



MITI
MINISTRY OF INVESTMENTS,
TRADE & INDUSTRY



**anti
counterfeit
authority**

Upholding Authenticity



WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ISIPPE-1

1st International Symposium on Intellectual Property Protection and Enforcement

Bomas of Kenya, Nairobi

June 13th -15th 2023

Theme:

**Spurring digital - driven economies by addressing
IP infringement & related forms of illicit trade**

Executive Summary

The upcoming International Symposium on IP Protection and Enforcement holds significant relevance in light of the Anti-Counterfeit Authority's mandate in Kenya. As mandated by the Cabinet Secretary in charge of Investments, Trade, and Industry, the Authority is entrusted with conducting inquiries and research to advise on emerging issues related to intellectual property (IP) and counterfeiting. Moreover, the Authority is required to foster partnerships and collaboration with local, regional, and international entities involved in trade and IP. The symposium aligns perfectly with this mandate and serves as a vital platform to address the challenges and advancements in IP protection and enforcement.

The International Symposium on IP Protection and Enforcement will convene prominent stakeholders, policymakers, legal experts, industry leaders, and international organizations involved in intellectual property and trade. This symposium will serve as a knowledge-sharing and networking platform, fostering discussions and collaborations to tackle the emerging issues of counterfeiting and IP infringement. It will create an opportunity for stakeholders to exchange ideas, share best practices, and explore innovative strategies to strengthen IP protection and enforcement measures.

Counterfeiting and IP infringement pose significant challenges to the economy, industry growth, and consumer welfare. These activities result in substantial financial losses for businesses, compromise product quality and safety, hamper innovation, and undermine consumer trust. It is imperative to address these issues comprehensively and develop effective strategies to combat counterfeiting and protect intellectual property rights.

The International Symposium on IP Protection and Enforcement will feature a series of keynote speeches, panel discussions, and interactive sessions focused on various aspects of IP protection and enforcement. Topics will include emerging trends in counterfeiting, technological advancements in IP enforcement, legal frameworks and enforcement mechanisms, international cooperation and partnerships, and the role of stakeholders in combating counterfeiting.

This symposium will provide an excellent opportunity for the Anti-Counterfeit Authority in Kenya to collaborate with international entities involved in trade and IP. The engagement with global experts and organizations will facilitate the exchange of knowledge, experiences, and best practices. The insights gained from this symposium will strengthen the Authority's ability to carry out inquiries, research, and provide informed advice to the Cabinet Secretary on emerging issues relating to IP and counterfeiting.

In conclusion, the International Symposium on IP Protection and Enforcement is a crucial event for addressing the challenges posed by counterfeiting and IP infringement. It aligns perfectly with the Anti-Counterfeit Authority's mandate in Kenya, emphasizing the need for partnerships, collaborations, and research in addressing emerging issues related to IP and counterfeiting. The symposium will provide a platform for knowledge exchange, fostering discussions among stakeholders, and exploring innovative strategies to enhance IP protection and enforcement.

Cabinet Secretary Foreword

Counterfeiting and Illicit Trade have become an increasingly pervasive threat to our global economy over the past two decades. The World Economic Forum estimates that illicit trade presently deprives the global economy of \$2.2 trillion annually, accounting for nearly three per cent of global gross domestic product (GDP).

In Kenya, a baseline survey on the extent of counterfeiting and other forms of illicit trade by the Anti-Counterfeit Authority showed the size of illicit trade stood at Ksh826 billion in 2018, up from Ksh726 billion in 2017, a rise of 14%.

While in 2019, the value of illicit trade in Kenya stood at Ksh800 billion, translating to 13% of the country's Gross Domestic Product (GDP). The most prominent form of illicit trade is counterfeiting, accounting for 9-10% of illicit trade, translating to a value between KES 90b – KES 100 billion annually. The study further revealed a negative impact on Government revenue loss estimated at KES 129.72 billion in 2017 and KES 153.1 billion in 2018.

The threat of counterfeiting is not just an economic matter, IP infringement goes much further to the health and safety of our consumers through the use of unsafe counterfeit products. Law enforcement agencies also document that counterfeit trade is closely associated with other serious crimes like corruption, smuggling, terrorism and human trafficking.

That is why as a government, we have made the fight against counterfeiting and any other form of illicit trade a priority. We appreciate the Anti-Counterfeit Authority and the Ministry of Industry, Trade and Investment for co-organizing the first International Symposium on Intellectual Property Protection and Promotion (ISIPPE-1) in Kenya.

The government is committed to fostering engagement and public-private dialogues to solve sector-specific priority issues relating to policy, business, and operational challenges with key stakeholders and industry players. We welcome you to be part of this conversation around combating counterfeiting and illicit trade and protecting investments, fair trade and our consumers.



Hon. Moses Kuria

*Cabinet Secretary
Ministry of Investments, Trade & Industry*



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Principal Secretary Message

Innovation has always been a catalyst in any growing economy. It is critical to spurring the manufacturing agenda of any nation. The dream of industrialization can be derailed if there are no policy safeguards in place to shield innovators from Intellectual Property (IP) rights infringements and illicit trade.

Interestingly, over the years, this IPR infringements, counterfeiting and illicit trade have continued to grow despite numerous legislative and regulatory frameworks by employed by governments around the world. Most times, it is attributed to weak legislative and institutional frameworks as well as lack of a collaborative networks to counter the vices.

Kenya, like any other country, is equally affected despite having a robust Intellectual Property Rights protection regime. Kenya was among the founding members of the World Trade Organization (WTO) in 1994 and ratified the implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) in 1998. Part of the minimum standards agreement for member states is putting up measures for IP registration, protection and enforcement through dedicated and functional institutions.

The Anti-Counterfeit Authority being one of the resultant institutions of the TRIPS agreement is mandated by Kenyan law to collaborate with other organizations in the fight against counterfeit trade.

From the economic perspective, the effects of IPR infringement, counterfeiting and illicit trade on the development agenda cannot be ignored. Kenya's Economic Survey 2023 by the Kenya National Bureau of Statistics showed that growth in the manufacturing sector slowed down to 2.7 per cent in 2022 compared to 7.3 per cent in 2021 partly due to increased competition from cheap imports including counterfeits. Elsewhere, data from the Kenya Association of Manufacturers (KAM) shows that in the last five years, a total of 34 local companies have shut down, mostly due to competition from cheap imports including counterfeits.

It is therefore important that decisive actions are taken to face the threat of counterfeit and illicit trade. This symposium presents a timely platform to deliberate turn-around approaches to tackle IP infringement both at the national, regional and global levels and close existing and threatening gaps which criminals continue to exploit.



PS Dr. Juma Mukhwana

*Principal Secretary, State Department
for Industrialization- Ministry of Trade
and Industry*



REPUBLIC OF KENYA

MITI
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Chairman Message

The growth and development of the manufacturing sector have been at the centre of Kenya's development agenda owing to the established already-established correlation between economic development and industrial growth.

The current government has clear agenda on industrial development anchored on supporting small and medium enterprises (SMEs) and growing value chains in agro-processing, and heavy industries such as oil & gas; textile, apparel and leather to realize industrial development.

The role of Intellectual Property in the success of start-ups and innovative SMEs cannot be gainsaid: it allows SMEs to benefit from their creativity and inventiveness by recouping their R&D costs at the same time, creating an incentive for further investment in innovation.

The threat of IP theft to newly incubated industries has made the government to proactively put up strategies to loop in SMEs to appreciate the need to protect their IP to reap from their investments and grow into big corporates.

We have organized this international forum to enhance our collaboration with national and international partners in the IP ecosystem including industry players, and law enforcement agencies, to address the multiple and growing challenges posed by this trade and to promote a fair trading ground for start-ups and the manufacturing sector.

We look forward to establishing effective collaboration strategies, best practices, and the latest brand protection and anti-counterfeiting technologies.



Hon. Josephat Kabebea
Chairperson, Board of Directors

Executive Director Message

Kenya's preparedness in addressing the menace of IP theft is bolstered by the Constitution of Kenya that prescribes respect and protection of IP in Kenya. Alongside this, there are several laws and regulations and a robust multi-agency approach being implemented to ensure IP-infringing products do not impede the country's development progress.

At the forefront of institutional preparedness is the Anti-Counterfeit Authority, a state corporation in Kenya's Ministry of Investments, Trade and Industry (MITI) mandated to combat counterfeiting in Kenya. The Authority employs a multifaceted approach in its coordination efforts touching on enforcement, Research and creation of public awareness.

This year, we are hosting the first international conference on IP protection and enforcement in Kenya. The three-day conference aims to bring together policymakers, judicial officers, enforcers, leading academic scientists, research scholars and practitioners to exchange and share their experiences on the most recent innovations, trends, and concerns as well as practical challenges encountered and solutions adopted in Intellectual Property Rights.

This conference creates and facilitates a stimulating environment for of developing and exchanging ideas in the management of IPR with special emphasis on emerging economies' problems given a dynamic global environment. The theme "Addressing IPR infringement and related forms of illicit trade enforcement to spur digital-driven economy" rhymes well with developing countries seeking digital transformation in their development agenda.

We are grateful to the Anti-Counterfeit Network Africa (ACN-Africa), Attorney General Alliance-Africa (AGA-Africa), WIPO, the Ministry of Industry Trade and Investments and all partners for the support in hosting this event. We wish you a gainful experience and look forward to a successful event.



Dr. Robi Mbugua Njoroge
Executive Director



AGA-AFRICA

AFRICA PARTNERSHIP FOR JUSTICE

Established in 2016, the Attorney General Alliance-Africa (AGA-Africa) is a Programme operated under the auspices of the Attorney General Alliance (AGA), a non-partisan, not-for-profit organization- based in the United States. The AGA-Africa Programme collaborates with African Ministries of Justice, Judiciary, Attorney General, Solicitors General, Public Prosecution Offices and Law Enforcement Agencies to share knowledge and experience in the fight against cross-border crime. The Programme delivers programmes to build institutional and human capacity to support the rule of law through workshops, conferences and seminars to promote awareness and the effective detection, investigation and prosecution of transnational crimes.

AGA -Africa Programme focuses on two main areas:

- Training of investigators, prosecutors and judicial officers in the investigation and prosecution of transnational crimes.
- Participation in seminars & other events to educate, increase public awareness, and draw attention to the dangers of transnational crimes.

The Programme seeks to establish and foster robust relationships with justice and law enforcement agencies and other state and non-state actors in Africa to support the rule of law in combating transnational criminal activity such as Anti-Human Trafficking, Anti-Money Laundering, Countering Cybercrime, Countering Drugs, Anti-Wildlife Trafficking, Gender-Based Violence and other cross-border crimes. The Attorney General Alliance-Africa currently operates in 11 African countries, which include Ghana, Kenya, Lesotho, Malawi, Nigeria, Rwanda, Senegal, Sierra Leone, South Africa, Uganda and Zambia.

Day 1: Tuesday, 13th June 2023

Event Moderator: John Jacob Kioria, News Anchor KBC

Registration / link open at 0800hrs EAT Daily

Time
9.00 – 10.00

Activity Description

Opening ceremony

Opening prayers, National Anthem (Kenya), EAC Anthem

Remarks & Speeches

- » Dr. Robi Mbugua Njoroge, Executive Director/CEO, Anti-Counterfeit Authority
- » Mr. Eric Theuri, President, Law Society of Kenya (LSK)
- » Mr. Antony Mwangi, Chief Executive Officer, Kenya Association of Manufacturers (KAM) & Member ACA, Board of Directors
- » Ms. Flora Mutahi, Chair, Kenya Private Sector Alliance (KEPSA)
- » Hon. Josphat Kabeabea, Chairman, Anti-Counterfeit Authority Board of Directors
- » Mr. John Edozie, International Advisor, AGA-Africa Programme
- » Dr. Juma Mukhwana, PhD, HSC, Principal Secretary, State Department for Industry, Ministry of Investments, Trade & Industry (MITI)

Key Note Speech

**Chief Guest, Hon. Moses Kuria, Cabinet Secretary,
Ministry of Investments, Trade & Industry**

Re-Launch of ACA website

1015 – 1045hrs

Health Break / Group photo

Session 1

1045-1215hrs

Sub-theme 1: Best practices in combatting IPR infringement and illicit trade

Chair of Session: Mr. John Ukegbu, Esq., Senior Staff Attorney, New Jersey Office, Northeast, New Jersey Legal Service (NNJLS), United States, AGA-Africa Programme

Topic 1: IP legislations and policies

Research paper: Dr. John Akoten (PhD) - ACA, Director - Research, Policy and Public Awareness Directorate: *Determining the magnitude of counterfeiting: the case of manufacturers in Kenya*

Keynote speaker: Gen. Hector Hugo Balderas Jr, former Attorney General, New Mexico, Attorney General Alliance Africa Programme

Panelists: Ms. Agnes Akal (Associate, Bowmans/Coulson Harney), Sharon Wata - Deputy Director Training & Research (Kenya Copyright Board), Gregor Schneider (Regional Counsellor for IP - Africa, EU-IP Attache), Paul Ramara (Partner/Attorney) Spoor & Fisher-South Africa), Krystal Muindi, (Associate – IKM Advocates), Johnson Adera, Director- Legal Services (ACA)

Q&A

1215hrs – 1415hrs

Tour of Exhibitions / Lunch Break

Session 2

1415-1600 hrs

Sub-theme 1: Best practices in combatting IPR infringement and illicit trade

Chair of Session: Agnes Akal, Associate, Bowmans / Coulson Harney, LLP and Dr. John Akoten, Director Research, Policy and public awareness Directorate, ACA

Topic 2: International & Regional perspectives of IP enforcement, public awareness, research and dispute resolution

Research Paper:

1. Mr. Richard Kavetsa - Director, Anti-Counterfeiting Network (ACN) – Uganda: *Best Practices in Combating IPR infringement and illicit trade and Creating Partnerships and linkages on IP Protection and Enforcement.*

Keynote speaker: Mr. Edward Kwakwa - Assistant Director General, Global Challenges and Partnerships Sector (WIPO)

Panel: Vermandele Xavier, Senior Legal Counsellor (WIPO), Mr. Budelli (Adams & Adams - South Africa), Mr. Andrew Swift - Scotch Whisky Association, Ms. Ellis De Bruijn (Compol), Mr. Gideon Koskei - Head of Legal Services (Pharmacy & Poisons Board) and Kenya Bureau of Standards (KEBS), Yussuf Osman, Director Enforcement ACA

Q&A

1600hrs

Evening Tea / End of day 1
B2B Meetings

Day 2: Wednesday, 14th June 2023

0845- 0900hrs

Day 1 Recap: Event Moderator

Session 3:

Sub-theme 2: Use of IP in economic and social development

0900 – 1030hrs

Chair of Session: Mr. John Ukegbu, Esq., Senior Staff Attorney, New Jersey Office, Northeast, New Jersey Legal Service (NNJLS), United States, AGA-Africa Programme

Topic 1: Illicit trade - Crime as a bottleneck in national & border security, and socio-economic development

Research Papers

2. George G. Maina - SAFAL GRP: *Curbing counterfeit roofing products in Kenya, The phantom of unbranded counterfeit roofing sheets in the digital age.*
3. Mr. Quinton Walker – Senior Consultant Euromonitor International , Alcoholic Beverages Association of Kenya (ABAK): *Dynamics of trade and distribution of illicit alcohol in Africa*

Speaker:

Kenya Revenue Authority – Mr. Julius Chege Macharia, Deputy Commissioner Customs

Panel: National & Border Security – Mr. Antony Mwangi, CEO KAM & ACA Board Member, Mr. Fred Muwema, Chairman / Director Legal and Corporate Affairs Anti- Counterfeiting Network (ACN) Uganda, Mr. Michael Were Ministry of Interior, Gen. Hector Hugo Balderas Jr, former Attorney General, New Mexico, AGA-Africa Programme, Mr. Kennedy Nyaiyo – Secretary Border Management Secretariat (BMS), Johnson Adera, Director Legal services Directorate, ACA

Q&A

1030 –1100hrs

Health Break/Exhibition

Session 4

Sub-theme 2: Use of IP in economic and social development

1100 - 1240hrs

Chair of Session: Prof. Maina Mwangi, Chandaria Business Incubation & Innovation Center, Kenyatta University

Topic 2: IP in sustainable development

Research papers:

- a) Amos Washihino Shihundu, Advocate of the High Court: *Balancing Between Intellectual Property Rights Protection & Affordable Clothing in Kenya: A Case of "Mitumba" Clothing*
- b) Hema K, Assistant Professor School of Law CHRIST and research scholar, National Law University, Jodhpur : *Should India Follow the Kenyan Model to Stop Counterfeiting in the Indian Fashion Industry?*

Panel: Mr. José Graça Aranha - WIPO (online), Oliver Konje - State Department for Trade State Department for Trade and ACA Board member, Aida Galindo (Head of AfRIPI Project - EUIPO), Gideon Kibet (Head of Legal Services PPB), Dr. Robert Karanja (VILGRO/CHReaD), Dr. Wanjiku CEO - Petroleum Institute of East Africa (PIEA), Shirlene Nafula, CEO, Center for Economic Empowerment & Development (CEED)

Q&A

Tour of Exhibitions / Lunch Break.

B2B Meetings

1230 -1415hrs

Session 5

Sub-theme 3: IP in stimulating digital-driven economies; The Media - Innovations Nexus'

1415 -1500hrs

Chair of Session: Mr. Maina Muiruri, immediate former Chairman, Media Council of Kenya

Research Paper:

- 1) Godfrey Chidi Ejifuor, Nakuplan Consultants Ltd: Infusing Modern Technologies to Improve Enforcement of Intellectual Property Rights: A Case Study of Photogrammetry and Deep Learning.
- 2) KIPPRA: Drivers of Innovation

Speakers:

1. Dr. David O. Omwoyo, Chief Executive Officer - Media Council of Kenya
2. Prof. Maina Mwangi- Chandaria Business Incubation & Innovation Center, Kenyatta University

Q&A

1600-1800hrs

Tea / Exhibitions / END OF DAY 2

Day 3: Thursday, 15th June 2023

0845- 0900hrs

Day 2 Recap: Event Moderator

Sub-theme 5:

IP Commercialization – IP assets & valuation, utilization and exploitation in the global market
Chair of Session: Ms. Angela Ndambuki, Regional Director of the International Federation of Phonographic Industry (IFPI) for Sub-Saharan Africa

Session 6:

Topic 1: IP assets & Valuation

0900 -1015hrs

Research Paper:

Madeline Joy Omungalah, Legal Assistant, Kisini & Nzyuko Co. Advocates: Safeguarding Creativity: The impact of Intellectual Property Protection in the Creative Industry

Speakers:

1. Elzebieta Gladowska, Motion Pictures Association (MPA) – Geneva
1. Mr. Craig Owen White, Partner in Charge, Cleveland - Hahn Loeser & Parks LLP
2. Ms. Abier Wasouf, Global Anticounterfeit Counsel, Danfoss Germany Hamburg
3. IFPI

Panel:

Ms. Allison Mages - Head, IP Commercial Section, IP for Business Division-WIPO, Ms. Naomi (Women in IP), Waithera (Ythera) Chege, Performing singer/songwriter, (Wanavokali Band), KIPI, Alex Omanga, Legal Counsel (KECOBO)

Q&A

Topic 2: IP utilization & exploitation

Chair of Session: Ms. Agnes Akal, Associate, Bowman's/Coulson Harney, LLP

Session 7:

1010-1100hrs

Speakers:

1. Ms. Aluso Ingati – LSK IP Attorney & Motor Vehicles Agent,
2. Ms. Abier Wasouf- Evaluating the Invisible: unleashing the true value of IP
3. Mr. Moses Kurgat - Chairman IP Tribunal & Co-convenor IP/ICT committee LSK
4. Ms. Andrea Rossi, IPO office-UK on Consumer campaigns for IP enforcement

Q&A

1100 - 1130hrs

Health Break/Exhibition

Session 8

Sub-theme 6: Partnerships and linkages on IP protection and enforcement

1130 - 1215hrs

Chair of Session: Ms. Phyllis Wangwe, Crystal River Products & KAM Member; Managing Partner Wangwe & Co. Associates - Advocate

Speakers:

1. Raj Gandesha - Partner, White & Case LLP , New York - ISLP
2. Mila Owen - Associate, White & Case LLP, New York – ISLP
3. Ms. Magdalene Munyao, Legal Counsel, Author & ACA Board member
4. AAK

Speaker: Vermandele Xavier, Senior Legal Counsellor (WIPO)

Q&A

1215 – 1245hrs

Chair of Session: Rephah Kitavi, Director Corporate Services, ACA

Wrap Up: Dr. Robi Mbugua Njoroge, Executive Director/CEO, ACA

Recognition & Awards – ACA

Closing remarks: Mr. Markus Green – Board Member, Attorney General Alliance Africa Programme

Vote of thanks: Agnes Karingu, Deputy Director Education & Public Awareness, ACA

1330hrs

Tour of Exhibitions / Lunch /Departure

