



CLDP
COMMERCIAL LAW DEVELOPMENT PROGRAM



*The Implementation of an Interagency
Approach to IP Protection and Enforcement:
Kenya and the EAC*

**Nairobi, Kenya
Crowne Plaza Hotel
August 7-9, 2012**

Organized by

**The U.S. Department of Commerce (USDOC)
Commercial Law Development Program (CLDP)
And
The Kenya Anti-Counterfeit Agency (ACA)**

In coordination with

**U.S. Customs and Border Protection (USCBP)
U.S. Department of Justice (USDOJ)
U.S. Embassy Nairobi
U.S. Patent and Trademark Office (USPTO)**

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Monday, August 6, 2012

7:00 p.m. Speakers Orientation Meeting

Location: Crowne Plaza Hotel
Room: Athi Boardroom

Tuesday, August 7, 2012

8:30 a.m. Program Registration

Location: Crowne Plaza Hotel
Room: Outside Chania room

9:00 a.m. Opening Ceremony

Room: Chania Conference Room

Moderators:

Nnamdi K. Ezera, Senior Counsel, U.S. Department of Commerce, Commercial Law Development Program (CLDP)
&
Stephen Mallowah, Executive Director & Chief Executive Officer, Kenya Anti-Counterfeit Agency (ACA)

Welcome Address

Chairman A.G.N. Kamau, Anti-Counterfeit Agency Board

Welcome Remarks

Eric Whitaker, Counselor for Economic Affairs and Acting Deputy Chief of Mission, U.S. Embassy Nairobi

Welcome Remarks

Dr. (Eng.) Karanja Kibicho, CBS, Permanent Secretary, Ministry of Industrialization

Opening Address

Hon. Amason Jeffa Kingi, EGH, Minister, Ministry of Industrialization

**9:35 a.m. The Value of IP in Kenya and the East African Community (EAC) Region:
Innovation, Health & Safety, Investment and Economic Growth**

The International Chamber of Commerce's Business Action to Stop Counterfeiting and Piracy (BASCAP) has commissioned a study of the value of IP in the EAC region and will present the findings of that study.

Moderator: *Tracy Sinkamba Faustin, Department of Policy and Business Practices, BASCAP*

Panelists: *Dr. John Akoten, Deputy Director, Research and Awareness Department, ACA*

Vinod Guptan, Kenya Association of Pharmaceutical Industries (KAPI)

Philda Maiga Mubiru, Senior Commercial Officer, Uganda Ministry of Tourism, Trade and Industry

Magdalene Munyao, Head of Group Brand Assurance for East Africa Region, Diageo

Question and Answer Session

10:30 a.m. Coffee Break

10:45 a.m. The Value of IP in Kenya and the EAC Region: Innovation, Health & Safety, Investment and Economic Growth

A panel of government and industry representatives will present case studies and practical examples from the EAC region to amplify the findings and discuss recommendations for policy and legislative changes to deal with the issues.

Moderator: Nnamdi K. Ezera, Senior Counsel, CLDP

Panelists: Ellis de Bruijn, Managing Director, Compol Associates Ltd.
Rose Nyakwana, Kenya's Ministry of East African Community
Stephen Odhiambo, Ministry of Planning, National Development and Vision 2030
Victor Olewe, Partner, Mbugua Mureithi & Co Advocates

Question and Answer Session

11:30 a.m. CEO Forum Meeting (By Invitation Only)

Location: Crowne Plaza Hotel

Room: Athi Boardroom

CEOs discussion to include, inter alia, the role of the private sector at the CEO level and the facilitation of interagency staff for Enforcement Committee work.

11:30 a.m. EAC and EAC Member States on the Coordination of IP Policy and Enforcement in the Region

Location: Crowne Plaza Hotel

Room: Chania Conference Room

Moderator: Crispine Odhiambo, Kiptinness and Odhiambo Associates

Speakers: Michael David, Assistant Counterfeit Surveillance Officer, Tanzania Fair Competition Commission
Seth Gashaka, Senior Advisor, Department of Industrial Property, Burundi Ministry of Trade and Industry
Philda Maiga Mubiru, Senior Commercial Officer, Uganda MTI
George Ndiri, Principal Industrial Economist, EAC Secretariat
Cyridion Nsengumuremyi, President of Commercial Court of Huye, Judiciary of Rwanda

12:30 p.m. Networking Lunch

Location: Baraza Restaurant

2:00 p.m. The Benefits of an Interagency Approach to IP Protection: Examples of Successful Communication, Coordination, and Collaboration

(1) Brazil – National Council to Combat Piracy;

(2) U.S. – IP Interagency Cooperation and IP Enforcement Coordinator

Speakers: Kevin Rosenbaum, Attorney-Advisor, U.S. Patent and Trademark Office
Robin Taylor, Resident Legal Advisor, U.S. Department of Justice
Nnamdi K. Ezera, Senior Counsel, CLDP

Question and Answer Session

3:15 p.m. Coffee Break

3:30 p.m. Issues in the Coordination of IP Protection and Enforcement: Agency Perspectives

Guided by a SWOT analysis, the session will identify and discuss success factors/challenges, and how the interagency collaboration, communication, and coordination could be made more effective and efficient. It will also explore the best legal/administrative/institutional frameworks of interagency collaboration and increasing the importance of ICT issues.

Moderator: Onesimus Murkomen, ACA Board

Panelists: Paul Kukubo, CEO of the Kenya ICT Board
Richard Lubano, Assistant Commissioner, Kenya Revenue Authority (KRA)
Acquilino Mwithalii, Revenue Officer, KRA
Edward Sigei, Head of Enforcement, Kenya Copyright Board (KeCoBo)
Raymond Michuki, KEBS (tbc)
Representative, KIPI

Question and Answer Session

5:00 p.m. End of Program Day #1

Wednesday, August 8, 2012

Location: Nairobi Crowne Plaza
Room: Chania Conference Room

9:00 a.m. Summation of Day #1

Speaker: Dr. John Akoten, Deputy Director, Research and Awareness Department, ACA

9:15 a.m. Targeting Strategies: Coordinating with the Private Sector to Effectively Stop Fakes at the Border

Panelists will identify best practices for targeting and preventing entry of counterfeit and pirated goods, including through cooperation among rights holders and customs officials. Private sector panelist(s) will use real-world examples to demonstrate how such strategies and technologies can be employed, while customs official(s) will provide the government perspective.

Moderator: Alexander Hall, Economic Officer, U.S. Embassy Nairobi

Panelists: Ibtisam Amer, CBP Attaché, U.S. Embassy Cairo
Enoch Hwande, CEO, Allvirtuous, on anti-counterfeit authentication software with ACA and KRA
Acquilino Mwithalii, Revenue Officer, KRA on WCO IPM tool
Ken Osano, Policy and Strategy Advisor, Becton, Dickinson and Company
Stavros Spyropoulos, Regional Manager for East Africa, Eaton Electric Limited

Question and Answer Session

- 10:45 a.m. Coffee Break**
- 11:00 a.m. U.S. National IPR Center: An Example of Interagency Operational Approach to IP Enforcement**
A presentation of the composition, scope and objectives of the IPR Center, as well as the challenges and benefits of this example of IP interagency cooperation.
- Speaker:** Ibtisam Amer, CBP Attaché, U.S. Embassy Cairo
- Comments:** Kevin Rosenbaum, Attorney-Advisor, USPTO
- Question and Answer Session**
- 12:30 p.m. Networking Lunch**
 Location: Baraza Restaurant
- 2:00 p.m. Kenya Copyright Case Study Exercise**
Participants will break into three groups to deliberate case study and questions. Each group will nominate one person to report his/her group's answers to the evaluation panel during the plenary.
- Presenter:** Edward Sigei, Head of Enforcement, KeCoBo
- Evaluation panel:**
 Richard Lubano, Assistant Commissioner, KRA
 Magdalene Munyao, Head of Group Brand Assurance for East Africa Region, Diageo
 Onesimus Murkomen, ACA Board
 Acquilino Mwithalii, Revenue Officer, KRA
 Crispine Odhiambo, Kiptiness and Odhiambo Associates
- Group Consideration and Discussion*
- 3:15 p.m. Coffee Break**
- 3:30 p.m. Kenya Enforcement Case Study Exercise**
Participants will break into three groups to deliberate case study and questions. Each group will nominate one person to report his/her group's answers to the evaluation panel during the plenary.
- Presenter:** Johnson Adera, Deputy Director, Enforcement & Legal Services Department, ACA
- Evaluation panel:**
 Richard Lubano, Assistant Commissioner, KRA
 Magdalene Munyao, Head of Group Brand Assurance for East Africa Region, Diageo
 Onesimus Murkomen, ACA Board
 Acquilino Mwithalii, Revenue Officer, KRA
 Crispine Odhiambo, Kiptiness and Odhiambo Associates
- Group Consideration and Discussion*
- 5:00 p.m. End of Program Day #2**

Thursday, August 9, 2012

Location: Crowne Plaza Hotel
Room: Chania Conference Room

9:00 a.m. Summation of Day #2

Speaker: *Dr. John Akoten, Deputy Director, Research and Awareness Department, ACA*

9:15 a.m. Next Logic Case Study Exercise

Participants will break into three groups to deliberate case study and questions. Each group will nominate one person to report his/her group's answers to the evaluation panel during the plenary.

Presenter: *Crispine Odhiambo, Kiptiness and Odhiambo Associates*

Evaluation panel:

Johnson Adera, Deputy Director, Enforcement & Legal Services Department, ACA

Richard Lubano, Assistant Commissioner, KRA

Magdalene Munyao, Head of Group Brand Assurance for East Africa Region, Diageo

Acquilino Mwithalii, Revenue Officer, KRA

Group Consideration and Discussion

10:45 a.m. Coffee Break

11:00 a.m. Issues in the Coordination of IP Protection and Enforcement: Agency Perspectives Continued

Moderator: *Dr. Marisella Ouma, Executive Director, KeCoBo*

Panelists: *Mercy Achola, Chief Operations Officer Kenya Association of Manufacturers (KAM)*

Dr. Kipkerich Koskei, Registrar/Chief Pharmacist, Pharmacy and Poisons Board (PPB)

Eric Kiraithe, Senior Assistant Commissioner of Police

Dr. James Onsando, Managing Director, Kenya Plant Health Inspectorate services (KEPHIS)

Raymond Michuki, KEBS (tbc)

12:30 p.m. Networking Lunch

Location: Baraza Restaurant

2:00 p.m. Next Steps: Towards a More Efficient and Effective Coordination of IP Protection and Enforcement in Kenya and EAC

Moderator: *Nnamdi K. Ezera, Senior Counsel, CLDP*

Panelists: *Johnson Adera, Deputy Director, Enforcement & Legal Services Department, ACA*

Richard Lubano, Assistant Commissioner, KRA

Acquilino Mwithalii, Revenue Officer, KRA

Edward Sigei, Head of Enforcement, KeCoBo Representative, KIPi

- 3:30 p.m. Coffee Break**
- 3:45 p.m. Workshop Recommendations Plenary Session**
Facilitators: Stephen Mallowah, Executive Director & CEO, ACA
Nnamdi K. Ezera, Senior Counsel, CLDP
- 4:45 p.m. Evaluation of Workshop**
- 5:00 p.m. Closing Remarks by Stephen Mallowah, Executive Director & CEO, ACA**
- 5:15 p.m. End of Program**