

# WORKSHOP OBJECTIVES

## ***ENFORCEMENT OF IP RIGHTS IN KENYA: AN INTERAGENCY APPROACH WITH PRIVATE SECTOR COORDINATION***

Nairobi, Kenya  
May 17-20, 2011

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### **BACKGROUND**

In Sub-Saharan Africa, intellectual property (IP) protection is very important to attracting foreign and mobilizing domestic investment, which in turn, is indispensable to achieving sustainable economic growth and development. As Africa seeks to develop globally recognized value-added products and recruit investment in knowledge-based industries, it must build effective institutions and regimes that adequately protect and enforce IP rights – the IP rights of both its own citizens and those that invest on the continent.

In East Africa, Kenya and its neighbors in the East African Community (EAC) are experiencing moderate economic growth and have the potential to become the next emerging markets for trade and investment. It has become evident however, that a lack of effective IP protection and enforcement is hindering the growth of trade and investment. The scourges of piracy and counterfeiting are major impediments to increased trade and investment, and therefore economic growth in Kenya. Additionally, counterfeit consumer goods, including pharmaceuticals, are often of substandard quality and pose an unacceptable risk to the health and safety of the Kenyan consumers.

Thus, an effective IP regime, from administration to interdiction and adjudication, is therefore crucial to promoting economic growth and protecting public health and safety in Kenya. In order to achieve such a regime, greater cooperation, collaboration, and communication between the different agencies administering and enforcing IP rights will have to be established in Kenya.

In 2008, Kenya's Anti-Counterfeit Act established the Anti-Counterfeit Agency (ACA), to lead and coordinate the Kenyan government efforts to combat counterfeit goods in Kenya. The ACA established counterfeit inspectors in the following partner agencies, among others: Kenya Industrial Property Institute; Kenyan Plant Health Inspection Service; Kenya Copyright Board; Kenya Bureau of Standards; Kenya Revenue Authority; and Kenya Pharmacy and Poisons Board.

### **ISSUES**

The ACA was established to more effectively protect and enforce intellectual property rights by being the primary agency dealing with counterfeit goods. Given existing Kenyan government agency mandates and relationships on the protection and enforcement of IP, and private sector stakeholder interests, the question of how the ACA can best cooperate, collaborate, and communicate with partner agencies and the private sector to achieve this goal, is extant.

### **OBJECTIVES**

To facilitate the establishment of an effective interagency approach to IP protection and enforcement in Kenya, utilizing greater cooperation, collaboration, and communication amongst the ACA, partner agencies and private sector stakeholders.

## **DESCRIPTION OF SUPPORT**

CLDP and the ACA, in collaboration with U.S. Patent and Trademark Office (USPTO), the U.S. Department of Commerce's Offices of Africa and Intellectual Property Rights, the U.S. Department of Justice, and the U.S. Embassy in Nairobi, will support a four-day regional workshop entitled ***the Enforcement of Intellectual Property Rights in Kenya: An Interagency Approach with Private Sector Coordination***. This workshop, to be held May 17-20, 2011 in Nairobi, would expose approximately 70 enforcement officials and 30 private sector stakeholders from Kenya and across the East Africa region to best practices in interagency collaboration on IPR enforcement.

CLDP will utilize experts from the USPTO, Department of Justice (DOJ), the U.S. State Department (DOS), and U.S. Customs and Border Protection (CBP) to discuss best practices in the interagency approach to the protection and enforcement of IP, and allow the ACA and the Kenyan partner agencies to determine the mechanisms and procedures for cooperation, collaboration, and communication as they establish the most effective interagency approach to fighting trade in counterfeit and pirated goods over the first three days. The second two days will focus on public-private sector coordination and training on product identification.

## **CONCLUSION**

By promoting an interagency approach among the key partner agencies and the private sector, the workshop will contribute to establishing an effective framework and mechanisms by which counterfeited and pirated goods can be prohibited from entering Kenya and removed from Kenya's markets. The anticipated result is an increased capacity for identification and interdiction of counterfeit goods by the ACA and its key agency partners, as well as an enhanced policy and operational coordination amongst agencies, and an improved public-private sector cooperation.