



Mr Michael R. Sialai, CBS
The Clerk of the National Assembly
Parliament Buildings
Harambee Avenue
Nairobi

Brussels, 28 December 2021

Dear Mr Sialai,

Re: Submissions on the Copyright (Amendment) Bill 2021

The **Sports Rights Owner Coalition (SROC)** is composed of more than 50 international, European and national sport bodies. Individually and collectively, we represent some of the world leading sport competitions which attract millions of spectators each year.

Our events are widely available and accessible to consumers across a growing variety of broadcasting and Internet platforms. Throughout the world, these broadcasts are protected by copyright legislation in accordance with universally accepted norms, including in Kenya.

In particular, the World Intellectual Property Organisation (WIPO) passed the WIPO Internet Treaties in 1996, aimed at preventing unauthorised access to and use of creative works on the Internet or other digital networks and their subsequent piracy. Kenya adopted the provisions of these treaties in its enactment of the 2019 Copyright Amendment Bill, since when they have become an essential pillar in the protection of digital content and the fight against digital piracy.

SROC members are therefore **extremely concerned to learn of the proposed changes to the Copyright Act** contained in the Copyright Amendment Bill published by the National Assembly on 22 October 2021, and **in particular of the proposed repeal of sections 35B, 35C and 35D** of the Copyright Act and the effective annulment of Take-Down Notices.

Take-Down Notices enable copyright holders and related rights holders to control their work and the ability to make it available on online platforms. Indeed, they are one of the **few effective remedies against digital piracy available to rights holders**. Far from being unique to Kenya, they are an **international concept to safeguard the intellectual property rights** of copyright holders in their works. They are particularly important for sports rights owners, where the ability to remove unauthorised content immediately is crucial in protecting the value of live sport.

SROC
SPORTS RIGHTS OWNERS COALITION

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As you may be aware, and in contrast to the proposed legislative changes in Kenya, **European policy makers are moving in the opposite direction**, in order to **strengthen the effectiveness of Take-Down Notices**, particularly in the live environment. The European Parliament recently overwhelmingly adopted a resolution on the '[Challenges of sport events' organisers in the digital environment](#)' and has asked the European Commission to legislate accordingly. New proposals to protect live content more effectively in Europe are expected in the first half of 2022.

Were the Copyright Amendment Bill to be enacted, it could have **devastating consequences for both the Kenyan economy and Kenyan consumers**. Rights holders from sport and other creative industries are extremely unlikely to license their content in a jurisdiction that effectively legitimises piracy. **Consumers would therefore be deprived from watching their favourite sports and television shows**, and leave Kenya isolated on the global copyright stage.

SROC members would therefore respectfully request that the proposed legislative measures be **urgently reconsidered so as not to harm Kenyan consumers and threaten the availability of sports and entertainment content in Kenya**.

Yours sincerely,



Mark Lichtenhein
Chairman of the Sports Rights Owners Coalition