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ORGANIZATION

Committee on Development and Intellectual Property (CDIP)

Twenty-First Session
Geneva, May 14 to 18, 2018

PROJECT ON ENHANCING THE USE OF IP IN THE SOFTWARE SECTOR IN AFRICAN COUNTRIES PROPOSED BY KENYA

Document prepared by the Secretariat

1.   In a communication dated March 14, 2018, the Secretariat has received a project proposal entitled "Enhancing the Use of IP in the Software Sector in African Countries" from the Kenya Copyright Board with the request that the proposal be submitted to the twenty-first session of the Committee on Development and Intellectual Property (CDIP).

2.   The above-mentioned project proposal is contained in the Annex to this document.

3.   *The CDIP is invited to consider the Annex to the present document.*

[Annex follows]

CDIP PROJECT PROPOSED BY KENYA COPYRIGHT BOARD

PROJECT TITLE:
ENHANCING THE USE OF IP IN THE SOFTWARE SECTOR IN AFRICAN COUNTRIES

With the spread of smart phones, the market for software applications is exploding. This is feeding the demand for the development of mobile applications that offer critical services and convenience to users. The development and uptake of Software Applications is changing lives and brings the achievement of SDGs in developing and Least Developed countries as well as bridging the Digital Divide.

Mobile Applications development in Africa

According to reports Africa has seen exponential growth in smart phone users. Smart phone penetration in Kenya has grown by more than 60 per cent of the population over the past five years.

Owing to this fact, internet access has increased steadily over the years. Sector reports reveal that up to 99 per cent of internet is accessed from mobile devices. On a broad spectrum technology innovations have gained momentum in Africa over the last 5 years as the rise in smart phone adoption and mobile broadband stimulates the need for mobile apps. There remains a huge market demand for apps made in Africa.

There are a lot of apps developed in Africa but the following innovative mobile apps specifically tailored for Africa include M-pesa, I-cow and M-farm have been widely utilized and has changed fortunes and lives in the region.

Growth of ICT Hubs

Previously developers were forced to meet physically in public spaces that had limited WIFI connection to code. Now ICT hubs have become a meeting place for developers in many Cities in Africa for tech community, investors, business people and venture capitalists to meet and interact. Some of the technology hubs In Kenya typically formed around or close to universities where students drive new innovations include; **iHub**, **Pawa 254**, **M-lab**, and **Nailab.** This phenomenon is replicated all over African cities**.**

Even with these new opportunities, the app developers face several challenges:

(a)   **Lack of information on protection of innovations**

Most youths lack awareness on Intellectual Property protection available for the protection of mobile applications and innovations. A number have lost out on exploitation of the applications because the use of IP of any sort is still limited in the sector. Access to IP information on demand will assist the developers obtain value for their works if offered within their networks and onlines.

(b)   **The lack of recognition of intellectual property asset as collateral for obtaining credit/capital**

Financial institutions in Africa haven't yet recognized software and IP as valuable assets for the purpose of offering credit. The intellectual property owners too do not recognize it as an asset

that can be offered to the financial institutions as collateral. The project can assist in asset valuation and creation of funding options for Software developers.

(c)   **Limited enforcement of IP**

The developers have neither skills nor knowledge of the laws for the protection of their Intellectual Property Rights.

LINK TO CDIP RECOMMENDATIONS

The project will link with the following CDIP RECOMMENDATIONS:

RECOMMENDATION 11

To assist Member States to strengthen national capacity for protection of domestic creations, innovations and inventions and to support development of national scientific and technological infrastructure, where appropriate, in accordance with WIPO's mandate.

RECOMMENDATION 23

To consider how to better promote pro-competitive intellectual property licensing practices, particularly with a view to fostering creativity, innovation and the transfer and dissemination of technology to interested countries, in particular developing countries and LDCs.

RECOMMENDATION 24

To request WIPO, within its mandate, to expand the scope of its activities aimed at bridging the digital divide, in accordance with the outcomes of the World Summit on the Information Society (WSIS) also taking into account the significance of the Digital Solidarity Fund (DSF).

RECOMMENDATION 27

Facilitating intellectual property -related aspects of ICT for growth and development: Provide for, in an appropriate WIPO body, discussions focused on the importance of intellectual property -related aspects of ICT, and its role in economic and cultural development, with specific attention focused on assisting Member States to identify practical intellectual property -related strategies to use ICT for economic, social and cultural development.

RELATION TO SUSTAINABLE DEVELOPMENT GOALS (SDGS)

The project can contribute towards the progress towards of a number of United Nations SDGs identified below:

Goal one - No poverty

Goal 2 - Zero Hunger

Goal 3 - Good health and Well being

Goal 8 - Decent work and Economic Growth

Goal 9 - Industry Innovation and Infrastructure

Apart from the CDIP recommendations and the SDGS, the Project can achieve the following practical objectives:

1. Creating linkages between IP institutions and creative hubs;

2. Develop outreach program and training material for the sector for creators in the software sector;

3. Examine measures to support uptake of IP and access to Intellectual Property information for the sector; and

4. Measures to support the use of the Intellectual Property assets as collateral in African countries.

[End of Annex and of document]