

Text and Data Mining and Copyright Protection in Kenya

A presentation by Mitchel Ondili and Cynthia Nzuki
for

The Centre for Intellectual Property and Information Technology

Thursday, 3rd March 2022

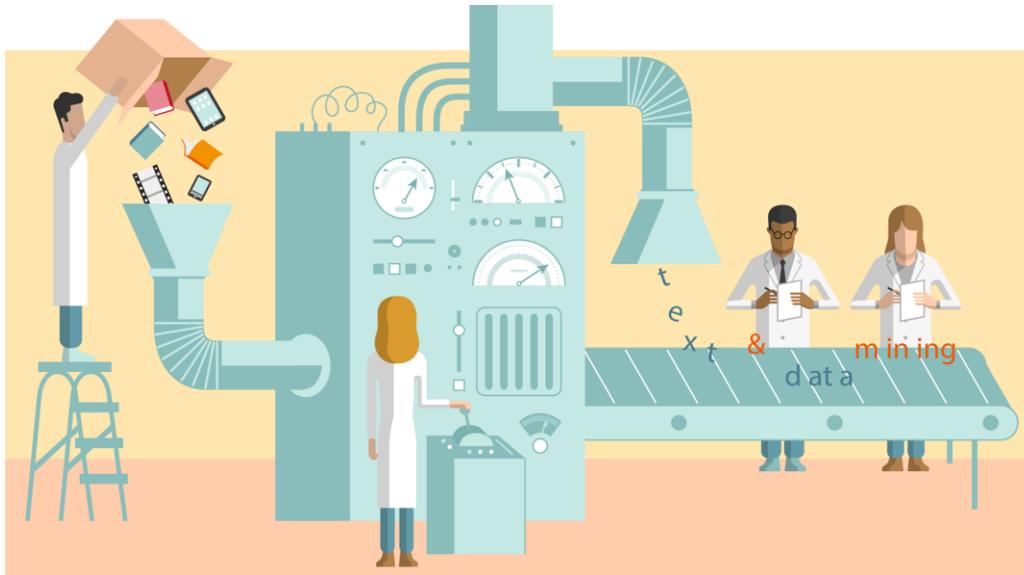
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Text and Data Mining

- A brief background
 - How TDM works
 - The (complicated) relationship between TDM and copyright



Source:

<https://www.copyrightuser.org/understand/exceptions/text-data-mining/>



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TDM and Exceptions in Copyright Law

- Copyright exceptions as an access mechanism
- Orphan works and the legal/data gap
- Defining irregular legal copyright agreements

Legal and Policy Gaps

1. Narrow list of exceptions

- Second Schedule of the Copyright Act
- Kenyan framework provides for fair dealing principles
- Exception is for scientific research and reproduction by Government in the public interest without revenue
- What is scientific research?
- What about other types of research?
- Commercial use? Non-public interest?

2. Lack of cross border provisions

- Copyrights are enforced and implemented territorially
- In the digital world, information can be and is shared across borders

Legal and Policy Gaps

3. Platforms lack express TDM policies

- Lack of knowledge and sufficient sensitization on the subject matter
- TDM research is not as profound

Moving Forward

1. Expand the fair dealing exceptions to accommodate TDM research
 - Provide for instances such as commercial use, private use, and other forms of research
 - Consider adapting fair use principles. Fair use offers more flexibility as instead of a limited list, it provides for a list of factors that can apply to a range of uses
2. Continue to actively educate the public
 - Copyright protection, infringement, exceptions to infringement, enforcement avenues etc.

Thank you!

For more information

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