

REPUBLIC OF KENYA



# COUNCIL OF LEGAL EDUCATION

A graphic illustration of a green hand holding a white key, with a green sunburst behind it, all within a light green circle.

# INTELLECTUAL PROPERTY POLICY 2024



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The Council of Legal Education (CLE) is a statutory body established under the Legal Education Act, Cap. 16B Laws of Kenya. CLE is entrusted with the mandate of regulating, supervising, and licensing legal education programs and providers in Kenya, setting standards for curriculum and modular instruction, monitoring and evaluating legal education providers and programs, and, advising the Government on matters relating to legal education. CLE also administers the Advocates

Training Program examination for purposes of admission to the Roll of Advocates in Kenya.

In the course of performing its statutory mandate, the Council generates various intellectual property assets that need to be identified, protected, and exploited for the benefit of CLE stakeholders and the public. Because the CLE is a public organization funded primarily through taxpayer funds, the ultimate beneficiaries of intellectual assets generated is the public its staff, and stakeholders.

CLE recognizes intellectual capital as one of its most valuable assets. This Intellectual Property Policy therefore outlines the principles and guidelines that will govern the identification, ownership, protection, and responsible utilization of CLE intellectual property. By doing so, CLE aims to strike a balance between encouraging innovation and safeguarding the public's interests as well as the interests of individual creators and the CLE as a whole.

This policy reflects the Council commitment to promote a conducive environment for innovation, recognizing the efforts of our staff and partners, and ensuring the responsible use and protection of the intellectual property generated in the course of executing CLE statutory mandate.

**Prof. Collins Odote Oloo**

**CHAIRPERSON**

**COUNCIL OF LEGAL EDUCATION**





This Policy aims to protect the Intellectual Property Rights of the Council of Legal Education, its employees, and any associated third parties, ensuring that our innovations, creations, and ideas are safeguarded. This is in line with our vision of *innovative legal professionals transforming society* and one of our core values which is *innovation*. I am confident that full implementation of this policy will ensure integrity is maintained at CLE and foster growth while

inculcating a culture of innovation and respect for intellectual property.

I acknowledge the various roles played by different individuals during the formulation of this policy. Special thanks go to the Council under the leadership of Professor Collins Odote for their strategic guidance during the process. I appreciate the committee that spearheaded the process of developing this policy, the staff, and external stakeholders for giving incredible feedback that enriched the policy.

Finally, I call upon CLE staff and stakeholders to support the implementation of this policy by upholding the guidelines related to the use, creation, and management of intellectual property within their scope of work.

Ms. Jennifer Gitiri, HSC  
Ag. Secretary/ CEO  
COUNCIL OF LEGAL EDUCATION

This Intellectual Property Policy was duly adopted and approved by the Council of Legal Education at its meeting

held on the *14<sup>th</sup>*..... day of *October*..... 2024.

This Policy shall be reviewed as and when necessary. All amendments will be communicated in writing using the amendment sheet below. This will provide assurance that the Intellectual Property Policy remains consistent with the Council's mandate, objectives, roles and responsibilities.



Chairperson  
**COUNCIL OF LEGAL EDUCATION**



Ag. Secretary/Chief Executive Officer  
**COUNCIL OF LEGAL EDUCATION**



Issue/Revision No	Subject of Amendments	Reviewed By (Signature)	Review Authorized by (Signature)	Date

**Confidential Information:** Any non-public information related to the organization's business, including trade secrets, financial information, and proprietary data;

**Copyright:** means an original work of authorship which has been fixed in a tangible medium of expression such as books, articles, journals, software, integrated circuits, musical works, dramatic works, videos, sound recordings, paintings, pictorial, sculpture and graphical works where it can be perceived, reproduced or otherwise communicated;

**Council:** refers to the Council of Legal Education established under the Legal Education Act, Cap. 16B Laws of Kenya;

**Council's resources:** Refers to funds, supplies, equipment, physical facilities, personnel and other services or property of the Council. These include tangible resources availed by the Council to creators include office, computer hardware, software and support, secretarial services, research, information and utilities;

**Creator:** An individual or group responsible for the creation of intellectual property;

**Intellectual Assets:** any results or products of research and development activities of any nature whatsoever (including, but not limited to, knowledge, publications and other information products, databases, technologies, inventions, know-how, processes, software, and distinctive signs), whether or not they are protected by Intellectual Property Rights.

**Intellectual Property (IP):** Refers to creations of the mind, such as inventions, literary and artistic works, designs, symbols, names, and images used in commerce and protected by law;

**Invention:** Any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof;

**Innovation:** the process of creating and implementing new or significantly improved products, services, processes, or ideas to address a need, solve a problem, or meet a market demand. It involves the application of creativity, experimentation, and strategic thinking to bring about positive change and enhance value;

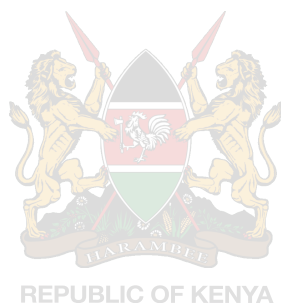
**Know-how:** practical skills, knowledge, expertise, and information that an individual or a group possesses, in a specialized field or industry gained through

experience, hands-on practice and a deep understanding of a particular subject;

**Staff:** any person employed by the Council on contract or permanent and pensionable terms;

**Trademark:** includes any word, phrase, logo, name, symbol, device, sign or combination thereof used by a person or which a person has a bona fide intention to use in commerce and uses or applies to register to identify and distinguish his goods from those of others;

**Work for Hire:** work prepared by Council staff within the scope and in the course of their employment with the Council and including work commissioned by the Council from contractors, suppliers, service providers, partners and collaborators.



## 1.1 CLE Vision, Mission, and Core Values

### Vision

Innovative legal professionals transforming society.

### Mission

To ensure quality legal education through responsive regulation and administration of Bar examination.

### Core Values

- a) Accountability
- b) Excellence
- c) Integrity
- d) Inclusiveness
- e) Innovation

### Goal

Transformative legal education and training in Kenya.

## 1.2 Statement of Purpose

The purpose of this Intellectual Property (IP) Policy is to establish guidelines for the identification, protection, and management of intellectual property owned by the CLE or created for the CLE by its staff, contractors, suppliers, service providers and collaborators. This policy aims to ensure that CLE intellectual property is appropriately safeguarded, utilized, and respected in alignment with the Council's goals.

CLE regards the results of its research and development activities as public goods and is committed to their widespread diffusion and use to achieve the maximum possible access, scale, scope of impact and sharing of benefits for the betterment of legal education and training in Kenya.

## 1.3 Policy Objectives

The objectives of this IP Policy are to:

- (a) Enhance awareness of intellectual property rights and protect the rights of the CLE, staff, stakeholders and the public;

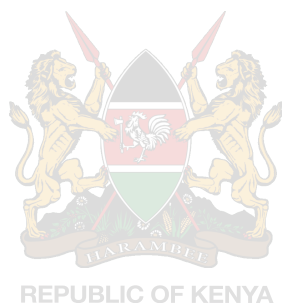
## 1. BACKGROUND

- (b) Develop protocols for recognizing, safeguarding, and overseeing intellectual property belonging to the CLE or generated for and on its behalf by employees, contractors, vendors, service providers, allies, and associates;
- (c) promote linkages with stakeholders and stimulate research through the development and utilization of innovations and creative works in fulfillment of CLE mandate;
- (d) promote creativity and innovation by optimizing the environment and incentives for research and the creation of new knowledge and research products; and
- (e) provide a basis to prevent or eliminate the infringement, improper exploitation and abuse of intellectual property assets of the CLE and/or its partners.

### 1.4 Scope

This Policy shall apply to;

- (a) Council members, CLE staff, individuals, and institutions associated with the CLE including all CLE activities that may generate intellectual assets; and
- (b) all intellectual assets and intellectual property owned by the CLE or created for the CLE by its staff, contractors, suppliers, service providers, partners, and collaborators.



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### **2.1 Employee-Created Intellectual Property**

Intellectual property created by staff within the scope of their employment or using CLE resources shall be considered work for hire and owned by the Council of Legal Education. This provision shall not apply to scholarly works (Clause 4.2 below).

### **2.2 Scholarly Works:**

2.2.1 Scholarly works are a vital component of intellectual discourse, knowledge dissemination, and professional development within the Council's regulatory mandate. CLE encourages the creation and dissemination of scholarly works, including but not limited to research papers, articles, reports, and presentations, that contribute to the advancement of knowledge, best practices, and regulatory standards in CLE's core mandate.

1.2.2 Scholarly works relevant to CLE mandate that are produced by employees beyond their scope of employment shall be considered valuable intellectual property assets. Authors of scholarly works shall retain ownership of their intellectual property rights, including copyrights, subject to any applicable contractual or legal obligations. However, authors are encouraged to grant CLE a non-exclusive license to use, reproduce, distribute, and display their scholarly works for educational, informational, or promotional purposes related to the CLE mandate.

### **2.3 Contractor and Collaborator Intellectual Property**

Intellectual property developed by contractors, partners, suppliers, service providers, collaborators and any other third party under commission or contract with the Council of Legal Education shall be considered work for hire and owned by the Council of Legal Education unless otherwise provided in the terms of the relevant agreements.

### **2.4 Jointly Created Intellectual Property**

Intellectual property created jointly between CLE and a third party will be subject to a mutually agreed-upon ownership agreement defined in writing by all parties involved.

### **2.5 Interns and students on attachment**

Any intellectual assets and intellectual property developed, created, or produced



by interns and students on attachment during their internship or attachment at CLE including but not limited to inventions, designs, software code, written materials, and any other tangible or intangible creations, shall be the exclusive property of the CLE. Interns and students on attachment shall assign to CLE any and all rights, title, and interest in and to such intellectual assets and property and shall execute any and all documents and take any and all actions necessary to effectuate this assignment. This provision shall survive the termination or completion of the internship or attachment.

## **2.6 Advocates Training Programme Examination**

2.6.1 Intellectual property created, developed, or produced by Advocates Training Programme (ATP) candidates during their preparation for the ATP examination, including but not limited to study materials, notes, essays, outlines, and any other content, shall remain the exclusive property of the respective candidates and candidates shall retain all rights, title, and interest in and to such materials. CLE shall not claim any ownership rights over the intellectual property developed by ATP examination candidates. This provision is specific to materials created by ATP candidates in preparation for the ATP examination.

2.6.2 All intellectual property rights in any and all materials created or produced for or by CLE for the ATP examination including but not limited to ATP examination question papers, test items and reports shall be the exclusive property of the CLE.

2.6.3 All intellectual property rights in any materials created or produced by the ATP candidates during the ATP examination including the ATP examination scripts, shall be the exclusive property of CLE. By registering for the ATP examination, ATP candidates shall be deemed to have assigned, transferred, and conveyed all such rights to CLE without reservation. CLE reserves the right to use, reproduce, distribute, display, or modify such materials for any lawful purpose, including but not limited to educational and promotional activities, without any obligation to compensate the ATP candidates or seek further consent. This provision shall survive the conclusion of the ATP examination.

### 3.1 Patents

Where applicable, CLE shall pursue patent protection for inventions deemed valuable to its strategic goal.

### 3.2 Trademarks and Copyrights

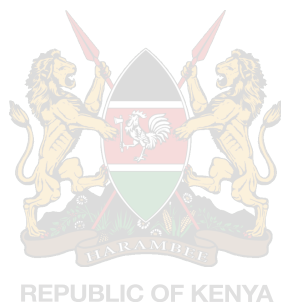
3.2.1 Where applicable and necessary, CLE shall register and protect trademarks and copyrights associated with its products, services, and creative works including, where necessary, registering the Council of Legal Education Coat of Arms (logo) as a trademark.

3.2.2 No person, institution or organization shall use the CLE name or logo or any combination thereof for any application or process except as provided for under the provisions of the Legal Education Act, Cap. 16B Laws of Kenya and any other applicable laws, and policies of CLE.

3.2.3 All copyrightable material created, developed, or produced by or for CLE must bear the copyright notification '© *COUNCIL OF LEGAL EDUCATION*' followed by the year of compilation/publication.

### 3.3 Trade Secrets, Know-How and Confidential Information

CLE shall implement appropriate measures to safeguard confidential information, including but not limited to employee training, non-disclosure agreements, and restricted access controls.



#### **4.1 Internal Use**

CLE staff may use generated intellectual property for internal purposes within the scope of their official responsibilities.

#### **4.2 External Use and Licensing**

External use or licensing of intellectual property owned by CLE shall require written authorization. Licensing agreements shall be negotiated and prepared by the CLE legal department.

#### **4.3 Commercialization of Intellectual Property**

4.3.1 CLE shall implement a structured process to determine whether, when and how to commercialize its intellectual property. This process shall encompass the identification, evaluation, protection, and transfer of intellectual property assets, aiming to maximize their value and impact as public goods. By adhering to ethical principles, promoting transparency, and fostering collaboration with stakeholders, CLE shall ensure that intellectual property commercialization efforts align with its core vision, mission, and strategic objectives. Revenue generated through commercialization activities may be allocated to support further research and innovation initiatives, fostering a cycle of continuous growth and development.

##### **Revenue Distribution and Incentives**

4.3.1.1 CLE acknowledges the importance of incentivizing innovation and ensuring equitable distribution of revenues derived from intellectual property commercialization efforts. Where CLE decides to commercialize its intellectual property, a portion of the proceeds generated through intellectual property commercialization activities shall be allocated towards incentivizing and rewarding the individuals or teams responsible for creating or contributing to the development of the intellectual property assets. The specific allocation of revenues and incentives shall be determined by CLE on a case-by-case basis based on factors such as the level of contribution, the significance of the intellectual property asset, and the organizational objectives.

4.3.1.2 CLE shall establish transparent and fair mechanisms for revenue distribution, ensuring that all stakeholders receive fair compensation for their contributions. These mechanisms may

## 4. USE AND LICENSING

include revenue-sharing arrangements, royalty payments, bonuses, or other forms of financial recognition. Additionally, the organization may reinvest a portion of the revenues into research and development initiatives to augment continued innovation and the creation of new IP assets. This clause shall be implemented in a manner consistent with applicable laws, regulations, policies and contractual obligations.

### **4.4 Utilization Of Intellectual Property In Public Domain**

CLE recognizes the importance of fostering innovation and knowledge dissemination through the responsible utilization of intellectual property in the public domain. Any intellectual property assets identified as being in the public domain, whether through expiration of rights, voluntary release, or other lawful means, shall be utilized in a manner that promotes the public interest and societal benefit. This utilization may include but is not limited to, the public domain materials into CLE outputs, research, educational activities, or the incorporation of development of open-access resources. CLE shall maximize accessibility and impact of such intellectual property assets while respecting any relevant legal or ethical considerations.

## 5. COMMENCEMENT

This policy shall become effective on adoption and approval by the Council.

## 6. IMPLEMENTATION, MONITORING AND EVALUATION

- 6.1 The office responsible for research at Council shall be responsible for executing all operations, procedures, and activities including design tools and operational procedures required for the full and effective implementation of this policy.
- 6.2 The management shall formulate operational guidelines for the implementation, monitoring, evaluation, and continuous improvement of the operations undertaken pursuant to this policy.
- 6.3 This Policy shall be interpreted and implemented in harmony with the Constitution of Kenya, applicable national legislation and other prevailing Government of Kenya and CLE Policies.

## 7. REVIEW AND UPDATES

- 7.1 This Policy will be reviewed and updated as necessary and on such frequency as the Council shall determine to ensure alignment with relevant laws and regulations, organizational changes, stakeholder feedback, emerging risks, best practices, and CLE objectives.
- 7.2 The responsibility for the review and update of this policy rests with the office responsible for the implementation of this policy under 11.1 below which will initiate, oversee, and coordinate the review process.

## 8. ENFORCEMENT

**Infringement:** CLE shall take appropriate legal action against any unauthorized use, reproduction, or infringement of its intellectual property.

## 9. COMPLIANCE

All Council members, staff, suppliers, service providers, contractors, partners, and collaborators are expected to comply with this Intellectual Property Policy.





REPUBLIC OF KENYA



## COUNCIL OF LEGAL EDUCATION



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