

HARNESSING FRONTIER TECHNOLOGIES FOR EFFECTIVE ADMINISTRATION OF COPYRIGHT IN KENYA, OPPORTUNITIES AND CHALLENGES

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OUTLINE

1. Bottlenecks in the effective administration of copyright
 - a) Copyright registration – possibility of double registration
 - b) CMO management – lack of effective collection and distribution
 - c) Online Copyright Infringement
2. Frontier technologies as the solution
3. Challenges that come with frontier technologies
 - a) Data protection
 - b) Possible to circumvent
 - c) TPMs may not recognize works used with permission

Copyright registration in Kenya

- <https://nrr.copyright.go.ke/>



Kenya National Rights Registry Portal

The National Rights Registry (NRR) portal is the central repository collating details pertaining to ownership of various copyright works. This portal is used by copyright holders allowing them to register and view/download copyright certificates. The portal allows rights holders of the following types of works: music, video, spoken word, literary works etc.

Create Account



Sign In



Search Copyright Database



Check out our [FAQ Section](#) for more information.

Collective administration of copyright

Major challenges

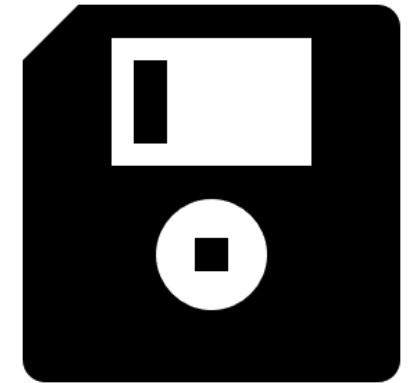
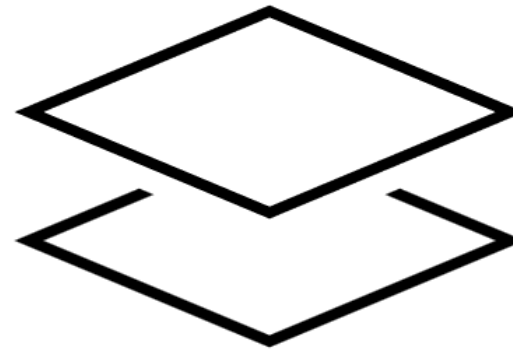
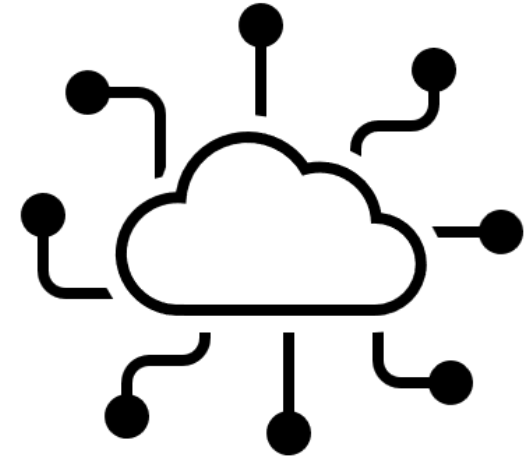
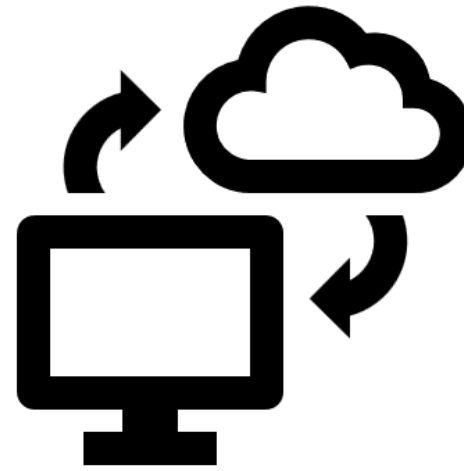
Registration of members/works

Collection and distribution of royalties

Compliance with statutory requirements e.g., tax

Online copyright infringement

- Lack of tools to assist in investigating online infringement claims
- Infringement of software – open source





Frontier technologies' solution/Opportunities

- Fingerprinting already registered works to avoid the possibility of registering the same again
- Apart from the National Rights Registry, and the fact that copyright registration is voluntary, CMOs could employ tools that ensure effective collection and distribution.
- Enforcement of copyright in the digital/online spaces – employ frontier technologies e.g blockchain/smart contracts alongside innovative business models.

Challenges

- Data protection
 - Effective enforcement may conflict with some data protection principles for instance privacy. (s. 25 (a) processed in accordance with the right to privacy of the data subject;
 - Courts have found that some orders of IP enforcement may interfere with the enjoyment of data rights of individuals . For Instance, Arnold J observed that ‘The grant of the order sought will invade their privacy and impinge upon their data protection rights’. This was in **Golden Eye (International) Limited v Telefonica UK Limited [2012] EWHC 723, [119]**

Challenges cont'd

- Similarity checkers may not be able to identify when the work is used with permission, or in case of a literary work the context in which the words have been used.
– YouTube Content ID
- The possibility of circumventing Technological Protection Measures (TPMs) calls for other innovative business ideas.

Thank you

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