



**anti  
counterfeit  
authority**

*Upholding Authenticity*

**3<sup>rd</sup>** **STRATEGIC PLAN**  
**FY 2022/23 – 2026/27**

## Anti-Counterfeit Authority (ACA)

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*Designed & Printed by:*

### **KENYA LITERATURE BUREAU**

PUBLISHERS AND PRINTERS

**HEAD OFFICE AND PRINTING PRESS** || Belle-Vue Area, KLB Road, Off Popo Road • P.O. Box 30022-00100 GPO, Nairobi  
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# DEFINITION OF TERMS

## Terms

### Core values

### Counterfeiting

### Goal

### Intellectual property

### Mission

### Output

### Performance indicator

### Situation analysis

### Vision

## Definition

Fundamental rules by which an organisation conducts business.

Dealing in goods or services for gain without the authority of the intellectual property owner to defraud consumers by passing it for the original or genuine good or service.

High level statement of achievement of a strategic objective.

Creations of the mind such as inventions; literary and artistic works designs and symbols, names and images used in commerce.

The reason for an organisation's existence.

The product or service that an organisation delivers.

A measure used to assess the performance of the Authority in service delivery.

Assessment of the Authority's internal and external environment.

A vibrant, compelling image of the desired future of the Authority or the impact that the Authority aims to create in combatting counterfeiting.

# ABBREVIATIONS AND ACRONYMS

---

<b>ACA</b>	Anti-Counterfeit Authority
<b>ADR</b>	Alternative Dispute Resolution
<b>AIA</b>	Appropriation in Aid
<b>AIMS</b>	ACA Integrated Management System
<b>ARIPO</b>	African Regional Intellectual Property Organisation
<b>ASK</b>	Agricultural Society of Kenya
<b>BASCAP</b>	Business Action to Stop Counterfeiting and Piracy
<b>BSC</b>	Balanced Score-Card
<b>COC</b>	Certificate of Conformity
<b>CSR</b>	Corporate Social Responsibility
<b>DCI</b>	Directorate of Criminal Investigations
<b>EAC</b>	East African Community
<b>EALA</b>	East African Legislative Assembly
<b>ERP</b>	Enterprise Resource Planning
<b>GDP</b>	Gross Domestic Product
<b>ICDN</b>	Inland Container Depot Nairobi
<b>ICT</b>	Information, and Communication Technology
<b>IEC</b>	Information Education and Communication
<b>INTA</b>	International Trademark Association
<b>Interpol</b>	International Criminal Police Organisation
<b>IP</b>	Intellectual Property
<b>IPMAS</b>	Integrated Product Marking Authentication System
<b>IPR(s)</b>	Intellectual Property Right(s)
<b>ISO</b>	International Organisation for Standardisation
<b>KAM</b>	Kenya Association of Manufacturers
<b>KEBS</b>	Kenya Bureau of Standards
<b>KeCoBo</b>	Kenya Copyright Board
<b>KENTRADE</b>	Kenya Trade Network Agency
<b>KEPHIS</b>	Kenya Plant Health Inspectorate Service
<b>KEPSA</b>	Kenya Private Sector Alliance
<b>KIPI</b>	Kenya Industrial Property Institute
<b>KNCCI</b>	Kenya National Chamber of Commerce and Industry

<b>KPI</b>	Key Performance Indicator
<b>KRA</b>	Kenya Revenue Authority
<b>KRAs</b>	Key Result Area(s)
<b>MCDAs</b>	Ministries, Counties, Departments and Agencies
<b>MITI</b>	Ministry of Investments, Trade and Industry
<b>MOU</b>	Memorandum of Understanding
<b>MSMEs</b>	Micro Small and Medium Enterprises
<b>NACADA</b>	National Authority for the Campaign Against Alcohol and Drug Abuse
<b>NCAJ</b>	National Council on the Administration of Justice
<b>ODPP</b>	Office of the Director of Public Prosecutions
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>OGAs</b>	Other Government Agencies
<b>OP-ED</b>	Opposite the Editorial Page
<b>PCPB</b>	Pest Control Products Board
<b>PESTEL</b>	Political, Economic, Social, Technological, Environmental and Legal
<b>PPB</b>	Pharmacy and Poisons Board
<b>PVOC</b>	Pre-export Verification of Conformity
<b>SCAC</b>	State Corporations Advisory Committee
<b>SCOT</b>	Strengths, Challenges, Opportunities and Threats
<b>SDGs</b>	Sustainable Development Goals
<b>SDT</b>	State Department for Trade and Enterprise Development
<b>SO</b>	Strategic Objective
<b>SOPs</b>	Standard Operating Procedures
<b>SRC</b>	Salaries and Remuneration Commission
<b>TMEA</b>	TradeMark East Africa
<b>TRIPS</b>	Agreement on Trade-Related Aspects of Intellectual Property Rights
<b>US</b>	United States
<b>WACD</b>	World Anti-Counterfeit Day
<b>WIPD</b>	World Intellectual Property Day
<b>WIPO</b>	World Intellectual Property Organisation
<b>WTO</b>	World Trade Organisation

## FOREWORD BY THE BOARD CHAIR



Counterfeit products have an economy-wide effect on trade, investment, employment, innovation, the environment and, most importantly, the health and safety of consumers. They also hurt the company's brand image resulting in a loss of revenue for industry and the government. They destroy investor confidence, jeopardize public safety, undermine legitimate businesses and harm national interests.

The INTA-BASCAP (2017) estimates that this rapidly growing counterfeit trade was valued at between US\$ 923 billion and US\$ 1.13 trillion in 2013 and was expected to reach US\$ 1.90-2.81 trillion by 2022 worldwide. In Kenya, it was estimated by KAM that manufacturers were losing 40% of sales in 2011 while ACA gave an estimate of 15.6% in 2017.

Counterfeiting is one of the biggest threats and impediments to realization of the government's Big 4 Agenda and the long-term development programme, referred to as the Kenya Vision 2030. The Authority has put in place measures to combat the vice and to contribute to the realization of the Big 4 Agenda. These measures include enforcement, public awareness, training and research.

As a result of the above measures, the Authority has, since its inception in 2010, seized goods worth over Kshs 3.4 billion, destroyed counterfeit goods worth about Kshs 902 million and prosecuted about 432 cases in court.

Addressing counterfeiting and, indeed, illicit trade requires a multi-agency approach. The Authority will continue to coordinate with national, regional and international law enforcement agencies on



enforcement, public awareness and research to ensure that the vice is dealt with more sustainably and effectively. On this basis, the Authority continues to support the national action plan to combat illicit trade which has been guiding the multi-agency teams on enforcement and public awareness to effectively address this issue.

This strategic plan has been aligned to the national action plan to combat illicit trade and the government's policy to combat counterfeiting and other forms of illicit trade. It has been designed to make a significant contribution towards supporting local manufacturing in all sectors of our economy. Our desire is to see thriving enterprises founded on authenticity, credibility and alertness.

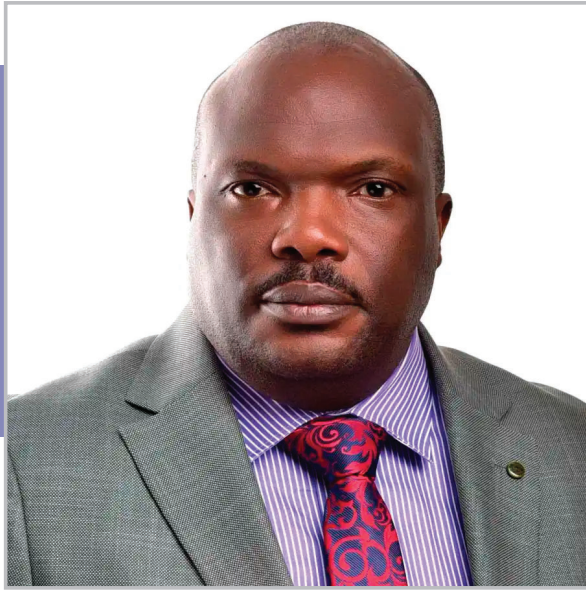
The Authority's Board of Directors is committed to ensuring the successful implementation of this strategic plan. It will continuously provide an enabling environment to enable management and staff to realise their pursuit of a counterfeit-free Kenya.

Hon Josphat Gichunge Kabeabea  
**CHAIRMAN, BOARD OF DIRECTORS**



**ACA Board Of Directors**  
**Retreat At Pride Inn Convention Centre**

## PREFACE BY EXECUTIVE DIRECTOR



I am honoured to outline for you Anti-Counterfeit Authority's 3rd Strategic Plan. Our 3rd strategic plan focus on leveraging technology to combat counterfeiting coincides with the Kenya Kwanza Government's plan to harness technology to improve service delivery to the public.

In the past, the Authority had concentrated its efforts on enforcement which led to arrests, prosecution, and destruction of seized goods, resulting in a negative public image. The new strategic plan envisages re-engineering of enforcement function to be responsive to the needs of owners of intellectual property, consumers, and the local manufacturing sector.

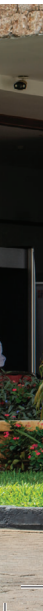
The health and safety of our people is central in the fight against counterfeiting, and this has informed our conscious decision to pay more

attention to awareness and public engagement.

The strategic plan highlights our priority areas for the next five years while taking cognizance of past experiences, challenges, risks and opportunities. The Plan is a culmination of extensive engagement with internal and external stakeholders. The focus areas are, therefore, a reflection of the feedback provided by our stakeholders.

The Plan aims to strengthen the Authority's operational efficiency and effectiveness and improve its image as a formidable player in the battle against counterfeit goods. This supports the economic growth in line with the Kenya Kwanza Government's manifesto and priority, Kenya Vision 2030; as well as Africa Agenda 2063 and United Nation's Sustainable Development Goals.

The four (4) strategic priorities (or key result areas)





outlined in the 3rd Strategic Plan are:

**Key Result Area 1:** Enhance strategic repositioning;

**Key Result Area 2:** Re-engineer and deliver effective enforcement of intellectual property rights;

**Key Result Area 3:** Foster data driven planning, research and policy; and

**Key Result Area 4:** Enhance institutional capacity and sustainability.

These priority areas are accompanied by six (6) strategic objectives. These are: -

1. To engage with key stakeholders to increase the level of awareness about counterfeiting;
2. To build strategic alliances with domestic and international partners;
3. To enhance IPR compliance for business efficiency;
4. To plan and enhance data-driven decision-making to inform policy, awareness and enforcement;
5. To enhance institutional capacity and sustainability; and
6. To develop a service-level culture

On behalf of all the staff, we commit to executing this strategic plan and urge for requisite resource support. Key aspects of implementing this plan include monitoring and evaluation, as well as keeping stakeholders informed of its progress. The envisioned technological tools we plan to deploy, will be key components of this commitment.

I take this opportunity to sincerely thank the entire team involved in the review and preparation of this Strategic Plan, including the immediate former Chairperson, Ms. Flora Mutahi, Board of Directors, Management, staff and all the stakeholders for their commitment during the process. Special thanks go to the Strategic Plan steering committee composed of ACA, KEBS and the State Department for Trade that spearheaded the development of this plan.

We are confident our new Chairman will steer the Authority to realize the aspirations of this strategic plan.

We are set to attain the goals elaborated in the strategic plan and look forward to our stakeholders' and employees' continued engagement and feedback.

Together we can make Kenya "A Counterfeit Free Country".

Dr. Robi Mbugua Njoroge  
**EXECUTIVE DIRECTOR/CEO**





## VISION

A counterfeit-free Kenya



## MISSION

Promote legitimate trade through the enforcement of Intellectual Property Rights.

## CORE VALUES

Anti Counterfeit Authority

A

**AUTHENTICITY**  
We will uphold authenticity and cultivate authentic values while discharging our constitutional and statutory duty.

C

**CREDIBILITY**  
We uphold high levels of honesty, ethical standards, fairness, respect and courtesy in service delivery

A

**ALERTNESS**  
We are committed to paying close and continuous attention, vigilance and watchfulness while supporting, protecting and promoting IPR and consumer rights.



## MOTTO

Upholding Authenticity

# EXECUTIVE SUMMARY

**T**he Anti-Counterfeit Authority is the principal government agency mandated to prohibit trade in counterfeit goods in Kenya. The Authority was established by the Anti-Counterfeit Act, 2008 and commenced its operations in the year 2010.

The Second Strategic Plan 2017-2022 was developed and later realigned with the government's Big 4 Development Agenda. The revised Plan (2019-22) focused on three priority areas, namely: Data-driven awareness, enforcement and prosecution; Strengthen institutional capacity and productive stakeholder engagement. Supporting these three priority areas were ten strategic objectives, namely: -

1. To change consumer perception and attitudes against counterfeits;
2. To promote intelligence-led enforcement and enhance the efficiency and effectiveness of investigation and prosecution processes;
3. To ensure the safety and accountability of seized goods;
4. To develop a mechanism for continuous intelligence gathering;
5. To mobilise and optimise use of financial resources;
6. To strengthen internal processes through promotion of good governance, risk management and ISO compliance;
7. To elevate ICT to drive strategic interventions;
8. To foster a strong result-oriented culture and customer focus;
9. To strengthen stakeholder capacity; and
10. To strengthen inter-agency collaboration.

The Plan had 21 key performance indicators organised around the four balanced scorecard parameters of financial perspective, customer focus, internal business process and learning and

growth. The implementation rate for the Second Plan was 89%.

The major milestones achieved in the period were: -

- Developed a collaborative framework through the National Action Plan to Combat Illicit Trade 2019/22;
- Developed the ACA Integrated Management System and undertook the National Baseline Survey on counterfeiting and other forms of illicit trade with funding from DFID through TMEA;
- Decentralised ACA services to cover both the Eldoret airport and JKIA, and 6 designated land border stations (Malaba, Namanga, Busia, Isebania, Lungalunga, Moyale and Mandera);
- Increased the level of public awareness on anti-counterfeiting from 61% to 66% and withdrew counterfeit goods worth over Kshs.1.6 billion from the market;
- Strengthened the Anti-Counterfeit Act and Regulations to address new and emerging issues.

The key lessons learnt from the Second Strategic Plan were: -

- It is important to continuously lobby for collaboration and support from stakeholders to address policy, political and social issues;
- There is need for continuous resource mobilisation to address financial gaps; and
- There is need to enhance the monitoring, measurement and evaluation framework.

The third strategic plan was prepared through a consultative process, coordinated by the strategic plan steering committee composed of officers from ACA, KEBS and our parent Ministry. This process included the review of policy documents, environmental scanning, review of the Authority's organisational structure, functions, core values, vision and mission statements and incorporation

of stakeholders' views. The ACA Board played a critical role in charting the strategic direction and reviewing every stage of the process.

The overarching goal of the Authority is to prohibit counterfeiting in Kenya to support creativity and innovation, domestic industrial growth and investment. In the 2022/23 - 2026/27 Plan period, the Authority will focus on the following key result areas:

**Key Result Area 1:** Enhance strategic repositioning for influence

**Key Result Area 2:** Re-engineer and deliver effective enforcement of intellectual property rights

**Key Result Area 3:** Foster data-driven planning, research and policy

**Key Result Area 4:** Enhance institutional capacity and sustainability

These key result areas are accompanied by the following six (6) strategic objectives: -

1. To engage with key stakeholders to increase the level of awareness about counterfeiting;
2. To build strategic alliances with domestic and international partners;
3. To enhance IPR compliance for business efficiency;
4. To plan and enhance data-driven, decision making to inform policy, awareness and enforcement;
5. To enhance institutional capacity and sustainability; and
6. To develop a service-level culture.

This Strategic Plan will be implemented through initiatives and activities formulated into an

implementation and monitoring and evaluation matrices. The balanced score card will be used as the tool for deployment, execution and monitoring of the implementation of this strategy throughout the organisation.

We forecast that the implementation of this Plan will require **Kshs. 4.07 billion** over the five years. The Authority expects to receive **Kshs. 3.03 billion** from the exchequer, while the balance of Kshs. **1.04 billion** will be raised through development partners and A-in-A.

Currently, the Authority has a staff establishment of 250. However, to implement the strategy, we will require 436 staff members against an in-post of 106 in order to implement recordation programme that requires 24-hour service delivery and other programs.

The monitoring and evaluation process will be undertaken both at the Board and Management levels. The Directorate of Research, Planning and Public Awareness (RePPAD) will coordinate monitoring, evaluation and reporting on the implementation of the strategic plan to the management. The nature and scope of reporting will include:

- (a) Progress made in implementation against what was planned;
- (b) Causes of deviation from the plan, if any;
- (c) Areas of difficulties and suggested solutions to challenges that may adversely affect implementation; and
- (d) Proposed corrective measures.

# CHAPTER ONE

## INTRODUCTION

### 1.1 Mandate of ACA

The Anti-Counterfeit Authority (ACA) is the government agency responsible for prohibiting counterfeiting in Kenya. It was established under the Anti-Counterfeit Act No. 13 of 2008 and became operational on 1<sup>st</sup> June, 2010. The ACA transitioned from an “agency” into an “authority” following amendments to the Anti-Counterfeit Act in 2018 which subsequently came into effect on 18<sup>th</sup> January, 2019. The amendments were incorporated into the Statute Law (Miscellaneous Amendments) Act of 2018.

### 1.2 Functions of ACA

The mandate of the Anti-Counterfeit Authority is to prohibit trade in counterfeit goods. The specific functions, as per Section 5 of the Anti-Counterfeit Act, are to:

1. Enlighten and inform the public on matters relating to counterfeiting;
2. Combat counterfeiting, trade and other dealings in counterfeit goods;
3. Devise and promote training programmes to combat counterfeiting;
4. Co-ordinate with national, regional or international organisations involved in combatting counterfeiting;
5. Advise the government through the Cabinet Secretary on policies and measures concerning the necessary support, promotion and protection of intellectual property rights as well as the extent of counterfeiting;
6. To carry out inquiries, studies and research into matters relating to counterfeiting and the protection of IPR.
7. Carry out any other functions prescribed for it under any of the provisions of this Act or

# COSTS AND CONSEQUENCES OF COUNTERFEITING



Health and safety risks



Slowed growth due to loss of trade revenue, loss of jobs, loss of tax revenue



Costs to seize, store and destroy pirated goods



Revenue profits support organized crime and labour exploitation



Increased spending on countermeasures



Dilution of brand value and image



# CHAPTER TWO

## Strategic Model

### 2.1 Overview

This chapter gives the strategic model guiding the Authority towards delivery of its mandate. It provides the vision, mission, core values, the Key Result Areas, strategic objectives and strategies that will be employed to realise its goals.

### 2.2 Vision, Mission and Core Values

**Vision**  
A counterfeit free Kenya.

#### **Mission**

Promote legitimate trade through the enforcement of Intellectual Property Rights.

#### **Core Values (ACA)**

**Authenticity:** We will uphold authenticity and cultivate authentic values while discharging our

constitutional and statutory duty. We will be guided by data driven facts in our operations.

**Credibility:** We uphold high levels of honesty, ethical standards, fairness, respect and courtesy in service delivery.

**Alertness:** We are committed to paying close and continuous attention, vigilance and watchfulness while supporting, protecting and promoting IPR and consumer rights.

### 2.3 Key Result Areas, Strategic Objectives and Strategies

The Authority has identified four (4) Key Result Areas with the corresponding strategic objectives and strategies for effective implementation of the Strategic Plan.

The key result areas and their strategic objectives are as follows:

Key Result Areas (KRAs)	Strategic objectives
1. Enhance strategic repositioning	1. To engage with key stakeholders to increase the level of awareness about counterfeiting. 2. To build strategic alliances with domestic and international partners
2. Re-engineer and deliver effective enforcement of intellectual property rights	3. To enhance IPR compliance for business efficiency
3. Foster data-driven planning, research and policy	4. To plan and enhance data driven decision making to inform policy, awareness and enforcement
4. Enhance institutional capacity and sustainability	5. To enhance institutional capacity and sustainability 6. To develop a service-level culture.

Table 3 below presents the KRAs, strategic objectives, strategies, and initiatives.

**Table 3: KRAs, Strategic Objectives, Strategies, and Initiatives**

Key Result Area	Strategic Objective	Strategy	Initiatives
Key Result Area 1: Enhance strategic repositioning	1.1 To engage with key stakeholders to increase the level of awareness about counterfeiting	1.1.1 Promote public awareness through outreach programs	1.1.1.1 Review and implement education, public awareness and communication strategy
			1.1.1.2 Devise and implement sector-specific outreach programs
			1.1.1.3 Develop and disseminate IEC materials
			1.1.1.4 Prepare and release state of the counterfeiting report for discussion with the Cabinet Secretary for MITI
	1.1.2 Mainstream issues of counterfeiting in learning institutions		1.1.2.1 Engage stakeholders
			1.1.2.2 Develop an implementation plan
			1.1.2.3 Implement the action plan
	1.1.3 To support coordination role of the Authority in multi-agency initiative to combat illicit trade.		1.1.2.4 Monitoring and evaluation
			1.1.3.1 To revise the National Action Plan to Combat Illicit Trade (NAPCIT) under MITI
			1.1.3.2 To finalize the MOUs between all the agencies under the multi-agency initiative
	1.2 To build strategic alliances with domestic and international partners	1.2.1 Review and implement a stakeholder engagement framework	1.1.3.3 To include Pharmacy & Poisons Board in the multi-agency team to improve surveillance against counterfeit medicine
			1.2.1 Develop and implement a stakeholder engagement framework
			1.2.2 Lobby for policy support
			1.2.3 Review existing collaborative frameworks
			1.2.4 Identify new and emerging areas for partnerships

Key Result Area	Strategic Objective	Strategy	Initiatives
		1.2.2 Devise and promote training and sensitization programs to build stakeholder capacity	<ul style="list-style-type: none"> <li>1.2.2.1 Establish a training academy and implement training programs</li> <li>1.2.2.2 Review and accredit the training curriculum</li> <li>1.2.2.3 Plan and undertake training of trainers</li> <li>1.2.2.4 Undertake stakeholder-mapping for training needs</li> <li>1.2.2.5 Plan &amp; undertake targeted training</li> <li>1.2.2.6 Conduct M&amp;E for each training</li> <li>1.2.2.7 Conduct product knowledge training</li> <li>1.2.2.8 Devise and promote sensitization forums to build stakeholder capacity</li> <li>1.2.2.9 Provide business support</li> </ul>
		1.2.3 Improve and uphold the corporate image of the Authority	<ul style="list-style-type: none"> <li>1.2.3.1 Develop a call centre with automated predefined responses</li> <li>1.2.3.2 Review and implement ACA branding plan</li> <li>1.2.3.3 Review and implement ACA CSR framework</li> <li>1.2.3.4 Establish and implement stakeholder recognition awards</li> <li>1.2.3.5 Contribute to policy and legislative agenda touching on IP and counterfeiting</li> </ul>

Key Result Area	Strategic Objective	Strategy	Initiatives
<p><b>Key Result Area 2:</b> Re-engineer and deliver effective enforcement of intellectual property rights</p>	<p>2.1 To enhance IPR compliance for business efficiency</p>	<p>2.1.1 Enhance intelligence-led enforcement</p> <p>2.1.2 Enhance sustainability of anti-counterfeit efforts through implementation of recordation program</p>	<p>2.2.1.1 Improve complaint laying procedures to achieve efficiency</p> <p>2.1.1.2 Develop an intelligence-led investigations policy</p> <p>2.1.1.3 Establish and operationalize intelligence-led function</p> <p>2.1.1.4 Establish and operationalize product labels forensic laboratory</p> <p>2.1.1.5 Develop and implement measures to deal with on-line counterfeiting</p> <p>2.1.1.6 Conduct market compliance checks</p> <p>2.1.1.7 Prioritize, evaluate, investigate and conclude anti-counterfeit complaints/cases</p> <p>2.1.2.1 Establish a recordation function</p> <p>2.1.2.2 Recruit and sensitize stakeholders</p> <p>2.1.2.3 Enforce the recordation regulations 2.1.2.6</p> <p>Implement mandatory recordation for all goods imported into Kenya</p>
			<p>2.1.2.7 Implement declaration of imports and include KENTRADE'S Single Window System for all eligible Harmonised System (HS) codes by December, 2023</p>

Key Result Area	Strategic Objective	Strategy	Initiatives
		<p>2.1.3 Strengthen legal framework through periodic review of strategy, policy, legal and regulatory framework to support local manufacturing and other sectors</p>	<p>2.1.3.1 To review the Anti-Counterfeit Act and regulations to bring them in conformity with the Constitution, policy, stakeholder's expectations, market realities, evolving trends and changing legal environment</p> <p>2.1.3.2 To review recordation regulations (2021) and address legal challenges identified during the implementation process</p> <p>2.1.3.3 Identify, develop and operationalize pending rules and regulations (such as ADR and compounding) to give effect to the Anti-Counterfeit Act</p> <p>2.1.3.4 Review and implement regulations for proper disposal of counterfeit goods</p> <p>2.1.3.5 Develop regulations for the proper and effective control, management and administration of a counterfeit goods depot</p>
<p><b>Key Result Area 3:</b> Foster data driven planning, research and policy</p>	<p>3.1 To plan and enhance data driven decision making to inform policy, awareness and enforcement</p>	<p>2.1.4. Strengthen dispute resolution mechanisms</p> <p>3.1.1 Enhance efficiency in planning, research and knowledge management programs</p>	<p>2.1.4.1 Enhance the Alternative Dispute Resolution (ADR) processes for effective resolution of disputes</p> <p>3.1.1.1 Develop and implement the research, science, technology and innovation strategy</p> <p>3.1.1.2 Advance the Authority's knowledge management</p> <p>3.1.1.3 Coordinate the planning, development, implementation and monitoring of corporate plans</p>
	<p>3.1.2 Develop and implement an analytical framework for advisory opinions</p>		<p>3.1.2.1 Conduct research to support awareness and enforcement</p> <p>3.1.2.2 Leverage on other research outputs globally for policy recommendations</p>

Key Result Area	Strategic Objective	Strategy	Initiatives
Key Result Area 4: Enhance institutional capacity and sustainability	4.1 To enhance institutional capacity and sustainability	4.1.1 Enhance operational efficiency	3.1.2.3 Develop and disseminate periodic policy briefs to the Cabinet Secretary of the parent ministry
			3.1.2.4 Issue technical snippets on key areas affecting the business environment
			3.1.2.5 Initiate and organize a research conference on counterfeiting
			3.1.2.6 Initiate and publish research papers in a journal with circulation across Africa
			4.1.1.1 Review and implement a fit for purpose organizational structure and staff establishment
			4.1.1.2 Develop and implement a decentralization operational strategy
Key Result Area 4: Enhance institutional capacity and sustainability	4.1 To enhance institutional capacity and sustainability	4.1.2 Enhance sustainability of anti-counterfeiting efforts through implementation of recordation program	4.1.1.3 Build the capacity of staff
			4.1.1.4 Provide physical infrastructure
			4.1.1.5 Coordinate development and implementation of corporate plans
			4.1.1.6 Enhance monitoring and evaluation
			4.1.2.1 Review and implement resource mobilization strategy
			4.1.2.2 Mobilize and manage financial resources
Key Result Area 4: Enhance institutional capacity and sustainability	4.1.3 Enhance corporate governance	4.1.3 Enhance corporate governance	4.1.3.1 Continuous capacity building of the board
			4.1.3.2 Review board charter
			4.1.3.3 Conduct corporate governance audit

Key Result Area	Strategic Objective	Strategy	Initiatives
		4.1.4 Strengthen risk management and implementation of ISO standards	<p>4.1.4.1 Review and implement risk management policy and framework</p> <p>4.1.4.2 Implement and maintain a Quality Management System based on ISO 9001</p> <p>4.1.4.3 Establish, implement and maintain a Business Continuity Management System based on ISO 22301</p> <p>4.1.4.4 Establish, implement and maintain an Information Security Management System based on ISO/IEC 27001</p> <p>4.1.4.5 Implement risk-based audit programmes</p>
		5.1.5 Recruit and retain top talent	5.1.5.1 Review recruitment and appointment process
		6.1.6 Develop talent	6.1.6.1 Implement Transformational Leadership and Professional Development Programs
		7.1.7 Strengthen the implementation of the performance management system	<p>7.1.7.1 Review and implement reward and sanction policy</p> <p>7.1.7.2 Review and implement performance management policy</p>
		4.1.8 Leverage on technology	<p>4.1.8.1 Review and implement ICT strategy</p> <p>4.1.8.2 Implement enforcement case and depot management system</p> <p>4.1.8.3 Acquire and implement an ERP system</p> <p>4.1.8.4 Revamp the ACA website to make it more interactive</p>
4.2	To develop a service-level culture	4.2.1 Enhance service-level culture	<p>4.2.1.1 Review and implement culture change program</p> <p>4.2.1.2 Conduct culture change surveys</p>





# CHAPTER THREE

## Monitoring, Evaluation and Reporting

### 3.1 Overview

This chapter details the Authority's monitoring and evaluation framework; performance management and reporting structure, and also the process of carrying out periodic reviews.

### 3.2 Monitoring and Evaluation

The Monitoring, Evaluation and Reporting process will be undertaken both at the Board and Management levels. The nature and scope of reporting will include:

- (a) Progress made in implementation against what was planned;
- (b) Causes of deviation from Plan, if any;
- (c) Areas of difficulties and suggested solutions to challenges that may adversely affect implementation; and
- (d) Proposed corrective measures.

#### 3.2.1 Board Level

Quarterly review meetings will be held between the Senior Management and the Board. During these meetings, the Board will review progress

reports from the Executive Director indicating overall progress made on key strategic objectives.

#### 3.2.2 Management Level

The Directorate of Research, Planning and Public Awareness will coordinate monitoring, evaluation and reporting on the implementation of the strategic plan to the management. The Directorate will provide technical support and facilitate M&E capacity building across the Authority. Management will be required to closely monitor and evaluate all strategies, activities and outcome and present quarterly reports to the board.

### 3.3 Performance Management

The ACA management will monitor and evaluate progress and performance in the achievement of the plan's activities, outputs and outcomes and ensure that the strategic plan intended outcomes are realized. Corrective action will be taken to attend to emerging realities on an on-going basis. The responsibility of achievement of Strategic Plan objectives will be cascaded from the Board to different levels of management as shown in Annex 1

### 3.4 Review of the Strategic Plan

Given the dynamic nature of counterfeiting, implementation of the plan will require a comprehensive review to capture the emerging policy issues for implementation. The mid-term review report will inform any requisite changes required in the programmes and projects for the remaining plan period. At the end of the Strategic Plan period, there will be an end plan review to identify achievements against each set targets, with an overall assessment of performance. There will be a mid-term review of progress in of implementation the Strategic Plan in 2024/2025, and a full review in 2026/2027. The review will also identify challenges encountered and make recommendations to inform the next review and planning process. The Strategic Plan will be implemented through the annual work plans. The reporting shall therefore include the quarterly reports and annual performance reports. The Director for Research, Planning and Public Awareness Directorate will coordinate the preparation of quarterly and annual reports, which will be submitted to the Executive Director for discussion by Management. The Executive Director will prepare periodic progress reports to the relevant committee of the Board and thereafter the full Board

### 3.5 Assumptions, Risks and Risk Management

The preparation of the Strategic Plan took cognisance of the risks that are likely to affect the implementation of the Plan. Moreover, it's envisaged that the various Strategic Objectives of the plan will only be realised if the conditions in the internal and external environment do not change in a way that is not anticipated at the time of preparation of the Plan.

The risks that could impact the strategic plan's implementation were considered during its preparation. Additionally, it is anticipated that the plan's numerous strategic objectives will only be achieved if the internal and external environment's conditions do not alter in a way that was not foreseen when the plan was being developed. Strategic, legal, operational, financial, and technology risks are separated apart.

The risks that can affect how the strategic plan is implemented were taken into account during the planning process. The multiple strategic goals of the plan are also expected to fall short if internal and external situations do not change in a way that was not anticipated when the plan was being created. The risks are grouped as strategic, legal, operational, financial and technological.

The implementation of the Enterprise Risk Management policy will facilitate the identification of risks and mitigation. Other measures will include recruitment and training of staff, proactive stakeholder management, completion of the development project and 100% utilization of requisite facilities and periodic monitoring of the implementation process.

#### 3.5.1 Key Assumptions in the Strategic Plan Development

The following assumptions have been taken into account during the strategy formulation process: -

- The necessary resources required for the implementation of this strategic plan will be available;
- An organizational review will be carried out at the beginning of the planning period to assess the adequacy of the existing organisational structure, ascertain the optimal staffing levels and the competencies required;
- All the projects envisaged during the plan period will be completed and implemented fully within the planned time frames;
- Our key stakeholders shall continue to respond proactively to ACA recommendations on policies and other advice relating to anti-counterfeiting measures Nationally, Regionally and Internationally;
- The necessary amendments to the Anti-Counterfeit Act will be expeditiously passed;
- Adequate policies and guidelines will be developed and implemented to effectively address challenges of counterfeiting in Kenya; and
- Buy in by IPR owners and consumers will be realised at the planned levels.

# 10 most counterfeited products



1  
Shoes/footwear



2  
Clothing and textiles



3  
Leather goods  
including belts,  
wallets and purses



4  
Electrical machinery  
and equipment



5  
Watches



6  
Medical, optical and  
photographic instruments



7  
Perfumes and  
cosmetics



8  
Toys

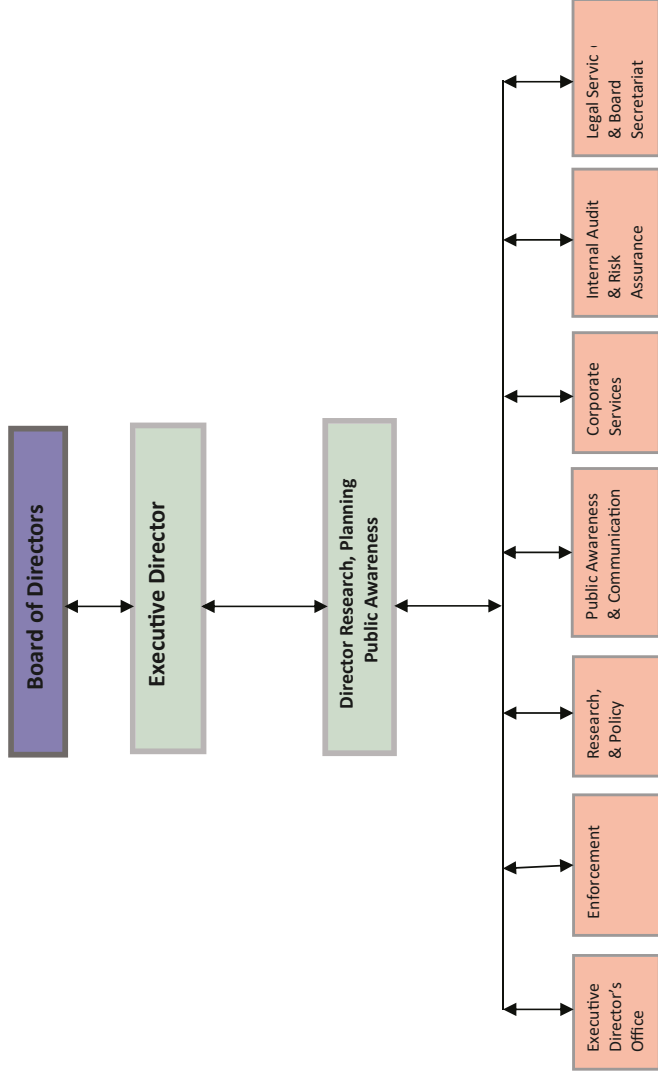


9  
Jewelry



10  
Medicines and  
pharmaceutical products

# Annex 1: Implementation Structure of Monitoring and Evaluation



## Annex 2: Strategic Planning Development Steering Committee

No	Name	Institution	Role
1.	Dr. John Akoten	Anti-Counterfeit Authority (ACA)	Chairman
2.	Anthony Njeru	State Department for Trade	Member
3.	Samson Butichi	Kenya Bureau of Standards (KEBS)	Member
4.	Dr. James Muriuki	Kenya Bureau of Standards (KEBS)	Member
5.	Rephah Kitavi	Anti-Counterfeit Authority (ACA)	Member
6.	Lindsay Kipkemoi	Anti-Counterfeit Authority (ACA)	Member
7.	Elijah Ruttoh	Anti-Counterfeit Authority (ACA)	Member
8.	Agnes Karingu	Anti-Counterfeit Authority (ACA)	Member
9.	Judy Mutuku	Anti-Counterfeit Authority (ACA)	Member
10.	Rose Kiema	Anti-Counterfeit Authority (ACA)	Member
11.	Joseph Kimani	Anti-Counterfeit Authority (ACA)	Member
12.	Katherine Namachi	Anti-Counterfeit Authority (ACA)	Secretary

### Annex 3: Members of the Board

No	Name	Institution	Role
1.	Hon Josphat Gichunge Kabeabea	Independent Director	Chairman
2.	Oliver Konje	State Department for Trade	Member
3.	Anthony Mwangi (alt. Joseph Wairiuko)	Kenya Association of Manufacturers (KAM)	Member
4.	Lt. Col. (Rtd.) Bernard Njiraini	Kenya Bureau of Standards (KEBS)	Member
5.	Scholastica Mbilo	Attorney General's Office	Member
6.	Julius Chege Macharia	Kenya Revenue Authority (KRA)	Member
7.	Magdalene Munyao	Independent Director	Member
8.	Joel Bett	The National Treasury & Planning	Member
9.	James Wang'ombe	Inspectorate of State Corporations	Member
10.	Dr. Robi Mbugua Njoroge	Anti-Counterfeit Authority (ACA)	Executive Director/Board Secretary

## **Annex 4: Our offices**

### **1. Nairobi Head Office**

3rd Floor, National Water Plaza  
Dunga Road/Machakos Road Junction  
P.O. Box 47771-00100 Nairobi.  
Tel: +254-(0)20-2280 000/0717 430640/0733 951375

**Satellite offices** – Inland Container Depot  
Nairobi, Jomo Kenyatta International Airport,  
Mandera, Moyale, Namanga

### **2. Mombasa Regional Office**

Mombasa Trading Centre  
5<sup>th</sup> Floor, Southern Wing  
Nkrumah Road  
P.O. Box 87934-80100 Mombasa  
Tel: +254-(0)41-222 0709

**Satellite offices** – Lungalunga

### **3. Eldoret Regional Office**

3<sup>rd</sup> Floor, Kiptagich Plaza  
Uganda Road  
P.O. Box 10382-30100 Eldoret  
Tel: +254-(0)20-800 0878

**Satellite offices** – Eldoret International Airport

### **4. Kisumu Regional Office**

4th Floor, Alpha House  
Oginga Odinga Street  
Tel: 0208000876

**Satellite offices** – Busia, Isebania, Malaba





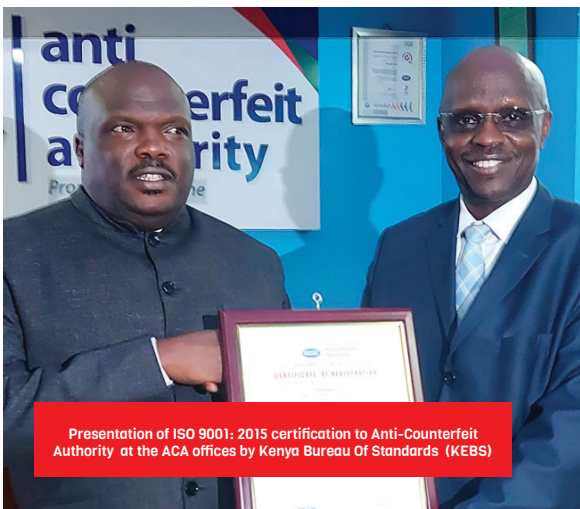
Training of ACA enforcement staff at DCI academy Nairobi



During the handing over ceremony standing centre (Ms. Flora Mutahi) the outgoing chairperson to new chairman standing left (Hon Josphat Kabeabea) standing right (Dr. Robi Mbugua) CEO Anti-Counterfeit Authority at the ACA offices.



Regional cooperation, our CEO during his visit to Uganda at Uganda Registration Service Bureau



Presentation of ISO 9001: 2015 certification to Anti-Counterfeit Authority at the ACA offices by Kenya Bureau Of Standards (KEBS)



Education and public awareness engagement with stakeholders



Education and public awareness engagement with stakeholders