
- Applicants
  - Kenyan residents = 99.6%
  - Non residents=0.4%
- Most active applicants
  1. Individuals
  2. SMEs

# Utility model applications:

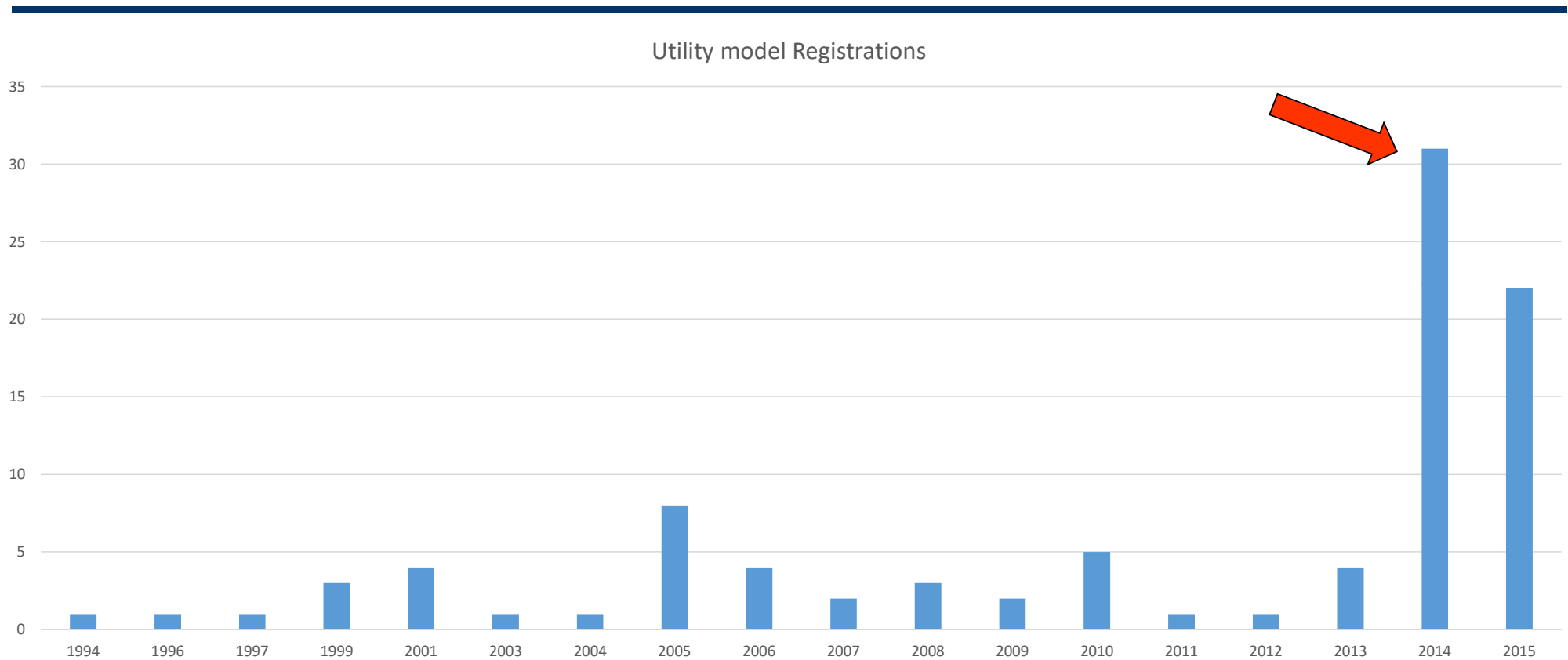
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- key indicator: main fields
  - Energy efficient cooking apparatus (e.g. biomass stoves)
  - Simple electrical devices
  - Advertising/display structures
  - Mechanical devices – e.g. pumps,
  - Food supplements/herbal compositions
- Need to simplify procedure

# Utility model applications



# Utility model registrations

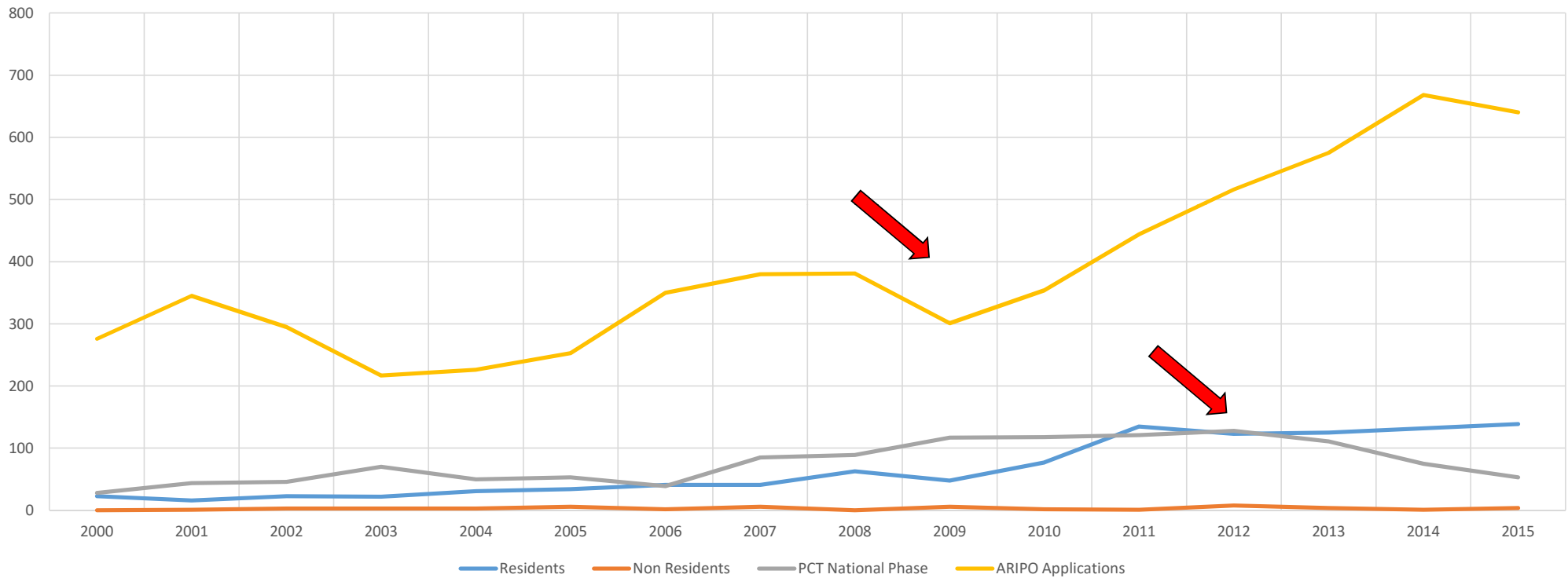


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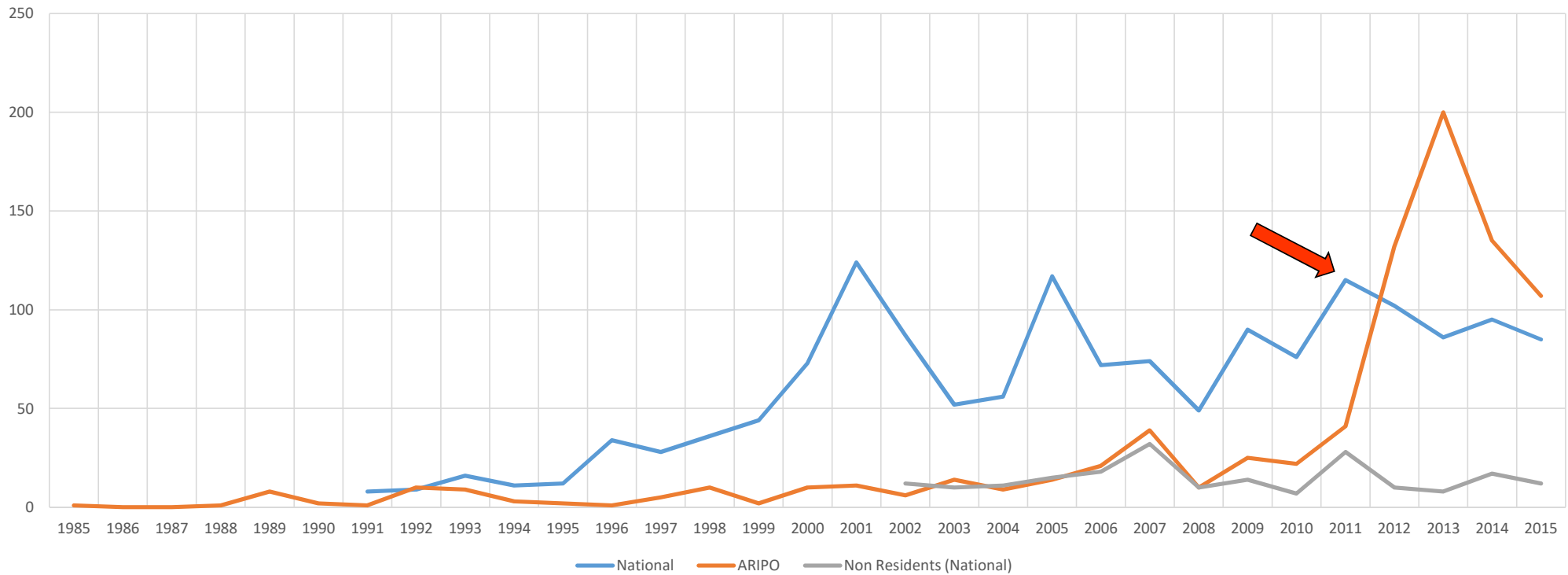
# National/ARIPO applications designating Kenya

Patent applications



# National/ARIPO applications designating Kenya

Design applications



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# National/ARIPO applications designating Kenya

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- Foreign applicants concerned about requirement to provide design samples
  - amendment of law proposed
- Analysis of National/ARIPO fee structures
  - National registration process: US\$ 400
  - Harare protocol registration process: US\$ 5 (designation fee)
  - Multinationals were main the users of ARIPO system
  - Examination by National offices
- 2014, 2016: Proposal for individual fees under Harare Protocol

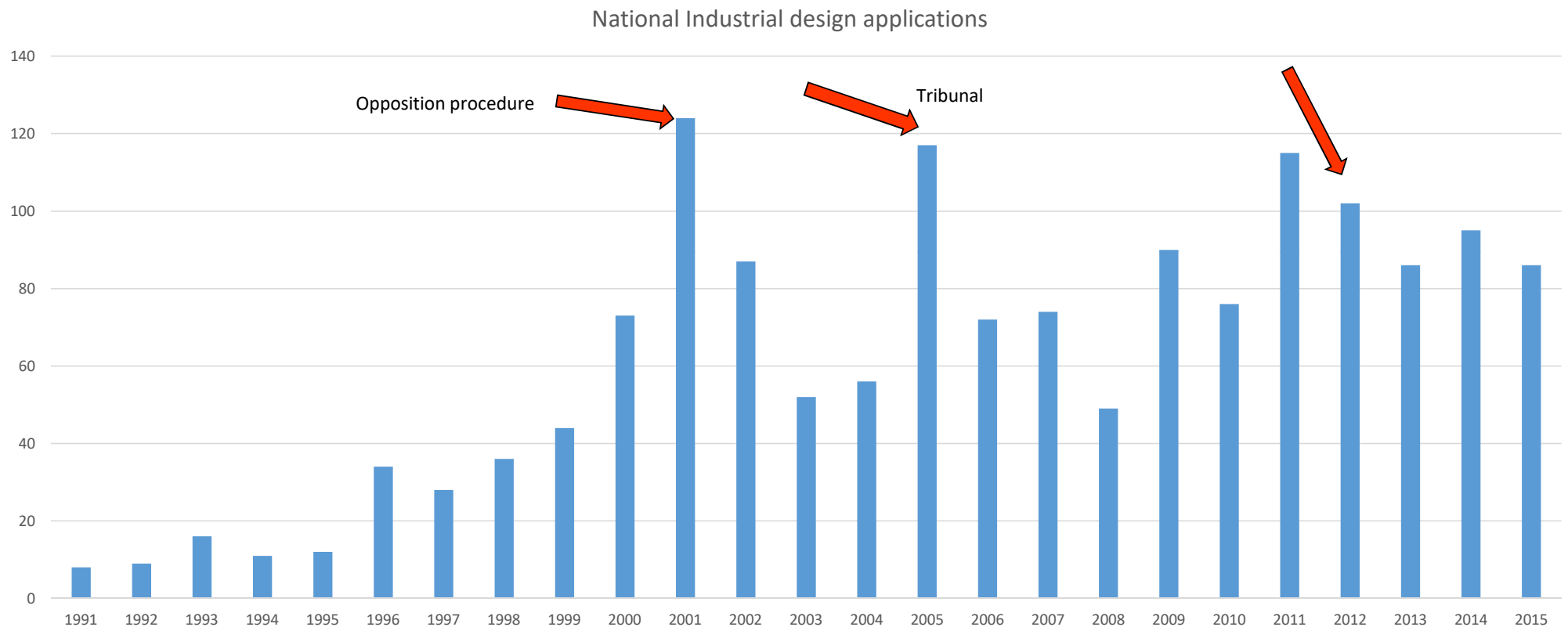
# Origin of National industrial design applications

Country	% of applications
<b>Kenya</b>	<b>82%</b>
<b>U.S.A.</b>	<b>5%</b>
<b>United Kingdom</b>	<b>3%</b>
<b>Netherlands</b>	<b>2%</b>
<b>Germany</b>	<b>2%</b>
<b>India</b>	<b>2%</b>
<b>Switzerland</b>	<b>1%</b>
<b>Other countries</b>	<b>3%</b>

# National Industrial Design applications

Class	Description of products	%
9	Packages and containers for transporting and handling of goods (e.g. bottles)	38%
7	Household goods (e.g. utensils, glassware, dishes)	10%
2	Articles of clothing	10%
6	Furnishing	7%
20	Sales and advertising equipment, signs	5%
23	Fluid distribution equipment, heating, solid fuel	4%

# National Industrial Design applications



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# Intervention measures

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- 2002: Introduction of opposition procedure for industrial designs and appeal to tribunal.
- 2014: Change to individual fees for Madrid TM registrations
- 2014: No substantive examination for utility model application.
- 2016: Proposed amendment of law to provide early publication of patent and UM applications.
- IP Seminars/workshops for target sectors, e.g. pharmaceutical manufacturers, ICT hubs, universities.

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Thank you.

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