



**UB**

**UMMI BASHIR & CO.**

**A D V O C A T E S**

**LAW FIRM PROFILE**

[www.ubadvocates.co.ke](http://www.ubadvocates.co.ke)



## INTRODUCTION

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Umami Bashir & Co. Advocates is an emerging law firm in Nairobi with a proven track-record in all areas of dispute resolution in Kenya.

The firm provides comprehensive legal advice to local and international clients in different areas of the law.

Our lawyers are highly specialized in Conveyancing, commercial, regulatory, labor, Constitutional, defamation, environmental, Intellectual property law and litigation among other areas.

As an emerging law-firm, we strive to provide cutting edge pragmatic solutions to our clients' legal challenges anchored on the law.

In doing so, we have partnered with regional and international law-firms to ensure our clients obtain seamless services whenever necessary in whichever jurisdiction their legal challenges present themselves.



*Commissioners for Oaths & Notaries Public*

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## UMMI BASHIR & CO.

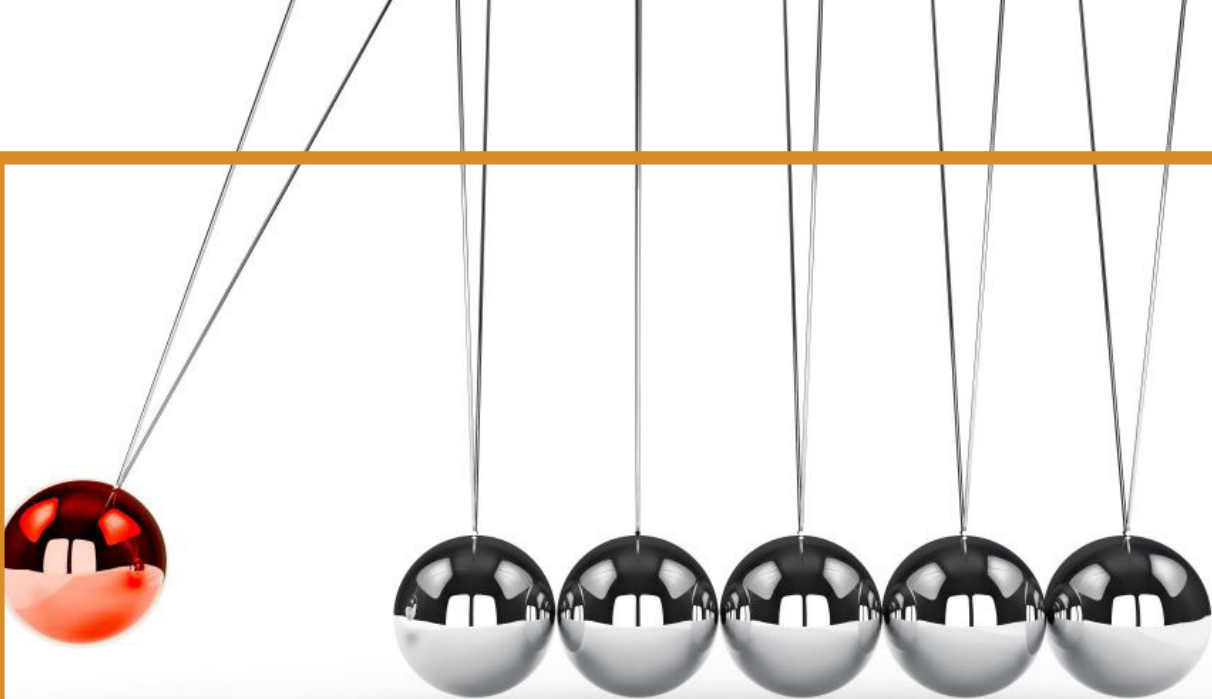
— A D V O C A T E S —

### ABOUT OUR LAW FIRM

Our lawyers are renowned for their professional in-depth analytical and problem solving skills in a comprehensive range of legal disciplines and total devotion to meeting clients demands at short notice. We have represented local and international clients at the specialized tribunals in Kenya including: the Sports Tribunal, the Industrial Property Tribunal, the National Environmental Tribunal, the Public Private Partnerships Tribunal, the Public Procurement and Administrative Review Board, the Political Parties Tribunal and before the Registrar of Trademarks.

We also provide on a day to day basis first rate professional services at the Magistrates courts, High Court, Court of Appeal and the Supreme Court both at the Capital city Nairobi and around the country.

Our clients include local and international corporations and ordinary citizens in their ordinary course of personal and commercial endeavors. We work with them practically through consultations, assessment, investigations, utmost confidentiality and strategic planning with a view of achieving commercial solutions.



## OUR STAFF

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Our team currently comprises of Law associates, Administration staff and Consultants that complement our legal practice. We are continually expanding and look forward to growing the team for better service reach to our clients.

The partners, consultants and associates possess impeccable academic credentials and our administration and support staff are of equal academic pedigree and are competitively sourced with great care and focus for excellence.



## UMMI BASHIR

**LLB, (DIP) KSL, MA, UON**  
**FOUNDING PARTNER**

Ummi Bashir holds a Bachelor of Laws (LL.B) Degree from Zanzibar University (2008) where she concurrently did both Islamic Sharia Law and Circular Law.

She also has a Postgraduate Diploma from the Kenya School of Law (2009). She has six years post qualification experience and vast knowledge and skill in Property, Corporate and Commercial practice. Ms. Bashir has worked for various governmental, non-governmental and inter-governmental organizations before venturing into private practice.

Ms. Bashir was a pupil at the leading firm of Ahmednasir Abdikadir & Company Advocates. She later moved to the Ministry of East African Community as an advisor to the Minister. There after joining Takaful Insurance (The first Sharia Compliant Insurance Company) and later on moved to the United Nations. She then joined Mombasa County Government Legal Department as a Senior Legal Counsel handling all matters Legislation, Litigation, Joint Ventures, Land Matters and advising H.E the Governor on matters legal before she decided to delve in to private practice.

Ummi's practice areas span from real estate development and conveyancing, corporate law, commercial law, mergers and acquisitions, capital market, project financing, joint ventures, aviation law, legislative drafting, Islamic Finance and Islamic Insurance with special Interest in Sharia Compliance.

### *Professional Qualifications & Memberships*

- Advocate of the High Court of Kenya.
- Commissioner for Oaths.
- Law Society of Kenya.
- East Africa Law Society.
- Notaries Public.

### *Practice Areas*

- Corporate/Commercial.
- Intellectual Property (Trademarks, Patents, Industrial designs & Copyright).
- Employment and Labour.
- Immigration.
- Sharia Law.
- Private Clients.



**CLIFFORD O. ODHIAMBO**  
**LLB (HONS) MKU, (DIP) KSL**  
**SENIOR ASSOCIATE**

Clifford O. Odhiambo holds a Bachelor of Laws Degree (LLB) (Hons) from Mount Kenya University (2014) and a Post Graduate Diploma in law from the Kenya School of Law.

Mr. Clifford began his legal career as a pupil at Hamilton Harrison & Mathews (incorporating Oraro & Co) and later joined Oraro & Company Advocates. In both firms, he trained in Commercial and Litigation/ Dispute resolution departments.

He has been involved and exposed to disputes relating to tax law, public procurement, constitutional and administrative law, competition law, land and environmental law. Additionally, he has gained extensive knowledge and further enhanced his dispute resolution skills having worked for Murumba & Awele Advocates and later on joining Awele & Bashir Advocates LLP in which firms he got to assist in landmark judicial cases that drew great public interest. Clifford currently works as an Associate at Umami Bashir & Co. Advocates where he is incharge of the Litigation department.

***Practice Areas***

- Litigation
- Alternative Dispute Resolution
- Planning and Environmental Law
- Banking Law
- Insurance Law



## *Our Areas of Expertise*

For purposes of efficient delivery of services, our principal areas of practice are tailored to suit your needs with the highest standards of quality, integrity, confidentiality and legal ethics.

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— ADVOCATES —





# *Intellectual Property Law*

Intellectual property (IP) refers to a class of intangible assets that result from a person's intellectual or creative effort. Kenyan Law, led by the Supreme law, recognizes all forms of IP including trademarks, patents, copyright, industrial designs and plant breeders' rights, trade secrets, know-how

We have a specialist intellectual property (IP) team that offers comprehensive, cross-border service to meet our clients' local, regional and global needs in all these forms of Intellectual Property. Our expertise in this area include:

## *a) Trademarks*

- Availability searches.
- Registration of trade and service marks.
- Licensing and assignments.
- Advice and representation in Opposition and citation proceedings.
- Advice and representation in infringement and passing off proceedings.
- Advice and representation in expungment proceedings (on grounds of nonuse and without just cause).
- IP due diligence and verification.

## *b) Patents and Utility Models*

- Local and ARIPO Patent Applications for grant of Patent.
- National Phase entry of PCT Patent Applications for grant of Patent.
- Annuity payments (For Applications and Patents)
- Licensing and assignments.
- Conversion of Patent applications to utility model applications.

## *c) Industrial Designs*

- Applications for registration of Industrial designs
- Licensing and assignments.
- Advice and representation in Opposition proceedings.
- Advice and representation in infringement and passing off proceedings.
- Advice and representation in expungment proceedings.

## *d) Copyright & Related Rights*

- Advise on the subsistence of copyright.
- Representation in Infringement proceedings.
- Licensing and Assignment of economic rights.
- Enforcement of royalty rights for and against collective management societies.



## *2. Corporate and Commercial Law*

Corporate commercial encompasses a wide portfolio of services ranging from business establishment to liquidation and receivership. We advise clients on the major aspects of corporate commercial legal issues.

Our Corporates team is a dynamic, solution oriented and respectfully qualified team that continues to render quality work to a wide range of clientele including high net worth individuals and corporates.

### *Our expertise in this area include:*

- Incorporations.
- Public and private Mergers and Acquisitions.
- Share and asset disposals.
- Joint ventures.
- Corporate due diligence & regulatory compliance.
- Liquidation and receiverships.
- Competition law advisory.
- Insurance.
- Banking and Finance.
- Islamic Finance.
- Enforcement of Minority Shareholder rights.

### *3. Conveyancing & Real Estate*

Land laws in Kenya have evolved overtime from the received colonial laws that provided over Five (5) different registration regimes to self-contained and integrated laws after the 2010 Constitution. While the objective was to harmonize all land laws under one regime, the ensuing transition has not been a smooth one as expected.

Several practical legal conflicts still loom large and this has been the cause of a lot of uncertainty and, inevitably, conflict on among others title, use and ownership of real estate in Kenya. In the circumstances a good understanding of the evolution of land laws on Kenya is key.

Our specialist team of advocates represent both corporate and individual clients in Real Estate, Investments, Project Financing and Property development.

#### ***Our expertise in this area include:***

- Transfer of land (purchase and sales)
- Mortgages and charges
- Rectification and replacement of titles
- Preparation of licenses, cautions, prohibitions and easements
- Powers of attorney
- Structuring complex development projects
- Trusts relating to land
- Single and Multi-Storied buildings
- Gated community developments
- Malls
- Estates
- Joint Ventures
- Leases.



## 4. *Dispute Resolution Litigation*

The firm's partners and associates in the dispute resolution department have extensive experience advising domestic and international, institutions, County governments and regulatory bodies in respect of intricate and high value disputes. We take a practical and solution oriented approach to all our advisory work in this area.

The team strives toward dispute avoidance by ensuring that relevant counsel is provided and options explored before any litigation process can be considered.

### *Our expertise in this area include:*

- Legal opinions to clients with regards to all aspects of dispute resolution.
- Representing clients in arbitrations and regulatory tribunals (both local and international).
- Acting as Arbitrators in Legal disputes referred to arbitration.
- Representing clients at the Chief Magistrates Courts, the High Court, Environment and Land Court, The Employment and Labor Relations Court, the Court of Appeal and the Supreme Court. Our Representation covers all the High Court stations in the Republic of Kenya.
- Representing client in regulatory tribunals including before the Registrar of Trademarks, the National Environmental Tribunal, the Public Procurement and Administrative and Review Board, the Public Private Partnerships Petitions Committee, the Industrial Property Tribunal, The Business Premises Rent Tribunal, Sports Tribunal, the Energy Tribunal, the HIV Tribunal among statutory tribunals.
- Advising clients on alternate dispute resolution processes, including mediation.





## 5. Employment Law

Since the promulgation of the 2010 constitution, Employment and Labour relations have experienced radical and comprehensive shifts from a contractual to a rights based approach to the relationship. The Right to fair labour practices now underpins all labour relations in Kenya.

The enforcement mechanisms are now more vibrant than ever and employers and employees are now, more than ever before in the history of Kenya, paying serious attention to the fine print in their employment relationship. The firm has advised and has expertise in a broad spectrum of labour issues in Kenya and the firm's partners have represented clients in precedent setting employment dispute to the highest court in the land – the Supreme Court..

### *Our expertise in this area include:*

- Managing disciplinary processes.
- Advising on procedure for termination of contracts including restructuring, redundancies and retrenchments.
- Advising employers and employees on collective bargaining.
- Advising on and drafting employment contracts for local and foreign contracts of service and services.
- Advising on employee occupational health and safety and workmen's compensation.
- Representing Employers and employees in Labor disputes at the specialist Employment and labor relations court, the Court of Appeal and the Supreme Court.



## 6. Immigration & Private Client

The principal objective of every business is to increase the wealth of its shareholders/owners. Business are therefore more about the people that drive them. Our team dedicates a substantial portion of its time to cater for high net worth individuals on a wide range of private matters. Our services in this area are greatly personalized to meet the special needs of each client both locally and off-shore.

### *Our expertise in this area include:*

- Immigration including – Visa applications, special passes, work permits for employees and their dependants, applications for dual citizenship.
- Probate and succession including drafting of wills, administration of estates and trusts, creation of trusts, resealing of grants and general succession advisory.
- Notarial services.
- Family and matrimonial causes.
- Tax compliance services.
- Privacy & Reputation enforcement.



## 7. Environmental Law

The right to a clean and healthy environment is a constitutional right in Kenya. The Obligation to respect, uphold and promote this right is accordingly cardinal and is enforced with unbridled zeal in Kenya.

A clean Environment encompasses all aspects of the environment including clean air, water and protection from excessive noise and proper planning of living conditions.

Our Environmental laws are actively enforced in this regard both at the National Environment Tribunal and the High Court.

### *Our expertise in this area include:*

- Advise on Environmental management laws and regulations.
- Challenging decisions of the National Environmental Tribunal in refusing to grant, or granting Environmental Impact Assessment reports.

## 8. Project Finance

The firm advises sponsors, project companies and lenders on projects and project financings across major sectors on local laws. We have capacity to provide comprehensive legal services to the various counterparties to a Project Finance transaction with aspects of Kenyan Law.

### *Our expertise in this area include:*

- Advising on appropriate Project structures under Kenyan Laws
- Conducting legal due diligence,
- Risk allocation.
- Reviewing the “bankability” of project agreements, financing arrangements (Bank and bond) and relevant security packages under Kenyan Laws.



## 9. Legal Audit & Due Diligence

The firm provides full due diligence and legal audit services on a wide array of regulatory subjects in Kenya. Our team of Advocates and independent consultants offer a combination of legal expertise and commercial experience to corporations of all sizes including financial institutions in this regard.

### *Our expertise in this area include:*

- Due diligence as part of a company or business acquisition.
- Legal audits as part of an exit strategy/exit planning
- Due diligence reports for internal compliance/reporting purposes.
- Due diligence reports for financial/lending purposes; and
- Legal audits.



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## **GET IN TOUCH**

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Portal Place House, 3rd Floor,  
Muindi Mbingu Street, Nairobi, Kenya,

Cell: +254-722-888 000

E: [bashir@ubadvocates.co.ke](mailto:bashir@ubadvocates.co.ke)