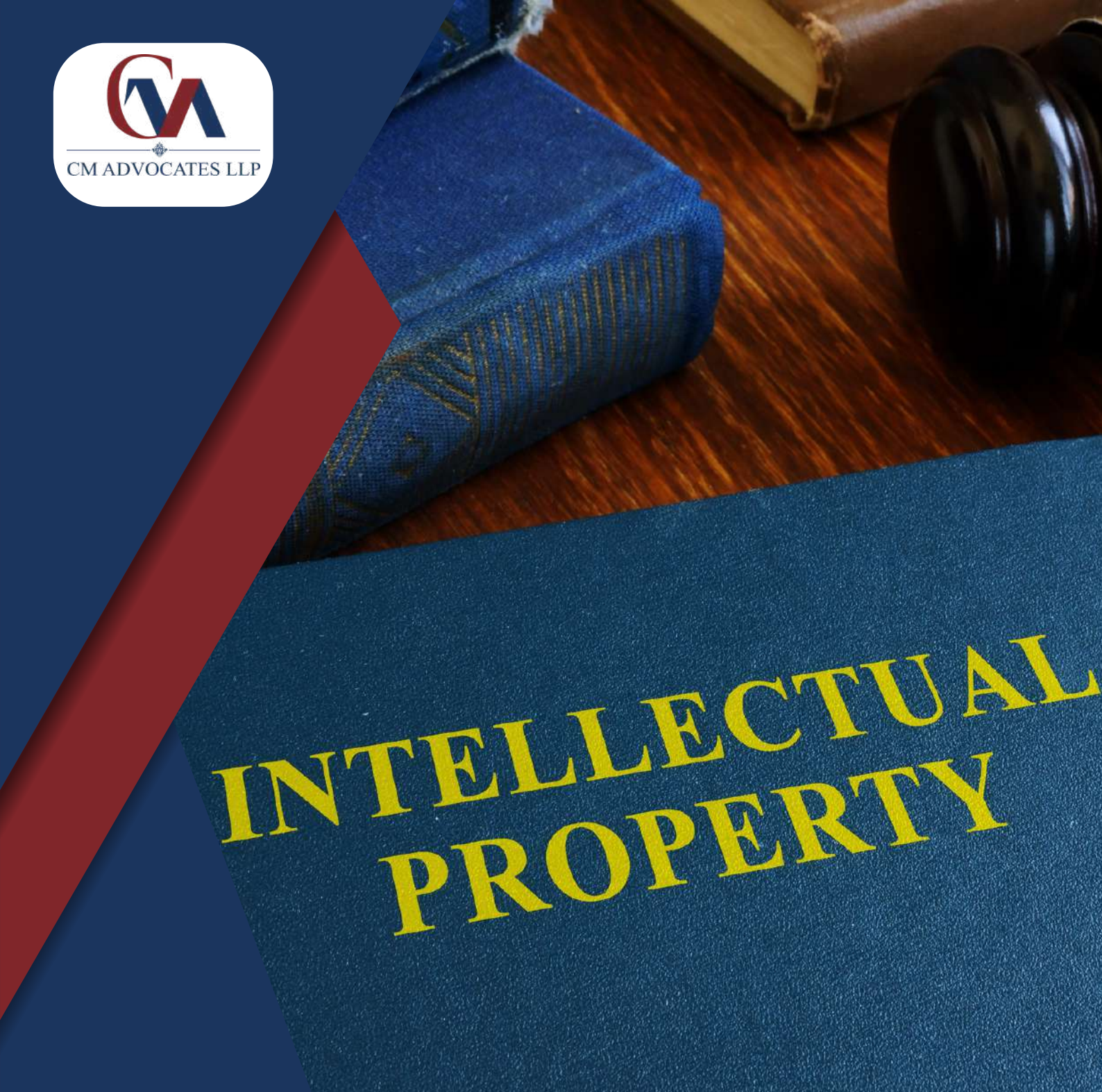




INTELLECTUAL PROPERTY

INTELLECTUAL PROPERTY & TECHNOLOGY SUB-UNIT

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OVERVIEW

In an era where innovation and technology drive global economies, CM Advocates LLP offers market-leading expertise in Intellectual Property and Technology law. As one of the leading East African firms with dual ARIPO and OAPI filing capabilities, we offer seamless, continent-wide IP protection and enforcement support for businesses navigating complex legal and commercial environments across Africa.

We advise a diverse clientele ranging from multinational corporations and tech start-ups to research institutions, public sector entities and development agencies on how to safeguard, commercialize and scale their innovations. Our team combines deep sectoral expertise with a strong understanding of emerging technologies, digital transformation and regulatory frameworks across jurisdictions.

Whether facilitating cross-border intellectual property filings, structuring digital platform transactions, negotiating high-value technology contracts or guiding compliance in areas like AI governance and digital payments, we provide agile, strategic legal solutions tailored to the demands of today's dynamic innovation economy.



OUR PRACTICE GROUPS

1. Real Estate, Banking & Finance (RBF) Practice Group
2. Corporate, Commercial & Regulatory Advisory (CCR) Practice Group
3. Dispute Resolution & Appellate (DRA) Practice Group
4. Civil Fraud, Asset Tracing & Recovery (CFAR) Practice Group
5. Tax & International Business Advisory (TIBA) Practice Group
6. Employment, Pensions & Rewards (EPR) Practice Group
7. Investigations, Compliance & Regulatory Defence (ICRD) Practice Group
8. Projects, Construction & Infrastructure (PCI) Practice Group
9. Mining & Extractive Industries (MEI) Practice Group
10. Energy & Transition Law (ETL) Practice Group
11. **Intellectual Property & Technology Practice Group**
12. Private Wealth & Family Office Clients (PWFOC) Practice Group
13. Industry & Sector-Focused Practices
14. Sustainability, Climate Change & ESG (SCC & ESG) Practice Group
15. Immigration and Global Mobility Practice Group



ABOUT US

At CM Advocates LLP, we offer a comprehensive suite of professional services and support to clients across Kenya, Eastern Africa, and the broader African region. Leveraging extensive industry experience, we are dedicated to guiding our clients through every step of the **Intellectual Property & Technology process.**

1. INTELLECTUAL PROPERTY (IP)

Our IP practice is focused on helping clients leverage, safeguard and enforce their IP rights across national, regional (such as ARIPO and OAPI) and international jurisdictions (through WIPO). We assist clients in safeguarding their innovations, navigating transactional and compliance issues; and capitalizing on their inventions. Our IP services include:

1.1 IP Portfolio Management

A comprehensive and strategic approach to managing all forms of IP across multiple jurisdictions, ensuring optimal protection, enforcement and commercial value. Our services encompass the full lifecycle of IP assets, from creation and registration to enforcement and monetization, tailored to meet the unique needs of businesses, innovators and creators.

a) Trademarks

A trademark is defined as a distinguishing guise, slogan, device, brand, heading, label, ticket, name, signature, word or any combination thereof whether rendered in two-dimensional or three-dimensional form.

Our services include:

- Advising on distinctive and legally protectable trademarks.
- Conducting comprehensive registrability and clearance searches.
- Filing and prosecuting IP rights in local, regional (including ARIPO and OAPI) and international markets, through the Madrid System for international trademark registration via WIPO.
- Attending to renewals, recordals and maintenance to ensure continuous protection.
- Handling oppositions, cancellations, infringement claims and passing-off actions.

b) Patents

A patent is an exclusive right granted for a new invention. Our services relating to patents include:

- Preparing robust patent specifications and navigating filings with KIPI, ARIPO, OAPI and under the PCT system.
- Assessing patentability and freedom-to-operate risks.
- Managing annuities and territorial expansions.
- Conducting competitive intelligence and market trend analyses.
- Representing clients in oppositions, revocations and infringement litigation.

c) Utility Models

A utility model is defined as an innovative form, configuration or arrangement of elements in an object or part thereof that improves functionality or use.

Our services relating to utility models include:

- Strategic registration with KIPI, ARIPO, OAPI and WIPO.
- Conducting comprehensive registrability searches for utility models.
- Attending to renewals, recordals and maintenance to ensure continuous protection.
- Representing clients in oppositions, revocations and infringement litigation.

d) Industrial Designs

An industrial design refers to the unique visual appearance of a product, created through lines, colors or three-dimensional shapes which gives a distinctive look to industrial items. We offer the following services relating to the protection and management of industrial designs:

- Protecting the aesthetic and functional design of products with KIPI, ARIPO, OAPI and WIPO.
- Conducting comprehensive registrability searches for industrial designs.
- Attending to renewals, recordals and maintenance to ensure continuous protection.
- Representing clients in oppositions, revocations and infringement litigation.

e) Copyrights

A copyright is a right granted to the creator or author of original works. A copyright applies to a variety of creative works including: literary works, musical works, artistic works, dramatic works, audio-visual works, sound recordings and broadcasts.

We offer the following services relating to the protection and management of copyrights:

- Protecting all types of original works with KIPI, ARIPO, OAPI and WIPO.
- Facilitating lawful use of third-party works.
- Protecting online and multimedia content.
- Representing clients in anti-piracy initiatives, including issuance of takedown notices, cease and desist letters and litigation.

f) Trade Secrets

A trade secret is confidential business information, such as proprietary methods, customer lists or manufacturing processes that provides a competitive advantage.

We offer the following services relating to the protection and management of trade secrets:

- Drafting non-disclosure agreements, employee agreements and internal policies.
- Identifying and securing critical business information.
- Pursuing misappropriation claims and defending against leaks.

g) Geographical Indications (GIs)

Geographical indications are signs used on products that have a specific geographical origin and possess qualities or a reputation linked to that origin. We offer the following services relating to the protection and management of GIs:

- Advising on and facilitating the registration of GIs with KIPI, ARIPO, OAPI and WIPO.
- Supporting clients in maintaining the integrity of registered GIs through compliance audits, monitoring and enforcement action against misuse or misrepresentation.
- Guiding producer groups, cooperatives and governments on GI eligibility, value-chain structuring, branding and commercialization strategies.

h) Domain Names

A domain name (often referred to as a domain) is an easy-to-remember name that is associated with a physical IP address on the internet.

We offer the following services relating to domain name management:

- Securing generic top-level domains and country-code top-level domains.
- Domain name dispute resolution services through the Uniform Domain-Name Dispute-Resolution Policy (UDRP), including proceedings administered by WIPO and the Internet Corporation for Assigned Names and Numbers (ICANN). For local matters, we also handle disputes through the Kenya Network Information Centre (KENIC).
- Combating cybersquatting and phishing.

i) Plant Breeder Rights

Plant Breeder Rights are used to protect new varieties of plants that are distinguishable, uniform and stable. We offer the following services relating to plant breeder rights:

- Protecting new, distinct and stable plant species with KEPHIS, ARIPO and the International Union for the Protection of New Varieties of Plants (UPOV).
- Conducting comprehensive registrability searches for plant breeder rights.
- Representing clients in infringement actions and defending against invalidity claims.

j) IP rights recordation

IP recordation refers to the process of collecting and entering into an electronic database, information regarding registered IP rights for all goods to be imported into Kenya.

We offer the following services:

- Facilitating the recordation of IP rights with the Anti-Counterfeit Authority (ACA).
- Assisting in obtaining customs support in anti-counterfeiting strategies.
- Providing training programs on identifying counterfeit products.

1.2 Enforcement and dispute resolution

Effective enforcement of IP rights is critical to preserving brand value, market share and a competitive advantage. Our team is adept at handling both contentious and non-contentious matters, always with a focus on commercially sound, timely and cost-effective outcomes. Our services include:

a) IP litigation and contentious proceedings

We represent clients in a wide array of disputes involving trademarks, patents, copyrights, industrial designs, utility models, trade secrets, geographical indications and plant breeder's rights. Our litigation services cover:

- Infringement lawsuits across the Kenyan and regional courts.
- Opposition, rectification, cancellation, revocation and invalidation proceedings before IP registries.
- Passing-off actions and unfair competition claims.

b) Alternative Dispute Resolution (ADR)

We advise on and represent clients in IP-related arbitration and mediation proceedings, particularly in cross-border or licensing-related disputes, where confidentiality and speed are priorities.

c) Strategic pre-litigation enforcement

We assist in crafting proactive enforcement strategies, including:

- Drafting and issuing cease-and-desist letters.
- Negotiating commercial settlements and co-existence agreements.
- Conducting IP due diligence and risk assessments for enforcement readiness.

d) Trade secret protection and employee mobility

We advise on the protection and enforcement of trade secrets and confidential information, including:

- Claims for misappropriation of trade secrets and breach of non-disclosure agreements (NDAs).
- Disputes involving restrictive covenants, non-compete clauses and post-employment IP use.

e) Border enforcement and anti-counterfeiting

In collaboration with public authorities, we coordinate:

- Seizure, detention and destruction of counterfeit or infringing goods at ports of entry.
- Complaints and enforcement actions through the ACA, KRA and other enforcement agencies.
- Training for rights holders on brand protection.

f) Online infringement and digital enforcement

We help clients monitor and take down infringing online content through:

- Domain name dispute resolution under UDRP and national frameworks.
- Takedown requests to online marketplaces, social media platforms and Internet Service Providers.
- Cyber-squatting, impersonation and parallel importation claims in the digital space.

1.3 Brand and content protection

In a rapidly evolving digital and global marketplace, proactive brand protection and digital IP enforcement are essential to preserving the integrity, value and reputation of intellectual assets.

We provide a full spectrum of advisory, monitoring and enforcement services aimed at helping brands, creators and digital platforms stay ahead of infringement threats both online and offline.

Our services include:

a) Brand strategy and portfolio development

We help clients build strong, defensible brands from the ground up.

Our services support businesses in navigating the legal landscape of branding to ensure commercial impact and long-term protection. Our services include:

- Advising on brand creation, selection and clearance to ensure registrability, legal protection and commercial strength.

- Conducting availability searches and risk assessments prior to adoption or expansion.
- Developing brand protection strategies aligned with business objectives.

b) Digital content protection and copyright defense

We support creators and rights holders in securing and enforcing their copyright and related rights across various media formats and jurisdictions.

Our services include:

- Advising content creators, developers and publishers on rights clearance, ownership and licensing of creative works.
- Drafting and negotiating licensing agreements for digital media, film, music and software.
- Representing clients in copyright disputes, including unauthorized use, derivative works and streaming conflicts.
- Support in content monetization and platform compliance under local and international copyright laws.

1.4. Commercialization and licensing

We support clients in transforming IP into revenue-generating assets through strategic commercialization and licensing.

Our commercialization and licensing services include:

a) IP strategy and valuation

We help clients assess, prioritize and value their IP assets in alignment with their broader business goals and market opportunities.

Our services include:

- Advising on IP monetization strategies aligned with business models, market potential and innovation lifecycle.
- Conducting IP valuations for licensing, joint ventures, merger & acquisitions and capital raising.
- Conducting due diligence to assess ownership, validity, enforceability and freedom to operate.

b) Licensing and assignment agreements

We offer end-to-end support in structuring, drafting and negotiating IP agreements to enable secure and profitable exploitation of rights.

Our services include:

- Drafting, reviewing and negotiating license agreements for patents, trademarks, copyrights, trade secrets, utility models and industrial designs.
- Structuring exclusive, non-exclusive, field-limited, territory-limited and royalty-free licensing arrangements.
- Preparing assignment and transfer documentation for one-off or portfolio-wide IP transfers.
- Advising on sublicensing, sub-contractor IP use and ownership clauses in collaborative projects.

c) Technology transfer and collaborative innovation

We guide clients through complex knowledge and technology sharing arrangements, ensuring that IP rights are well-protected and clearly allocated.

Our services include:

- Structuring technology transfer agreements between research institutions, universities and commercial partners.
- Drafting research and development collaboration, know-how transfer and university–industry partnership agreements.
- Advising on IP ownership in joint development or commissioned innovation projects.

d) Franchising, co-branding and joint ventures

We assist in the commercialization of brand and business systems through franchise and strategic partnership arrangements.

Our services include:

- Structuring and documenting franchise arrangements, including brand licensing, operational manuals and training on IP.

- Advising on co-branding, white-labelling and IP-related joint venture agreements.
- Negotiating IP contributions and profit-sharing models in strategic alliances.

e)Commercial terms and financial structures

We design and negotiate commercially sound financial terms for IP transactions, mindful of local laws and global best practices. Our services include:

- Advising on royalty models, lump-sum payments, milestone-based payments and equity-based IP deals.
- Drafting royalty schedules and payment obligations, including tax, exchange control and transfer pricing compliance.

f)Regulatory and compliance support

We ensure that all IP transactions are legally compliant and properly documented, both locally and across borders.

Our services include:

- Ensuring that local and cross-border licensing agreements meet IP, competition, tax and exchange control laws.
- Conducting audits to assess compliance with license and assignment agreements.
- Advising on the registration of IP assignments and licenses with relevant IP offices (e.g., KIPI, ARIPO, WIPO).

1.5. IP audits and due diligence

We conduct IP audits and due diligence exercises to assess the strength, validity and commercial viability of IP portfolios.

Our IP audit and due diligence services include:

a)Transactional IP due diligence

We perform comprehensive IP reviews to verify ownership, assess risks and evaluate alignment with corporate transactions.

Our services include:

- IP asset verification for M&As, IPOs, private equity, venture capital funding or joint ventures.
- Analysis of IP-related agreements (e.g., licenses, assignments, non-disclosure agreements, material transfer agreements; and research and development collaborations).
- Identification of registered and unregistered IP assets and their alignment with the business goals.

b)Strategic and compliance recommendations

We offer actionable insights and strategies to enhance IP protection, minimize risk and maximize value.

Our services include:

- Recommendations for enhancing protection, enforcement readiness and asset value.
- Internal policy review to address gaps in trade secret protection, IP documentation and employee IP ownership.
- Advising on best practices for IP recordkeeping, renewals and maintenance schedules.

c)Clean room and pre-litigation support

We help clients prepare for sensitive transactions and legal disputes by ensuring that their IP is secure, documented and defensible.

Our services include:

- Implementation of clean room protocols to protect IP integrity in sensitive transactions.
- Litigation-readiness audits to support enforcement actions or defense planning.
- Providing expert IP assessments and reports for deal negotiations or regulatory filings.

1.6 Data, AI & IP

We provide strategic legal guidance on the protection and commercialization of artificial intelligence (AI), machine learning (ML), big data and algorithm-driven innovations.

Our work spans the intersection of IP law and emerging technologies, helping clients navigate regulatory uncertainty, protect valuable intangible assets and unlock commercial opportunities in the digital economy.

Our services include:

a) Advisory on emerging technology and IP convergence

We assist clients understand how traditional IP frameworks apply to modern innovations by offering legal guidance on the overlap between AI, data and IP law.

Our services include:

- Legal frameworks for protecting AI-generated content, datasets and autonomous innovation.
- Navigating copyright, patent and trade secret regimes for software, algorithms and ML models.
- Assessing protectability of training data, code and synthetic outputs under existing IP laws.

b) Protection strategies for AI and data-driven products

We assist clients in structuring comprehensive IP protection for AI tools, models and outputs, with a focus on maximizing value while safeguarding proprietary innovation.

Our services include:

- Structuring layered IP protection for source code, models, digital interfaces and generated outputs.
- Trade secret protection for proprietary datasets, model training methods and algorithmic logic.
- Tailored contractual frameworks for ownership, licensing and confidentiality of AI assets.

c) AI in creative and industrial sectors

We provide specialized legal support for clients using AI in both creative industries and industrial applications, helping them manage rights, ownership and commercialization.

Our services include:

- Copyright and moral rights issues surrounding generative AI in music, visual art, writing and design.
- Patentability and inventorship considerations for AI-assisted inventions.

d) Risk management and regulatory readiness

We help clients proactively manage legal and compliance risks associated with AI technologies, including IP threats and emerging regulatory obligations.

Our services include:

- Risk assessments relating to IP infringement, bias, explainability and misuse of AI models.
- Advising on compliance with emerging AI regulations and ethical standards in innovation.
- Strategic IP audits for AI-driven companies seeking funding, partnerships or expansion.

2. TECHNOLOGY

The Technology practice at CM Advocates LLP offers comprehensive legal support for clients operating at the intersection of connectivity, content and commerce.

Our team stays ahead of the curve in a rapidly evolving sector shaped by technological advancement and dynamic regulation.

Our Technology services include:

2.1. FinTech and digital payments

The FinTech sector is rapidly transforming financial services through innovations like mobile money, digital lending and open banking. We provide specialized legal and regulatory support to help FinTech companies navigate this evolving landscape.

Our services include:

- Advising digital lenders, mobile money operators, e-wallet providers, payment aggregators and open banking platforms on licensing requirements under the Central Bank of Kenya and other financial regulators.
- Advising on the consumer protection laws, anti-money laundering (AML) and counter-terrorism financing (CTF) regulations, data privacy and cybersecurity obligations.
- Supporting regulatory audits, sandbox applications and managing responses to enforcement or supervisory actions.

2.2. Media and entertainment law

The media and entertainment industry is undergoing rapid transformation as digital platforms reshape content creation, distribution and monetization. Our team offers comprehensive legal advisory and transactional support to clients across film, TV, publishing, music and gaming.

Our services include:

- Advising publishers, filmmakers, broadcasters, authors and advertising agencies on defamation, rights clearance and compliance with industry regulations.
- Preparing and negotiating production contracts, publishing agreements, artist management contracts, non-disclosure agreements, merchandising agreements and other key documents.
- Managing disputes involving libel, defamation, content misuse and infringement of rights.

2.3.Data protection and cybersecurity

With the enactment of various data protection laws globally and rising cyber threats, organizations must prioritize privacy and data governance across all operations.

Our team provides comprehensive legal support on data protection and cybersecurity, including:

- Providing end-to-end legal guidance on various data protection laws, including compliance strategies, privacy policies and regulatory updates.
- Advising on the enforcement of data subject rights, breach notification procedures and developing effective breach response and remediation strategies.
- Drafting and negotiating data processing agreements and cross-border data transfer arrangements to ensure lawful and secure data flows.
- Guiding clients on cybersecurity frameworks and best practices to safeguard information systems and support regulatory compliance.

2.4.E-commerce and platform regulation

Online platforms and marketplaces operate within a complex framework of commercial consumer and data protection laws essential for sustainable digital business.

We assist online service providers in mitigating legal risks and ensuring compliance through:

- Advising on the drafting of clear terms and conditions, liability disclaimers and user agreements for websites and mobile applications.
- Ensuring adherence to e-commerce laws covering digital transactions, advertising standards and consumer protection rights.

- Drafting and reviewing influencer contracts, brand partnerships and sponsorship agreements for content creators and marketing agencies.

2.5.Technology contracts

As businesses grow increasingly tech-driven, having well-structured and commercially viable technology contracts is essential.

We provide expert advice to clients across diverse sectors including telecoms, fintech, health tech, e-commerce and logistics covering the entire lifecycle of technology transactions, from procurement and licensing to development and commercial rollout.

Our services include:

- Drafting, reviewing and negotiating technology based commercial contracts, including agreements software development, licensing and hosting arrangements; escrow, franchise, publishing, media, distribution and co-location deals; data and content management services; Service Level Agreements and managed IT service contracts.
- Advising on procurement contracts for hardware, software and infrastructure solutions; and structuring commercial models to monetize digital products and platform services.

2.6.Emerging tech advisory

Emerging technologies such as blockchain, decentralized finance (DeFi) and the metaverse are revolutionizing digital ecosystems offering bold opportunities and presenting complex legal challenges.

We support startups, developers and investors in responsibly adopting and scaling these technologies.

Our services include:

- Advising on the legal classification and treatment of cryptocurrencies, tokens, NFTs and virtual assets under Kenyan and global regulatory frameworks.
- Structuring token offerings, DeFi platforms and blockchain-based financial products in line with securities, financial services, AML and tax laws.
- Evaluating legal risks and creating compliance strategies for decentralized platforms, DAOs and Web3-based startups.
- Ensuring adherence to data protection, consumer protection and cybersecurity laws in emerging tech deployments.

- Assisting clients in accessing innovation hubs and regulatory sandboxes for piloting tech solutions in Kenya and across Africa.
- Advising on the protection and commercialization of blockchain protocols, metaverse content, NFTs and proprietary algorithms.
- Navigating cross-jurisdictional legal frameworks for crypto exchanges, token issuances and decentralized protocols.

2.6. Artificial Intelligence (AI) Governance

As AI technologies become integral to business operations, product development and user engagement, they also introduce novel challenges related to transparency, accountability, bias and regulatory uncertainty.

- We help clients implement and scale AI solutions responsibly in line with legal and ethical expectations.

Our services include:

- Advising on the legal risks of AI-driven decision-making, including issues around algorithmic bias, liability for automated actions and transparency obligations.
- Supporting clients in shaping internal AI policies and engaging with regulators on evolving frameworks related to automation, robotics and AI governance.
- Drafting and negotiating AI-related contracts covering licensing, data access and use, IP ownership, liability allocation and performance metrics.

WHY CHOOSE CM ADVOCATES LLP?

- **Regional and global reach:** Through robust networks and ARIPO/OAPI capabilities, we assist clients with pan-African and international IP legal needs.
- **Industry-specific expertise:** We serve clients in the ICT, media, entertainment, agritech, edtech, fintech, medtech and creative sectors with tailored legal and regulatory support.
- **Thought leadership:** Our lawyers contribute to legal reforms, deliver seminars and publish thought leadership on IP and digital regulation in Kenya and the region.
- **Client-centered approach:** We offer practical, commercially-aligned legal solutions rooted in a deep understanding of the technological, regulatory and market forces shaping our clients' businesses.

RECENT REPRESENTATIVE EXPERIENCE

- Advising a global streaming service on Kenyan copyright, broadcasting and content licensing regulatory requirements.
- Assisting a fintech company in securing licensing under the Central Bank of Kenya Act, Cap 491 and the Central Bank of Kenya (Digital Credit Providers) Regulations.
- Managing the African trademark portfolio of a regional beverage brand, with filings in Kenya, ARIPO and OAPI.
- Conducting a detailed IP audit and legal due diligence for a fast-growing agri-tech start-up's Series A investment.
- Advising a media conglomerate on digital content syndication, IP licensing and defamation risk in user-generated content.
- Representing an AI-powered health tech platform on data governance and privacy compliance in Kenya.

OUR TEAM

Our team of dedicated legal professionals brings extensive expertise in Intellectual Property and Technology, working collaboratively to deliver strategic, client-focused solutions. They include:



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