

## **WEBINAR ON FAIR DEALING AND OTHER COPYRIGHT EXCEPTIONS IN KENYA**

Hosted by the Kenya Copyright Board (KECOBO) in cooperation with EIFL and the Kenya Libraries and Information Consortium (KLISC)

10 February 2022 at 2.30pm - 4.30pm Nairobi

### **PROGRAMME**

**Moderator:** Janegrace Kinyanjui, Vicechair KLISC, University Librarian, Egerton University

1. **Welcome and Opening Remarks**  
Mr. Edward Sigei, Executive Director, KECOBO
2. **[Introduction to fair dealing and other exceptions](#)**  
Denise Nicholson, Scholarly Communications and Copyright Consultant, Librarian, Scholarly Horizons, South Africa
3. **[The evolution of fair dealing internationally](#)**  
Jonathan Band, Attorney
4. **[Identify challenges in using fair dealing and other exceptions](#)**  
Prof. Joseph M. Kavulya, KLISC Chair, University Librarian, Chuka University
5. **[Regional experience: how Nigeria is updating its copyright exceptions](#)**  
Dr. Desmond Oriakhogba, University of Venda, South Africa
6. **[What does the Kenya Copyright Act state?](#)**  
Mr. Paul Kaindo, KECOBO

**Panel Discussion with speakers / Q&A / Way Forward**

**Closing Remarks** Mr. Edward Sigei, Executive Director, KECOBO

### **Speaker Biographies**

**Denise Nicholson** retired from the University of the Witwatersrand, Johannesburg, South Africa (Wits) in 2020, after nearly 38 years' professional service in various library posts. Her last post was Scholarly Communications Librarian, and she managed the Copyright Services Office for the University. In 2021, she started her own consultancy, called Scholarly Horizons. She has 25 years' experience in copyright issues, open access and scholarly communication, and is well-recognised internationally, regionally and in South Africa, for her advocacy and promotion of access to knowledge, and for more balanced

copyright laws in South Africa. She is an expert advisor to international, regional and national library groups. In 2021, she was awarded two prestigious awards, namely, the SALI Trust-LIASA Lifetime Achievement Award and the UNISA Chancellor's Calabash Award for Outstanding Educator.

**Jonathan Band** helps shape the laws governing intellectual property and the Internet through a combination of legislative and appellate advocacy. He has represented clients in the US with respect to the drafting of the Digital Millennium Copyright Act (DMCA), the Stop Online Piracy Act (SOPA), and other federal and state statutes, and by filing amicus briefs in significant cases related to these issues.

Mr. Band has represented clients in connection to the Marrakesh Treaty, the Anti-Counterfeiting Trade Agreement, the Trans-Pacific Partnership Agreement, the Trans-Atlantic Trade and Investment Partnership, the United States, Mexico and Canada Free Trade Agreement, and other international agreements.

Mr. Band is an adjunct professor at the Georgetown University Law Center, and has written extensively on intellectual property and the Internet, including the books [Interfaces on Trial](#), [Interfaces on Trial 2.0](#), and [Interfaces on Trial 3.0](#), and over 100 articles.

**Joseph M. Kavulya** is the University Librarian at Chuka University, Kenya, and before that he was University Librarian at the Catholic University of Eastern Africa in Nairobi. He holds a B.A (Sociology and Literature) and M.Ed (Library and Information Science) from Kenyatta University, Kenya and a PhD (Library and Information Science) from Humboldt University, Berlin. He is also a Professor of Library and information Science in the Department of Computer and Information Science. Currently he is the chairperson of the Executive Committee of the Kenya Libraries and Information Services Consortium (KLISC), the national library consortium dedicated to ensuring universal access to information in the country for research, education, policy making and innovation. His current areas research interests are information and development, information and digital literacy, LIS education.

**Dr. Desmond Oriakhogba**, Senior Lecturer, Department of Mercantile and Private Law, University of Venda, South Africa obtained his LLM and LLB degrees from the University of Benin, and in 2019 obtained a PhD in commercial law (focus on intellectual property and competition law) from the University of Cape Town (UCT), South Africa.. He is a Senior Lecturer in the Department of Mercantile and Private law, University of Venda, South Africa and an independent consultant with the World Intellectual Property Organization (WIPO) Academy. He is a Queen Elizabeth Scholar, and research collaborator with the Open African Innovation Research (Open AIR) network and the South African Department of Science and Innovation/National Research Foundation Research Chair (DSI/NRF SARChI) on Intellectual Property, Innovation and Development in UCT. Desmond was called to the Nigerian Bar in 2008 and was a visiting researcher in the Centre for Law, Technology and Society, Law Faculty, University of Ottawa, Canada in 2018.

Desmond is the author of *Copyright, Collective Management Organisations and Competition in Africa: Regulatory Perspectives from Nigeria, South Africa and Kenya* (Juta, 2021).

**Mr. Paul Kaindo** is Senior Legal Counsel at KECOBO and an Advocate of the High Court of Kenya. He has vast experience in intellectual property management and enforcement, dispute resolution, contract and commercial practice. He holds a Master's Degree in Intellectual Property from the African University in Zimbabwe, an LLB Degree from Kampala International University and a Post Graduate Diploma in Law from the Kenya School of Law. He previously worked in private practice, and was also he a law lecturer at a middle level college in Nairobi, Kenya.