

1. 10 laws / regulations related to intellectual property.
 - I. Constitution of Kenya, 2010: Article 40 of the Constitution provides for the right to property, including intellectual property, and mandates the state to support, promote, and protect the intellectual property rights of Kenyans.
 - II. Industrial Property Act, 2001: This Act provides for the protection of industrial property rights, including patents, trademarks, and industrial designs.
 - III. Trade Mark Act: This Act regulates the registration and protection of trademarks in Kenya, providing exclusive rights to trademark owners.
 - IV. The Seeds and Plant Varieties Act, Cap 326: This Act provides for the protection of plant breeders' rights and the regulation of the seed industry in Kenya.
 - V. Copyright Act, 2001: This Act protects literary, musical, and artistic works, as well as sound recordings, films, and broadcasts.
 - VI. Anti-Counterfeiting Act, 2008: This Act provides for the prevention and punishment of counterfeiting, including the manufacture, importation, and distribution of counterfeit goods.
 - VII. The Geographical Indications Act, 2015: This Act provides for the protection of geographical indications, which are signs or marks that indicate the origin of a product.
 - VIII. The Protection of Traditional Knowledge and Cultural Expressions Act, 2016: This Act provides for the protection of traditional knowledge and cultural expressions, including those related to indigenous communities
 - IX. The Intellectual Property Tribunal Act, 2015: This Act establishes the Intellectual Property Tribunal, which has jurisdiction over intellectual property disputes in Kenya.
 - X. The Data Protection Act, 2019: This Act regulates the collection, storage, and use of personal data, including data related to intellectual property rights.

2. Explain the types of intellectual property protections and their applications;

- A. **Patent** - is a property right for an inventor that's typically granted by a government agency. Patents allow the inventor exclusive rights to the invention, which could be a design, process, improvement, or physical invention such as a machine.
APPLICATION:
Technology: New software and AI. When they are created, they need to be protected to avoid similar programs.
- B. **Industrial designs** – pertains to the ornamental or aesthetic aspect of a product, influencing its visual appeal. They serve to differentiate products in the market, promoting innovation and creativity among designers and manufacturers.
APPLICATION:
Mobile Phone: Various phones have unique designs and components arrangements, like iPhones have unique apple signs and camera designs.
- C. **Trademarks** - is a symbol, phrase that is recognizable and represents a product that legally separates it from other products. It is exclusively assigned to a company, meaning the company owns the trademark so that no others may use or copy it.
APPLICATION:

Logos- companies have unique designs representing the brand

- D. Geographical indications - A geographical indication (GI) is a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin.

APPLICATION:

Agricultural Products – Fruits, vegetables, cereals, wines, and spirits.

- E. Trade Secrets - A trade secret is a company's process or practice that is not public information, which provides an economic benefit or advantage to the company or holder of the trade secret. Trade secrets must be actively protected by the company and are typically the result of a company's research and development which is why some employers require the signing of non-disclosure agreements.

APPLICATION: Coca-Cola 's recipe is their own top secret for keeping their unique flavor and taste.

- F. Genetic Resource - is the protection of intellectual property rights (IPR) for genetic resources, such as seeds, medicinal plants, and other biological materials.

APPLICATION:

Medicine: Genetic resources from medicinal plants are used to develop new pharmaceuticals.

- G. Traditional Knowledge – is the knowledge, skills, and practices of local communities and indigenous people.

APPLICATION

Pain-killing drugs

An Aboriginal Australian community partnered with a university to develop painkillers based on traditional herbal treatments.

- H. **INTERNET DOMAIN NAMES** - Domain names can be considered intellectual property (IP) rights when they are used to identify a commercial origin or are protected as a non-registered trademark.

APPLICATION:

- I. Integrated Circuits - **Integrated circuits (ICs) are protected by intellectual property (IP) laws because their layout designs are considered valuable intellectual property**

APPLICATION:

Consumer Electronics – ICs are used to power devices like Smartphones, laptops, smart home devices, etc.

- J. Unfair Competition - **is** when a business practices are unethical or deceptive, giving them an unfair advantage in the marketplace.

APPLICATION:

Trademark Protections – trademarks must be put on products to prevent customers from products confusion.

3. 10 intellectual property issues and risks.

1. Infringement Risks: Businesses can unknowingly infringe on another entity's IP rights, leading to legal battles, fines, and damage to reputation. This can occur through the use of copyrighted material, trademarks, or patents without proper authorization.
2. Registry Issues and Delays: Delays in trademark and patent registration can hinder a company's ability to protect its IP effectively. These delays can be caused by backlogs at the patent and trademark offices.
3. Cost of Protection: Protecting IP can be expensive, involving significant costs for registration, litigation, and ongoing maintenance. This can be a barrier for small and medium-sized enterprises (SMEs) that may lack the financial resources to manage these costs.
4. Lack of Expertise: Businesses may not have the necessary expertise to draft patent claims or manage their IP portfolios effectively. This can lead to incomplete or improperly filed applications, which can jeopardize the protection of IP assets.
5. Piracy: Online piracy poses a significant threat to businesses, particularly in industries like music and software. Piracy can lead to substantial financial losses and a decrease in brand awareness and customer confidence.
6. Trade Secret Theft: Trade secrets are vulnerable to theft, which can result in a loss of competitive advantage and significant financial harm. Companies must implement robust security measures to protect sensitive information.
7. IP Documentation: Inadequate documentation of IP agreements can lead to legal disputes and weaken the protection of IP assets. Comprehensive and clear documentation is essential to mitigate these risks.
8. Technology Transfer Risks: Transferring technology to another entity can lead to loss of control over IP or sharing it with future competitors. This can dilute the value of the IP and expose the company to competitive risks.
9. Confidential Information Risks: Companies may inadvertently expose their strategic plans or trade secrets due to inadequate confidentiality processes or agreements. This can undermine the competitive advantage derived from proprietary knowledge.
10. Third-Party Use Risks: Unauthorized use of a company's IP by third parties can lead to misuse or misrepresentation. This can damage the company's reputation and reduce the value of its IP assets.

4. Describe the process of drafting patent applications and other legal documents.

(a) a request form (IP 3 or IP 13* for PCT);

(b) a description;

(c) one or more claims;

(d) An abstract; and

(e) one or more drawings (where necessary)