

Report

KTA Symposium

2021



**INNOVATE.
GROW.
DISCOVER.**

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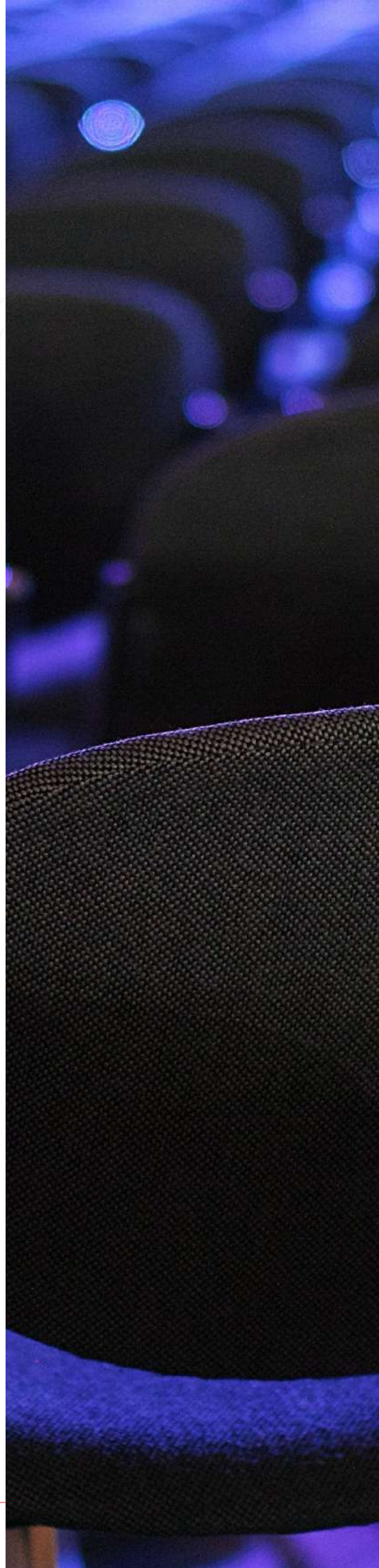
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LIST OF ACRONYMS

AI	Artificial Intelligence
AG	Attorney General
BUBU	Buy Uganda Build Uganda
UCC	Uganda Communications Commission
EALS	East African Law Society
ECCMIS	Electronic Court Case Management Information Systems
IDI	Infectious Disease Institute
IOT	Internet of Things
MOICT&NG	Ministry of Information Communication & Technology and National Guidance
NITA-U	National Information Technology Authority Uganda
NPS	National Payment Systems
ULS	Uganda Law Society
UNCDF	United National Capital Dev't Fund
URSB	Uganda Registration Services Bureau
4IR	Fourth Industrial Revolution

I Introduction



The KTA Annual Symposium is an event convened by KTA Advocates (Formerly Karuhanga Tabaro & Associates), a specialized law firm with a niche in technology, media, telecommunications, and intellectual property.

This year's 4th KTA Annual Symposium was a two-day hybrid event held on 21st -22nd October 2021 at MOTIV Uganda, under the theme "Harnessing Intellectual Property in the Fourth Industrial Revolution."

The was primarily online (with a live streaming) with over 290 (two hundred and ninety) attendees comprising of makers, creatives, members of the legal fraternity, artists, artistes, policy makers among others; and 87 (eighty-seven) speakers.

The event took the format of plenaries and break-out sessions by leadings players in innovation, academics, regulators, policy makers, business actors, thought leaders and development partners participating in a cocktail of topics regarding the 4IR.

The symposium had 5 (five) main objectives which were;

1. Informing the legal regime and policy on relation between intellectual property and the 4IR through interaction with both the public and private sector.
2. Sensitizing makers, creators and entrepreneurs about intellectual property rights.
3. Promoting the commercialization of intellectual property.
4. Setting intellectual property as the driver for innovation in the 4IR.
5. Discussing aspects of the 4IR such as drone technology, big data, internet of things and artificial intelligence.

II Introductory Remarks



In his Introductory Remarks, Mr. Justus Karuhanga – partner at KTA Advocates:

- i. Welcomed the participants and appreciated all those who made the event possible with special thanks to ULS, EALS and the AG
- ii. Looked forward to the deliberations from which he hoped to see shape fundamental policy recommendations.
- iii. Encouraged the adoption of the 4IR in every aspect of life to promote growth and development.
- iv. Invited the President ULS to give Opening Remarks.

III Welcome Remarks



Ms. Pheona Wall – President ULS; in her Opening Remarks:

- I. Expressed her gratitude and appreciation for the KTA team for always pushing the boundaries and taking advantage of technology to organize a hybrid event during the challenges of the Covid-19 pandemic.
- II. Noted that the symposium touches life altering global evolution and that

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data is the new oil of the 21st century.

- III. Observed that today's richest men have made money out of the internet and intellectual property.
- IV. Pointed out some of the challenges of the 4IR particularly in cyber security and the need for protection of personal data.

IV Keynote Address



The President ULS introduced the Attorney General of Uganda Mr. Kiryowa Kiwanuka SC who delivered the Keynote Address on Technology Transfer & the role of Up skilling in Effectively Harnessing the Fourth Industrial Revolution. In his address, Mr. Kiryowa Kiwanuka SC:

- i. Welcomed the participants
- ii. Expressed his appreciation to KTA for inviting him to the symposium and commended the firm on taking the lead in sensitizing the masses about the 4IR.
- iii. Noted that there is no better time than now – in the 4IR to place a whole new paradigm shift in our thinking and ability; and that the symposium is a perfect example of this.
- iv. Noted that ICT is one of the four sectors for wealth creation and generation that the government recognizes and has to that end set up a Ministry for ICT and Ministry for Science and Technology to recognize the roles ICT is playing in society today.
- v. Recognized the shift of services made possible by the 4IR through e-commerce during the pandemic through companies such as safeboda, Jumia e.t.c
- vi. Noted that the COVID-19 pandemic is an opportunity for us to realize that IP and technology are vital in our development and continued existence.
- vii. Noted the importance of intellectual property for the protection of traditional knowledge and Uganda's resources.

He highlighted the following about the topic:

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- i. The use of the internet of things to solve problems such as Kiira E-V and the products made at MOTIV that promote BUBU
- ii. Not to limit ourselves or place a limit on our thinking.
- iii. The concept of upskilling requires discipline, commitment, and a concerted effort to share knowledge, skills, technologies and other methods with a wider range of users who can further develop and use that technology in new applications, materials, products, processes of service.
- iv. Science innovation and technology are our future.
- v. Pledged that the office of the AG will work with the Ministry of ICT, the Ministry of Science and Technology and Innovation, ULS and all stakeholders to achieve remarkable results in embracing 4IR.

V Plenary Discussions



i) Policy considerations for navigating the Fourth Industrial Revolution: How Uganda's policies on innovation can create and grow a knowledge-based economy:

This Panel comprised of Engineer Obam Daniel - Communications Secretary Ministry of ICT Kenya, Mr. Chris Lukolyo – Digital Country Lead UNCDF, Mr. Alex Rumanyire – Strategy & Planning Manager NSSF Uganda and, Mr. Julius Torach – Commissioner MOICT& NG, Board Member NITA-U

Keynote

- ♦ Eng. Obam presented Kenya's perspective on policy and innovation. He noted that Kenya's innovation eco systems is driven by several key factors such as the enabling of legal and policy framework, development of the Konza Technology City, collaboration between the government and private

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sector (a flagship project for the long-term development plan – the major hub that drives the innovation eco system in Kenya), connectivity through the national optic fibre backbone infrastructure and digital skills and values among others.

- ♦ Kenya has several policies such as the National Innovation Policy of 2019, the Digital Economic Blueprint 2019, the Data Protection Act, the National Broadband Strategy.
- ♦ Kenya has developed 5 pillars for innovation which were arrived after deliberations between the government and the private sector and they include the digital government, digital business, infrastructure, innovation driven entrepreneurship and digital skills and values.
- ♦ He highlighted the innovations and initiatives in Kenya which are youth centric such as the Ajira Digital Programme and the White Box.
- ♦ Kenya has a task force that was set up in 2018 which provided a road map on how to leverage technology to enhance government service delivery such as Huduma ID; and reduce fraud especially within land transactions and use of digital electoral ledgers; development of a law on data protection.
- ♦ He recommended for the development of ICT innovation policies to come hand in hand with better internet connectivity which are fundamental for innovation.

Overall, it was noted from this plenary that:

Uganda & 4IR: Uganda's 4IR journey actively started in 2018 where the MOICT worked with the Block Chain Association of Uganda. The president of the Republic of Uganda inaugurated a taskforce for the 4IR a national strategy on the 4IR and to make policy recommendations. There are a number of policies that support innovation in Uganda and they include the National Science, Technology and Innovation Policy, the National ICT Policy, National ICT Innovation Policy, the Data Protection and Privacy Act etc and also a national hub.

Government support: The government provides grants to innovators through hubs and support for intellectual property protection through the advice from KTA Advocates. It has also established regulatory sandboxes to promote innovation. It is also developing a data market strategy and a national strategy on blockchain (cryptocurrency).

Private sector engagement: UNDCF works closely with other partners and hubs; to invest in digital innovation within spaces of agriculture, healthcare, education, energy among others through initiatives such as START UP UGANDA to promote inclusive innovation. Innovation requires a disruptive approach rather than small incremental steps - this is one of the ways in which NSSF operates.

Challenges

- High costs of internet.
- Limited internet penetration and access to data sets.
- Limited funding for areas of research

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- Policy lags behind innovation
- Lack of digital literacy are a hinderance to innovation

Recommendation

- Adoption of an Inclusive Digital Scorecard tool is key to move from policy to strategic implementation.
- Government should be exemplary in creating an environment that allows investment and popularization of bank guarantees to avail financial products to start-ups.
- Government should partner with hubs to avail seed funding to start-ups to scale their businesses – it is radical for job creation.
- Develop ICT centric innovation policies outside the general policies. These should be focused on the current technologies.

ii) Leveraging Technology to Ensure Effective Service Delivery in the Health Sector:

This panel comprised of Mr. Alfred Bogere – Manager Spectrum Planning and Authorization at UCC (Chair of the panel), Dr. Andrew Kambugu – Executive Director IDI, Mr. Ronald Gidudu – Senior Airworthiness Inspector CAA, Tina Manduna Mutabazi – Co-ordinator Uganda Flying Labs and Dr. Ruchi Saxena – India Flying Labs Director

This panel explored how technologies like drones and the internet of things help improve service delivery in the health sector. This was noted that;

Operation of drones: Importation and use of drones requires approval from CAA, Chief of Defence Forces (CDF), UCC and the relevant line ministry. One needs to obtain a pilot's licence and medical approval to operate drones. CAA is responsible for certifying air operators and regulating civil aviation matters in Uganda and any operation in Uganda's airspace must be in compliance with the Civil Aviation (Remotely Piloted Aircraft Systems) Regulations 2020.

Drones and health service delivery: IDI has a strategic plan/document which enables them to focus on addressing health challenges using technology. One of these is to eradicate HIV/AIDS. Drones are being used for last mile delivery in hard-to-reach and hard-to-leave areas such as islands (Kalangala) to deliver medicines and other medical supplies by geographically breaking barriers. This has also seen a significant reduction in costs of delivery of vital medical supplies in such areas.

Challenges:

- Unauthorized drone operation.
- Inadequate public awareness on the regulation of use of drones leading to matters such as breach of privacy.
- Lack of standards regarding cross border movement.
- Lack of government support
- The application process for operation of drones is long and windy

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Recommendations:

- Encourage operators to install equipment on drones that conform to national standards.
- Restrict operations within the territory of Uganda.
- Encourage communities to use/trust drones (through sensitization). The power is in the locals.
- Re-align the UCC regulations relating to drone - frequency spectrums.
- Create zones where drones can be flown without permission (green, yellow and red zones).
- Create an environment that allows for innovation and development of drones in Uganda so that there is a seamless support of the use of drones for service delivery.
- Adoption of 5G (for IOT) for automation and improved service delivery
- Achieving effective health service delivery using technology requires engagement of several stakeholders in both the private and public sector.

VI Day 1 Breakout Sessions



The afternoon of day one (1) witnessed several informative breakout sessions which comprised of different engaging topics around technology and intellectual property.

Some of the topics of the breakout session included;

- **Valuation and securization of intellectual property assets** – which explored the sticky issue of how to value IP assets and how the assets can be used to secure loans and other transactions.
- **Big data, drones, artificial intelligence and the internet of things – how to lawfully monetize innovation** – this panel explored the sectors in the 4IR and how they can be successfully leveraged and monetized.
- **The private sector and its contribution to innovation and economic growth in Uganda.** This panel explored the role of the private sector and in particular the gig economy, e-commerce sector, banking and fintech in the growing

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economy, promotion of innovation, creating jobs and influencing policy and the challenges faced in the private sector.

It was noted from this panel that;

- The Standard Operating Procedures (SOPs) arising out of the Covid-19 pandemic particularly the nationwide lockdown and curfew disrupted businesses and caused colossal damage in revenues and employment.
- The pandemic also led to the growth of other social media platforms such as Tik Tok which has spurred commercialization of content developed by creatives and content creators. There was also an increase in consumption of different content such as music, movies, film and other programmes on television and the internet in general.
- Government interference with the internet and particularly the shutdown of Facebook is negatively affecting e-commerce as Facebook was/is the biggest platform for e-commerce and advertising.
- Internet tax and high costs of internet do not make e-commerce lucrative.
- The government should encourage Ugandans to innovate rather than import technology. This will help promote local content and with that comes commercialization.
- There should be massive funding for innovators, creatives and the media sector at large.
- There is need to have a mindset shift to see value in creatives and innovators.
- There is need to re-think the incubation process to include inducting innovators in legal, accounting matters and every other aspect that might be relevant to helping them flourish in the market.



VII Day 2: Opening remarks by Mr. Bernard Oundo, President EALS



Opening remarks

In his opening remarks, Mr. Bernard Oundo;

- i. Welcomed the participants.
- ii. Noted that the symposium presents the opportunity to reflect on the role of the legal profession in terms of solving the challenges we face in harnessing intellectual property in the 4IR.
- iii. Recognised that the symposium provides an avenue for thought leadership which is core to EALS' mandate.
- iv. The necessities created by the Covid 19 pandemic were the perfect breeding ground for innovation.
- v. Cautioned on unlawful use of technology which can be detrimental such as misuse of personal data.
- vi. Re-echoed the impacts of internet shutdown on business and how those limit innovations.
- vii. Thanked KTA Advocates for convening the symposium

VII Keynote address on the Role of Intellectual Property Policy in Facilitating Growth in the 4IR



Keynote Address

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In her keynote address, the Registrar General URSB;

- Highlighted the different activities that URSB undertakes which include business registration, intellectual property, insolvency and receivership, document registration, marriage licensing and registration, and other business registration.
- Highlighted on how the National Intellectual Property Policy facilitates growth in the 4IR. The Policy brings together all the stakeholders involved in the intellectual property landscape in Uganda of which URSB is the national intellectual property office.
- Encouraged every ministry/company/entity to have an intellectual property policy for protection and commercialization.
- Explained the IP (Intellectual Property) value chain and its benefits at individual and national levels.
- Advocated that Ugandans should appreciate the institutions, legislations and mechanisms in place to support intellectual property such as SIMPO (Security in Movable Property).
- Advocated for intellectual property law be included in Uganda's general education curriculum and not only be a preserve of higher learning.

IX Panel Discussion on 'Intellectual Property as the driver for innovation in the 4IR'



The panel discussion was chaired by Bonita Mulelengi – Senior Associate KTA Advocates, Ms. Mercy Kainobwiso – Registrar URSB, Dr. Kakooza Anthony – Partner Byenkya Kihika and Co. Advocates, Ms. Grace Nakabugo – Principal Associate, MMAKS Advocates and Mr. Brian Kajubi – Associate Nangwala, Rezida & Co Advocates.

This panel explored how intellectual property can be harnessed to spur innovation. It was noted that;

Intellectual property in the 4IR: IP regimes have expanded beyond the traditional

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ones to include industrial designs, trade secrets, graphical user interface (in some jurisdictions) which have been brought about by technology. Non-Disclosure Agreements are critical for intellectual property protection in the 4IR.

Intellectual property value chain: The IP value chain has several components which include creation, generation (testing and prototyping), protection, commercialization and enforcement. SIMPO has revolutionized commercialization of intellectual property by making it easy to use assets other than land as security for financial products.

Challenges:

- It is difficult to identify the best intellectual property regime to be used in the 4IR as copyright protection is limited.
- Legislation lags behind the 4IR.

Recommendations:

- Intellectual property laws should be supplemented by the industrial practices and codes to support legislation.
- Mass sensitization on IP and provide support to the National IP Policy. This should extend to having IP in school curriculums.
- Change our mindset to accept intellectual property in every aspect of life.

X Panel Discussion on 'Intellectual Property and the Life Sciences: How Geographical indications have the potential to Fuel Economy'



This panel comprised of Mr. Edwin Tabaro – Partner KTA Advocates (chair), Ms. Joanita Nvanungi Nalubega – Founder, Kafunda Kreatives, Dr. Dick Kamugasha – Deputy Executive Director UIRI and Mr. Sand Mba Kalu – Executive Director Africa International Trade and Commerce Research.

This panel explored how protection of genetic and natural resources such as oil, ankole cow, bark cloth can increase brand value and grow Uganda's

economy.

It was noted that;

- Good governance, academic and research institutions, private sector, and the population are relevant for a sounding IP system.
- GI have the capacity to diversify the economy. The benefits of GI are not potential, they are real. They are an avenue for revenue.
- Kafunda Kreatives plays a fundamental role in training creatives on the legal rights available to them in respect to their creations.

XI Panel Discussion on 'Telecommunication and Financial Services: The rise of mobile money and electronic payments'



This panel comprised of Rashmi Pilai – CEO Financial Sector Deeping Uganda (Chair), Tom Kasule – Legal Manager, MTN Uganda, Andrew Kawere – Deputy Director National Payment Systems, Bank of Uganda, Eghosa Nehikhare- CEO Multigate, Rob Sanford – CFO SafeBoda and Nicholas Kamanzi – Country Launcher Wave Transfer Limited.

Role of Fintechs: Fintech plays a vital role in financial inclusion and reducing the cost of transacting. The main goal is to move to a fully digital economy thereby removing or reducing the cost of liquidity.

Legal and Regulations: The central bank is developing consumer protection regulations for the payments ecosystem, the national switch for interoperability to facilitate seamless transactions and will also collaborate with the relevant government ministries/sectors to develop cross cutting competition legislation.

Cross border payments and intra-Africa remittances: There are several drivers for the high cost of cross border payments which is a challenge to the success of the implementation of the African Continental Free Trade Areas Agreement

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(AfCFTA). These include the high costs of real time screening to comply with AML/CFT (anti-money laundering/combating the financing of terrorism) and forex rates.

Fintechs & infrastructure: Fintech requires a lot of infrastructure for their successful running such as internet, smartphones, API (application programming interface), primary data centres etc. The cost for these structures are often high and in turn visited on the consumer which is counterintuitive to their goal availing financial products to the unbanked to promote financial inclusion.

The future of Fintechs: Internet and infrastructure remain costly. It will be important to explore alternative infrastructure such as QR codes to facilitate payment services instead of USSD (unstructured supplementary service data), partner with traditional financial systems to plug into their already existing infrastructure among others. It will be important to have the government support the sector through recognizing internet as a zero-rated service to spur innovation, interoperability and build fibre optic networks for internet delivery all over the country.

Challenges

- Low internet penetration.
- High costs of internet and internet tax.
- High cost of smartphones.
- Illiteracy about the use of the payment services/systems
- Breaking the tradition of a cash economy – people do not trust the digital payments yet.
- Competition with traditional banking systems and other well-known payment service providers.
- Lack of trust leading to slowness to try new products.
- The cost of interoperability is high.

Recommendations

- Advocates and support interoperability.
- Reduce the cost service delivery.
- Reduce the cost of internet.
- Subsidize the cost of smartphones.
- Regulatory support to fintech.
- Use of open APIs and other partnerships with banks.

XII Day 2 Breakout Sessions



The afternoon of the day two (2) witnessed more informative breakout sessions which comprised of several engaging topics around technology and intellectual property.

Some of the topics that comprised the breakout session included;

- ♦ **The role of courts in intellectual property enforcement** – this panel explored the role of the judiciary in protecting intellectual property. The panel shared insights from leading cases around intellectual property. It was noted that;
 - Registration of intellectual property rights provides visibility for enforcement. This gives one a cause of action and evidence for their defence.
 - Enforcement requires a concerted effort (the owner of the intellectual property right, courts, URSB Enforcement Unit).
 - The lack of specialized (specialized training in IP) courts to deal with intellectual property cases does not instil confidence and delays their conclusion.
 - There is need to accelerate the physical connectivity of fibre optic network and interoperability of virtual platforms
 - Existence of registered and unregistered intellectual property rights especially copyright makes enforcement difficult.
 - ECCMIS will help digitalize the court process and achieve efficient service delivery
 - Punishment after conviction should be deterrent (commensurate).
 - Courts should give clear pronouncement especially on the burden of executing remedies such as destruction of counterfeit goods.

- ♦ **Commercialization of intellectual property: content creators and the right to publicity** – this panel explored how content creators like media houses, vloggers, podcasts, social media influencers can lawfully monetize their creativity/work through protecting their intellectual property. It was noted

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that;

- Valuation of content/IP is challenging. There should be rules to determine the value of the content created.
- There are many unfavourable government policies/activities such as internet shutdown, closure of social media platforms which impede and deter involvement in the creatives' industry.
- There is always a constant battle between reaching the market and intellectual property protection, the latter is not often prioritized.
- Technology has enabled the growth and commercialization in the creatives' field.
- Content creation is not cheap and does not guarantee income/returns – leading to burn out.
- Uganda Communications Commission aims at promoting and encouraging local content and has passed regulations to that effect.
- Content creators should partner with other persons along the journey of creation and commercialization such as working with agents.
- Create quality content to scale commercialization.

♦ **Commercialization of intellectual property: Techpreneurs and Creatives** – this panel explored how tech-preneurs, creatives like musicians, artisans and fashion designers can make money through protecting their intellectual property. It was noted that;

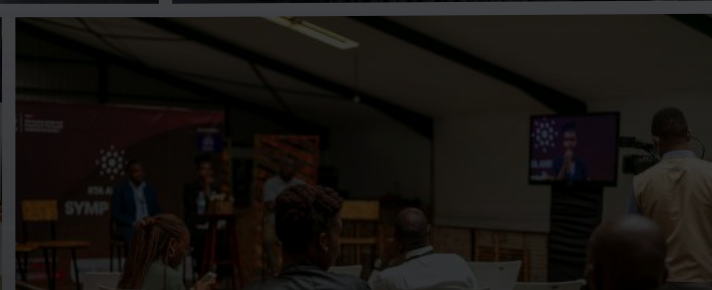
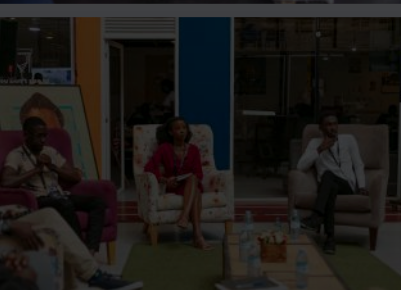
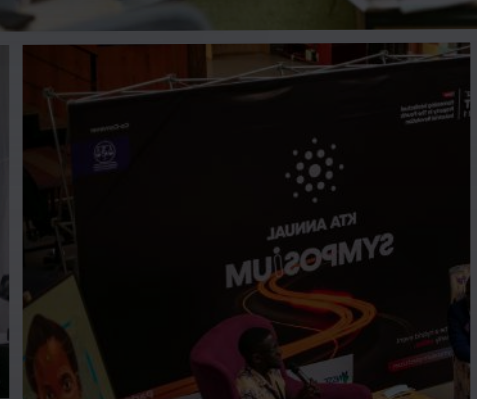
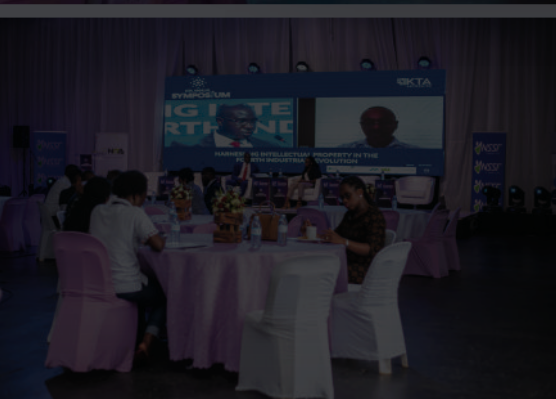
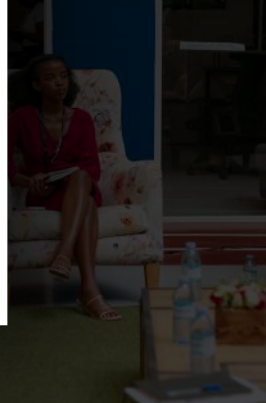
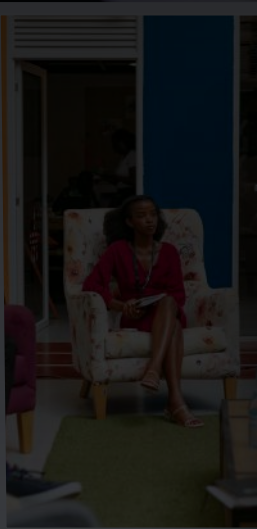
- There are high costs of creating and distributing content/music.
- There are many avenues/platforms on which music/content can be shared to increase revenue such as spotify.
- Many consumers are not aware of intellectual property law and therefore do not respect intellectual property rights.

♦ **Technology in the legal arena: the untapped potential of law-tech** – this panel explored how fusing technology can help improve access to justice. It was noted that;

- There is need for a people-centered justice approach with data as a prerequisite.
- It is important to have an enabling environment for law and tech to interact.
- Technology is not a substitute for lawyers but an enabler to make their work easier.
- Covid 19 propelled and escalated innovation in legal tech for business continuity.

XIII Closing Remarks

In her closing remarks, Shane Mugenga, the Secretary ULS thanked all the participants of the symposium and re-echoed some of the take aways from the symposium.





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