

# COPYRIGHT101 PAMPHLET



**Strathmore University**

*Centre for Intellectual Property and  
Information Technology Law*

## WHAT IS COPYRIGHT?

Copyright is a type of intellectual property right<sup>1</sup> granted to protect literary and artistic works. It provides authors, composers, dancers, singers, actors, software designers among other creatives the exclusive right to control the use of their works. Examples of copyrightable works include books, music, paintings, sculptures, and films, among many others.<sup>2</sup> Copyright protects the expression of the idea and not the idea itself.

Copyright protection is automatic and, in Kenya, it is governed by the Copyright Act, No. 12 of 2001 (as amended in 2022), and the Copyright Regulations, 2020.

Requirements for Copyright protection<sup>3</sup>

- a. Eligibility:** To be eligible, works must fall under any of these classifications of works: literary works (books, plays, film scripts, computer programs etc.), musical works, artistic works (paintings, drawings, handicrafts, architectural works etc.), dramatic works, audio-visual works, sound recordings, and broadcasts.
- b. Originality:** This is a combination of the author or creator's skill and labour in creating the work. Copyright protects an original expression of an idea, and not the idea itself.
- c. Affixation:** The work should be presented in a tangible format. The work must be capable of being perceived, reproduced, or communicated through a device. Such as paper, cardboard, computer, disc etc.

<sup>1</sup> Other intellectual property rights include trademarks, patents, industrial designs, utility models, and trade secrets.

<sup>2</sup> Famous copyrighted works include: 'The Mona Lisa painting',

<sup>3</sup> Section 22 (3) of the Copyright Act, 2001

## HOW DO I REGISTER FOR COPYRIGHT?

Registration of copyright is administered by the Kenya Copyright Board (KECOBO) and is carried out online through the Kenya National Rights Registry Portal accessible via [nrr.copyright.go.ke](http://nrr.copyright.go.ke).

The following are the registration steps to take:

1. Open the Kenya National Rights Registry Portal Page - [nrr.copyright.go.ke](http://nrr.copyright.go.ke)
2. Create an Account or Sign in to your account (individual or corporate account)
3. Upon signing in, select the 'My Copyrights' tab and proceed with registration by selecting the 'Want to Register a New Copyright?' tab, and filling in any required information.

## What rights are awarded by Copyright?

Copyright is a bundle of two rights: economic rights and moral rights.<sup>4</sup>

## Who owns the rights awarded by Copyright?

The owner of a copyright is the one who holds the legal title to a given work. The author of the work is often the first owner of copyright. This right can be transferred to another person through licensing, assignment or transfer of rights by other means.

## How long does Copyright protection last?

Once established copyright protection remains exclusively with the creator or right owner for a specific period, as highlighted below<sup>5</sup>:

<sup>4</sup> Section 26, Section 28, Section 29 and Section 32 of the Copyright Act, 2001

<sup>5</sup> Section 23(2) of the Copyright Act, 2001

**"Copyright is a type of intellectual property right"**

Type of work	Duration of Copyright Protection (Kenya)
Literary, musical, dramatic, or artistic work (other than photographs)	The lifetime of the author, plus 50 years after the death of the author
Audio-visual works and photographs	50 years from the end of the year in which the work was either made, or first made available to the public, or first published (whichever date is the most recent).
Sound recordings	50 years after the end of the year in which the recording was made.
Broadcasts	50 years after the end of the year in which the broadcast took place.
Anonymous or pseudonymous literary, musical, dramatic, or artistic works	50 years from the end of the year in which the respective work was first published. (If the identity of the author becomes known, the term of protection of a copyright shall be calculated as above.)

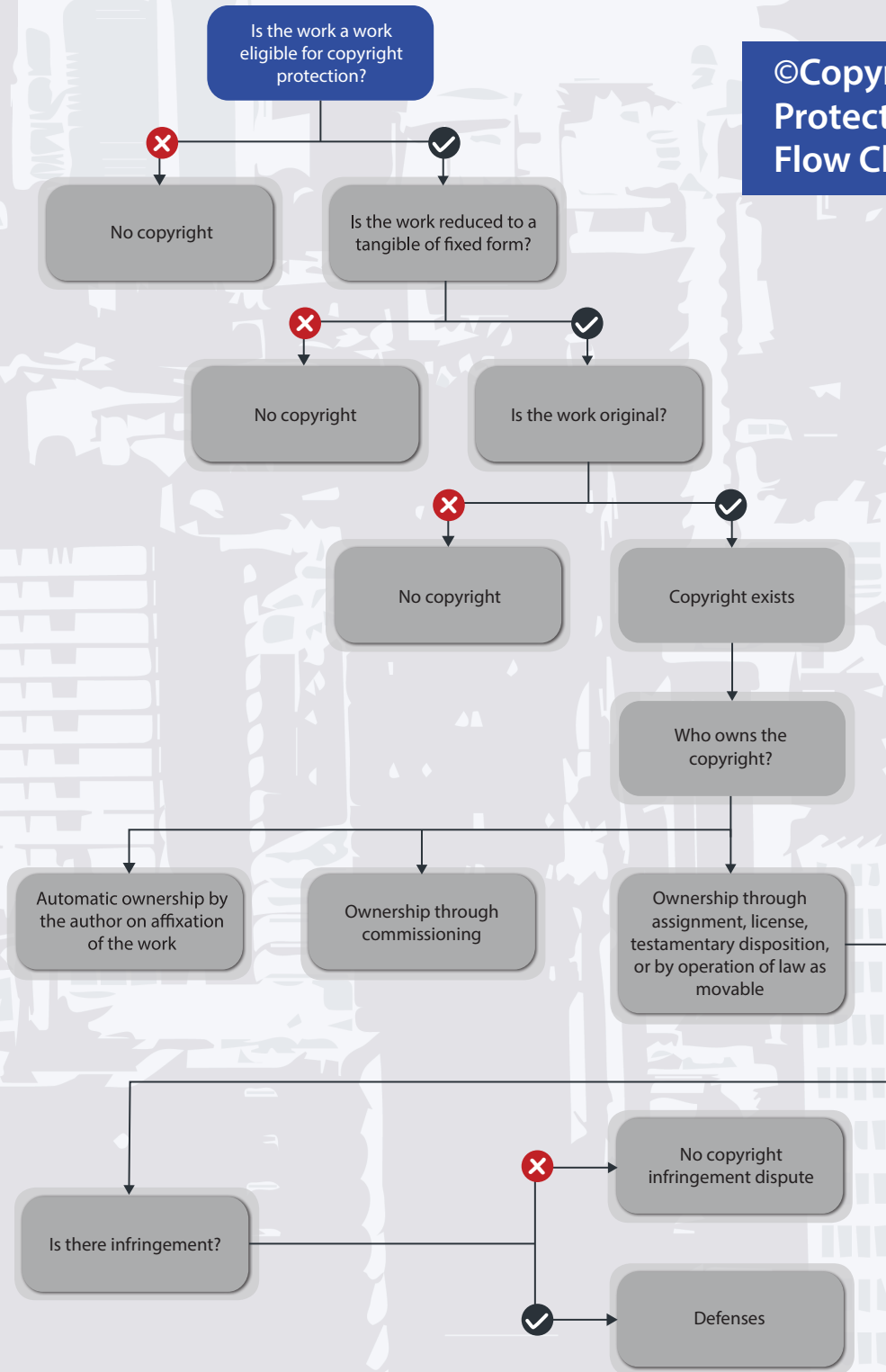
## What is Copyright Infringement?

Copyright infringement occurs when a copyright owner's rights are violated by another party (3rd party). This can occur when there is unauthorized or unpermitted use of a whole or substantial part of a copyrighted work. In such a case an owner can seek various reliefs including:

- a. Damages - compensation arising out of the harm that occurs due to infringing actions.
- b. Injunction - to restrain or prevent further use by the infringer.
- c. Destruction Order - a court order for the destruction or other reasonable disposal of all infringing copies of a work.
- d. Declaration of Ownership - the determination by a court as to who owns the infringed works.
- e. Anton Piller Orders – a court order that permits a copyright owner to enter the infringer's/defendant's premises to seize and keep records, data, documents, and materials relating to their copyrighted works.



# ©Copyright Protection Flow Chart



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