

Management of Intangible Assets

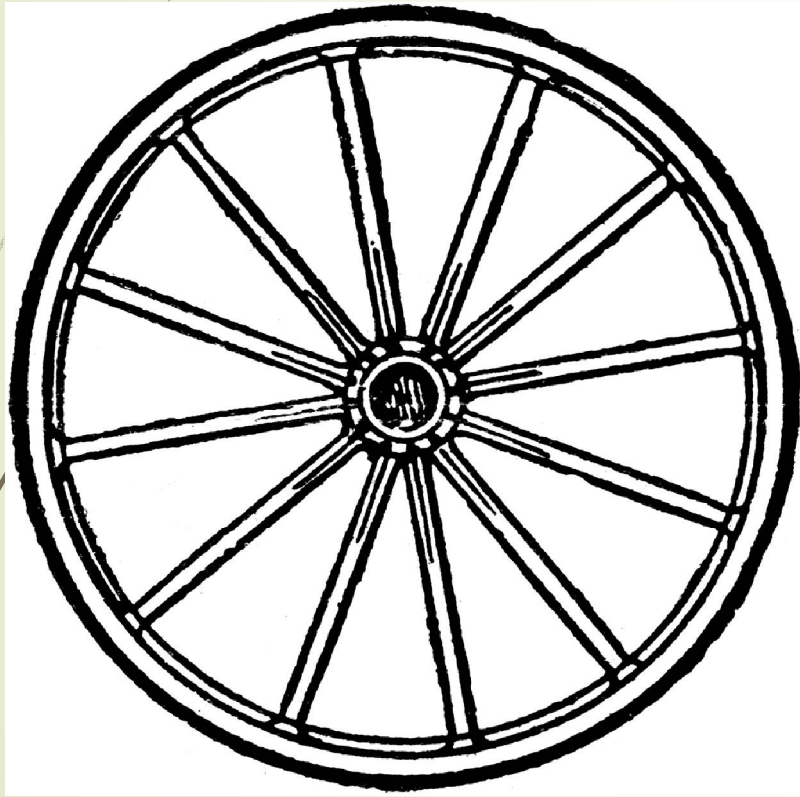


By Mbugua Njoroge-King'a, B.Ed (Egerton), PGD Mass Comm (UoN), MA Communication Studies (UoN), MIP (Africa University)

Email: mbuguajoroge@gmail.com

Cell: +254-721-489665

Human Civilization





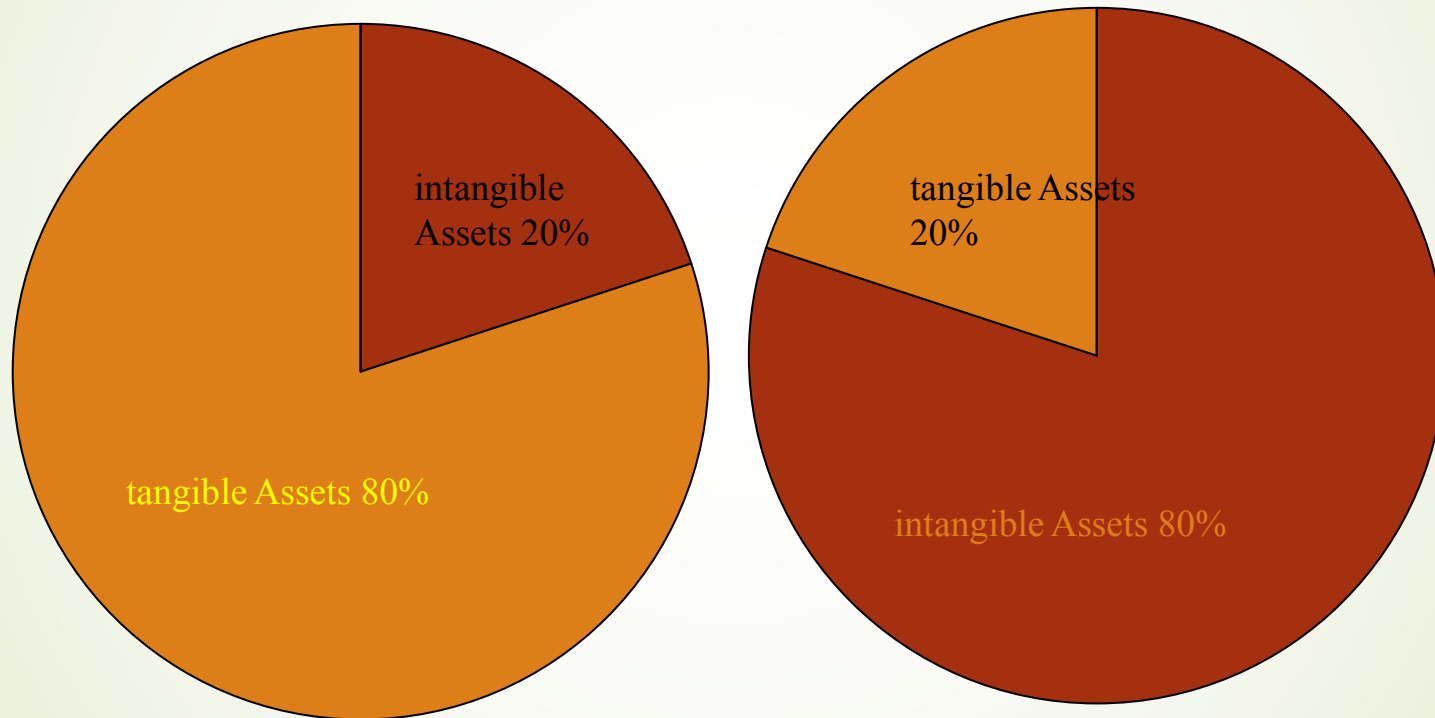
Intellectual Property: A Tool for Development

"In the age of the knowledge economy, the efficient and creative use of knowledge is a key determinant of international competitiveness, wealth creation and improved social welfare."

"An effective intellectual property (IP) system embedded within a national strategy which anchors IP considerations firmly within the policy-making process will help a nation to promote and protect its intellectual assets, thereby driving economic growth and wealth creation."

Kamil Idris
WIPO Director General

Knowledge Economy



In the knowledge economy intangibles have taken center stage

IP Legal Framework in Kenya

➤ **THE CONSTITUTION OF KENYA (2010):**

- This new social contract expressly protects IP, innovation and technology transfer. For the first time in Kenya's history, IP norms were constitutionalised.
- First, Article 260 (c) includes IP in the definition of "property".
- Secondly, Article 40 (5) obliges the State to support, promote and protect the intellectual property rights of the people of Kenya.
- In the same breath, Article 69(1) (c) and (e) mandates the State to protect and enhance intellectual property, traditional or indigenous knowledge of biodiversity and the genetic resources of the communities and protect genetic resources and biological diversity.
- Under Article 11(1), the Constitution recognises culture as the foundation of the nation and as the cumulative civilization of the Kenyan people and nation. And mandates the state to promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage; recognise the role of science and indigenous technologies in the development of the nation; and promote the intellectual property rights of the people of Kenya.



Kenya IP related statutes

- Competition Act No. 12 of 2010;
- The Industrial Property Act, 2001;
- The Copyright Act No 12 of 2001;
- Films and Stage Plays Act, Cap 222;
- Anti-Counterfeit Act No 13 of 2008;
- Seeds and Plant Varieties Act;
- The Plants Protection Act
- National Flag, emblems and Names Act (Cap 99);
- College of Arms Act (Cap 98);
- The Science, Technology and Innovation Act, 2013.

IP Related Institutions in Kenya



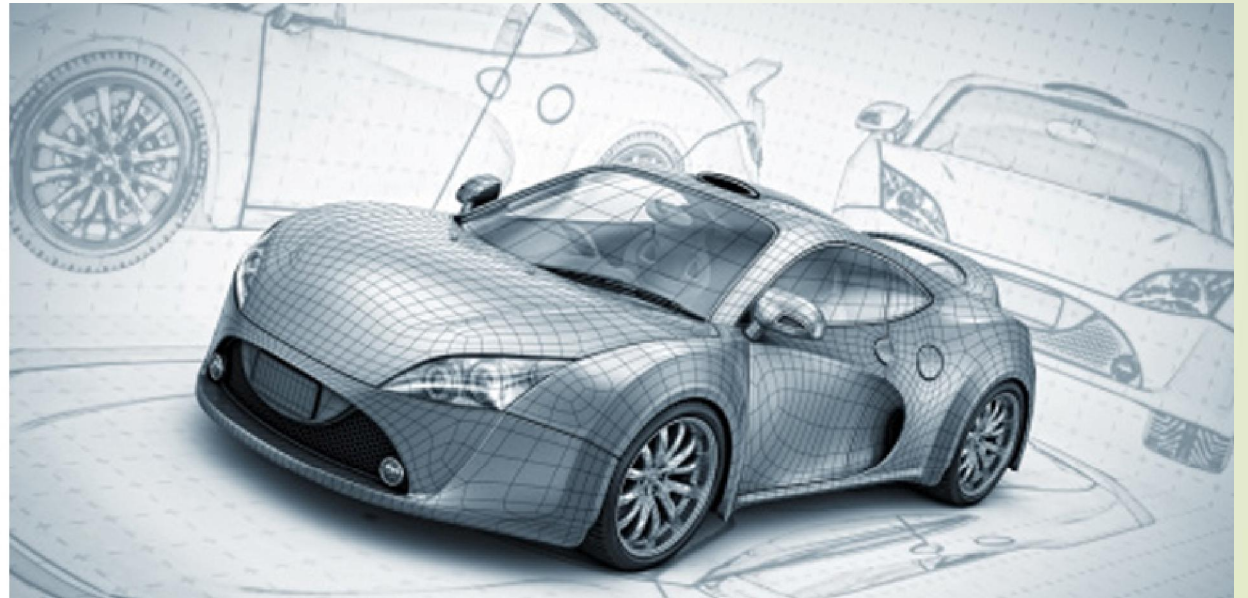
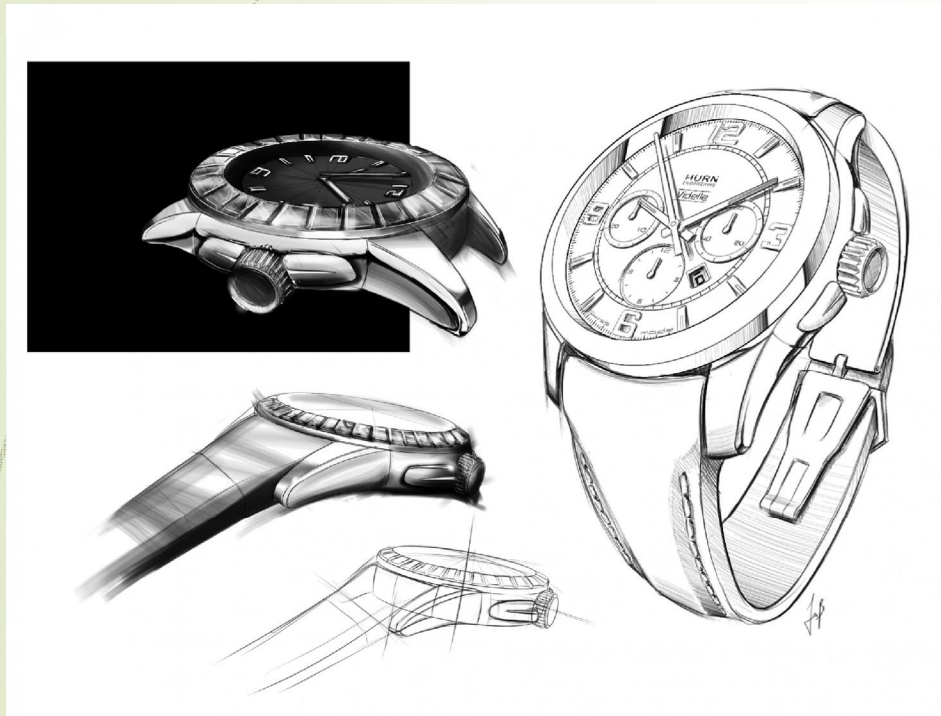
educate, enforce, eliminate

IP Assets

1. Confidential Information e.g. customer database
2. Work flow systems
3. Relationship with suppliers, customers, etc
4. Customer relationships

A red, rectangular stamp with a distressed, ink-like texture. The word "CONFIDENTIAL" is written in bold, uppercase letters, slanted slightly upwards to the right. The stamp is set against a white background.

Industrial Designs



Trade secrets



Patents



Trade/Service Marks



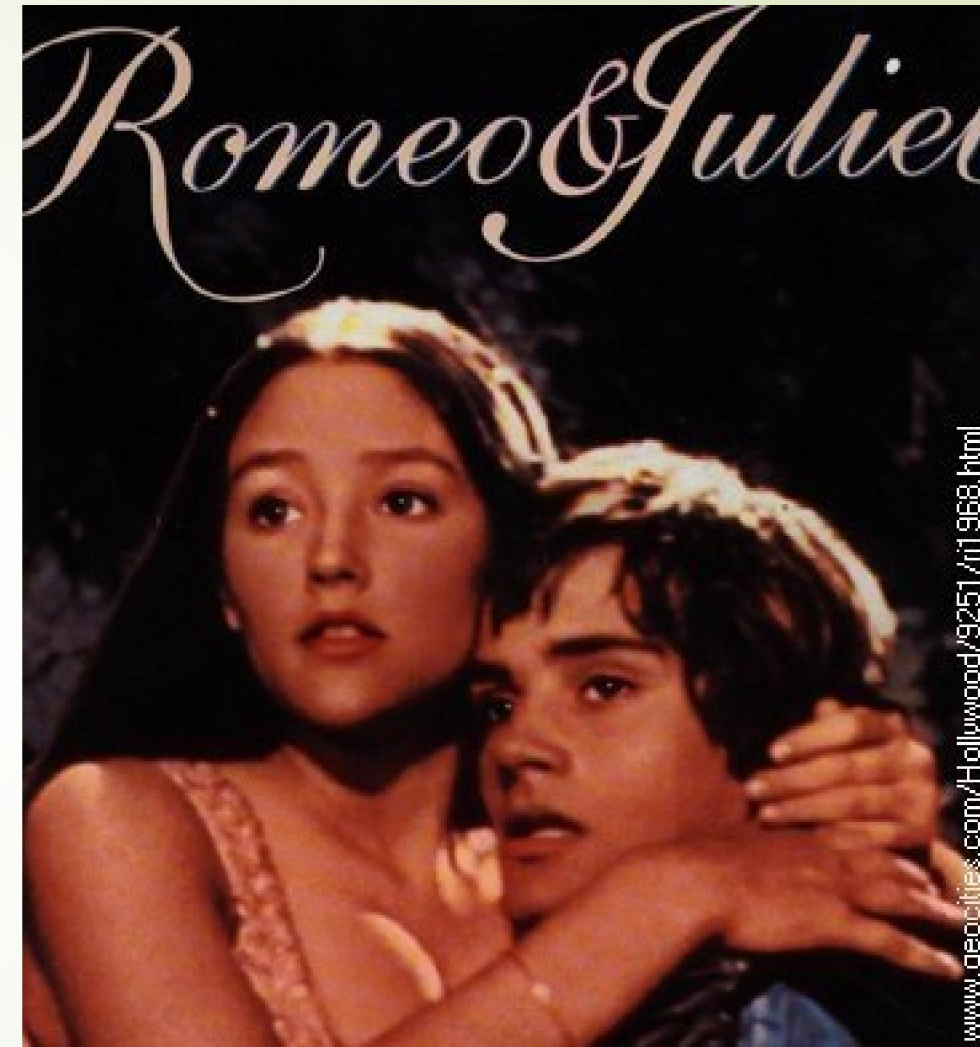
Copyright



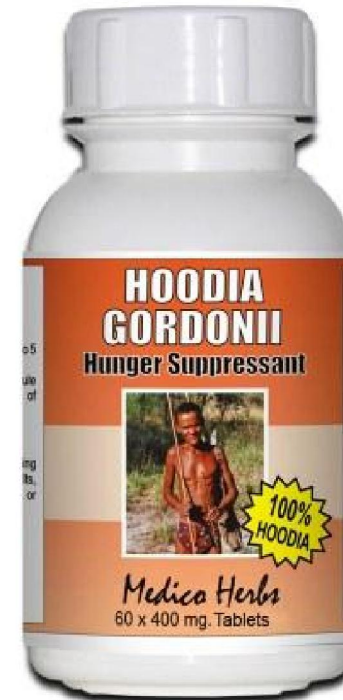
Geographical Indication



Related Rights



TK/TCEs



Genetic Resources



Convention on
Biological Diversity



Kenya Agricultural & Livestock Research Organization

Food Crops Research Institute-Njoro Open Day

Theme: "Diversified Crop Research for Sustainable Food Security,
Industrialization and Economic Transformation"

Date: Friday, 6th November 2015 at 9.00 am

Venue: KALRO Njoro Grounds



ENTRY FREE

ALL ARE WELCOME !!

R.S.V.P: cd.fcni.joro@kalro.org
Wireless: 020-3510865

Utility Models



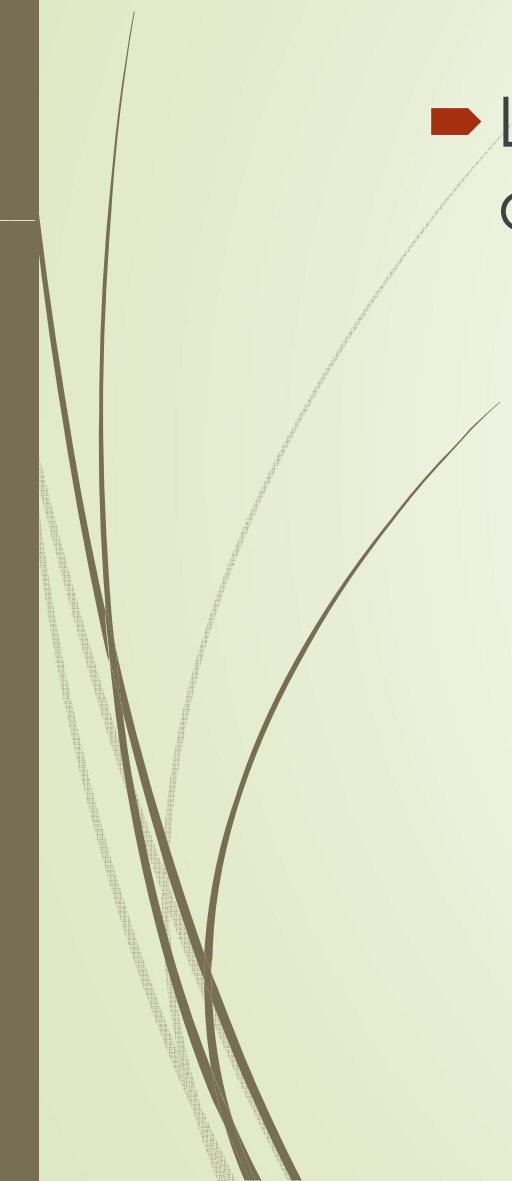


IP Assets (Cont'd)

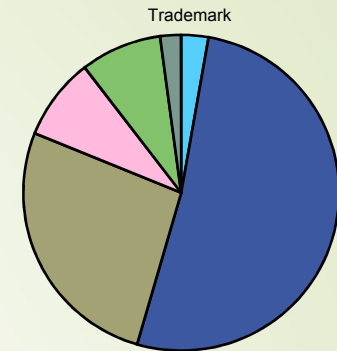
- 9. Company policies which gives the company the competitive advantage. eg. pricing policy
- 10. Work culture.
- 11. Contractual relationships with third parties.
- 12. Skills of key employees.
- 13. Company strategies.
- 14. Details of research undertaken / failed research projects.



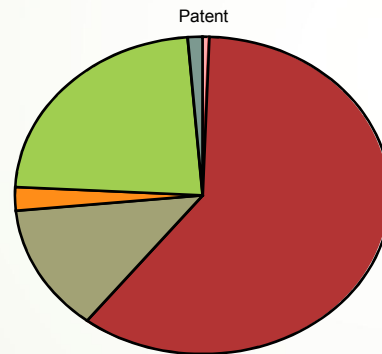
Why Focus on IP Assets

- ▶ Like tangible assets IP has to be identified, protected and maintained to
 - ▶ maximize their value and
 - ▶ minimize the potential for third party abuse
 - ▶ prevent inadvertent loss
 - ▶ ensure freedom to operate
- 

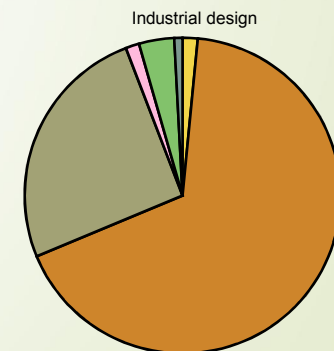
World Patent, Trademarks & Industrial Design Filings 2015



Africa: 2.8% Asia: 51.8%
 Europe: 26.6% Latin America and the Caribbean: 8.4%
 North America: 8.3% Oceania: 2.1%

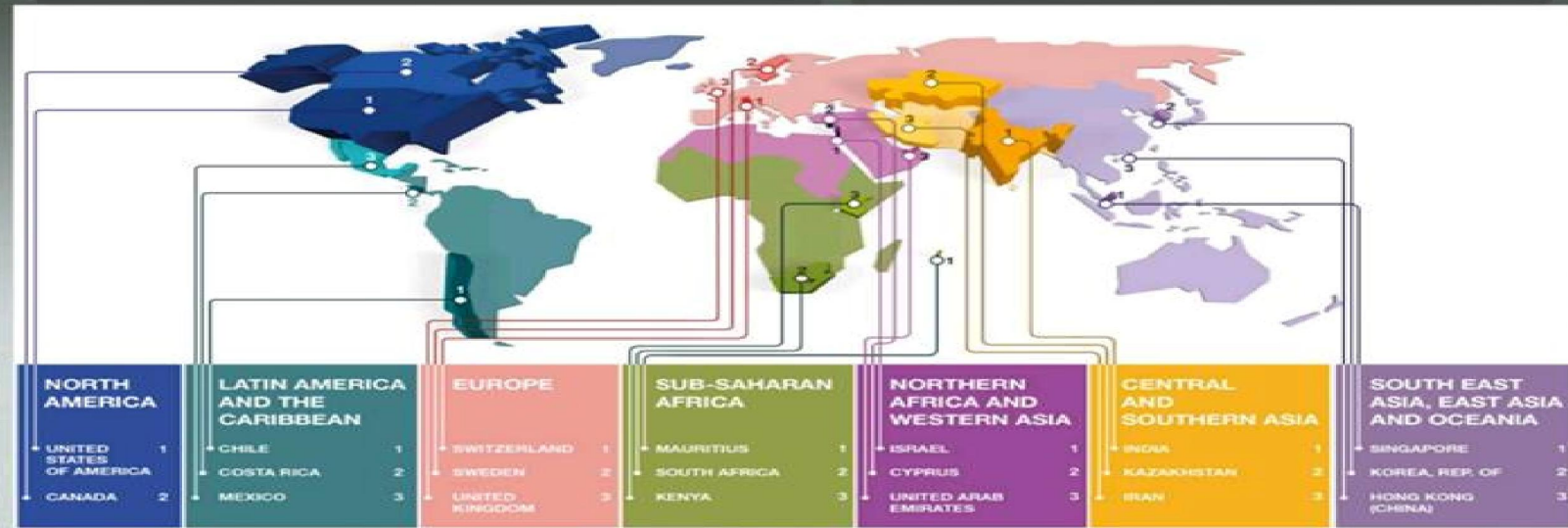


Africa: 0.6% Asia: 60.0%
 Europe: 12.9% Latin America and the Caribbean: 2.4%
 North America: 22.9% Oceania: 1.3%



Africa: 1.5% Asia: 67.2%
 Europe: 25.5% Latin America and the Caribbean: 1.4%
 North America: 3.6% Oceania: 0.9%

INNOVATION?



Essence of Protecting Intangible Assets

Are you paying royalties on expired IP rights?

- All registrable IP rights have fixed duration: Patents (20 years), Utility Innovation (5 years), Industrial Design Rights (5 years renewable once) Trademarks(renewable after 10 years)
- Once registrable IP rights expire or are not maintained, value of licence falls – no “monopoly” rights in market

Is there infringement / misappropriation / passing off in the market?

- Surveillance in the market?
- Analysis of sales data to indicate abnormal pattern

END



➡ Thank you