



19TH MAY 2023 | ISSUE 10

THE LEGAL INSIGHT

The Official LSK Weekly Newsletter

LSK COUNCIL VISITS RIFT VALLEY BRANCH

On 12th May, 2023 the Law Society of Kenya Council led by President Eric Theuri visited the LSK Rift Valley Branch. The visit began with a courtesy on Kericho Law Courts, where the Council met with the judicial staff and Counsels from the area. Upon their visit and interaction with the members, the Council was informed of some of the challenges being experienced by the members. These challenges include:

1. Frequent power outage.
2. Inconsistencies in internet connectivity
3. The court is sitting in riparian land causing Court disruptions due to floods during rainy seasons.
4. Issues of Title deeds for the land allocated to the Judiciary.
5. No personnel (Driver) to facilitate mobile courts vehicle.
6. Inadequate Judges and Magistrates: Court No. 2 has no judge for more than two years.

The Council assured the members that they could raise their issues with the relevant persons to aid ease the conditions and challenges they are experiencing.



FEATURED

News Segment

Tech News

Notices/Vacancies

Practice Matters

Upcoming Events



CONTD...

Thereafter, the Council proceeded to meet the LSK Kericho Chapter Members for a Luncheon at the Sunshine Hotel, Kericho.

During the meeting, the members expressed more concerns affecting their practice. One of the matters raised was the issue of Masqueraders in the region. It was noted that there was a rise in the number of Quack Lawyers who were taking away business, heavily impacting the opportunities available to Young Lawyers. The members, through the Rift Valley Branch Chairperson - Aston Muchela, urged the Council to consider allocating funds to enable them to locate and uproot masqueraders from the region. The Chair also reminded the members to manage their stamps appropriately as a way to retaliate and also to take out their Practicing certificates, however, noting that there are delays in the process.

The Senior Bar Counsel from the region also raised their concerns stating that there is need to create affordable healthcare for the members, need for regional inclusion i.e. the calendar of event to be shared to facilitate planning for participation, and lastly the need for Young Bar mentorship.

President Eric Theuri responded to the raised issues saying that the Council recognizes the importance of Branch Visits, being a way of ascertaining challenges being experienced by the members in the regions. The Council remains committed to offering an optimum level of quality services to the members. In the issue of Practicing Certificates, the President assured the members that LSK and the Judiciary are in constant communication to fast-track the process so that members are able to get their Practicing Certificates within two days.

The meeting ended with the Kericho Chapter members signing and presenting a memorandum on the issues affecting Legal Practice in the Kericho Law Courts. The Council took up the memo and promised the members that the concerns raised will be dealt with and encouraged the members to keep the conversation going and appreciated the Kericho Chapter for hosting the meeting.





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In the evening of the same day, the Law Society of Kenya Council was hosted by the Nakuru Chapter for dinner at the Rift Valley Sports Club. "We want to thank the LSK Nakuru chapter for the support they offer the National office. As a Council, we are committed to finding lasting solutions to the challenges faced by our Branches and especially the LSK Rift Valley Branch," Law Society of Kenya President Eric Theuri remarks during the dinner.

The President also promised to speak to relevant authorities to ease some of their concerns and promised that the Council would investigate their concerns and try to find lasting solutions to their challenges.

The meeting ended after the President's remarks and a word of prayer from the Chair. The Law Society of Kenya thanks its membership for the fruitful deliberations and for attending the meetings in numbers. The Law Society of Kenya also remains committed in finding lasting solutions and ensuring regional balance as they undertake their mandate.





LSK ENHANCES THE FIGHT AGAINST MASQUERADERS AND QUACKS

Lawyers across the world are guided by set out rules of standards set forth in codes of conduct and privileges, ethics, and rules of professional conduct that are established by state bar associations.

The Law Society of Kenya is guided by the Advocates Act and the Code of Standards of professional practice and ethical conduct ("SOPPEC") when regulating the professional conduct of Advocates. These regulations provide a comprehensive guide on the conduct of all advocates in Kenya. As the legal practice continues to grow and expand in cross-jurisdictional practice the LSK is cognizant of its role in enhancing mechanisms to ensure that only qualified advocates serve the people of Kenya in articulating their duties that include:

- i. Duty to the court
- ii. Duty to the client
- iii. Duty to the opponents
- iv. Duty to witness



The Practice Standards and Ethics Committee are mandated By the Council of LSK to provide support and advice on interpretation, management, and best practices in relation to ethical values, professional principles, and standards as appropriate the committee notes that the issues of quacks and practice by unqualified persons have become rampant. The Committee through its Convener Ms. Lindah Kiome has been in the process of continuing with the fight against ethical practice through the weeding out of masqueraders by programming periodic campaigns, engaging stakeholders in law reform matters, and providing guidance in regulating the professional practice. In this regard, the Committee and the LSK Leadership launched a campaign to weed out masqueraders posing as advocates. This exercise began in Nairobi on 17th May 2023 where reported cases of masqueraders were arrested and will be charged in court. The campaign will continue to other parts of the country and will include other strategies such as infographics, webinars, and legal clinics with law students.

The LSK cautions its members against unethical practices and at the same time Members of the public are advised against engaging the services of unqualified persons in any legal transactions.





REGULATION OF ROBOTICS AND RELATED ETHICAL ISSUES

These days when you say robotics or Artificial Intelligence (AI), the first thing that comes to mind is futuristic, state-of-the-art technology propelling and transforming the world. The relationship between robots and IP is dual. On one hand, robots may be regarded as objects of Intellectual Property. On the other hand, the question of the protection of the outputs of the robot must be raised.

The Role of Intellectual Property in Robotics

Innovation in the field of robotics can take many forms - from mechanical components to electrical controls to software, and even processes of producing components. Although Intellectual Property (IP) law applies to all of these forms, some categories of IP protection are better suited for certain types of innovation.

Robotic Innovations and Intellectual Property

1. Patent Protection

Many aspects of innovations in robotics may benefit from patent protection. Generally speaking, patents can be used to stop competitors from making, using, selling, offering or importing a patented invention. Consequently, by patenting your robotics innovations, you may be able to establish a competitive advantage.

1. Trade Secret Protection

Trade secrets may also be useful under certain conditions to protect innovation in robotics.

The technological complexity of robotics systems means that trade secrets are often the first option for companies seeking to protect their innovations.

This makes sense for a number of reasons:

1. Many smaller companies want to avoid the cost of filing patent applications.
2. Historically, companies seeking to patent protect their technological advances - especially those decades away from use in market-ready products - spent a lot on patenting but reaped little reward because by the time they were commercialized many of the patents had expired.
3. Uncertainties surrounding the patentability of software in different jurisdictions could further tilt the balance in favor of trade secrets.

- Industrial Designs

Industrial designs that protect a robot's appearance - its shape and form - also play an important role in improving the marketability of products and helping firms appropriate the returns on their Research & Development investments.





CONTD...

- Trademark

Strong brands are particularly important when selling directly to end-users. That is why most robotics companies trademark their company names and those of their robots.

- Copyright

Copyright, the traditional means of protecting software code, is also relevant to robotics. Interestingly, IP specialists argue that creative robots as autonomous entities are capable of holding copyrights in artworks they produce. However, the greatest hurdle to this notion, from the copyright law point of view, is the interpretation of the most important concept in copyright protection: the requirement of originality

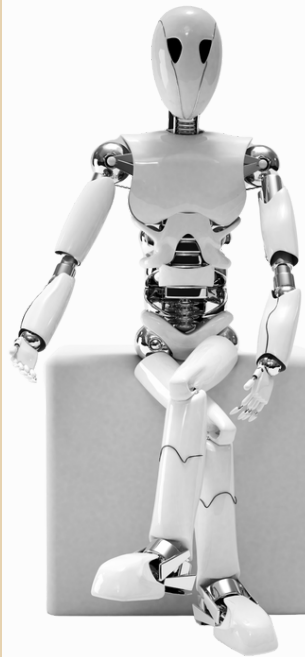
A more formal, objective approach—as opposed to the existing, subjective (or mixed) approach—to the concept of originality should be adopted. The proposed objective approach might be applicable to works created by creative robots as well as artworks generated by digital tools and is further warranted by the intangible, vague nature of art.

Related Ethical Issues In future, robots are likely to produce new solutions to problems and in so doing to create intangible outputs that could, at least in theory, be perceived as IP. This could raise interesting questions as to the boundaries of the current IP system. Do objects, software code or other assets created autonomously by a robot qualify for IP protection? If so, how? And who would own these IP rights? The producer? The user of the robot? The robot itself?

Some countries, for example Japan and the Republic of Korea, are actually considering extending rights to machines. In New Zealand the law suggests that original works, even if created by software, robots or AI systems, are protectable under the New Zealand’s 1994 Copyright Act. However, such works would belong not to the robot or intelligent system, but to the person(s) who created or utilized the robot or intelligent system that created the work.

In other jurisdictions, like the United States, it seems unlikely that a work created by a robot would qualify for copyright protection. Already, contradictory rules relating to the protection of robot-generated IP are emerging among nations that are playing a significant role in robotics development.

Autonomous robot creation and the question of who owns IP rights in creations produced by Robots will surely be a matter of much future discussion.

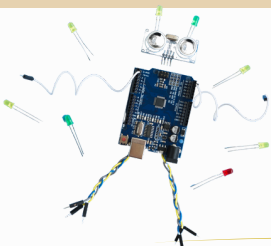


FEATURE BY



By Cindy Nariasi

State Counsel, Attorney General’s Chambers





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ANNUAL CONFERENCE

15TH-20TH AUGUST 2023

**VENUE: DIAMONDS LEISURE BEACH & GOLF RESORT,
KWALE COUNTY**

MAIN CONFERENCE THEME:

Climate Change: From Theory to Action, the Role of the Legal Profession in Climate Justice

Other discussions will cover:

Anti-Money Laundering: The Uncomfortable Agent
A Lawyer's Role in Balancing the Competing Interests

PERIOD	1st to 31st May, 2023 (Early Bird)	1st to 30th June, 2023	1st to 31st July 2023
ANNUAL CONFERENCE RATE (PER DELEGATE)	Kshs. 32,000	Kshs. 35,000	Kshs. 37,000

**FOR MORE
INFORMATION**

Call +254 745 569854 or
email annualconference@lsk.or.ke





CALL FOR ARTICLES - THE ADVOCATE MAGAZINE (ANNUAL CONFERENCE EDITION) 2023

The Council of the Law Society of Kenya, through the Editorial Committee, is inviting members to submit articles for consideration for publication in the August 2023 issue of The Advocate Magazine - Annual Conference Edition, 2023.

The submitted articles should:

a) Be in line with the Main Theme of the Annual Conference: **“Climate Change: From Theory to Action, The Role of the Legal Profession in Climate Justice.”**

OR

The Conference Sub Theme: **“Anti-Money Laundering: The Uncomfortable Agent, a Lawyers Role in Balancing the Competing Interests”**

b) Not exceed 1300 words (footnotes are not required).

c) Attach passport-sized photos of the author to be published together with the submitted article.

The magazine also offers an opportunity for members of the Law Society of Kenya and non-members to place advertisements (at subsidized rates) as highlighted below:

Double page spread	Kshs. 500,000
Full page	Kshs. 300,000
Strip front page	Kshs. 200,000
Half Page	Kshs. 150,000
Quarter page	Kshs. 75,000

NB: The advertising rates are exclusive of the 16% rate of VAT.

The Editorial Committee shall review the submitted articles and reserves the right to delete, edit, or alter in any manner it sees fit the submitted articles for publication.

The submission of articles and requests to advertise should be sent to a.rodil@lsk.or.ke and copied to gloria.kuyoh@lsk.or.ke to reach us not later than 9th June 2023.



KENYA- INVENTOR ASSISTANCE PROGRAM

The World Economic Forum and the World Intellectual Property Organization (WIPO) have come together to develop the Inventor Assistance Program (IAP), which is an innovative initiative aimed at making the Intellectual Property (IP) system more accessible by matching financially under-resourced inventors of promising new technologies and ideas with qualified IP counsel who assist in securing patent protection.

On 22nd February 2022, WIPO organized a sensitization forum on the IAP to sensitize IP Agents and other stakeholders on the importance of this Program for Kenya and why it would be beneficial for the IP Agents (volunteers) to be part of this programme.

Further to the sensitization forum, WIPO has now opened the registration for Kenya volunteers who have accepted to be part of the Program prior to registration for the program.

Interested members are hereby invited to register on the IAP Online Platform via <https://iap.wipo.int/api> by creating a WIPO Account if you do not already have one. To create a WIPO Account, go to <https://welc.wipo.int/> and locate the place indicated 'My Account', click on it and then click on 'Create WIPO Account'

For any enquiries relating to the Program, kindly contact info@kipi.go.ke, iapkenya@kipi.go.ke and copy cwere@kipi.go.ke

LAW SOCIETY OF KENYA JOURNAL VOLUME 17 (2021)

The Council of the Law Society of Kenya through the Editorial Committee convened by Prof. Michael Wabwile, Council Member would wish to inform the membership that, the Committee has published the LSK Journal Volume 17 (2021).

Members can access the LSK Journal Volume 17 (2021) via this link, [The Law Society of Kenya Journal Volume 17](#)

N/B- Hard copies of the Journal will be dispatched to the members through their declared branches.





THE 13TH PAN AFRICAN LAWYERS UNION (PALU) ANNUAL CONFERENCE

The Pan African Lawyers Union (PALU), the Premier Continental forum for Lawyers and Lawyers' Associations, membership has grown exponentially and now comprises of over five Regional Lawyers' Associations (RLAs), over 54 National Lawyers' Associations (NLAs) and over 1,000 individual lawyers. PALU will hold its Annual Conference 2023 bringing together a broad range of participants from all corners of Africa and the Diaspora.

The Conference will take place from 5th - 8th July 2023 at Avani Victoria Falls Resort, Zambia under the theme, "The Sovereign debt crisis in Africa: The Role of the Legal Profession."

The 3-day Conference provides a prime opportunity for participants to broaden their networks, create and renew professional contacts, and deepen their expertise by engaging in strategic consultations and participating in interactive discussions and vibrant side events.

Members are hereby invited to participate in the Conference either as delegates, session sponsors, moderators, or Panelists.

For more information on the Conference please [click Here](#)

NOTICE FOR COMMENTS/ QUERIES ON THE FINANCIAL STATEMENTS 2022 OF THE LAW SOCIETY OF KENYA PRESENTED TO MEMBERS ON THE 31ST MARCH 2023

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The members, at the Ordinary General Meeting of the Law Society of Kenya held both physically & virtually through Zoom/Webinar Platform on Friday, 31st March 2023, at Safari Park Hotel, Nairobi, resolved to invite members to submit their queries and comments on the statement of accounts and financial statements 2022 presented during the Annual General Meeting (AGM). The report can be accessed through this link, <https://bit.ly/3NdOGj4>

Members are hereby invited to submit their queries/comments on the reports to memberservices@lsk.or.ke to reach us not later than Tuesday, 30th May, 2023. The responses will be given during the continuation of the adjourned General Meeting.

N/B- Members will be advised on the date of the adjourned General Meeting in due course.



INTERNATIONAL CONFERENCE ON INTELLECTUAL PROPERTY PROTECTION AND ENFORCEMENT

The Council of the Law Society of Kenya through the ICT/IP Committee convened by Mr. Ochieng Gor, Council Member wishes to notify the membership of the first ever International Conference on Intellectual Property Protection and Enforcement (ICIPPE-1) scheduled to take place between 13th and 15th June, 2023 at the Bomas of Kenya, Nairobi, to be co-hosted by the Anti- Counterfeit Authority (ACA).

The ACA, which is a State Corporation in Kenya's Ministry of Investments, Trade and Industry (MITI) that is mandated to combat counterfeiting in Kenya, will be co-hosting its first three-day international conference on IP protection and enforcement in Kenya in the month of June 2023 as a climax in commemorating the World Anti-Counterfeit Day.

The Conference aims to bring together policymakers, judicial officers, enforcers, leading academic scientists, research scholars and practitioners to exchange and share their experiences and research results on all aspects of Intellectual Property Rights. It also provides a premier interdisciplinary platform for researchers, practitioners and educators to present and discuss the most recent innovations, trends, and concerns as well as practical challenges encountered and solutions adopted in the fields of Intellectual Property Rights.

To access more detailed information on the conference, please click on the following link <https://bit.ly/3nCDvpB>





AFRICA SOFT POWER SUMMIT 23RD - 27TH MAY, 2023 KIGALI, RWANDA

The Law Society of Kenya wishes to inform its members of the Africa Soft Power Summit which is a flagship event that will take place from 23rd - 27th May, 2023 in Kigali, Rwanda. The Africa Soft Power Summit represents the premier event for Africa's creative and tech industries as well as Women's leadership, attracting speakers and delegates from across the continent and around the world. The environment provides a fresh take on the traditional conference format, with breakout sessions, social events, roundtables and workshops, and plenty of scope for more networking along the way.

The session will focus on these key intersecting themes:

- **Women's leadership:** Hitting the reset button on gender and reframing African women's leadership as a key strength in tackling global challenges
- **Creative power & modern economics:** From the continent to the diaspora - why it's imperative to leverage African creativity today to fuel the global creative, digital, and knowledge economies of tomorrow
- **Celebrating modern African and diaspora voices within the global discourse, and retelling the African story on the world stage**

These three themes will in-turn provide the foundation for three days of convening, each offering a unique take on African soft power, and how it can be better leveraged to propel the continent forward.

The event will attract representatives from global brands, and unique individuals from the fields of media, art and entertainment, technology, tourism, food, sports, finance, health, law, philanthropy, politics, etc., as well as leading figures from the academic, public, and third sectors, not to mention international media coverage. There will also be a host of other activities, including partner mixers, Basketball Africa League games, wildlife & city tours and golf.

Interested members of the Law Society of Kenya will get a 50% discount on the ticket prices and the Africa Soft Power team will be happy to share promo codes to this effect.

For more information click on the link, <https://theafricasoftpowerproject.com/asp-africa-month-summit-2023-may-2023/>



LSK CPD WEBINAR

CONSTITUTIONAL LAW:
FREEDOM OF SPEECH, PRESS,
ASSOCIATION & RELIGION

Date: Wednesday 24th May 2023
Time: 2.00pm – 3.30pm
Charges: KES 1,500

SPEAKER:
Dudley Ochiel,
Advocate

BOOK NOW

1 CPD UNIT

Inquiries: cpd@lsk.or.ke or call 0111045300

LSK WELLNESS DAY

The Council invites members to the
LSK Wellness Day



SERVICES

1. Health Checkups and Tests
2. Health Talks
3. Specialized Consultation services



ACTIVITIES

1. Physical Fitness
2. Fun Activities and much more!

3rd June
2023

8:30am

Prosecution Institute
Loresho



DATA PROTECTION AND CYBER SECURITY

webinar organized by Young Lawyers
Committee convened by Mr. Byron Menezes,
Council Member



Moderator
MS. CLAIRE KARUGA,
ADVOCATE



Moderator
MR. ENOCK WABWOBA,
ADVOCATE



Speaker
MR. HERBERT NJOROGE,
MANAGER - LEGAL BUSINESS
SOLUTIONS, PWC

Register using the link below:
<https://bit.ly/3MemlMn>

Thursday,
25TH from 2.00 pm
May 2023

[Register Now!](#)

❖ NB: No CPD units shall be awarded. ❖



SEMINAR

COURSE: LEGAL AUDIT & COMPLIANCE

(For young lawyers)

(3 LSK CPD POINTS)

DATE: 19th - 22nd June, 2023

VENUE: Kenya School of Law- Karen, Nairobi

ABOUT THE COURSE

The goal of Legal Audit & Compliance Course is to equip the young lawyer with the necessary knowledge and skills to undertake legal audit and compliance assignment for clients or their institutions, with the ultimate aim of helping client institutions to entrench the culture of strict adherence to constitutional, statutory, policy and administrative requirements, as well as best practices. The participant will learn about the objectives of legal audits, the benefits thereof. The Course will have many sessions devoted to practical activities simulating the various stages of an actual legal audit exercise. This course will be delivered by persons who have in the past 8 years conducted over 35 legal audits consultancies, and who have extensive experience in conducting legal audit courses. In addition, there will be guest presenters by personnel from selected oversight institutions.

CERTIFICATES: A certificate of attendance and participation will be issued to each participant who attends the entire course.

YOUR INVESTMENT: Kshs. 34,000 inclusive of VAT and registration fee (covers tuition fees, course materials, stationery, lunch and refreshments).

CPD POINTS: Members of the Law Society of Kenya who attend and complete the training will be entitled, on payment of extra 1,000.00 to be awarded 3 CPD points. Payment of this sum shall be effected during the training, as will be directed by the organizers of the training.

APPLICATION PROCESS: Application should be made ONLINE through the platform. Please log at: <https://services.ksl.ac.ke/web/login> sign up and register for the course. Fees should be deposited in the School's account: Account No. 202 2029 110 Absa Bank PLC, Absa Plaza Branch, Nairobi, Kenya and the bank slip or evidence of electronic funds transfer presented to the Finance Office, Karen. Please note that your registration and proof of payment should be complete by 12th June 2023, to enable us to adequately prepare for the course.

Contacts: For any query, contact the Course Coordinator, Ms. Sandra Soi on ssoi@ksl.ac.ke, or Jacqueline at jacqueline@ksl.ac.ke and Christine cmwanza@ksl.ac.ke