

**WRITTEN STATEMENT OF THE KENYA COPYRIGHT BOARD (KECOBO) TO THE
WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO) SECRETARIAT ON
THE WIPO CDIP PROJECT ON THE USE OF IP IN THE SOFTWARE SECTOR
PRESENTED DURING THE 28TH SESSION OF THE CDIP MEETING HELD ON THE
17TH DAY OF MAY 2022.**

Introduction

On 14th March 2018, the WIPO Secretariat received a project proposal from the Kenya Copyright Board entitled "Enhancing the Use of IP in the Software Sector in African Countries". The proposal is available [here](https://www.wipo.int/edocs/mdocs/mdocs/en/cdip_21/cdip_21_7.pdf) https://www.wipo.int/edocs/mdocs/mdocs/en/cdip_21/cdip_21_7.pdf . After much deliberation, the proposal was approved, and the project name changed to enhance its scope in content and geographical reach. The project was therefore renamed to, "Enhancing the Use of Intellectual Property in the Software Sector". More information on this [can be found here](https://www.wipo.int/edocs/mdocs/mdocs/en/cdip_22/cdip_22_8.pdf) https://www.wipo.int/edocs/mdocs/mdocs/en/cdip_22/cdip_22_8.pdf . The widened geographical scope saw the beneficiary countries drawn from Africa (Kenya), Asia (The Philippines), and the Caribbean (Trinidad and Tobago).

Upon the identification of the beneficiary countries and nomination of focal points, the next stage of the project was the carrying out of the scoping study. The complete study is available [here](https://www.wipo.int/export/sites/www/ip-development/en/agenda/pdf/scoping_study_mobile_apps.pdf) https://www.wipo.int/export/sites/www/ip-development/en/agenda/pdf/scoping_study_mobile_apps.pdf. This was supervised, coordinated, and prepared by Dr. Noam Shemtov of Queen Mary University, London.

Deliverables

After the completion of the scoping study, the focal points from the three beneficiary countries held a meeting together with the project co-ordinator, Mr. Dimiter Gantchev as well as Dr. Noam Shemtov to chart the way forward. It was agreed to maintain the project deliverables which were as follows:

- a) Publication and translation of the WIPO publication on IP and Mobile Applications.

- b) Typology of various IP rights relevant to protect mobile applications, including where applicable copyright, patent, utility model, trademark, design, and trade secrets.
- c) Training module on the role of IP in the development and commercialization of mobile applications (including on accessing third party information and using third party protected subject matter, as well as on how IP can be used as a means to raise capital and secure investments).
- d) Training module on key contracts in the mobile applications sector, including End User License and App Developer Agreements.
- e) Training modules on mediation and arbitration in the software sector to be developed in cooperation with WIPO's Arbitration and Mediation Center (one for mobile applications developers and entrepreneurs and a more advanced course for lawyers and government officials).
- f) Mentoring program connecting experienced business leaders and specialized lawyers volunteering to assist software start-ups in the beneficiary countries.
- g) IP toolbox for use in the project beneficiary countries and to be replicated in other interested countries, including through a WIPO Academy distance learning course for software sector professionals.
- h) Two workshops in each of the beneficiary countries (first workshop to launch the project with local stakeholders; second workshop to validate final deliverables).
- i) Video conferences with project beneficiaries whenever requested to further the above activities and deliverables.

We are happy to report that 99% the deliverables were successfully achieved. Kenya held her first workshop to launch the project on January 13-15, 2020. It was however not possible to hold the second workshop (physically) to validate the final deliverables due to the outbreak of the COVID-19 pandemic which saw restrictions in movement and gatherings. There was however a silver lining to this because it was possible to utilize the resources to develop other tools not initially envisaged at the inception of the project. The additional tools include:

- a) WIPO Tool on the Financing of Intellectual Property-Based Mobile Apps
- b) Open Source for Mobile Apps
- c) A Guide to Data Protection in Mobile Applications

Webinars

KECOBO, in conjunction with WIPO also organized webinars where experts from across the globe were invited to speak to the software developers and industry stakeholders in the course of 2021. The first webinar was held on April 22, 2021 and focused on Key Contracts in software development. The second webinar was held on June 24, 2021 and focused on the role of Intellectual Property in the development and commercialization of mobile apps in Kenya. The third and final webinar was held on September 16, 2021 and focused on the use of Alternative Dispute Resolution in addressing software disputes. The final validation meeting was also held online on the 14th day of January 2022 in which focal points gave their final remarks about the project. Beneficiaries of the project from the three countries also gave their remarks on the usefulness of the project.

Conclusion

The Kenya Copyright Board and by extension, the Kenyan government are most grateful to the WIPO Secretariat for considering positively the proposal of this project and for its support throughout its course. We now have valuable information which, as an administrator of copyright charged with among other responsibilities, the training and creation of awareness on copyright and IP among rightsholders, will not hesitate to disseminate this information for the benefit of the software developers and the public. We have already conducted a physical workshop for software developers and the tools were very useful for us. We have seen greater, active participation from the attendees in the physical workshop in comparison to the online webinars. This means that going forward, the tools developed will continue to be used for the benefit of the industry. We remain most grateful and kindly request the secretariat to report on any follow up activities to ensure the sustainability of the results of the project.

Thank you.

