



REPUBLIC OF KENYA ———

March 2026

DRAFT BILL

COPYRIGHT AND RELATED RIGHTS BILL, 2026

A Legislative Proposal by:

THE KENYA COPYRIGHT BOARD

COPYRIGHT AND RELATED RIGHTS BILL, 2026

ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARIES

1. Short title.
2. Interpretation.
3. Objects of the Act.

PART II –THE KENYA COPYRIGHT AUTHORITY

4. Establishment of the Copyright Authority.
5. Functions of the Authority
6. Powers of the Authority.
7. Board of the Authority.
8. Vacation of office
9. Specific functions of the Board
10. Conduct of business and affairs of the Board
11. Chief Executive officer.
12. Corporation Secretary
13. Staff of the Authority
14. Seal and execution of documents
15. Financial Provisions
16. Annual report of the Authority.

PART III – SUBSISTENCE, OWNERSHIP AND DURATION OF COPYRIGHT

17. Works eligible for copyright.
18. Fixation requirement.
19. Exclusive Rights.
20. Qualification for copyright protection.
21. Ownership of copyright.

22. Duration of copyright
23. Copyright in Government works
24. Copyright in works of international organizations.
25. Works not eligible for copyright
26. Works in public domain
27. Voluntary registry of copyright works

PART IV – ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

28. General exceptions and limitations
29. Fair dealing
30. Private and personal use
31. Educational use.
32. Libraries, archives and museums.
33. Accessible format copies for persons living with disabilities.
34. Texts and data analysis for noncommercial research.
35. Miscellaneous exceptions.
36. Computer programs.
37. Broadcasting.

PART V- RELATED RIGHTS

38. Distinction of related rights.
39. Performers rights.
40. Rights in sound recording.
41. Rights in broadcasts.
42. Equitable remuneration
43. Duration of related rights
44. Exemptions to related rights.
45. Dealing in related rights.

PART VI - MORAL RIGHTS

46. Meaning of moral rights.
47. Right to attribution.
48. Right to integrity.
49. Right against false attribution.
50. Consent, waivers and joint works.

51. Transmission of moral rights.
52. Enforcement of moral rights.

PART VII - DEALING WITH RIGHTS IN COPYRIGHT WORKS

53. Artist right of resale right.
54. Assignment and licenses.
55. Term of licensing.
56. Rights and remedies of exclusive licensee and sub-licensee.
57. Reversion of rights by exclusive licensor.
58. Reversion of rights in the case of insolvency.
59. Digital revenue distribution.
60. Dealing in orphaned works.
61. Copyright as a security.
62. Private copying remuneration levy.

PART VIII – INFRINGEMENT OF COPYRIGHT OR RELATED RIGHTS

63. Acts restricted in a work.
64. Infringements on right of performers and producers of sound recording.
65. Infringement by copying.
66. Infringement by rental or lending of work to the public.
67. Infringement by performance showing, or playing of works in public.
68. Infringement by communication to the public.
69. Infringement by making adaptation of a work
70. Secondary infringement generally.
71. Secondary infringement by enabling public use of works
72. Removal or alteration of technological protection measures
73. Presumptions and limitations in infringement actions.

PART IX –REMEDIES FOR INFRINGEMENT

74. Reliefs for infringement.
75. Injunctions.
76. Offences and penalties.
77. *Anton Piller* orders.

- 78. Remedies for infringement of moral rights.
- 79. Compounding of offences.
- 80. Administrative penalties.

PART X- LIABILITY AND SAFE HARBORS FOR ONLINE INTERMEDIARIES

- 81. Safe harbors.
- 82. Takedown Notice
- 83. Site Blocking, live events and other time sensitive matters
- 84. Counter Notice
- 85. Liability for non-compliance
- 86. Compliance requirement for online intermediaries

PART XI- ENFORCEMENT PROVISIONS

- 87. Appointment of Inspectors.
- 88. Inspection, entry and seizure
- 89. Arrest and prosecution.
- 90. Boarder measures.
- 91. Procedure for seized items.

PART XII – COLLECTIVE MANAGEMENT OF RIGHTS

- 92. Formation of Collective Management Organization.
- 93. Licensing of Collective Management Organization.
- 94. Imposition and distribution of royalties.
- 95. Inspection and Supervision.
- 96. Directions and Orders of the Authority

PART XIII – COPYRIGHT DISPUTES TRIBUNAL

- 97. Establishment of the Copyright Disputes Tribunal.
- 98. Original Jurisdiction of the Tribunal.
- 99. Appellate jurisdiction of the Tribunal.
- 100. Remedies the Tribunal may grant
- 101. Discipline and removal of members.
- 102. Staff of the Tribunal
- 103. Procedure before the Tribunal

- 104. Procedure before the Tribunal.
- 105. Expenses of the Tribunal
- 106. Rules of the Tribunal

PART XIV—GENERAL PROVISIONS

- 107. Regulations.
- 108. Savings and Transitions
- 109. Repeal of the Copyright Act.

Draft

COPYRIGHT AND RELATED RIGHTS BILL, 2025**A Bill for**

AN ACT of Parliament to support, promote and protect of copyright and related rights in accordance with to Articles 11(2)c and 40(5) of the Constitution; to repeal and re-enact the Copyright Act cap 130; and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

Short title. 1. This Act may be cited as the Copyright and Related Rights Act.

Interpretation. 2. In this Act, unless the context otherwise requires—

“accessible format copy” means a copy of a work in an alternative manner or form that gives a beneficiary person access to the work as feasibly and comfortably as a person without a visual impairment or other print disability, while respecting the integrity of the original work to the extent necessary for accessibility;

“art market professional” includes an auctioneer, owner or operator of a gallery, museum, an art dealer or any other person involved in the business of dealing in artworks;

“artistic work” means, irrespective of artistic quality, any work that falls under the following categories, or works analogous thereto—

- (a) paintings, drawings, etchings, lithographs, woodcuts, engravings and prints;
- (b) a map, plan and diagram;

- (c) a sculpture;
- (d) a photograph not comprised in audio-visual work;
- (e) a work of architecture in the form of building or models; or
- (f) works of artistic craftsmanship, pictorial woven tissues and articles of applied handicraft and industrial art;

“assignment” means the transfer of economic rights, in part or in whole, in copyright or related rights, by the owner excluding moral rights;

“audiovisual work” means a work that consists of a series of related images which impart the impression of motion with or without accompanying sounds, susceptible of being made visible and, where accompanied by sounds, susceptible of being made audible;

“Authority” means the Kenya Copyright Authority established under section 4;

“author” means a natural person who creates the work;

“authorized entity” means an entity authorized or recognized by the Government to provide, on a non-profit basis, education, instructional training, adaptive reading, or information access to beneficiary persons, and includes a government institution or non-profit organization that provides such services as one of its primary activities or institutional obligations;

“beneficiary person” means a person with a disability that causes the person difficulty in reading, viewing, hearing, or comprehending copyright material in a particular form;

“broadcast” means a transmission by wire or wireless means, including satellite or internet streaming, receivable by the public or a section thereof

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to copyright and related rights;

“collective management organization” means an organization that is licensed by the Authority to negotiate, collect, and distribute royalties, and grant licenses in respect of the use of works protected by copyright or related rights;

“commissioned work” means a work created pursuant to a contract between an author and another person;

“commercial resale” means the subsequent transfer of ownership in work of art from one person to another for monetary consideration with the involvement of an art market professional;

“Communication to the public” means the transmission to the public, by any process of wire or wireless means (other than broadcasting), of the images or sounds, or both, of a work, performance, or sound recording, in such a way that members of the public may access them from a place and at a time individually chosen by them;

“computer program” means a set of instructions, whether expressed in words, codes, schemes, or any other form, which is capable, when incorporated in a machine-readable medium, of causing a machine having information-processing capabilities to indicate, perform, or achieve a particular function, task, or result;

“copy” means a reproduction of work in any manner or form, including any sound or visual recording or any permanent or transient storage in any medium by electronic or other means;

“copyright” means the exclusive economic and moral rights conferred on the author or rights holder of an original work;

“educational establishment” means any institution established or recognized under any law for the purpose of providing education or training;

“licence” means a written agreement, signed by or on behalf of an owner or prospective owner of copyright or related rights, which authorizes the licensee, to exercise a right that, under this Act, would otherwise be exercisable by the owner of the copyright or related rights;

“fair dealing” means the use of a copyright work for a permitted purpose under this Act, without the authorization of the rights holder, where such use is fair in the circumstances;

“fixation” means embodiment of a work or of the representation thereof from which it can be perceived, reproduced, or communicated through a device;

“literary work” means, irrespective of literary quality, any of the following, or works similar thereto and includes—

- (a) a novel, story, sheet music, written music, or poetic work;
- (b) a dramatic work, including a scenario or script;
- (c) textbooks, treatises, histories, biographies, essays, and articles;
- (d) encyclopedias and dictionaries;
- (e) letters, reports and memoranda;
- (f) lectures, addresses and sermons;
- (g) charts, graphs and tables;
- (h) computer programs and software;
- (i) a table or compilation, including a database if it constitutes an intellectual creation by reason of the selection or arrangement of

its contents;

- (j) electronic literature, including works created in digital formats; or

“musical work” means a work consisting of music, including any any words or action intended to be sung, spoken, or performed with the music, and any graphical notation thereof, but does not include a sound recording or performance of such work;

“owner” means the author as first owner, an assignee, an exclusive licensee, or any person who acquires ownership by succession or operation of law;

“performance” means the live representation of a work or expression of folklore through acting, playing, dancing, recitation, singing, or any other means;

“performer” means an actor, singer, declaimer, musician or other person who performs or is a conductor of a literary, musical, dramatic or artistic work;

“phonogram” means the fixation of the sounds of a performance or of other sounds, or of a representation of sounds, other than in the form of a fixation incorporated in an audiovisual work;

“producer” means the natural or legal person who takes the initiative and has the responsibility for the first fixation of the sounds of a performance or other sounds, or the representations of sounds;

“public display” means the showing of a copyright work—

- (a) directly;
- (b) by means of a film, slide, television image or otherwise on screen;
- (c) by any other device or process;

(d) in the case of an audiovisual work, showing of individual images consequentially,
at a place or places where persons outside the normal circle of a family and its closest social acquaintances are or can be present irrespective of whether they are or can be present at the same place and time or at different places or times, where the work can be displayed without communication to the public;

“publication” means the lawful making available of copies of a work to the public in reasonable quantities by sale or other transfer of ownership;

“public performance” means—

(a) in the case of a work other than an audiovisual work, the recitation, playing, dancing, acting, or otherwise performing the work, either directly or by means of any device or process;

(b) in the case of an audiovisual work, the showing of images in sequence and the making of accompanying sounds audible; or

(c) in the case of a sound recording, making the fixed sounds audible; at a place or places where persons outside the normal circle of a family and its closest social acquaintances are or can be present, irrespective of whether they are present at the same place and time or at different places and times;

“re-broadcast” means the simultaneous broadcasting by one broadcasting organization of the broadcast of another broadcasting organization;

“related rights” means the rights of performers, producers of phonograms, and broadcasting organizations as provided under Part V;

“reproduction” means the making of one or more copies of a work or sound recordings in any manner or form and includes any permanent or temporary storage in electronic form;

“re-transmission” means the simultaneous or deferred transmission for

the reception by the public by any means of a broadcast by a third party other than the original broadcaster organisation;

“rights holder” the owner of copyright or related rights under this Act;

“sound recording” means the fixation of the sounds of a performance or of other sounds, or of a representation of sounds, other than in the form of a fixation incorporated in an audiovisual work;

“technological protection measure” means any technology, device, or component that, in the normal course of its operation, controls access to a work or protects any copyright or related right in a work;

“Tribunal” means the Copyright Disputes Tribunal established under part (XIII);

“work” means any of the following original intellectual creations which copyright subsists—

- (a) a literary work;
- (b) a musical work;
- (c) an artistic work;
- (d) a dramatic work, including a choreographic work;
- (e) an audiovisual work;
- (f) a sound recording; or
- (g) a broadcast;

and, for the purposes of accessibility under section 47, includes works for visually impaired persons limited to literary and artistic works, whether published or made available in any medium.

Objects of the Act.

- 3.** The objects of this Act are to—
- (a) establish a framework for the support, promotion and protection of copyright and related rights;
 - (b) give effect to international treaties and conventions on copyright and related rights to which Kenya is a party;

- (c) provide protection for copyright works to foster creativity and innovation;
- (d) facilitate access to copyright works for educational, research, and cultural purposes,
- (e) define and balance the rights and obligations for copyright owners, users, and intermediaries;
- (f) ensure transparency and accountability in the administration and enforcement of copyright and related rights; and
- (g) promote equitable access to and use of copyright works, while safeguarding the economic and moral rights of creators.

PART II –ESTABLISHMENT OF THE KENYA COPYRIGHT AUTHORITY

Establishment
of the
Authority.

- 4.** (1) There is established the Kenya Copyright Authority.
- (2) The Authority is a body corporate with perpetual succession and a common seal, and which shall be capable, in its corporate name of—
- (a) suing and being sued;
 - (b) purchasing or otherwise, acquiring, holding, charging, or disposing of movable and immovable property;
 - (c) entering into contracts;
 - (d) investing, borrowing or lending money;
- and
- (e) performing any other act necessary for the proper discharge its functions under this Act.

- (2) The Authority shall be the successor to the Kenya Copyright

Board established under the repealed Copyright Act, Cap. 130.

Functions of
the Authority.

- 5.** The functions of the Authority are to—
- (a) implement international treaties and conventions on copyright and related rights to which Kenya is a party;
 - (b) undertake the voluntary registration of copyright and related rights;
 - (c) establish and maintain a National Rights Registry for copyright and related rights;
 - (d) advise the government on the negotiation, conclusion, and implementation of bilateral and multilateral agreements on copyright and related rights;
 - (e) advise national and county governments on all aspects relating to copyright and related rights;
 - (f) license, supervise and regulate collective management organizations;
 - (g) may approve and register Royalty Management Systems;
 - (h) establish and oversee a framework for the collection, distribution, and management of royalties and private copying remuneration;
 - (i) promote education, training, and provide technical assistance on copyright and related rights;
 - (j) issue copyright compliance certificates to users of copyright works in consultation with the relevant licensed Collective Management Organization;
 - (k) conduct or commission research, studies, and data analysis to enhance the efficiency, effectiveness, and policy development of copyright and related rights; and
 - (l) perform any other function as may be necessary for the effective implementation of this Act.

Powers of the
Authority.

- 6.** The Authority shall have all the powers necessary to perform its functions under this Act, including the power to—
- (a) enter, inspect, and search premises, with a warrant where

required, to enforce this Act;

- (b) issue summons or call for witnesses for purposes of investigations;
- (c) impose administrative fines or sanctions for breaches of this Act;
- (d) charge fees and levies services provided under this Act;
- (e) enter into agreements or associations with other bodies or organizations, within or outside Kenya, as necessary to fulfill its functions; and
- (f) delegate any of its powers or functions, in writing, to a person or entity, subject to such conditions as the Authority may determine.

Board of the
Authority.

7. (1) There shall be a Board of the Authority which shall consist of—

- (a) a chairperson, appointed by the President;
- (b) the Principal Secretary for the National Treasury or a designated representative;
- (c) the Principal Secretary in the State Department responsible for matters relating to copyright or a designated representative;
- (d) the Attorney-General or a designated representative;
- (e) four persons, appointed by the Cabinet Secretary, each nominated by formally established associations, recognized as representing stakeholders in each of the following sectors—
 - (i) music;
 - (ii) film;
 - (iii) visual arts; and
 - (iv) publishing;

- (f) one person appointed by the Cabinet Secretary having appropriate skill not present in the board and necessary for the appropriate functioning of the board.
- (g) the Chief Executive Officer, who shall be an *ex-officio* member.

(2) A person shall qualify for appointment as the Chairperson if the person—

- (a) holds an undergraduate degree from a university recognized in Kenya;
- (b) has proven business management or other relevant professional experience in leadership and management;
- (c) has served in a position of senior management for a period of at least seven years; and
- (d) meets the requirements of Chapter Six of the Constitution.

(3) A person shall be qualified for appointment as a member of the Board under subsection (1)(e) if the person—

- (a) holds an undergraduate degree from a university recognized in Kenya;
- (b) possesses experience in intellectual properties, finance, governance, strategic leadership, law, social sciences, or any other relevant field; and
- (c) meets the requirements of Chapter Six of the Constitution.

(4) The Chairperson and the members of the Board appointed under section shall hold office for a term of three years and shall be eligible for reappointment for one further term.

(5) A member of the Board shall be paid such allowances as the Salaries and Remuneration Commission may determine.

Vacation of
office

- 8.** A member of the Board shall cease to hold office—
- (a) upon the expiry of their term of appointment;
 - (b) upon resignation;
 - (c) if absent from three consecutive meetings of the Board, without justifiable cause;
 - (d) if convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine;
 - (e) if adjudged bankrupt; and
 - (f) if is incapacitated by prolonged physical or mental illness and incapable of discharging their responsibilities.

Specific
functions of the
Board

- 9.** The Board shall —
- (a) control, supervise and administer the assets of the Authority;
 - (b) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Authority;
 - (c) approve the overall strategy, programs and policies of the Authority; and
 - (d) ensure availability of adequate resources for the achievements of the Authorities objectives.

Conduct of
business and
affairs of the
Board

10. (1) The business and affairs of the Board shall be conducted collectively in accordance with section 8 of the State Corporation Act.

(2) Except as provided in the Act, the Board may regulate its own procedure.

(3) The Board may, in writing, delegate the exercise of any of the powers or the performance of any of the functions of the Board under this Act.

(4) Any function or power delegated under this section shall be performed and exercised in the name and on behalf of the Authority.

Chief Executive
Officer

11. (1) There shall be the Chief Executive Officer of the Authority, who shall be competitively recruited and appointed by the Board on such terms and conditions as the Board shall determine.

(2) The Chief Executive Officer shall —

- (a) the accounting officer of the Authority;
- (b) be the head of the secretariat of the Corporation;
- (c) be responsible for the day-to-day management, administration, and supervision of the staff of the Corporation;
- (d) implement strategies, decisions and policies of the Board;
- (e) perform any other function assigned by the Board or necessary for the implementation of this Act.

(3) The Chief Executive Officer shall be appointed for a term of four years and shall be eligible for reappointment for one further term.

(4) A person shall be qualified for appointment as Chief Executive Officer if the person—

- (a) is a professional practitioner in law, or corporate governance, or economics, or finance with at least seven years of relevant professional experience;
- (b) holds a post graduate degree from a university recognized in Kenya;
- (c) has extensive expertise in matters relating to intellectual property; and
- (d) meets the requirements of Chapter Six of the Constitution.

Corporation
Secretary

12. (1) The Board shall appoint a suitably qualified person to serve as the Corporation Secretary.

(2) A person is qualified to be appointed as the Corporation Secretary if that person is a certified public secretary and a member of the relevant professional body.

(3) The corporation secretary shall—

- (a) be responsible for providing secretarial, legal, and governance support to the Board and the Corporation;
 - (b) advise the Board on governance matters;
 - (c) ensure compliance with statutory and regulatory requirements; and
 - (d) perform any other duty assigned by the Board.
- (4) In the performance of their functions, the Corporation Secretary shall be responsible to the Chief Executive Officer.

Staff of the
Authority

13. The Board shall appoint such number of staff as may be necessary for the efficient discharge of the functions of the Authority.

Seal and
execution of
documents

14. (1) The common seal of the Authority shall be kept in the custody of the Corporation Secretary.

(2) The common seal shall not be affixed to any instrument or document except as may be authorized by the Board.

(3) The affixing of the common seal of the Authority shall be authenticated by the signature of any two members of the Board or a one member of the Board and the Corporation Secretary

Financial
Provisions.

15. (1) The funds of the Authority shall consist of—

- (a) monies appropriated by the National Assembly;
- (b) fees, levies, and charges collected under this Act;
- (c) grants, donations or gifts from lawful sources, subject to approval by the Board; and
- (d) any monies accruing to the Authority from any other lawful source.

(2) The Authority shall manage its finances in accordance with the Public Finance Management Act, 2012, and any other applicable law.

(3) The accounts of the Authority shall be audited in accordance with the Public Audit Act, 2015.

Annual report
of the
Authority.

16. The Authority shall, after the end of each financial year, prepare and submit to the Cabinet Secretary an annual report relating to the operations of the Authority.

PART III – SUBSISTENCE, OWNERSHIP AND DURATION OF COPYRIGHT

Works eligible
for copyright.

17. (1) Copyright subsists, in accordance with this Act, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.

(2) Works eligible for copyright include—

- (a) literary works;
- (b) musical works;
- (c) dramatic works, including choreographic works;
- (d) artistic works;
- (e) audiovisual works;
- (f) sound recordings;
- (g) broadcasts; and
- (h) computer programs and compilations of data or other material, whether in machine-readable or other form, which by reason of the selection or arrangement of their contents constitute intellectual creations.

(3) Copyright subsists automatically upon fixation of the work,

provided it is original, meaning it is the author's own intellectual creation and reflects a minimum degree of creativity.

(4) No formalities, such as registration or notice, shall be required for copyright to subsist, but voluntary registration may be undertaken as provided in section 31.

Fixation
Requirement.

18. (1) For copyright to subsist in a literary, dramatic, or musical work, it must be fixed in a tangible medium of expression.

(2) Fixation may be done by or under the authority of the author, or by any other person, and the consent of the author is not required for the fixation to confer copyright in the work.

(3) The existence of copyright in a fixed record does not affect the subsistence of copyright in the underlying work.

Exclusive
Rights.

19. (1) The owner of copyright in a work has the exclusive right to do, or authorize others to do, the following acts in Kenya—

- (a) reproduce the work in any material form, including electronic storage;
- (b) prepare derivative works based upon the work, including translations, adaptations, or other transformations;
- (c) distribute copies of the work to the public by sale, rental, lending, or other transfer of ownership or possession;
- (d) publicly perform the work;
- (e) communicate the work to the public, including by broadcasting or making available online;
- (f) import copies of the work; and
- (g) in the case of computer programs, rent the work commercially.

(2) For architectural works, the exclusive rights include controlling the erection of buildings that reproduce the work, but do not extend to reconstructions in the same style after the original building is destroyed or altered.

(3) The exclusive rights under this section are subject to the exceptions and limitations provided in Part IV.

Qualification
for copyright
protection.

20. (1) A work qualifies for copyright protection if, at the time of creation or first publication, it meets one of the following criteria—

- (a) the author is—
 - (i) a Kenyan citizen or resident;
 - (ii) domiciled in Kenya;
 - (iii) a body incorporated under Kenyan law; or
 - (iv) a national, resident, or body incorporated in a country party to an international copyright or related rights treaty to which Kenya is a party;
- (b) the work is first published in Kenya or in a country party to a treaty referred to in paragraph (a)(iv);
- (c) for sound recordings, the work is fixed in Kenya or a qualifying country, or the producer is a qualifying person under paragraph (a);
- (d) for broadcasts, the work is transmitted from Kenya or a qualifying country, or the broadcasting organization is headquartered in Kenya or a qualifying country.

(2) For works of joint authorship, qualification requires at least one author to meet subsection (1)(a), but only qualifying authors are considered for—

- (a) first ownership of copyright;
- (b) duration of copyright; and
- (c) permitted acts for anonymous, pseudonymous, or orphaned works under this Act.

(3) The Cabinet Secretary may, by notice in the Gazette, designate additional qualifying countries, having regard to Kenya's international treaty obligations.

Ownership of
copyright.

21. (1) The author of a work is the first owner of its copyright,

unless otherwise provided by this Act.

(2) Where a work is created by an employee in the course of employment, the employer is the first owner, subject to any agreement to the contrary.

(3) For a commissioned work, the author retains ownership unless the commissioning contract expressly transfers copyright to the commissioner.

(4) In a work of joint authorship, each author holds an equal undivided share of the copyright, unless otherwise agreed.

Duration of
Copyright.

22. (1) The duration of copyright in a work is as follows—

- (a) for literary, musical, dramatic, or artistic works (excluding photographs), until the end of the fiftieth year after the calendar year in which the author dies;
- (b) for photographs and audiovisual works, seventy years from the end of the calendar year in which the work is first published, made available to the public, or created, whichever is the latest;
- (c) for sound recordings, seventy years from the end of the calendar year in which the recording is fixed;
- (d) for broadcasts, fifty years from the end of the calendar year in which the broadcast is made;
- (e) for computer-generated works, fifty years from the end of the calendar year in which the work is created.

(2) For works of joint authorship, duration is calculated from the death of the last surviving author.

(3) For works originating from a country other than Kenya, the duration is the shorter of the term provided in this Act or the term in the country of origin, but not less than the minimum required by international treaties to which Kenya is a party.

Copyright in
Government
Works

23. (1) Where a work is created by a person employed or engaged by the Government in the course of their duties, the Government is the first

owner of the copyright, subject to any agreement to the contrary.

(2) Copyright in Government works subsists—

- (a) for typographical arrangements of published editions, for twenty-five years from the end of the calendar year in which the work is created;
- (b) for other works, for fifty years from the end of the calendar year in which the work is created.

(3) For joint works where only some authors are Government employees, this section applies only to the Government's contribution, with ownership apportioned accordingly.

Copyright in
Works of
International
Organizations.

24. (1) Where an original work is created or first published by a prescribed international organization and does not otherwise qualify for copyright under section 20, copyright subsists in the work, with the organization as the first owner.

(2) Copyright under subsection (1) subsists for fifty years from the end of the calendar year in which the work is created, or for a longer period as required by international treaties to which Kenya is a party.

(3) A prescribed international organization is one recognized under an international treaty to which Kenya is a party, as designated by the Cabinet Secretary by notice in the Gazette.

Works not
eligible for
copyright

25. No copyright subsists in—

- (a) ideas, procedures, systems, methods of operation, concepts, principles, discoveries, or mere data;
- (b) official texts of a legislative, administrative, or judicial nature, including Acts, statutory instruments, court decisions, or Government commission reports;
- (c) news of the day or current events reported by the media;
- (d) political speeches; or
- (e) official symbols, emblems, flags, or anthems of Kenya or other sovereign states.

Works in public domain

26. (1) The following works are in the public domain and may be used without restriction—

- (a) works whose copyright term has expired;
- (b) works whose rights have been expressly renounced in writing by the author or their successor in title, provided the renunciation does not conflict with existing contractual obligations;
- (c) foreign works not protected in Kenya under international treaties.

Voluntary registry of copyright works

27. (1) The Authority shall establish and maintain a voluntary registry for works and related rights protected under this Act.

(2) The Authority shall establish and maintain a voluntary National Rights Registry for works and related rights protected under this Act.

(3) The Registry shall—

- (a) record details of rights holders and their works;
- (b) provide prima facie evidence of ownership or licensing for copyright and related rights;
- (c) make registered data publicly accessible;
- (d) facilitate claims for statutory damages under this Act; and
- (e) record security interests in copyright works for the duration of the interest.

(4) Voluntary registration in the Voluntary National Rights Registry under subsection (2) may be done by the author, owner, assignee, or licensee, with prescribed fees.

(5) Registration shall not be a condition for copyright protection.

PART IV – ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

General Exceptions and Limitations

28. (1) The exclusive rights conferred by this Act are subject to the exceptions and limitations in this Part.

(2) Exceptions and limitations shall be applied in a manner that—

- (a) does not conflict with the normal exploitation of the work;
- (b) does not unreasonably prejudice the legitimate interests of the rights holder; and
- (c) complies with Kenya's obligations under international copyright treaties.

Fair Dealing.

29. (1) (1) Fair dealing with a copyright work shall not infringe copyright, provided the use is accompanied by sufficient acknowledgement of the author and work, unless impracticable.

(2) The following constitute fair dealing:

- (a) research or private study;
- (b) criticism, review, or short quotation;
- (c) reporting current events;
- (d) parody, caricature, pastiche, or satire; (e) illustration for educational instruction.

(3) Fair dealing under subsection (2)(a) or (2)(b) does not apply if—

- (a) a librarian or person acting for a librarian makes more than one copy of a published work; or
- (b) any other person makes or distributes copies of substantially the same material to multiple persons simultaneously for the same purpose, knowing or having reason to believe it exceeds fair dealing.

(4) For the purposes of subsection (2)(b) or (2)(c), the work must have been lawfully made available to the public by any means, including issuing copies, electronic retrieval, lending, performance, or communication.

(5) In determining fair dealing, a court shall consider—

- (a) the purpose and character of the use, including whether it is commercial or non-commercial;
- (b) the nature of the copyright work;
- (c) the amount and substantiality of the portion used; and

(d) the effect of the use on the potential market for or value of the work.

(6) No acknowledgement is required for reporting current events via sound recordings, films, or broadcasts if impracticable

Private and
Personal Use

30. (1) Copyright in a work, other than a computer program, is not infringed by an individual making a copy for private and non-commercial use, provided the copy is—

- (a) lawfully acquired by the individual on a permanent basis;
- (b) not an infringing copy; and
- (c) not made under another exception in this Part.

(2) Private use includes making copies for—

- (a) backup purposes;
- (b) format-shifting; or
- (c) storage, including in secure electronic storage accessible only by the individual and the storage provider.

(3) Any contractual term restricting copies permitted under this section is unenforceable.

Educational
Use

31. (1) Copyright is not infringed by the following acts by or on behalf of a non-commercial educational establishment—

- (a) copying or communicating extracts of a work for instruction, provided the copy is accompanied by sufficient acknowledgement unless impracticable;
- (b) including short passages from published literary or dramatic works in anthologies designed for educational use, with sufficient acknowledgement;
- (c) performing, playing, or showing a literary, dramatic, musical work, sound recording, film, or broadcast before teachers, learners, or directly connected persons for instructional purposes;
- (d) reproducing published articles, short works, or extracts for teaching;

(e) communicating or making works available to a defined community of learners or researchers via secure electronic networks for instruction or research.

(2) Acts under subsection (1) are not permitted if a relevant licensing scheme is available and the establishment knew or ought to have known of it.

(3) Copies made under subsection (1) are treated as infringing copies if dealt with beyond the permitted purpose.

(4) Any contractual term restricting the proportion of a work copied under this section is unenforceable.

Libraries,
Archives, and
Museums

32. (1) A librarian, archivist, or curator of a prescribed library, archive, or museum may, without infringing copyright, undertake the following for non-commercial purposes—

- (a) make a single copy of a work for preservation or replacement of a lost, damaged, or obsolete copy in their collection;
- (b) replace a copy in another prescribed institution's collection, if unavailable commercially at a reasonable price;
- (c) lend a book, audiobook, or e-book, including incidental copying for lending;
- (d) communicate a lawfully acquired work to the public via dedicated terminals on premises for research or private study.

(2) Copies made under subsection (1) must be made from lawfully acquired works and not be further distributed beyond the permitted purpose.

Accessible
Format Copies
for Persons
with
Disabilities

33. (1) Copyright is not infringed by an authorized entity, beneficiary person, or person acting on their behalf making, distributing, importing, or exporting accessible format copies of a work for persons with disabilities, provided—

- (a) the copy is made from a lawfully acquired source;
- (b) the use is non-commercial;
- (c) the work is not commercially available in an accessible format at a reasonable price;

- (d) for cross-border exchange, the activity complies with the Marrakesh Treaty; and
 - (e) technological protection measures are circumvented only as necessary and in accordance with regulations.
- (2) Accessible format copies shall—
- (a) be distributed only to beneficiary persons or authorized entities;
 - (b) bear a notice limiting further distribution; and
 - (c) include a copyright notice identifying the owner and original publication date.
- (3) The Cabinet Secretary may prescribe regulations defining authorized entities, beneficiary persons, and circumvention procedures.

Text and Data
Analysis for
Non-
Commercial
Research

- 34.** (1) Copyright is not infringed by making a copy of a work for computational analysis for research, provided—
- (a) the person has lawful access to the work; and
 - (b) the copy is accompanied by sufficient acknowledgement, unless impracticable.
- (2) Copies made under subsection (1) are treated as infringing if used for other purposes or dealt with beyond the permitted research.

Miscellaneous
Exceptions

- 35.** (1) Copyright is not infringed by—
- (a) incidental inclusion of a work in an artistic work, sound recording, film, or broadcast, provided the inclusion is not deliberate for musical works or accompanying words;
 - (b) copying or communicating spoken words for reporting current events or public communication, if the record is direct, not prohibited by the speaker, and made by a lawful possessor;
 - (c) copying factual information from material open to public inspection or on a statutory register for non-public purposes, or to facilitate inspection or disseminate general scientific, technical, commercial, or economic information, if not

commercially available;

- (d) acts specifically authorized by written law or a treaty ratified under Article 2(5) of the Constitution, unless otherwise provided.

(2) Copies made under subsection (1) are treated as infringing if dealt with beyond the permitted purpose.

Computer
Programs

36. (1) Copyright in a computer program is not infringed by a lawful user—

- (a) making a backup copy necessary for lawful use;
- (b) copying to correct errors or test suitability;
- (c) decompiling or converting the program to achieve interoperability with other programs, without requiring right holder authorization;
- (d) observing, studying, or testing the program's functioning to determine underlying ideas or principles during authorized acts.

(2) Copies made under subsection (1) must be destroyed when the user's lawful possession of the program ceases.

(3) Any contractual term restricting acts permitted under this section is unenforceable.

Broadcasting

37. (1) Copyright is not infringed by a broadcasting organization—

- (a) reproducing a work solely for its own authorized broadcast, provided copies are destroyed within six months or as agreed with the rights holder, except for exceptional documentary reproductions preserved in archives without further use;
- (b) broadcasting literary, musical, artistic, or audiovisual works lawfully accessible to the public, without a licensing body, if the rights holder receives fair compensation as agreed or

determined by the Authority.

(2) Archival reproductions under subsection (1)(a) require rights holder consent for any use.

PART V- PROVISIONS ON RELATED RIGHTS

Distinction of
Related Rights.

38. (1) Related rights under this Part are independent of copyright in underlying works and do not prejudice such rights.

(2) Related rights under this Part, conferred on performers, producers of phonograms, and broadcasters, are independent of copyright in underlying literary, musical, audiovisual, or other works and do not prejudice those rights.

(3) Related rights include economic rights, such as fixation, reproduction, distribution, broadcasting, and making available to the public, and moral rights, such as attribution, as provided under this Part.

(4) The exercise of related rights shall comply with licensing requirements under this Act and enforcement provisions under Act.

Performers'
Rights.

39. (1) A performer has the exclusive right to authorize or prohibit—

- (a) the fixation of their unfixed performance;
- (b) the reproduction of a fixation of their performance;
- (c) the distribution, rental, or lending of a fixation of their performance;
- (d) the communication to the public of their performance, including by broadcast, internet streaming, or making available for access at a time and place chosen by the user;
- (e) the adaptation or other transformation of their performance.

(2) A performer has the moral right to—

- (a) be identified as the performer when the performance is used, unless impracticable;

(b) object to any distortion, mutilation, or modification of their performance that would prejudice their reputation.

(3) The rights under subsection (1) do not apply to performances fixed or communicated with the performer's consent, unless otherwise agreed.

(4) The moral rights under subsection (2) are inalienable and endure for the performer's lifetime plus fifty years after death.

Rights in Sound
Recordings.

40. (1) A producer of a sound recording has the exclusive right to authorize or prohibit the—

- (a) reproduction of the sound recording;
- (b) distribution, rental, or lending of copies of the sound recording;
- (c) communication to the public of the sound recording, including by broadcast, internet streaming, or making available for access at a time and place chosen by the user;
- (d) adaptation or other transformation of the sound recording.

(2) The rights under subsection (1) do not apply to sound recordings communicated or distributed with the producer's consent, unless otherwise agreed.

Rights in
Broadcasts.

41. (1) A broadcasting organization has the exclusive right to authorize or prohibit—

- (a) the rebroadcasting of its broadcast;
- (b) the fixation of its broadcast;
- (c) the reproduction of a fixation of its broadcast;
- (d) the communication to the public of its broadcast, including by internet streaming or making available for access at a time and place chosen by the user.

(2) The rights under subsection (1) do not apply to broadcasts communicated or fixed with the organization's consent, unless otherwise

agreed.

Equitable
Remuneration.

42. (1) Where a sound recording is communicated to the public or performed publicly, other than by broadcast, the performer and producer are entitled to equitable remuneration from the user.

(2) The remuneration under subsection (1) shall be—

- (a) agreed between the performer, producer, and user; or
- (b) in the absence of agreement, determined by the Authority.

(3) A performer or producer may assign their right to remuneration to an authorized entity responsible for collecting and distributing such payments.

Duration of
Related Rights

43. (1) The rights under sections 39(1), 40, and 41 endure for—

- (a) fifty years from the end of the calendar year in which the performance, sound recording, or broadcast was first fixed or communicated to the public, whichever is later;
- (b) in the case of an unfixed performance, fifty years from the end of the calendar year in which it was performed.

(2) The moral rights under section 39(2) endure as specified in that clause.

Exceptions to
Related Rights

44. (1) The exceptions and limitations in Part IV apply to the rights under this Part, with necessary modifications, including—

- (a) fair dealing under section 29;
- (b) educational use under section 31;
- (c) use by libraries, archives, and museums under section 32;
- (d) accessible format copies for persons with disabilities under section 33;
- (e) text and data analysis under section 34;
- (f) miscellaneous exceptions under section 35.

(2) Exceptions under subsection (1) shall be applied in a manner

that—

- (a) does not conflict with the normal exploitation of the performance, sound recording, or broadcast;
- (b) does not unreasonably prejudice the legitimate interests of the rights holder; and
- (c) complies with Kenya’s obligations under international copyright treaties.

(2) The Cabinet Secretary may prescribe additional exceptions specific to related rights, provided they comply with section 28(2).

Dealing in related rights.

45. (1) The economic rights under sections 39(1), 40, and 41 may be transferred, assigned, or licensed in whole or in part, by written agreement.

(2) Any transfer or license shall not affect the moral rights under section 39(2) unless expressly agreed by the performer.

(3) Economic rights may be administered by an authorized entity responsible for collecting and distributing royalties.

PART VI - MORAL RIGHTS

Meaning of moral rights.

46. (1) In this Part, “moral rights” means the rights to attribution, integrity, pseudonymity or anonymity, and protection against false attribution.

(2) Moral rights under this Part are independent of economic rights and do not prejudice such rights.

Right to Attribution.

47. (1) An author or performer shall have the inalienable right to be identified as the author or performer whenever their work or performance is—

- (a) reproduced, published, or distributed;
- (b) communicated to the public, including by broadcast, internet streaming, or making available for access at a time and place chosen by the user;

- (c) performed, exhibited, or displayed publicly;
 - (d) included in an adaptation or derivative work.
- (2) The right under subsection (1) shall be asserted—
- (a) generally, or for specific acts, by including a statement in an assignment of copyright or a signed written instrument;
 - (b) for public exhibition of an artistic work, by identifying the author on the original, a copy, frame, mount, or other attachment, or in a license authorizing copies, with a signed statement asserting the right;
 - (c) to bind—
 - (i) assignees or those claiming through them, regardless of notice, for assertions under paragraph (a);
 - (ii) persons receiving the original or copy, or licensees of copies, regardless of notice, for assertions under paragraph (b).
- (3) Subsection (1) shall not apply unless the right is asserted under subsection (2) or is impracticable to exercise.
- (4) The right under subsection (1) shall not apply to works or performances created in the course of employment or under a commission, unless otherwise agreed.

Right to
Integrity.

48. (1) An author or performer shall have the inalienable right to object to any distortion, mutilation, modification, or other derogatory action in relation to their work or performance that would prejudice their honour or reputation.

(2) Derogatory treatment means an alteration or adaptation that distorts, mutilates, or otherwise prejudices the reputation of the author or performer.

(3) The right under subsection (1) is infringed by—

- (a) for a literary, dramatic, or musical work or performance, publishing commercially, performing publicly, or communicating to the public a derogatory treatment;
- (b) for an artistic work, publishing commercially, exhibiting publicly,

communicating a visual image, or issuing copies of a film or photograph depicting a derogatory treatment, except for architectural buildings;

- (c) for an audiovisual work or performance, showing publicly or communicating to the public a derogatory treatment, or issuing derogatory copies;
- (d) for a work of architecture (model), sculpture, or artistic craftsmanship, issuing copies of a graphic work or photograph of a derogatory treatment.

(4) For an architectural building identified with the author, derogatory treatment entitles the author to require removal of their identification.

(5) The right under subsection (1) extends to parts of a work or performance attributed to the author or performer, resulting from prior derogatory treatment by another person.

(6) Subsection (1) shall not apply to—

- (a) modifications necessary for technical purposes, such as format-shifting or compression, provided artistic integrity is preserved;
- (b) works or performances created in the course of employment or under a commission, unless otherwise agreed.

Right Against
False
Attribution

49. (1) A person shall not falsely attribute authorship or performance of a work or performance by—

- (a) representing a work or performance as created or performed by someone other than the true author or performer;
- (b) representing a modified work or performance as an original work or performance of the true author or performer.

(2) The right under subsection (1) may be enforced by the true author or performer or, if deceased, their legal representative.

Consent,
Waiver, and
Joint Works

50. (1) It shall not be an infringement of moral rights under this Part to do

any act to which the author or performer has consented.

(2) Moral rights may be waived by a signed written instrument, which—

- (a) may apply to specific works or performances, classes of works or performances, or all works or performances, including future ones;
- (b) may be conditional or unconditional and subject to revocation;
- (c) if made in favor of the copyright owner or licensee, extends to their successors unless otherwise stated.

(3) For joint works or performances, the right to attribution shall be asserted by each joint author or performer individually, and the right to integrity is satisfied if any joint author or performer consents to the treatment.

(4) A waiver by one joint author or performer shall not affect the moral rights of other joint authors or performers.

(5) Nothing in this section excludes the operation of general contract law or estoppel for informal waivers.

Transmission of moral rights.

51. (1) Moral rights under sections 47, 48, and 49 shall endure for the lifetime of the author or performer plus fifty years after death, or the duration of the copyright or related right, whichever is longer.

(2) On the death of an author or performer, moral rights shall—

- (a) pass to a person designated by testamentary disposition;
- (b) if no designation exists but the copyright or related right forms part of the estate, pass to the person receiving the copyright or related right;
- (c) otherwise, be exercisable by the personal representatives.

(3) Where copyright or related rights pass to multiple persons, moral rights shall be divided correspondingly.

(4) Where moral rights are exercisable by multiple persons—

- (a) the right to attribution may be asserted by any of them;

(b) the right to integrity is satisfied if any consents to the treatment;

(c) a waiver by one does not affect the rights of others.

(5) A prior consent or waiver binds any person to whom moral rights pass under subsection (2).

Enforcement of moral rights.

52. (1) Moral rights under sections 47, 48, and 49 shall not be transferable but may be enforced by an authorized entity on behalf of the author or performer.

(2) A violation of moral rights shall be actionable as a breach of statutory duty, with remedies including—

(a) an injunction to prevent or remedy the violation;

(b) a public apology or correction;

(c) damages for prejudice to honour or reputation.

(3) Damages recovered by personal representatives for a violation after death shall form part of the estate, as if the right of action subsisted before death.

(4) The Authority may mediate disputes concerning moral rights and issue guidelines for their enforcement.

PART VII - DEALING WITH RIGHTS IN COPYRIGHT WORKS

Artist's Resale Right

53. (1) Despite any assignment of an original visual art work, the author shall retain an inalienable right to a share of the proceeds from any subsequent commercial resale through a public auction or art market professional, at a rate prescribed by the Cabinet Secretary.

(2) The resale right shall subsist for the duration of the copyright in the work.

(3) The resale right shall not be transferable under any circumstances.

(4) Authors of visual art works may establish a collective management organization to administer the resale right.

(5) Where no collective management organization is established under subsection (4), the Authority may designate an organization to administer the resale right.

(6) The resale royalty shall be at least five percent of the net sale price, with the seller, art market professional, seller's agent, and buyer being jointly and severally liable for payment.

(7) Where a visual art work bears a mark or name identifying a person as the author, that person shall be presumed to be the author, unless contrary evidence is provided.

(8) No resale royalty shall be payable if the resale—

- (a) has a net sale price less than twenty thousand shillings;
- (b) involves a building, or a drawing, plan, or model of a building;
- (c) is an auction for charitable purposes;
- (d) involves identical copies of a work;
- (e) involves a manuscript of a literary, dramatic, or musical work.

(9) Any dispute regarding the entitlement, collection, or distribution of resale royalties shall be referred to the Authority for resolution.

(10) On the death of the author, the resale right shall pass to a person designated by testamentary disposition, or otherwise to the person receiving the copyright, or be exercisable by personal representatives.

54. (1) Copyright may be transferred by assignment, licence, testamentary or intestate succession, or operation of law.

(2) An assignment or licence may be limited to specific acts controlled by the copyright owner, or to a specified country or geographical area.

(3) An assignment or exclusive licence must be in writing, signed by or on behalf of the assignor or licensor and the assignee or licensee.

(4) A non-exclusive licence may be written, oral, or inferred from conduct, and may be revoked at any time unless granted by contract.

(5) An assignment or licence may be granted for a future work or a work where copyright does not yet subsist, and such prospective copyright shall be transferable as movable property.

(6) An assignment or licence under subsection (5) shall take effect only when the copyright comes into existence.

(7) An assignment or licence under this section shall not prejudice moral rights under Part VI.

Term of
Licensing

55. (1) A licence that does not specify its duration shall terminate three years after it is granted.

(2) For a licence covering unspecified future works, either party may terminate the agreement, with at least one month's notice, not earlier than three years after signing or a shorter agreed period, unless the contract provides otherwise.

(3) A licence granted by the copyright owner shall bind every successor in title, except a purchaser in good faith without actual or constructive notice of the licence, or a person deriving title from such purchaser.

(4) An act authorized by a licensee or their successor, within the terms of the licence, shall be deemed authorized by the licensor and any person bound by the licence.

Rights and
Remedies of
Exclusive
Licensee and
Sub-Licensee

56. (1) An exclusive licensee or sub-licensee shall have concurrent rights and remedies as the copyright owner, as if the licence or sub-licence were an assignment, for the rights granted.

(2) Before instituting proceedings under subsection (1), an exclusive licensee or sub-licensee shall—

(a) provide written notice to the copyright owner of their intention to

institute proceedings;

(b) allow the copyright owner to join the proceedings at their own expense.

(3) If the copyright owner joins proceedings under subsection (2)(b), they shall be entitled to—

(a) recover damages for any infringement suffered;

(b) claim a reasonable royalty to which they may be entitled.

Reversion of
Rights by
Exclusive
Licensor

57. (1) If an exclusive licensee fails to exercise a granted right, and such failure is detrimental to the legitimate interests of the copyright owner, the owner may revoke the right.

(2) Revocation under subsection (1) may be exercised—

(a) after the contractually stipulated period for commencing exercise of the right;

(b) not earlier than two years after the right was granted; or

(c) if the work was delivered later, from the date of delivery.

(3) The copyright owner shall notify the licensee of the proposed revocation and grant a reasonable additional period for exercising the right, unless exercise is impossible or refused.

(4) The right of revocation shall not be waived in advance.

Reversion of
Rights in Case
of Insolvency

58. (1) If a licensee becomes insolvent, is declared bankrupt, or is placed under receivership, the licence shall terminate by operation of law.

(2) The copyright owner shall have the right to retrieve control and further distribution of the copyrighted material previously licensed.

(3) If the copyrighted material or derived products are part of assets to be liquidated, the copyright owner shall be entitled to claim proceeds proportional to the rights involved, pursuant to insolvency law.

Digital
Revenue
Distribution.

59. (1) Revenue from the sale of ring back tunes, net of taxes, shall be distributed as follows—

- (a) content service provider: eight and a half percent (8.5%);
- (b) telecommunication operator: thirty-nine and a half percent (39.5%);
- (c) copyright owner: fifty-two percent (52%).

(2) The Cabinet Secretary may, by regulations, prescribe the distribution of revenue from other digital uses of copyrighted works, including downloads, streaming, and ringtones, ensuring equitable remuneration for copyright owners.

(3) A telecommunication operator shall directly remit the copyright owner's share of net revenue from ring back tune sales as specified in subsection (1).

(4) The Authority may administer or designate an organization to administer revenue distribution under subsection (2).

(5) A person who fails to comply with this section or related regulations shall be liable to an administrative penalty imposed by the Authority, not exceeding one million shillings.

(6) An administrative penalty under subsection (5) shall not relieve the obligation to pay the full amount due.

(7) A person aggrieved by a decision of the Authority under this section may appeal to the Copyright Tribunal within fourteen days from the date of the decision.

(8) Licensees or operators distributing digital revenue under this section shall provide regular, transparent accounting to copyright owners.

Dealing in
orphaned
works.

60. (1) For the purpose of this section, an orphaned work means a work in which copyright subsists but for which the author is unknown or the rights holder is not traceable.

(2) Where a person has conducted diligent search for the rights holder of the work and has been unable to locate or identify such rights holder, the Authority may, upon application, grant a non-exclusive license authorizing

the applicant to use the orphaned works subject to such terms and conditions as may be prescribed.

(3) If the rights holder of an orphaned work is subsequently identified, they may be entitled to the benefits accruing from the work in a manner as may be prescribed.

Copyright as
Security

61. (1) Copyright may be used as security for a loan or other obligation, subject to agreement in writing.

(2) Such security shall be enforceable in accordance with applicable laws governing movable property.

Private copying
remuneration
levy

62. (1) There shall be imposed a private copying remuneration levy on;

(a) the importation and manufacture of devices, items, products or media capable of reproducing copyright works for personal and private use.

(b) online platforms and digital services operating in Kenya, or making their services available in Kenya, that provide functionality enabling users to reproduce, download, store, cache, record, or otherwise make digital copies of copyright works for personal and private use.

(2) The importer or manufacturer of devices, items, products or media referred to in sub-section 1 (a) shall be liable to pay the private copying remuneration at the point and time of importation or manufacture.

(3) In determining the levy payable by an online platform or digital service under subsection (1)(b), regard shall be had to—

(4) (a) the scale and nature of reproduction functionality provided;

(5) (b) the number of users within the jurisdiction;

(a) the extent of storage capacity or data volume attributable to private copying;

(b) any licensing arrangements that compensate right holders for equivalent acts of reproduction; and

(c) the principles of proportionality, fairness, and avoidance of double remuneration.

(6) (4) The Authority shall be responsible for the collection of the private copying remuneration.

(5) The Authority shall utilize the proceeds received under this section to support—

(a) building capacity of rights holders, raising public awareness, advocacy, and enforcement; and

(b) right holders in the relevant sector with grants to enable them to create and commercialize their work.

(9) (6) Notwithstanding the provisions of this Section, the Authority may make regulations on the utilization of the proceeds received under this section.

PART VIII – INFRINGEMENT OF COPYRIGHT AND RELATED RIGHTS

Acts restricted
in a work.

63. (1) Copyright or related rights shall be infringed by a person who,

Draft

without permission of the rights holder—

- (a) does, or causes to be done, an act controlled by the rights holder; or
- (b) imports, or causes to be imported, otherwise than for personal or private and domestic use, an article which the person knows to be an infringing copy.

(2) A person infringes copyright or related rights whether—

- (a) the person's actions affect the whole or a substantial part of the work; or
- (b) the person acts directly or indirectly.

(3) Nothing in this Part shall affect exceptions to infringement provided elsewhere in this Act.

Infringements on right of performers and producers of sound recording.

64. (1) The rights of a performer shall be infringed by a person who, without the consent of the performer, communicates the performance to the public by electronic transmission or reproduces or distributes a fixation of the performance in a manner that the person knows infringes the performer's exclusive rights.

(2) The rights of a producer of a sound recording shall be infringed by a person who, without the consent of the producer, communicates the sound recording to the public by electronic transmission or reproduces or distributes the sound recording in a manner that the person knows infringes the producer's exclusive rights.

Infringement by copying.

65. The copying of a work is an act restricted by the copyright in every description of copyright work, and references in this Part to copying and copies shall be construed as follows—

- (a) in relation to a literary, dramatic, musical, or artistic work, copying means reproducing the work in any material form, including storing the work in any medium by electronic means;
- (b) in relation to an artistic work, copying includes making a copy in three dimensions of a two-dimensional work or a copy in two

dimensions of a three-dimensional work;

- (c) in relation to an audiovisual work or broadcast, copying includes making a photograph of the whole or any substantial part of any image forming part of the work or broadcast, or reproducing the work in any material form;
- (d) in relation to the typographical arrangement of a published edition, copying means making a facsimile copy of the arrangement;
- (e) in relation to any description of work, copying includes making copies that are transient or incidental to some other use of the work.

Infringement by
Rental or
Lending of
Work to the
Public

66. (1) The rental or lending of copies of a work to the public is an act restricted by the copyright in—

- (a) a literary, dramatic, or musical work;
- (b) an artistic work, other than—
 - (i) a work of architecture in the form of a building or a model for a building; or
 - (ii) a work of applied art;
- (c) an audiovisual work or sound recording.

(2) In this section, “rental” and “lending” do not include—

- (a) making available for public performance, playing, or showing in public, or communication to the public;
- (b) making available for exhibition in public; or
- (c) making available for on-the-spot reference use.

(3) Where lending by an establishment accessible to the public gives rise to a payment not exceeding the operating costs of the establishment, there is no direct or indirect economic or commercial advantage for the purposes of this section.

Infringement by
Performance,
Showing, or
Playing of
Work in Public

67. (1) The performance of a work in public is an act restricted by the copyright in a literary, dramatic, or musical work.

(2) In this Part, “performance,” in relation to a work—

(a) includes delivery in the case of lectures, addresses, speeches, and sermons; and

(b) generally includes any mode of visual or acoustic presentation, including presentation by means of a sound recording, audiovisual work, or broadcast of the work.

(3) The playing or showing of a work in public is an act restricted by the copyright in a sound recording, audiovisual work, or broadcast.

(4) Where copyright in a work is infringed by its performance, playing, or showing in public by means of apparatus for receiving visual images or sounds conveyed by electronic means, the person sending the images or sounds, and in the case of a performance the performers, shall not be regarded as responsible for the infringement.

Infringement by
Communication
to the Public

68. (1) The communication to the public of a work is an act restricted by the copyright.

(2) In this section, “communication to the public” means communication by electronic transmission, including—

(a) the broadcasting of the work;

(b) making the work available to the public by electronic transmission in such a way that members of the public may access it from a place and at a time individually chosen by them.

Infringement by
making
adaptation of a
work.

69. (1) The making of an adaptation of a work is an act restricted by the copyright in a literary, dramatic, or musical work.

(2) An adaptation is made when it is recorded, in writing or otherwise, whether or not the adaptation is recorded at the time the act is done.

(3) The doing of any act specified in sections 62 to 67, or subsection (1), in relation to an adaptation of a work is also an act restricted by the

copyright in a literary, dramatic, or musical work.

(4) In this section, “adaptation” includes translation.

Secondary
infringement
generally.

70. (1) The copyright in a work is infringed by a person who, without the licence of the copyright owner—

- (a) possesses in the course of a business;
- (b) sells or lets for hire, or offers or exposes for sale or hire;
- (c) exhibits in public or distributes in the course of a business; or
- (d) distributes otherwise than in the course of a business to an extent that prejudicially affects the copyright owner, an article which is, and which the person knows or has reason to believe is, an infringing copy of the work.

(2) Copyright in a work is infringed by a person who, without the licence of the copyright owner, transmits the work by means of a telecommunications system, otherwise than by communication to the public, knowing or having reason to believe that infringing copies of the work will be made by means of the reception of the transmission in Kenya or elsewhere.

(3) Where copyright in a literary, dramatic, or musical work is infringed by a performance at a place of public entertainment, any person who gave permission for that place to be used for the performance is also liable for the infringement unless, when giving permission, the person believed on reasonable grounds that the performance would not infringe copyright.

(4) In this section, “place of public entertainment” includes premises occupied mainly for other purposes but made available from time to time for hire for public entertainment.

(5) Infringement under this section includes acts committed outside Kenya that, if committed in Kenya, would constitute infringement, provided the act affects a rights holder in Kenya.

(6) This section does not apply to infringement involving apparatus or copies supplied for public performance, playing, or showing, which is addressed in section 70.

Secondary
Infringement by
Enabling Public
Use of Works

71. (1) Where copyright in a work is infringed by a public performance of the work, or by the playing or showing of the work in public, by means of apparatus for—

- (a) playing sound recordings;
- (b) showing audiovisual works; or
- (c) receiving visual images or sounds conveyed by electronic means, the following persons are also liable for the infringement.

(2) A person who supplied the apparatus, or any substantial part of it, is liable if, when supplying it—

- (a) the person knew or had reason to believe that the apparatus was likely to be used to infringe copyright; or
- (b) in the case of apparatus whose normal use involves public performance, playing, or showing, the person did not believe on reasonable grounds that it would not be used to infringe copyright.

(3) An occupier of premises who gave permission for the apparatus to be brought onto the premises is liable if, when giving permission, the person knew or had reason to believe that the apparatus was likely to be used to infringe copyright.

(4) A person who supplied a copy of a sound recording or audiovisual work used to infringe copyright is liable if, when supplying it, the person knew or had reason to believe that the copy, or a copy made directly or indirectly from it, was likely to be used to infringe copyright.

(5) This section applies only to infringement involving the supply or permission of apparatus or copies for public performance, playing, or showing of sound recordings, audiovisual works, or broadcasts.

Removal or
Alteration of
Technological
Protection
Measures

72. (1) The following acts shall be unlawful and constitute an infringement of the exclusive rights of owners of works under this Act—

- (a) the removal or alteration of any electronic rights management

information from a copy of a protected work or other subject matter without authority;

(b) the distribution, importation for distribution, broadcasting, communication to the public, or public performance of protected works or other subject matter, by a person knowing or having reason to believe that electronic rights management information has been removed or altered without authority.

(2) In this section, “electronic rights management information” means information provided by rights holders that identifies the work or recording.

(3) Where an effective technological protection measure is used by, or with the consent of, an owner of copyright or related rights, it shall be unlawful and an infringement to—

(a) manufacture, import, distribute, offer for sale, or possess for commercial purposes any device, product, component, or means that—

(h) is promoted, advertised, or marketed for the purpose of circumventing a technological protection measure;

(i) has only a limited commercially significant purpose other than circumvention;

(j) is primarily designed, produced, or adapted to circumvent a technological protection measure or to enable or assist the reception of an encrypted programme by those not entitled to receive it;

(b) offer or provide services with the effect described in paragraph (a).

(4) Subsection (3) does not apply to circumvention of a technological protection measure for the sole purpose of achieving interoperability of a computer program with another independently created computer program, by a person with lawful access, or on their behalf, to the extent necessary to—

(a) identify and analyze specific elements of the computer program not readily available, necessary for interoperability;

(b) develop and employ technological means to carry out such activities;

(c) make the resulting information or means available to others solely to enable interoperability.

(5) In this section, “technological protection measure” means any device or means intended to prevent or restrict reproduction, communication, or performance of a work, expression of folklore, performance, sound recording, broadcast, or typographical arrangement, or to impair the quality of copies made.

Presumptions
and Limitations
in Infringement
Actions

73. (1) Copyright is presumed to subsist in a work unless the contrary is proved.

(2) If the subsistence of copyright is presumed, the plaintiff, whether the owner or an exclusive licensee, is presumed to be entitled to enforce the copyright unless the contrary is proved.

(3) If an author’s name appears on copies of a work, that person is presumed to be the author unless the contrary is proved.

(4) In the case of anonymous or pseudonymous works, the publisher is presumed to represent the author unless the author’s identity is revealed or evident.

(5) Posthumous works are presumed eligible for copyright unless the contrary is proved.

(6) Labels or marks stating the maker or first publisher of sound recordings are presumed to be true unless the contrary is proved.

(7) If infringement is committed unknowingly, the plaintiff is entitled only to statutory damages.

(8) The court may award punitive damages in cases of flagrant infringement, meaning willful or large-scale infringement causing significant harm to the rights holder.

PART IX - REMEDIES FOR INFRINGEMENT

Relief for

74. (1) Infringement of any right protected under this Act shall be

Infringement

actionable at the suit of the owner of the right or an exclusive licensee.

(2) Before the owner of the right institutes proceedings, the owner shall give written notice to any exclusive licensee or sub-licensee of the intention to do so, and the licensee or sub-licensee may intervene in the proceedings and recover damages suffered or a reasonable royalty to which they may be entitled.

(3) The following reliefs shall be available to the rights holder—

- (a) damages,
- (b) injunctions,
- (c) accounts of profits, or
- (d) other reliefs available in proceedings for infringement of other proprietary rights.

(4) The court may order delivery up to the rights holder of any article in the possession of the defendant that appears to the court to be an infringing copy, or any article used or intended to be used for making infringing copies.

(5) In lieu of damages, at the rights holder's option, the court may award an amount calculated on the basis of a reasonable royalty that would have been payable by a licensee for the work or type of work concerned.

(6) At the rights holder's option, the court may award statutory damages as follows—

- (a) not less than two hundred thousand shillings (KES 200,000) and not more than one million shillings (KES 1,000,000) for each work or performance that is the subject of the action;
- (b) not less than eight hundred thousand shillings (KES 800,000) and not more than one million five hundred thousand shillings (KES 1,500,000) for all works or performances that are the subject of the action, unless the plaintiff provides evidence that their actual loss surpasses one million five hundred thousand shillings;
- (c) where separate and independent works or protected performance recordings are assembled into a singular entity, they shall be treated as one work for the purposes of this subsection;

(d) in determining the amount, the court shall consider all relevant factors, including the nature and purpose of the infringing act, flagrancy, bad faith, plaintiff's loss, defendant's benefit, conduct of the parties, and the need to deter similar infringements.

(7) For determining damages or a reasonable royalty, the court may direct an enquiry and prescribe procedures for conducting such enquiries as it considers necessary.

(8) An exclusive licensee, except against the copyright owner, possesses the same rights and remedies for matters post-license issuance as if the license were an assignment. The rights and remedies of the exclusive licensee coincide with those of the copyright owner.

(9) A non-exclusive licensee may bring an action for infringement if—

(a) the infringement is directly associated with a previously licensed act of the licensee; and

(b) the license is written, signed by or on behalf of the copyright owner, and explicitly grants the non-exclusive licensee the right to take action.

(10) Where an action for infringement relates, wholly or partly, to an infringement in respect of which the copyright owner and an exclusive licensee have concurrent rights—

(a) the copyright owner or exclusive licensee may not proceed without the court's permission unless the other party is joined as a co-plaintiff or added as a defendant;

(b) a party added as a defendant is not liable for legal costs unless they participate in the proceedings;

(c) the court may, in assessing damages, consider the terms of the license agreement and any pecuniary remedy already awarded to either party, and may apportion profits as it sees fit, subject to any agreement between the parties;

(d) these provisions apply whether or not both parties are joined.

Injunctions

75. (1) Any person may apply to the Tribunal for interim relief where they have reasonable grounds to believe that their copyright or related right is being or may be infringed by another person.

(2) The Tribunal may, upon application under subsection (1), grant an order for interim or permanent injunction to prevent or restrain infringement of copyright or related rights.

(3) The Tribunal may issue a permanent injunction after considering documentary evidence of repeated infringement and the nature of the content alleged to be infringed.

Offences and penalties.

76. (1) A person commits an offence if, at a time when copyright or the right of a performer or producer subsists in a work, the person knowingly—

- (a) makes for sale or rent infringing copies;
- (b) sells or lets for hire, or by way of trade, exposes or offers for sale infringing copies;
- (c) distributes infringing copies;
- (d) possesses, otherwise than for personal and domestic use, infringing copies;
- (e) imports into Kenya, otherwise than for personal and domestic use, infringing copies;
- (f) makes or has in possession a contrivance used or intended to be used for making infringing copies;
- (g) causes a broadcast to be rebroadcast or transmitted in a diffusion service, knowing that copyright subsists in the broadcast and that such rebroadcast or transmission constitutes an infringement;
- (h) causes a program carrying signals to be distributed by a distributor for whom they were not intended, knowing that copyright subsists in the signals and that such distribution constitutes an infringement;

- (i) causes a literary, musical, audiovisual work, or sound recording to be performed in public, knowing that copyright subsists and that such performance constitutes an infringement;
- (j) circumvents a technological protection measure or manufactures or distributes devices designed for circumventing technological protection measures, as described in section 73 of Part VIII;
- (k) removes or alters rights management information or imports, distributes, or makes available to the public a copy of a work from which electronic rights management information has been removed or altered without authority, as described in section 73 of Part VIII.

(2) For the purposes of subsection (1)(a) to (e), any person who has in their possession, custody, or control two or more infringing copies of a work in the same form shall, unless the contrary is proved, be presumed to be in possession of or to have imported such copies otherwise than for personal and domestic use.

(3) A person convicted of an offence under subsection (1)(a) to (e) shall be liable—

- (a) for a first conviction, to a fine of five times the market value of the legitimate work or one thousand shillings for each infringing copy, whichever is higher, or to imprisonment for a term not exceeding seven years, or both;
- (b) for subsequent convictions, to a fine of ten times the market value of the legitimate work or two thousand shillings for each infringing copy, whichever is higher, or to imprisonment for a term not exceeding ten years, or both.

(4) A person convicted of an offence under subsection (1)(f) to (k) shall be liable to a fine not exceeding five hundred thousand shillings (KES 500,000) or to imprisonment for a term not exceeding five years, or both.

(5) The court may order the destruction or delivery to the rights holder of any article in a person's possession that appears to be an infringing copy or an article used for making infringing copies, regardless of conviction.

(6) Where a body corporate is convicted of an offence under this section, every person who at the time the offence was committed was in charge of or responsible for the conduct of its business and affairs is also deemed to have committed the offence and shall be liable to prosecution, unless they prove the offence was committed without their consent, connivance, or willful lack of due diligence.

(7) In this section, “body corporate” includes a firm or other association of persons, and “director” in relation to a firm includes a partner in the firm.

(8) Any complaint alleging a breach of this section may be lodged by a licensed collective management organization where such rights are managed collectively.

*Anton Piller
Orders*

77. (1) If a person provides evidence that their copyright or related rights have been infringed by another person and demonstrates to the satisfaction of the Tribunal that—

- (a) they have a valid cause of action against another person, which they intend to pursue;
- (b) the other party is in possession of documents, infringing copies, or other materials, which are of substantial importance as evidence for the cause of action; and
- (c) there exists a real and substantial risk that these documents, infringing copies, or other materials may be concealed, destroyed, or rendered inaccessible before their discovery through conventional methods.

(2) On such demonstration, the Tribunal may issue any order it deems necessary to ensure the preservation of the documents, copies, or materials as evidence.

(3) An order made under subsection (1) may be granted ex parte.

Remedies for
Infringement of
Moral Rights

78. (1) An infringement of a right conferred by moral rights is actionable

as a breach of statutory duty owed to the person entitled to the right.

(2) In proceedings for infringement of the right to object to derogatory treatment of a work, the Tribunal may, if it deems it an adequate remedy in the circumstances, grant an injunction on terms prohibiting the doing of any act unless a disclaimer is made, in such terms and in such manner as may be approved by the Tribunal, dissociating the author or director from the treatment of the work.

Compounding
of Offences

79. (1) The Authority may, with the consent of the Director of Public Prosecutions, compound an offence under section 74 by accepting a sum not exceeding the maximum fine for the offence from the offender, provided the offender admits liability in writing.

(2) Compounding is available for offences under section 74, except where the infringement involves significant harm to the rights holder or public interest.

(3) Sums collected under this section shall be remitted to the Authority for enforcement purposes.

Administrative
Penalties.

80. (1) The Authority may impose an administrative fine not exceeding two hundred thousand shillings (KES 200,000) for minor infringements, including—

- (a) unintentional removal or alteration of electronic rights management information;
- (b) non-commercial use of a work exceeding permitted exceptions;
- (c) non-compliance with licensing conditions by a collective management organization.

(2) Before imposing a fine, the Authority shall notify the infringer and provide an opportunity to be heard.

(3) Fines collected shall be used for copyright enforcement and awareness.

(4) An infringer may appeal an administrative fine to the Tribunal

within thirty days.

PART X- LIABILITY AND SAFE HARBORS FOR ONLINE INTERMEDIARIES

Safe Harbours

81. (1) In this Part, “online intermediary” means an entity providing services in Kenya that hosts, transmits, or caches copyright content, including internet service providers, social media platforms, online marketplaces, search engines, and video sharing platforms;

(2) An online intermediary is not liable for copyright infringement when providing services under subsection (3), provided it—

- (a) does not initiate transmission or storage;
- (b) does not select recipients or content, except automatically;
- (c) does not modify content, except technically;
- (d) complies with Authority orders;
- (e) implements a repeat infringer policy, including user notification, violation tracking, and account termination after multiple verified infringements, as prescribed.

(3) The exemptions under subsection (2) apply to—

- (a) transmitting or routing content, including automatic, intermediate, or transient storage;
- (b) caching content to enhance transmission, provided the intermediary—
 - (i) complies with access conditions;
 - (ii) updates caches per prescribed technical standards;
 - (iii) does not interfere with lawful technology for collecting content usage data;
 - (iv) removes or disables access within forty-eight hours of receiving a valid takedown notice under section 92, an Authority order, or a Tribunal determination under section 94

confirming the content's unlawful nature;

(c) hosting content at a user's request, provided the intermediary—

(i) lacks actual knowledge of infringement;

(ii) is unaware of facts indicating infringement;

(iii) removes or disables access within forty-eight hours of receiving a valid takedown notice under section 92.

(4) The exemptions under subsection (3)(b) and (c) do not apply if the user acts under the intermediary's authority or control.

(5) An intermediary may, with Authority approval and in coordination with collective management organizations under section 66 of Part IX, adopt voluntary measures, such as content recognition technologies, to identify infringing content, provided these—

(a) respect user rights, including fair use under Part VII and freedom of expression under Article 33 of the Constitution;

(b) do not interfere with lawful technology under subsection (3)(b)(iii); (c) comply with section 96(4).

Takedown
Notice

82. (1) A person whose copyright or related rights are infringed by content hosted, transmitted, or cached by an online intermediary may request, by a takedown notice, that the intermediary removes or disables access to the content.

(2) A takedown notice shall—

(a) be in writing, addressed to the intermediary or its designated agent;

(b) include the complainant's full name and contact details;

(c) be signed by the complainant or their authorized agent;

(d) describe the copyright work subject to infringement in detail;

(e) identify the rights infringed;

(f) specify the content to be removed, including its location;

(g) attest to ownership, validity of rights, good faith, and efforts to

contact entities responsible for the content;

(h) be copied to the Authority and the Communications Authority of Kenya.

(3) A takedown notice is deemed delivered—

(a) the next business day after physical delivery to the intermediary's registered office;

(b) forty-eight hours after sending by registered post;

(c) immediately upon electronic delivery to the intermediary's designated address.

(4) An intermediary shall, within twenty-four hours of receiving a valid takedown notice, notify the person responsible for the content and provide a copy of the notice.

(5) An intermediary that fails to comply with subsection (4) is liable to an administrative fine not exceeding two hundred thousand shillings (KES 200,000), imposed by the Authority.

Site Blocking,
Live Events
and other Time
Sensitive
matters

83. (1) Where expeditious action is required to prevent manifest prejudice to a rights holder, they may apply to the Tribunal for an order to block access to online locations providing infringing content.

(2) For a live event, a rights holder may apply to the Tribunal for a preemptive injunction to block unauthorized access.

(3) An application under subsection (1) or (2) shall include the details required for a takedown notice under section 92(2) and evidence showing—

(a) likelihood of infringement;

(b) urgency to prevent harm;

(c) proportionality of the order, balancing applicant rights, user rights, and freedom of expression under Article 33 of the Constitution.

(4) The Tribunal shall decide the application within seventy-two hours and may issue an order if the criteria in subsection (3) are met.

Counter-Notice

84. (1) An intermediary shall disable access to content within forty-eight hours of receiving a valid takedown notice under section 92, unless it receives a counter-notice.

(2) A counter-notice shall—

- (a) meet the requirements of a takedown notice under section 92(2);
- (b) include a sworn declaration disputing the takedown notice and attesting to a good faith belief that the content is non-infringing;
- (c) be delivered to the intermediary and copied to the Authority.

(3) Upon receiving a counter-notice, the intermediary shall notify the complainant within twenty-four hours and restore access within forty-eight hours unless a complaint is filed under subsection (4).

(4) The complainant shall file a complaint with the Authority within seven days of receiving a counter-notice, failing which the intermediary may restore access.

(5) The Authority shall determine the complaint within seven days and may issue interim orders, including blocking orders.

(6) A party aggrieved by the Authority's decision under subsection (5) may appeal to the Tribunal within thirty days.

Liability for
Non-
Compliance

85. (1) An intermediary that fails to remove or disable access to infringing content within forty-eight hours of a valid takedown notice under section 92 is liable for damages under section 79 of Part X.

(2) The Communications Authority of Kenya, in coordination with the Authority, may enforce takedown or disabling of access if an intermediary fails to comply with a valid takedown notice.

(3) An intermediary that repeatedly fails to comply with valid takedown notices is liable to an administrative fine not exceeding five hundred thousand shillings (KES 500,000) for each subsequent violation, imposed by the Authority.

(4) A person who falsely lodges a takedown notice commits an

offence and is liable, upon conviction, to a fine not exceeding five hundred thousand shillings (KES 500,000) or imprisonment for a term not exceeding one year, or both.

(5) A person responsible for misrepresentation in a takedown notice is liable for damages under section 79 of Part X.

(6) An intermediary is not liable for wrongful takedown in response to a valid takedown notice.

Compliance
requirement for
Online
Intermediaries

86. (1) An intermediary may be required to—

- (a) provide, upon an Authority order following an application by a copyright owner or collective management organization under section 66 of Part IX, information on subscribers suspected of infringement to investigative agencies;
- (b) designate an agent or address for receiving takedown notices, stated in its terms of service.

(2) An intermediary shall—

- (a) publish on its website and provide to the Authority the name, address, phone number, and email address of its designated agent, with other prescribed contact information;
- (b) maintain a public directory of agents, accessible on its website.

(3) An intermediary may, in coordination with collective management organization, voluntarily adopt measures to identify and report infringing content, as prescribed.

(4) An intermediary has no general obligation to—

- (a) monitor content it transmits, stores, or links;
- (b) actively seek facts indicating infringing activity.

PART XI– ENFORCEMENT PROVISIONS

Appointment of
Inspectors

87. (1) The Authority shall appoint such number of inspectors as

necessary to enforce the provisions of this Act.

(2) Inspectors appointed under subsection (1) shall have qualifications or training necessary to identify copyright infringements, as determined by the Authority.

(3) In addition to inspectors appointed under subsection (1), any staff member of the Customs Service or a police officer may perform the functions of an inspector under this Act.

(4) A person appointed as an inspector shall hold office subject to conditions determined by the Board.

Inspection,
Entry, and
Seizure

88. (1) An inspector may, at any reasonable time and upon production of valid identification, enter any premises, vessel, or vehicle to ascertain whether there is or has been any contravention of this Act.

(2) For the purpose of ascertaining whether there is or has been a contravention of this Act, an inspector may inspect—

- (a) any substance or article appearing to be a work;
- (b) any container or package used or intended to be used to contain any work; or
- (c) any plant or equipment appearing to be used or intended to be used in connection with the production, reproduction, or manufacture of a work.

(3) An inspector may seize and detain any substance or article which they have reasonable cause to believe is an infringing copy of any work or in relation to which or by means of which they have reasonable cause to believe that—

- (a) an offence under this Act has been or is being committed; and
- (b) any document which may be required as evidence in proceedings under this Act.

(4) Where an inspector seizes any work, they shall, in writing, notify the person from whom it is seized of the fact of the seizure and specify any item seized.

(5) Any person who—

(a) willfully obstructs an inspector in the discharge of their duties; or

(b) willfully fails to comply with any requirement properly made by an inspector, shall be guilty of an offence and liable to a fine not exceeding one hundred thousand shillings (KES 100,000) or to imprisonment for a term not exceeding one year, or both.

(6) Seizures under this section are subject to court orders for delivery up or destruction under sections 72(4) or 74(5) of Part X.

Arrest and
Prosecution

89. (1) A police officer may arrest, without a warrant, any person suspected, upon reasonable grounds, of having committed an offence under this Act.

(2) An inspector, when holding valid identification and authorized by the Authority, may arrest, without a warrant, any person who, in their presence, commits an offence under this Act, and may detain such person until they can be delivered into the custody of a police officer.

(3) A person shall not be arrested or detained without a warrant unless reasonable grounds exist for believing that, without such arrest, the person may not be found or made answerable to justice without unreasonable delay, trouble, or expense.

(4) A police officer notified of an offence suspected to have been committed under subsection (1) may, upon obtaining a warrant of arrest from a court, effect an arrest and confiscate any offending material.

(5) The Director of Public Prosecutions may, pursuant to the Criminal Procedure Code (Cap. 75), appoint public prosecutors for cases arising under this Act.

Border
Measures

90. (1) A rights holder or licensee suspecting that pirated goods may be imported may, in writing, request the Commissioner of Customs to suspend the release into free circulation of such goods.

(2) A rights holder or licensee making a request under subsection (1) shall provide adequate evidence to satisfy the Commissioner of Customs

that—

- (a) the copyright has likely been infringed;
- (b) they have ownership or a license; and
- (c) they can describe the goods in sufficient detail to make them easily recognizable.

(3) The suspension shall be for the purpose of sampling, verification, and inspection of the goods.

(4) A customs officer may seize goods that the officer reasonably suspects to be infringing and notify any person whom the customs officer considers to be a probable rights holder and the person importing or exporting the goods.

(5) Seizures under this section are subject to court orders for delivery up or destruction under sections 72(4) or 74(5) of Part X.

(6) This section applies, with necessary modifications, to goods destined for export.

(7) This section shall not apply to goods in transit.

Procedures for
Seized items.

91. (1) Goods seized under sections 80 or 82 shall be stored securely by the Authority or Customs Service, as applicable, pending court orders under sections 72(4) or 74(5) of Part X or until no proceedings are initiated within a reasonable period, as prescribed by the Authority.

(2) Where no proceedings are initiated within the prescribed period, the Authority or Customs Service may, with approval of the Tribunal, dispose of seized goods outside the channels of commerce to prevent harm to the rights holder.

(3) Any person affected by a seizure under section 80 or 82 or an arrest under section 81 may appeal to the Tribunal within thirty days, providing evidence that the action was unlawful or unjustified.

(4) A licensed collective management organization may, in coordination with the Authority, report suspected infringements to initiate actions under sections 80, 81, or 82, subject to procedures prescribed by the

Authority.

PART XII – COLLECTIVE MANAGEMENT OF RIGHTS

Formation of
Collective
Management
Organizations.

92. (1) Rights holders in the creative sector for which rights are collectively managed may form a collective management organization (CMO) to represent their respective sector.

(2) For the purposes of subsection (1), the sectors include music sector including audio visual and reprographic sector.

(3) The Authority may grant a licence to a Collective Management Organization to operate in one or more sectors.

(4) Where the Authority is satisfied that a Collective Management Organization licensed in a particular sector or sectors is operating effectively and in the best interests of rights holders and users, the Authority shall not grant a licence to another Collective Management Organization to operate in the same sector.

Licensing of
Collective
Management
Organizations

93. (1) A person seeking to operate as a collective management organization shall apply to the Authority for a license in the prescribed manner.

(2) The Authority may grant a license to a CMO based on criteria prescribed, including—

- (a) legal status as a registered entity;
- (b) a clear purpose to manage copyright or related rights collectively;
- (c) a governance structure ensuring member representation and accountability; and
- (d) measures to protect members' interests, including financial transparency and fair royalty distribution.

(3) A CMO license shall be valid for three years and may be renewed upon application.

(4) The Authority may suspend or revoke a CMO's license if it fails to comply with this Act, licensing conditions, or regulations.

(5) A CMO whose license is suspended or revoked may appeal to the

Tribunal within thirty days, providing evidence that the Authority's decision was unlawful or unjustified.

(6) Where a CMO's license is suspended or revoked, the Authority shall appoint an interim administrator to ensure continued collection and remittance of royalties until a new CMO is licensed or the existing CMO is reinstated.

(7) Upon revocation, the Authority shall oversee the dissolution of the CMO, ensuring the distribution of remaining assets and royalties to members in accordance with regulations.

(8) A licensed CMO shall submit quarterly reports to the Authority on its operations, including royalty collection, distribution, and financial statements, in the prescribed format.

(9) A CMO shall publish an annual financial statement and royalty distribution summary on its website or another accessible platform, as prescribed by the Authority.

Imposition and
distribution of
royalties

94. (1) A collective management organization shall not—

- (a) impose or collect royalties based on a tariff not approved and published by the Authority; or
- (b) levy royalties on users exempted by the Authority through a notice in the Gazette.

(2) The Authority shall approve CMO tariffs after consultation with rights holders, users, and other stakeholders, as prescribed by regulations.

(3) A licensed CMO shall utilize a digital system approved by the Authority, meeting outlined standards for security, interoperability, and transparency, for the collection and distribution of royalties.

(4) A CMO shall distribute royalties to rights holders within six months of collection, unless otherwise determined by the Authority.

(5) A rights holder may appeal to the Tribunal within thirty days if they believe a CMO's royalty distribution is unfair or non-compliant with this Act.

Inspection and

95. (1) The Authority may inspect a CMO's books of accounts, records,

Supervision. and operations to ensure compliance with this Act, licensing conditions, or regulations, as prescribed.

(2) A CMO shall produce all required books, accounts, records, and documents to the Authority during an inspection.

(3) Failure to produce required materials within the prescribed timeframe constitutes a breach, for which the Authority may impose an administrative fine not exceeding two hundred thousand shillings.

(4) Where an inspection reveals breaches or non-compliance with this Act, the Authority shall notify the CMO and provide a reasonable opportunity to respond before taking further action

Directions and
Orders of the
Authority.

96. (1) If the Authority determines, based on an inspection, audit, or complaint, that a CMO is conducting its business contrary to this Act, its regulations, licensing conditions, or the best interests of its members, including mismanagement causing harm to members, the Authority may—

- (a) issue directions to improve the CMO's management or compliance;
- (b) direct the reconstitution of the CMO's board of directors;
- (c) order the CMO to take specific actions to rectify deficiencies;
- (d) order elections for the CMO's board under the Authority's supervision;
- (e) suspend or revoke the CMO's license, subject to section 63(5); or
- (f) impose an administrative fine not exceeding five hundred thousand shillings (KES 500,000) for serious breaches, including mismanagement of royalties.

(2) A CMO may appeal any direction, order, or fine under subsection (1) to the Tribunal within thirty days, providing evidence that the Authority's action was unlawful or unjustified.

(3) A licensed CMO may, in coordination with the Authority, report suspected infringements to initiate enforcement actions under sections 86, 87, or 88 of Part XI, as prescribed by the Authority.

PART XIII – COPYRIGHT DISPUTES TRIBUNAL

Establishment
of the
Copyright
Tribunal.

97. (1) There is established the Copyright Disputes Tribunal to adjudicate matters under this Act.

(2) The Tribunal shall consist of members appointed by the Judicial Service Commission comprising —

- (a) a chairperson who is a person qualified to be a judge of the High Court; and
- (b) four other members with expertise in matters relating to Copyright and related rights.

(3) A person shall be qualified to be appointed as a chairperson or a member if they meet the requirements of Chapter Six of the Constitution.

(4) The Chairperson and members shall hold office for a term of three years and shall be eligible to be appointed for one further term.

(5) The chairperson and members shall serve on a part time basis

Original
Jurisdiction of
the Tribunal.

98. The Tribunal has original jurisdiction to hear and determine disputes relating to—

- (a) ownership of copyright or related relates;
- (b) infringements of copyright and related rights;
- (c) refusal by a collective management organization to grant a user license.
- (d) claims of fair dealing;
- (e) claims of equitable remuneration;
- (f) applications for blocking of infringing online locations;
- (g) issuance of preservation orders including *Anton Piller* orders; or
- (h) disputes over orphaned works licenses

Appellate
jurisdiction of
the Tribunal.

99. (1) The Tribunal has appellate jurisdiction to hear and determine appeals against—

- (a) any decision of the Authority on registration or enforcement of copyright and related rights;
- (b) the Authority's refusal to grant an operating license to a collective management organization; and
- (c) terms or conditions imposed by the Authority for granting an operating license;
- (d) decisions of the Authority under section 94 of Part XII regarding takedown or counter-notice disputes.

(2) An appeal to the Tribunal under this Act shall be filed within 21 days from the date of the decision being appealed against.

Remedies
Tribunal
grant.

100. (1) In exercising its jurisdiction, the Tribunal may grant remedies provided under Part X.

(2) The Tribunal shall issue decisions within thirty days from the date of filing a matter, unless exceptional circumstances require otherwise.

(3) A party aggrieved by a Tribunal decision may appeal to the High Court within fourteen days on points of law.

Discipline
removal
members.
No. 1 of 2011

101. The Chairperson and the members shall be disciplined or removed from office on grounds and in accordance with the provisions of the Third Schedule to the Judicial Service Commission Act, 2011.

Staff
Tribunal

102. (1) The Judicial Service Commission shall appoint or second such staff as may be necessary for the proper functioning of the Tribunal

Procedure
before
Tribunal.

103. (1) The Tribunal shall regulate its own procedure in hearing and determining appeals.

Cap 80
Cap 21

(2) In exercise of its jurisdiction, the Tribunal shall not be bound by the strict rules of the Evidence Act and the Civil Procedure Act.

(3) The chairperson of the Tribunal shall be responsible for ensuring the orderly and expeditious discharge of the business of the Tribunal.

- (4) The chairperson may issue directions relating to the —
- (a) arrangement of the business of Tribunal;
 - (b) the places and time of the Tribunal sitting; and
 - (c) the procedure of at specific sittings.

Expenses of the Tribunal **104.** The expenses of the Tribunal shall be paid out of the Judiciary Fund.

Rules of the Tribunal **105.** The Chief Justice may make rules governing the practice and procedure of the Tribunal.

PART XIV—GENERAL PROVISIONS

Regulations. **106.** (1) The Cabinet Secretary may make regulations to give effect to this Act and prescribe anything required to be prescribed.

for—

- (2) Without prejudice to subsection (1), the regulations may provide
 - (a) registration of copyright and related rights;
 - (b) licensing and administration of collective management organization;
 - (c) procedures for online intermediaries liability

Savings and Transitions **107.** (1) In this Part, “Former Board” means the Kenya Copyright Board established under the Copyright Act, cap 130;

- (2) The Authority shall be the successor to the former Board.
- (3) On the Commencement date of this Act—
 - (a) all contracts, rights, duties, obligations, assets and liabilities of

- the former Board shall vest to the Authority;
- (b) any license, permit or any approval given by the former Board in exercise of its functions shall be taken to have been issued by the Authority under this Act;
 - (c) all actions, suits or legal proceedings pending by or against the former Board shall be carried on or prosecuted by or against the Authority;
 - (d) a member of the Board of the former Board in office on the Commencement date shall continue to be a member of the Board of the Authority as though appointed under this Act and shall serve the remainder of their term;
 - (e) the Executive Director of the former Board in office on the Commencement date shall continue to serve as the Chief Executive Officer of the Authority as though appointed in accordance with this Act and shall serve the remainder of their term;
 - (f) the staff of the former Authority shall transition to be the staff of the Authority on the same terms and conditions of service; and
 - (g) the pension scheme established by the former Board shall be the pension scheme of the Authority.

Repeal of the
Copyright
Act,2001

108.

The Copyright Act No. 12 of 2001, is repealed.

MEMORANDUM OF OBJECTS AND REASONS

Purpose and Context of the Bill

The draft Copyright and Related Rights Bill, 2026, is intended to provide a robust and effective legal framework for the protection of copyrighted works in Kenya, thereby stimulating creativity, innovation, and the growth of the creative industries. The Bill aligns Kenya's copyright regime with the Constitution and international treaties to which Kenya is a signatory, while repealing and replacing the outdated Copyright Act, Cap 130, enacted in 2001.

A new statutory framework is necessitated by several converging factors. First, the 2001 Act was drafted in a pre-digital era and cannot adequately address contemporary challenges such as online piracy, intermediary liability, and digital revenue distribution. Second, Kenya has since 2001 acceded to or ratified major international treaties including the WIPO Copyright Treaty, the WIPO Performances and Phonograms Treaty, and the Marrakesh Treaty, each requiring implementation. Third, the 2010 Constitution introduced express recognition of intellectual property rights under Articles 11(2)(c) and 40(5), demanding a statutory framework that reflects constitutional values. Fourth, two decades of practical experience have revealed systemic deficiencies in the regulation of collective management organizations, enforcement mechanisms, and the scope of protected rights.

The Bill represents the most substantial proposed overhaul of Kenyan copyright law since 2001 and is designed to position Kenya's creative industries for growth in the digital age while honoring constitutional and international commitments.

The key objectives of the Bill are to—

- (a) support, promote, and protect copyright and related rights in accordance with Articles 11(2)(c) and 40(5) of the Constitution, and to give effect to Kenya's obligations under international treaties, including the Berne Convention for the Protection of Literary and Artistic Works, the WIPO Copyright Treaty, the WIPO Performances and Phonograms Treaty, and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled;
- (b) establish a modern institutional framework through the creation of the Kenya Copyright Authority (replacing the Kenya Copyright Board), with expanded functions, clearer governance structures, and stronger supervisory powers over collective management organizations;
- (c) provide updated and clearer rules on the subsistence, ownership, duration, and exclusive economic and moral rights in literary, artistic, musical, dramatic, and audiovisual works, sound recordings, broadcasts, computer programs, and other protected subject matter;

- (d) introduce and strengthen exceptions and limitations to copyright while ensuring compliance with the three-step test under international law, including provisions for fair dealing, educational use, libraries and archives, persons with disabilities, and text and data analysis for non-commercial research;
- (e) recognize and protect related rights of performers, producers of sound recordings, and broadcasting organizations more comprehensively, including the introduction of equitable remuneration rights;
- (f) strengthen moral rights with clearer rules on transmission, waiver, and enforcement;
- (g) establish modern rules for digital-era challenges, including safe harbors for online intermediaries, a simplified takedown and counter-notice system, and site-blocking orders for online infringement, including for live events and other time-sensitive content;
- (h) introduce a private copying remuneration levy on devices, media, and online platforms to ensure rights holders are fairly compensated for private copying of their works, and strengthen digital revenue distribution rules for platforms such as ring-back tones;
- (i) improve enforcement mechanisms through stronger inspection and seizure powers, border measures, Anton Piller orders, administrative penalties, compounding of offences, and the establishment of a specialized Copyright Disputes Tribunal with both original and appellate jurisdiction;
- (j) impose stronger regulatory requirements on collective management organizations to ensure transparency, accountability, and timely distribution of royalties to rights holders; and
- (k) introduce specific economic mechanisms, including the artist's resale right (*droit de suite*), a framework for dealing with orphaned works, and provisions permitting the use of copyright as security or collateral.

Through these measures, the Bill seeks to create a contemporary, balanced, and enforceable copyright and related rights regime that better protects creators and rights holders—particularly in the digital environment—while ensuring reasonable access for educational, research, cultural, and disability-inclusive purposes. It addresses long-standing enforcement and governance challenges and supports the sustainable growth of Kenya's creative and cultural industries.

3. OVERVIEW OF THE PROVISIONS

PART I — PRELIMINARY (Clauses 1–3)

This Part sets the foundation for the Act, providing the short title, comprehensive definitions of key terms, and the objects of the legislation which include establishing a framework for copyright protection, giving effect to international treaties, fostering creativity, facilitating access to works for educational and cultural purposes, balancing rights of owners and users, and safeguarding both economic and moral rights of creators.

PART II — THE KENYA COPYRIGHT AUTHORITY (Clauses 4–16)

This Part establishes the Kenya Copyright Authority as a body corporate with perpetual succession, replacing the Kenya Copyright Board. It outlines the Authority's functions including

implementing international treaties, undertaking voluntary registration of works, establishing a National Rights Registry, licensing and supervising collective management organizations, and conducting research. The governance structure comprises a Board with representatives from government and creative sectors, a Chief Executive Officer appointed competitively, and a Corporation Secretary. The Part also addresses financial provisions, the common seal, and annual reporting requirements.

PART III — SUBSISTENCE, OWNERSHIP AND DURATION OF COPYRIGHT (Clauses 17–27)

This Part sets out the fundamental principles of copyright protection. Copyright subsists automatically in original literary, musical, dramatic, artistic, audiovisual works, sound recordings, broadcasts, and computer programs. It specifies exclusive rights of owners, qualification criteria, rules on ownership (including for employees and commissioned works), and duration of protection (generally fifty years after death for literary works, seventy years for photographs and sound recordings). It also establishes the voluntary National Rights Registry.

PART IV — ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS (Clauses 28–37)

This Part provides exceptions and limitations to copyright, balancing owner rights with public interest. It covers fair dealing for research, criticism, reporting, and parody; private and personal use including format-shifting; educational use by non-commercial institutions; library, archive, and museum privileges; accessible format copies for persons with disabilities; text and data analysis for non-commercial research; and specific exceptions for computer programs and broadcasting.

PART V — RELATED RIGHTS (Clauses 38–45)

This Part recognizes and protects rights of performers, producers of sound recordings, and broadcasting organizations. Performers have exclusive rights over fixation, reproduction, distribution, and communication of their performances, plus moral rights. Producers control reproduction, distribution, and communication of sound recordings. Broadcasting organizations control rebroadcasting, fixation, and communication. The Part introduces equitable remuneration for performers and producers when sound recordings are exploited and sets duration at fifty years.

PART VI — MORAL RIGHTS (Clauses 46–52)

This Part establishes the personal rights of creators distinct from economic rights, including the right to attribution, right to integrity (to object to derogatory treatment), right against false attribution, and rights to pseudonymity or anonymity. These rights are inalienable, endure for the lifetime of the author plus fifty years, and may be waived in writing. The Part addresses joint works, transmission upon death, and enforcement through injunctions, public apology, or damages.

PART VII — DEALING WITH RIGHTS IN COPYRIGHT WORKS (Clauses 53–62)

This Part governs commercial transactions involving copyright. It introduces the artist's resale right (*droit de suite*) entitling visual artists to a share of proceeds from subsequent commercial resales. It regulates assignment and licensing of copyright, provides for reversion of rights where licensees fail to exercise rights or become insolvent, establishes revenue distribution rules for ring-back tunes, creates a framework for orphaned works, permits copyright as security, and introduces a private copying remuneration levy on devices, media, and online platforms.

PART VIII — INFRINGEMENT OF COPYRIGHT AND RELATED RIGHTS (Clauses 63–73)

This Part defines acts constituting infringement, including unauthorized reproduction, rental, public performance, communication to the public, and adaptation. It covers secondary infringement (possession, sale, distribution of infringing copies) and infringement by enabling public use through apparatus. It prohibits removal or alteration of technological protection measures and rights management information, and establishes presumptions in infringement actions including that copyright is presumed to subsist unless proved otherwise.

PART IX — REMEDIES FOR INFRINGEMENT (Clauses 74–80)

This Part provides legal remedies available to rights holders, including damages, injunctions, accounts of profits, and delivery up of infringing copies. It introduces statutory damages (ranging from KES 200,000 to KES 1.5 million) and punitive damages for flagrant infringement. It establishes criminal offences with penalties including fines and imprisonment, provides for Anton Piller orders, and empowers the Authority to impose administrative penalties for minor infringements and compound offences with DPP consent.

PART X — LIABILITY AND SAFE HARBORS FOR ONLINE INTERMEDIARIES (Clauses 81–86)

This Part addresses online intermediary liability, providing safe harbors from liability for intermediaries that meet conditions including not initiating transmission, implementing repeat infringer policies, and expeditiously removing infringing content upon receiving valid takedown notices. It establishes procedures for takedown notices, counter-notices, and site-blocking orders (including for live events). It requires intermediaries to designate agents for notice receipt and imposes penalties for non-compliance or false notices.

PART XI — ENFORCEMENT PROVISIONS (Clauses 87–91)

This Part equips the Authority with enforcement tools, providing for appointment of inspectors with powers of entry, inspection, and seizure of infringing copies. It grants police officers and authorized inspectors power of arrest without warrant. It establishes border measures enabling rights holders to request customs suspension of suspected pirated goods and procedures for

dealing with seized items, including disposal outside commercial channels where no proceedings are initiated.

PART XII — COLLECTIVE MANAGEMENT OF RIGHTS (Clauses 92–96)

This Part regulates collective management organizations (CMOs), requiring licensing by the Authority. It limits multiplicity of CMOs in the same sector, prescribes governance and transparency requirements, mandates quarterly reporting and annual publication of financial statements. It requires Authority approval of tariffs, mandates digital systems for royalty collection, and sets six-month royalty distribution deadlines. It empowers the Authority to inspect CMOs, issue directions, impose administrative fines, and suspend or revoke licences for non-compliance.

PART XIII — COPYRIGHT DISPUTES TRIBUNAL (Clauses 97–105)

This Part establishes the Copyright Disputes Tribunal comprising a chairperson qualified as a High Court judge and four members with copyright expertise, appointed by the Judicial Service Commission. The Tribunal has original jurisdiction over ownership disputes, infringements, licensing disputes, and site-blocking applications, and appellate jurisdiction over Authority decisions. It may grant remedies under Part IX, must issue decisions within thirty days, and appeals lie to the High Court on points of law.

PART XIV — GENERAL PROVISIONS (Clauses 106–108)

This Part empowers the Cabinet Secretary to make regulations for implementing the Act, provides for savings and transitional arrangements ensuring continuity from the former Kenya Copyright Board to the Authority, and repeals the Copyright Act, No. 12 of 2001.

Statement on how the Bill concerns county governments

The Bill does not concern county governments in terms of Article 110 of the Constitution as it does not contain provisions that affect the functions and powers of the counties as set out in the Fourth Schedule to the Constitution.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

This Bill delegates legislative power to the Cabinet Secretary responsible for matters relating to copyright and related rights to make regulations for the carrying into effect of its provisions. The Bill does not limit any fundamental rights or freedoms

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall occasion additional expenditure of public funds.

Draft