



Copyright & Related Rights in Universities & Research Institutions

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Property defined

- The word property – a thing or things belonging to someone, possessions collectively
- Property in law- anything owned by a person or an entity (the law governing ownership)
 - Private property- belongs to an individual
 - Public property- belongs to community or state

Intellectual Property

- IP is the kind of property resulting from the fruits of mental labour
- IP deals with rules of securing and enforcing legal rights to inventions and artistic works
- IP divided into two
 - Industrial property (patents, Trademarks, GIs, Industrial designs, Trade secrets,)
 - Copyright (Literary, Musical & Artistic works)

COPYRIGHT

- Legal term describing rights creators have over their literary musical & artistic works
 - Literary (novels, poems, plays, newspaper articles)
 - Artistic works (paintings, drawings, photographs)
 - Musical works (musical compositions, films, choreography)
 - Computer programs and software
 - Architectural designs
- Protects expression of ideas not ideas or concepts
- Gives economic & moral rights

- Copyright Act CAP 130
- Rights of authorship, reproduction, distribution, communication to public, broadcasting, adaptation, translation
- Provides for remedies against infringement

Copyright in Kenya





-Remedies

Criminal – fines/ imprisonment

Civil- damages, delivery up,
injunctions,

-Limitations & Exceptions

-Registration

Copyright in Kenya

IMPORTANCE OF IP IN UNIVERSITIES & RESEARCH INSTITUTIONS

- Promotes innovation
- Incentives for individual researchers
- Encourages researcher to exploit their inventions
- Bridge gap between invention and commercialization
- Technology transfer
- Creation of companies
- Successful research activities
- Balance b/n protection and public access



- Enhance student entrepreneurship
- reward For faculty and staff
- career opportunities
- revenue sources

Importance of IP Policy

Protecting copyright

- Two sides to copyright in academia
 - One's right to copyright works created (creator)
 - Rights of others in the works one is using (user)
 - Copyright tries to balance between rights of owner and user

Examples of works in Unis & Research

- Articles in journals
- Contributions to anthologies and collections
- Newspaper articles and monographs
- Presentations scientific conference posters
- Photos, drawings, illustrations
- Exam papers
- Software /computer programmes

IP POLICY INGREDIENTS

- Need for IP policies which should;
 - Address ownership issues
 - Use of third party material
 - Copyright infringement
 - Licensing and assignment
 - Limitations and exceptions
 - IP in the digital arena
 - Open access



Administered by KECOBO
State corporation under CAP 130
Mandated to administer and enforce
copyright through;

- (i) Registration
- (ii) Enforcement
- (iii) Training
- (iv) Review of the law
- (v) CMO supervision
- (vi) International & regional engagement

Copyright in Kenya

- Enforcement unit of police
- Mandated to enter inspect arrest seize
- Charge in court
- Prosecution unit takes up matters
- Also can do plea bargaining as well as out of court negotiations

Enforcement of copyright





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THANK YOU