



# **INNOVATION & INTELLECTUAL PROPERTY**

**COLLABORATIVE DYNAMICS IN AFRICA**

**Editors: Jeremy de Beer, Chris Armstrong,  
Chidi Oguamanam & Tobias Schonwetter**

# **Innovation & Intellectual Property**

## **Collaborative Dynamics in Africa**

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JEREMY DE BEER, CHRIS ARMSTRONG,  
CHIDI OGUAMANAM AND TOBIAS SCHONWETTER

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# Contents

Preface.....	v
Acknowledgements .....	ix
About the Editors .....	xiii
About the Contributors .....	xiv
Acronyms and Abbreviations.....	xvii

## Chapter 1

Innovation, Intellectual Property and Development

Narratives in Africa.....	1
<i>Jeremy de Beer, Chidi Oguamanam and Tobias Schonwetter</i>	

## Chapter 2

Frameworks for Analysing African Innovation: Entrepreneurship,  
the Informal Economy and Intellectual Property .....

	32
<i>Jeremy de Beer, Izabella Sowa and Kristen Holman</i>	

## Chapter 3

Informal–Formal Sector Interactions in Automotive

Engineering, Kampala.....	59
<i>Dick Kawooya</i>	

## Chapter 4

Geographical Indication (GI) Options for Ethiopian Coffee and

Ghanaian Cocoa .....	77
<i>Chidi Oguamanam and Teshager Dagne</i>	

## Chapter 5

A Consideration of Communal Trademarks for

Nigerian Leather and Textile Products.....	109
<i>Adebambo Adewopo, Helen Chuma-Okoro and Adejoke Oyewunmi</i>	

## Chapter 6

The Policy Context for a Commons-Based Approach to

Traditional Knowledge in Kenya.....	132
<i>Marisella Ouma</i>	

## Chapter 7

Consideration of a Legal “Trust” Model for the

Kukula Healers’ TK Commons in South Africa .....	151
<i>Gino Cocchiario, Johan Lorenzen, Bernard Maister and Britta Rutert</i>	

## **Chapter 8**

From *De Facto* Commons to Digital Commons?

The Case of Egypt's Independent Music Industry..... 171  
*Nagla Rizk*

## **Chapter 9**

Reflections on Open Scholarship Modalities and the

Copyright Environment in Kenya..... 203  
*Ben Sihanya*

## **Chapter 10**

African Patent Offices Not Fit for Purpose..... 234  
*Ikechi Mgbeoji*

## **Chapter 11**

The State of Biofuel Innovation in Mozambique..... 248  
*Fernando dos Santos and Simão Pelembe*

## **Chapter 12**

Reflections on the Lack of Biofuel Innovation in Egypt ..... 267  
*Bassem Awad and Perihan Abou Zeid*

## **Chapter 13**

Effects of the South African IP Regime on Generating

Value from Publicly Funded Research: An Exploratory

Study of Two Universities..... 282  
*Caroline Ncube, Lucienne Abrahams and Titilayo Akinsanmi*

## **Chapter 14**

Towards University–Industry Innovation Linkages in Ethiopia..... 316  
*Wondwossen Belete*

## **Chapter 15**

Perspectives on Intellectual Property from Botswana's

Publicly Funded Researchers ..... 335  
*Njoku Ola Ama*

## **Chapter 16**

Current Realities of Collaborative Intellectual

Property in Africa..... 373  
*Jeremy de Beer, Chris Armstrong, Chidi Oguamanam and Tobias Schonwetter*

Index..... 395

# Preface

This book is among the key outputs of the Open African Innovation Research and Training (Open A.I.R.) Project. Based on case study research in nine African countries, the book examines the recent history and current on-the-ground realities of innovation and intellectual property (IP) in African settings. In doing so, the book reveals complex collaborative dynamics across a range of different countries, sectors and socio-economic contexts, and generates recommendations for how innovation and IP can be married with social and economic development objectives in African settings. This book's sister report, *Knowledge and Innovation in Africa: Scenarios for the Future*, situates the current realities covered in this book within a much longer historical trajectory and multiple potential futures.

Conceived in 2009, established in 2010 and launched in 2011, Open A.I.R. is a pan-African and globally interconnected research and training network, which was established to:

- raise IP awareness in African settings and facilitate critical policy engagement;
- empower a networked, epistemic IP community in Africa;
- identify IP-related innovation bottlenecks and modes of open collaboration; and
- interrogate IP-related innovation metrics, capital and power structures.

Open A.I.R. is financially supported by Canada's International Development Research Centre (IDRC) and Germany's Federal Ministry for Economic Cooperation and Development (BMZ), and collaborates with numerous other organisations and individuals – all of whom are recognised in the Acknowledgements' pages of this book. In addition to the aforementioned case study and foresight research, the Open A.I.R. network engages in a wide range of training, capacity building, outreach and policy engagement activities – both on the African continent and in settings outside the continent where matters of African innovation and IP are engaged. These engagements target external stakeholders capable of changing policies and practices, including:

- innovators, creators and entrepreneurs – individuals and companies;
- business groups such as chambers of commerce and industry associations;
- national, regional and international law-makers and policy-makers;
- issue leaders, such as politicians, judges, professors and practitioners;
- scientific and cultural research and development funding bodies;

- university researchers, administrators and technology transfer officials;
- rights-holders and collective rights management organisations; and
- representatives of indigenous and local communities.

Open A.I.R. is motivated by a vision in which innovation and creativity in Africa are sustainable, properly valued, collaborative, widely accessible and result in benefits that are distributed throughout society. Based on this vision, the network's mission is to better understand how innovation and IP processes work in African settings, how knowledge and technology currently protected by IP can be mobilised, and how IP systems can be harnessed or adapted in a manner that fosters openness-oriented collaborative innovation resulting in just distribution of new knowledge and technology.

This book and the *Scenarios* volume are two parts of a much broader attempt, by Open A.I.R. and other initiatives, to facilitate, in the medium to long term, the emergence of new, pragmatic means of valuing and facilitating innovation and creativity in Africa. Contextually appropriate metrics sensitive to the monitoring of meaningful changes in behaviour around innovation and creativity could be instrumental for promoting African grassroots entrepreneurship, broad-based business development, and a vibrant private sector built on small and medium-sized enterprises (SMEs) with a sustained ability to innovate. And the opportunities for innovation-driven SMEs could also benefit from policy-maker adoption of appropriate metrics when designing the policy and regulatory frameworks necessary to ensure predictable innovation environments for stakeholders.

Open A.I.R.'s core funders, IDRC and BMZ, have provided a framework for Open A.I.R.'s objectives. Open A.I.R. fits within the IDRC's Science and Innovation programme, which supports research and policy engagement in relation to how science, technology and innovation (STI) can be engines of socio-economic development. Within this programme, the Information and Networks (I&N) initiative, which funds the Open A.I.R. Project, aims to better understand the linkages among innovation, creativity, networked collaborations (often enabled via information and communication technologies [ICTs]), and determinants of openness – including IP rights. The IDRC also supported the precursor network to Open A.I.R., the African Copyright and Access to Knowledge (ACA2K) Project, which ran from 2007 to 2011 and generated the nucleus of the expert network now driving Open A.I.R.

BMZ supports Open A.I.R. via Germany's Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), under the GIZ commons@ip – Harnessing the Knowledge Commons for Open Innovation initiative. The commons@ip initiative focuses on how IP rights interact with open innovation, the knowledge commons, open licences and collaborative innovation. It is part of the BMZ-

mandated Train for Trade programme, which aims at strengthening the private sector and its constituent bodies in the Southern African Development Community (SADC) region through training and capacity building in export promotion, quality control and promotion of open innovation – as well as through promotion of local and regional economic development and trade.

Open A.I.R.'s training and capacity building components include:

- building the network's capacity – through online platforms, network-wide workshops, research methodology support, scenario-building meetings and thematic seminars;
- awarding Open A.I.R. Fellowships to emerging IP scholars and potential leaders – from Tanzania, Kenya, Uganda, Ethiopia, Cameroon, Nigeria and Egypt;
- exchanging knowledge through Africa-wide and South–South knowledge networking at seminars, workshops and conferences;
- growing awareness among African creators, innovators, entrepreneurs and policy-makers of openness-oriented approaches to innovation and IP matters in Africa; and
- teaching at African tertiary educational institutions, including development of a replicable, open course curriculum on IP law and development.

Because of the immense geographic size of the African continent, and unique logistical challenges of African intra-continental travel, ICTs have been instrumental in empowering the research network's "community of practice". Open A.I.R. has an offline presence in 14 African countries and in multiple countries outside the continent. Online, the network includes hundreds of individuals and institutions throughout Africa and from all corners of the globe, linked via a suite of online networking and social-media tools. The Open A.I.R. community of practice advances a culture of multidirectional exchange among African innovative and creative communities and external actors – with a view to sustainably empowering local communities and SMEs. Network members promote cross-fertilisation of ideas via original thinking and partnerships with national and international institutions, scholars, funding agencies, civil society organisations and other willing partners. Those wishing to join the community can visit <http://www.openair.org.za/join>.





## Acknowledgements

True to its emphasis on “collaborative dynamics”, this book is the product of the collective energy of dozens of people and institutions in many countries, all of whom work within the Open African Innovation Research and Training (Open A.I.R.) network. Open A.I.R. currently has core network members and institutions in 14 African countries, spanning North Africa (Egypt, Tunisia), West Africa (Senegal, Ghana, Nigeria, Cameroon), East Africa (Ethiopia, Uganda, Kenya, Tanzania) and southern Africa (Malawi, Mozambique, Botswana and South Africa). Other network members and institutions are in Canada, the United States, the United Kingdom, Germany and France. These members are, in turn, linked – via online and offline interactions – to a broader Open A.I.R. network of hundreds of individuals and institutions, including people and entities in Brazil, India, Malaysia, Australia, Switzerland and the Netherlands. The network receives generous financial support from Canada’s International Development Research Centre (IDRC) and Germany’s Federal Ministry for Economic Cooperation and Development (BMZ).

Each of the editors and authors of this volume is part of, and collaboratively exchanges knowledge and expertise with, this large network, and we the editors, and each of the contributors, are profiled in “About the Editors” and “About the Contributors” sections of this book and on the Open A.I.R. website’s Team page, <http://www.openair.org.za/content/open-air-team>. On this Team page, one can also find the names and contact details of Open A.I.R. Fellows and other network members and institutions. The network is also accessible via its social media platforms, featured at <http://www.openair.org.za/join>

Open A.I.R.’s administrative hub is the IP Unit in the University of Cape Town Faculty of Law, where Project Manager Nan Warner and Administrator Phyllis Webb are the key operational drivers. Warner and Webb receive management support from two of the editors of this book (and the co-Principal Investigators of the Open A.I.R. Project), UCT IP Unit Director Tobias Schonwetter and Jeremy de Beer of the University of Ottawa Faculty of Law. Also supporting project management are Julie Nadler-Visser of UCT’s Research Contracts and IP Services (RCIPS) unit, members of the UCT Finance Department and Faculty of Law Finance Department, and another editor of this book: Chris Armstrong of the LINK Centre at the University of the Witwatersrand (Wits) in Johannesburg.

Network strategic guidance is provided by a Steering Committee composed of De Beer, Schonwetter, Warner, Chidi Oguamanam (another of this book’s

editors) of the University of Ottawa Faculty of Law, Nagla Rizk of The American University in Cairo (AUC), Sisule Musungu of IQsensato in Nairobi, Khaled Fourati of the IDRC office in Cairo, and Balthas Seibold of Germany's Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) in Bonn. Further strategic support from the IDRC is, or has been, provided by Naser Faruqui, Simon Carter, Laurent Elder, Fernando Perini, Matthew Smith, Heloise Emdon and Phet Sayo; Karim Badran and Rose-Marie Ndiaye Pereira on financial matters; and Michelle Hibler and Nola Haddadian on publications. GIZ's involvement is focused on the capacity-building components of the network, which are carried out in collaboration with the GIZ's commons@ip – Harnessing the Knowledge Commons for Open Innovation initiative. At GIZ, in addition to support from the aforementioned Steering Committee member Balthas Seibold, who advises on matters of international knowledge cooperation and networking, support has also come from Petra Hagemann, Christine de Barros Said, Ursula van Look, Marina Neuendorff, Margrit Brockhaus and the Working Group of German Development Organisations on Promoting Innovation Systems. At UCT, as well as those already mentioned, key supporters and collaborators have been the Dean of Law, PJ Schwikkard, Lee-Ann Tong in the Faculty of Law, and, in the IP Unit, the Unit's founder Julian Kinderlerer, its Deputy Director Caroline Ncube and its Senior Research Fellow Bernard Maister. At the University of Ottawa, in addition to those already mentioned, support has been provided by the Dean of the Faculty of Law, Common Law Section, Nathalie Des Rosiers, and Former Dean Bruce Feldthusen.

For this book, key network participants were the team of JD candidates in the University of Ottawa Faculty of Law – Lukas Frey, Will Sapp, Phil Holdsworth, Maya Boorah, Kristen Holman and Saara Punjani – who provided long hours of diligent editorial assistance. In addition, because the research case studies presented in this book all required collection of data from human subjects – via interviews and/or focus group discussions and/or written surveys – this book would not have been possible without the cooperation of dozens of respondents across the countries of study. For reasons of confidentiality, most survey and interview respondents are not named in this book, but we are sincerely grateful for their contributions. Also contributing to the research outlined in this book was Donna Podems of OtherWISE in Cape Town, who advised on research methodologies and supported a methodology workshop for several of the authors featured in this volume, in addition to her support of Open A.I.R.'s monitoring and evaluation (M&E) framework. At this book's publisher, UCT Press, the key drivers have been Publisher Sandy Shepherd and Project Manager Glenda Younge. The cover design for this volume is by Elsabe Gelderblom of Farm Design in Cape Town, who does all of Open A.I.R.'s design work for its website, social media tools, PR materials,

*Briefing Notes* and the network's other substantial publication output, the Open A.I.R. *Scenarios* compendium – which is available in hard-copy, and on the Open A.I.R. website, as a separate published output and companion to this book.

Network headquarters at the UCT IP Unit serves as Open A.I.R.'s Southern Africa Hub, coordinated by Project Manager Warner. There are also four other Hubs: the North Africa Hub at the Access to Knowledge for Development Center (A2K4D) of the School of Business at The American University in Cairo (AUC), coordinated by Nagham El Houssamy under the direction of Nagla Rizk; the West Africa Hub at the Nigerian Institute of Advanced Legal Studies (NIALS) in Lagos, coordinated by Helen Chuma-Okoro under the direction of Adebambo Adewopo; the East Africa Hub at the Centre for IP and IT Law (CIPIT) of Strathmore University, Nairobi, coordinated by CIPIT Director Isaac Rutenberg; and the Canada Hub at the University of Ottawa Faculty of Law, coordinated by De Beer and Oguamanam. Contact can be made with these Hubs and Hub Coordinators via the aforementioned Open A.I.R. website Team page.

Also integral to the success of the network are its nine Fellows, each of whom has spent time at the UCT IP Unit in Cape Town. The Fellows have contributed to Open A.I.R.'s case study and foresight research, to outreach and training work, and to building the network. The nine Fellows are: Esther Ngom of the Ngo Nyemeck law firm in Yaoundé; Seble Baraki of the Justice and Legal System Research Institute (JLSRI) in Addis Ababa; Moses Mulumba of the Centre for Health, Human Rights and Development (CEHURD) in Kampala; Douglas Gichuki of CIPIT in Nairobi; Milton Lore of Bridgeworks Africa in Nairobi; Eliamani Laltaika of the Tanzania Intellectual Property Rights Network (TIP-Net) in Dar es Salaam; Alexandra Mogyoros, a student in the Faculty of Law at the University of Ottawa; West Africa Hub Coordinator Helen Chuma-Okoro of NIALS in Lagos; and North Africa Hub Coordinator Nagham El Houssamy of A2K4D in Cairo.

Other collaborating institutions are the Program on Information Justice and Intellectual Property (PIJIP) at the Washington College of Law at American University in Washington, DC; the Centre for Technology and Society (CTS) in Brazil; the Centre for Internet and Society (CIS) in India; and the Open Society Foundations, where Open A.I.R.'s key partner is Vera Franz. The Open A.I.R. network has also benefited from interaction with staff at the World Intellectual Property Organisation (WIPO) headquarters in Geneva. In London, Shirin Elahi of Scenarios Architecture is the driver of Open A.I.R. foresight research work, as featured in the aforementioned *Scenarios* compendium that provides an important forward-looking complement to the current picture offered by this volume. Jo Higgs of Go Trolley Films in Cape Town did post-production on the videos available on the Open A.I.R. YouTube channel – videos which show how the network came into being and how the research was conceptualised.

All the people and institutions mentioned here have in one way or another played a role, by collaborating within the Open A.I.R. network, in the conceptualisation, planning, data collection, data analysis, writing, editing, design and production processes that resulted in successful research and the completion of this book. It is hoped that this volume's free availability online, under a Creative Commons (CC) licence, will ensure that the book's collaborative dynamics do not end here at the moment of publication, and continue long into the future in the work of the still-growing Open A.I.R. community.

*Jeremy de Beer, Chris Armstrong, Chidi Oguamanam, Tobias Schonwetter*  
*September 2013*

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## Acronyms and Abbreviations

A2K	access to knowledge
A2K4D	Access to Knowledge for Development Center (The American University in Cairo, Egypt)
AAU	Addis Ababa University
ABS	access and benefit-sharing
ACA2K	African Copyright and Access to Knowledge Project
ACP	African, Caribbean and Pacific Group of States
ACTS	African Centre for Technology Studies (Kenya)
ADPP	Ajuda de Desenvolvimento de Povo para Povo (Mozambique)
AERC	African Economic Research Consortium
AFTE	Association for the Freedom of Thought and Expression (Egypt)
AGOA	African Growth and Opportunity Act
AIM	Agência de Informação de Moçambique
AmCham	American Chamber of Commerce (Egypt)
ARC	Aquaculture Research Centre (Egypt)
ARIPO	African Regional Intellectual Property Organisation
ASSAf	Academy of Sciences of South Africa
ASTII	African Science, Technology and Innovation Indicators
ATO	alternative trading organisation
ATPC	African Trade Policy Centre
ATPS	African Technology Policy Studies Network
AU	African Union
AUC	The American University in Cairo
B-BBEE Act	Broad-Based Black Economic Empowerment Act 53 of 2003 (South Africa)
BCP	bio-cultural community protocol
BIH	Botswana Innovation Hub
BMZ	Federal Ministry for Economic Cooperation and Development (Germany)
BoI	Bank of Industry (Nigeria)
BOTEC	Botswana Technology Centre
BPR	business process re-engineering
CAA	Cocoa Abrabopa Association (Ghana)
CARICOM	Caribbean Community
CBD	Convention on Biological Diversity
CBN	Central Bank of Nigeria

CC	Creative Commons
CCIA	Computer and Communications Industry Association
CEDAT	College of Engineering, Design, Art and Technology (Makerere University, Uganda)
CEHURD	Centre for Health, Human Rights and Development (Uganda)
CEPIL	Centre for Public Interest Law (Ghana)
CIGI	Centre for International Governance Innovation
CIPC	Companies and Intellectual Property Commission (South Africa)
CIPIT	Centre for IP and IT Law (Strathmore University, Kenya)
CIPO	Canadian Intellectual Property Office
CIPR	Commission on Intellectual Property Rights (UK)
CMO	collective management organisation
COCOBOD	Ghana Cocoa Board
CPD	Centre for Policy Dialogue (Nigeria)
CRTT	Centre for Research in Transportation Technologies (Makerere University, Uganda)
CSIR	Council of Scientific and Industrial Research (India)
CTEA	Copyright Term Extension Act (US)
CVCP	Committee of Vice-Chancellors and Principals (UK)
DACST	Department of Arts, Culture, Science and Technology (South Africa)
DEST	Department of Education, Science and Training (Australia)
DFID	Department for International Development (UK)
DHET	Department of Higher Education and Training (South Africa)
DNS	domain name system
DRC	Democratic Republic of Congo
DRM	digital rights management
DRST	Department of Research, Science and Technology (Botswana)
DST	Department of Science and Technology (South Africa)
DTI	Department of Trade and Industry (South Africa)
EAEP	East African Educational Publishers (Kenya)
EC	European Commission
ECBP	Engineering Capacity Building Program (Ethiopia)
ECOWAS	Economic Community of West African States
ECX	Ethiopia Commodity Exchange
EEAA	Egyptian Environmental Affairs Agency
EIPO	Ethiopian Intellectual Property Office
EIPRL	Egyptian Intellectual Property Rights Law
EPA	Environmental Protection Authority (Ethiopia)
EPO	European Patent Office
EST	environmentally sound technology

EU	European Union
EUEI	EU Energy Initiative
Eurostat	Statistical Office of the European Communities
FAO	UN Food and Agriculture Organisation
FCN	Friendship, Commerce and Navigation (Kenya)
FDI	foreign direct investment
FDRE	Federal Democratic Republic of Ethiopia
FDSE	Free Day Secondary Education (Kenya)
FES	Friedrich Ebert Stiftung (Germany)
FLO	Fairtrade Labelling Organisations International
FOSS	free and open source software
FPE	Free Primary Education (Kenya)
FTA	free trade agreement
GDP	gross domestic product
GEM	Global Entrepreneurship Monitor
GERD	gross expenditure on research and development
GI	geographical indication
GIPC	Global Intellectual Property Center
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit (Germany)
GM	genetically modified
GOAN	Ghana Organic Agriculture Network
GOK	Government of Kenya
GR	genetic resources
GTZ	German Technical Cooperation
HSRC	Human Sciences Research Council (South Africa)
ICANN	Internet Corporation for Assigned Names and Numbers
ICIDSS	International Creativity and Innovation Development Support Services (Ethiopia)
ICJ	International Commission of Jurists
ICLS	International Conference of Labour Statisticians
ICPSK	Institute of Chartered Public Secretaries of Kenya
ICT	information and communication technology
ICT4D	ICT for development
ICTSD	International Centre for Trade and Sustainable Development
IDC	Industrial Development Corporation (South Africa)
IDLO	International Development Law Organisation
IDRC	International Development Research Centre (Canada)
IDS	Institute of Development Studies (Kenya)
IE	informal economy

IFC	International Finance Corporation
IICA	Inter-American Institute for Cooperation on Agriculture
IIDMM	Institute of Infectious Disease and Molecular Medicine (South Africa)
IIED	International Institute for Environment and Development
IIPA	International Intellectual Property Alliance
IISD	International Institute for Sustainable Development
ILC	indigenous and local community
ILO	International Labour Organisation
INAO	Institut national des appellations d'origine (France)
IP	intellectual property
IPA	Industrial Property Act (Botswana)
IPC	International Patent Classification
IPi	Industrial Property Institute (Mozambique)
IPR-PFRD Act	Intellectual Property Rights from Publicly Financed Research and Development Act (South Africa)
IRB	Institutional Review Board (Botswana)
IRENA	International Renewable Energy Agency
ISAS	integrated seawater agriculture system
ISCTEM	Instituto Superior de Ciências e Tecnologia de Moçambique
ISI	Institute for Scientific Information
ISO	International Organisation for Standardisation
ISP	Information Society Project (Yale University, US)
ITC	International Trade Centre
JBEDC	Japan Bio-Energy Development Corporation
JITAP	Joint Integrated Technical Assistance Programme
JLSRI	Justice and Legal System Research Institute (Ethiopia)
K2C Biosphere	Kruger to Canyons Biosphere (South Africa)
KE	knowledge economy
KECOBO	Kenya Copyright Board
KENFAA	Kenya Nonfiction and Academic Authors' Association
KES	Kenyan Shilling
KHA	Kenya Historical Association
KICD	Kenya Institute of Curriculum Development
KIPI	Kenya Industrial Property Institute
KIPRA	Kenya Institute for Public Policy Research and Analysis
KNAS	Kenya National Academy of Sciences
KOLA	Kenya Oral Literature Association
KTO	knowledge transfer office
LBC	Licensed Buying Company (Ghana)
LDC	least developed country

LE	Egyptian Pound
LINK Centre	Learning Information Networking Knowledge Centre (Wits University, South Africa)
LSK	Law Society of Kenya
MAN	Manufacturers Association of Nigeria
MANCAP	Mandatory Conformity Assessment Programme (Nigeria)
MCH	Maasai Cultural Heritage Organisation (Kenya)
MCST	Ministry of Communications, Science and Technology (Botswana)
MCT	Ministério da Ciência e Tecnologia (Mozambique)
MDCA	Malindi District Cultural Association (Kenya)
MDG	Millennium Development Goal
MEA	Multilateral Environmental Agreement
MIST	Ministry of Infrastructure, Science and Technology (Botswana)
MIT	Massachusetts Institute of Technology
MOA	Ministry of Agriculture (Ethiopia)
MOE	Ministry of Education (Ethiopia)
MOFA	Ministry of Food and Agriculture (Ghana)
MoFED	Ministry of Finance and Economic Development (Ethiopia)
MOST	Ministry of Science and Technology (Ethiopia)
MoU	memorandum of understanding
MRC	Medical Research Council (South Africa)
Natoil	Natural Oil Company (Egypt)
NACI	National Advisory Council on Innovation (South Africa)
NCC	Nigerian Copyright Commission
NDA	non-disclosure agreement
NEP	National Enquiry Point (Botswana)
NEPAD	New Partnership for Africa's Development
NESC	National Economic and Social Council (Kenya)
NESTI	National Experts on Science and Technology Indicators
NIALS	Nigerian Institute of Advanced Legal Studies
NRF	National Research Foundation (South Africa)
NGO	non-governmental organisation
NIALS	Nigerian Institute of Advanced Legal Studies
NIPMO	National Intellectual Property Management Office (South Africa)
NIS	national innovation system
NMIMS	Narsee Monjee Institute of Management Studies (India)
NPR	National Public Radio (US)
NPSB	National Policy and Strategy on Biofuels (Mozambique)
NRC	National Research Centre (Egypt)

NREA	New and Renewable Energy Authority (Egypt)
NWLR	Nigerian Weekly Law Report
OA	open access
OAPI	Organisation africaine de la propriété intellectuelle
OCEES	Oxford Centre for the Environment, Ethics and Society
OCFCU	Oromia Coffee Farmers Cooperative Union (Ethiopia)
ODEL	open, distance and electronic learning
ODI	Overseas Development Institute (UK)
OECD	Organisation for Economic Co-operation and Development
OER	open educational resource
Open A.I.R.	Open African Innovation Research and Training Project
ORD	Office of Research and Development (Botswana)
PBIP	place-based intellectual property
PCT	Patent Cooperation Treaty
Petromoc	Petróleos de Mozambique
PIIPA	Public Interest Intellectual Property Advisors (US)
PIJIP	Program on Information Justice and Intellectual Property (American University, US)
PPS	probability proportional to size
PRO	public research organisation
ProBEC	Programme for Basic Energy and Conservation in Southern Africa
R&D	research and development
RCIPS	Research Contracts and IP Services unit (UCT, South Africa)
RIPCO (B)	Rural Industrial Promotion Company (Botswana)
RMI	rights management information
SADC	Southern African Development Community
SARUA	Southern African Regional Universities Association
SCE	Society for Critical Exchange (Kenya)
SID	Society for International Development (Kenya)
SINER-GI	Strengthening International Research on Geographical Indications
SME	small and medium enterprise
SMIEIS	Small and Medium Industries Equity Investments Scheme (Nigeria)
SMME	small, micro and medium enterprise
SNA	social network analysis
SON	Standards Organisation of Nigeria
SPS	sanitary and phytosanitary measures
STCI	Science and Technology Capacity Index
STEP	Science Technology and Economic Policy (US)
STI	science, technology and innovation
STS	Society for Technology Studies (Ethiopia)

SVKM	Shri Vile Parle Kalamani Mandal (India)
TBT	technical barriers to trade
TCE	traditional cultural expression
TGE	Transitional Government of Ethiopia
THE	Times Higher Education (UK)
THRIP	Technology and Human Resources Programme (South Africa)
TIA	Technology Innovation Agency (South Africa)
TIP-Net	Tanzania Intellectual Property Rights Network
TISC	Technology and Innovation Support Center
TK	traditional knowledge
TKDL	Traditional Knowledge Digital Library (India)
TPMs	technological protection measures
TRIPS	Agreement on Trade-Related Aspects of Intellectual Property Rights
TTO	technology transfer office
TVET	Technical and Vocational Education and Training (Ethiopia)
UB	University of Botswana
UCC	Universal Copyright Convention
UCITA	Uniform Computer Information Transactions Act (US)
UCT	University of Cape Town (South Africa)
UEM	Eduardo Mondlane University (Mozambique)
UGT	Uganda Gatsby Trust
UK	United Kingdom
UM	utility model
UNCST	Uganda National Council for Science and Technology
UNCTAD	UN Commission on Trade and Development
UNDESA	UN Department of Economic and Social Affairs
UNDP	UN Development Programme
UNECA	UN Economic Commission for Africa
UNEP	UN Environment Programme
UNESCAP	UN Economic and Social Commission for Asia and the Pacific
UNESCO	UN Educational, Scientific and Cultural Organisation
UNFCCC	UN Framework Convention on Climate Change
UNICAMP	University of Campinas (Brazil)
UNIDO	UN Industrial Development Organisation
Unilag	University of Lagos
US	United States
USAID	US Agency for International Development
USPTO	US Patent and Trademark Office
WAK	Writers Association of Kenya
WATH	West Africa Trade Hub



WBCSD	World Business Council for Sustainable Development
WCT	WIPO Copyright Treaty
WEF	World Economic Forum
WEP	World Employment Programme
WHO	World Health Organisation
WIPO	World Intellectual Property Organisation
Wits	University of the Witwatersrand (South Africa)
WPIS	WIPO Patent Information Service
WPPT	WIPO Performances and Phonograms Treaty
WTO	World Trade Organisation
ZAR	South African Rand

## Chapter 8

# From *De Facto* Commons to Digital Commons? The Case of Egypt's Independent Music Industry

Nagla Rizk<sup>1</sup>

### Abstract

*This chapter provides the findings of a research study into the dynamics of Egypt's vibrant independent music industry, which previous research has identified as potentially having "commons" dynamics. Based on a survey of musicians and consumers, and interviews with key stakeholders, the research found a complex set of dynamics and attitudes at play in relation to distribution and consumption of the musicians' output. The research generated the conclusion that a Creative Commons-based "digital commons" business model using a "free-mium" approach to payment may be worth exploring as a means to comply with copyright law in a manner that still caters to the existing priorities of musicians and consumers.*

### 1. Background

The research case study outlined in this chapter explored the legal and socio-cultural frameworks that reward creativity and enable knowledge-sharing in Egypt's independent music industry. Egypt is renowned for its entertainment industry and has been dubbed the "Hollywood of the East". Its long and extensive history has made Egypt a cultural powerhouse, dominating the film and music industries in the region and making it fertile ground for this research.

This research builds on the findings and recommendations of the author's previous work on Egypt's music industry, which concluded that "the live music scene in Egypt offers a special form of the commons [...] [dubbed the] *de facto*

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1 The author is grateful for the work of the A2K4D research team, comprising Lina Attalah, Nagham El Houssamy, Mariam El Abd and Youssef El Shazli, and for the contribution to the field work by Marc Michael and Nagla Eid.

commons because it represents practices that have naturally emanated from the bottom up without any deliberate actions or conscious decision on the part of any organizing agency” (Rizk, 2010a, p. 128). I consequently recommended that “a more commons-based approach” to music be adopted through advertising or a subscription-based model “that incorporates social networking, virtual gift giving, and holding virtual parties. Such formats would be highly suitable to the Egyptian culture and practices of accessing music” (Rizk, 2010a, p. 128).

This case study comprised a collection of on-the-ground responses and evidence relating to music consumption patterns, and to the relevance and role of the current copyright regime in Egypt’s independent music industry, from multiple perspectives: the musicians, consumers and other stakeholders, such as venue owners and lawyers. The work also examined the “open development” paradigm (see Smith *et al.*, 2011) by addressing the question of how to create a valid environment that would empower peer production and collaboration rather than marginalise selected stakeholders via intellectual property (IP) exclusion tools. (See Chapter 9 of this volume for discussion of the dynamics of copyright in relation to openness-oriented approaches to scholarly works.) Given the need for music-sharing among alternative Egyptian musicians, a valid IP environment in the country will be one with accepted and workable IP laws that eliminates the need for copyright infringement. Alternative musicians (as opposed to mainstream commercial musicians) were chosen as research participants because their field serves as a laboratory for studying the limitations of, as well as alternatives to, current IP regimes.

### ***Music as a quasi-public good, and the access versus incentive tension***

Music, like other knowledge goods, evokes the question of the extent to which it can be considered a public good or a private one. A public good is typically non-rivalrous (one person’s use does not preclude another person’s utility) and non-excludable (no member of the public can be denied access). Because adding an extra user has no effect on the cost of producing a public good, universal access is usually socially desirable because excluding people means sacrificing public welfare unnecessarily. For public goods, the marginal cost of production (what it costs to produce one extra unit of the good) is zero. Therefore, the provision of a public good is unsustainable as a market practice; no private entity has an incentive to produce it.

Music is conceptually non-rivalrous; one person’s enjoyment of a song does not take away from another’s. However, the non-rivalrous nature of music becomes complex when we consider different forms of music. The most common forms of music today are digital, as downloaded and stored in a computer or another digital device, packaged in a tape or CD, or delivered via live performances. Digital music

is non-rivalrous and involves zero marginal cost of reproduction and distribution. On the other hand, packaged music makes music rivalrous, as the tape or CD is a private good by definition (Romer, 2002). Live performances by a particular musician also have an element of rivalry.<sup>2</sup> For concerts in closed halls with a limit on space, there are costs to expanding the size of the audience, and, for any concert, each additional person creates additional clean-up costs. In this way, a second cost adds to the marginal cost of expanding the audience size.

Given the rivalrous nature of some forms of music, it is clear that some forms can also be excludable, unlike a typical public good. Music can be technically excludable in the case of a record album that cannot be easily reproduced, or a digital file with technological protection measures (TPMs). Legal barriers in the form of IP rules that prohibit one musician from covering another musician's song, or that treat digital music-sharing as piracy, can also make music excludable. Physically, music can also be excludable in the case of a wall that blocks out members of the public who do not pay to see a live performance. Music can therefore be characterised as a *quasi*-public good, in the sense that it may be both non-rivalrous and possibly excludable at the same time. An additional user may not add to the marginal cost, yet excludability can be maintained by imposing a price (AmosWEB, 2013). It is possible to treat a *quasi*-public good as a purely private one by charging for access, but this is not economically efficient from the perspective of maximising social welfare. A trade-off emerges between maximising public welfare by expanding access and maximising private incentives by limiting access.

Egypt's music industry illustrates an access–incentive trade-off: music suppliers seek to maximise compensation through accruing monopoly rents via IP-based exclusion (incentive), whereas music consumers maximise their welfare by pursuing more access and sharing – using a variety of tools, including digital technologies (access). My previous research on Egypt's music industry found that in adapting to access–incentive tensions in the market and declining CD sales, the bulk of musicians' income comes from the live music scene, as opposed to copyrighted recordings. This live music scene, a type of social commons (coined “*de facto* commons” in my previous research), provides “a medium of bringing music creators and users together, without much need for the label, nor indeed copyright” (Rizk, 2010a, p. 127). According to Lemos (2007), social commons modalities

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2 Live music performance may be non-rivalrous, since one person's enjoyment does not take away from another's, except if one is placed in a spot where he/she is blocked by the person in front. Free-riding can still occur when, for example, people listen to outdoor concerts from neighbouring surroundings (Lange, 2009). For open-air concerts, adding a user may not add to the marginal cost. In general, the possibility of non-rivalry and excludability qualifies the live performance as a quasi-public good.

thrive in situations where technology precedes the law, allowing independent creative industries based on free sharing and dissemination to appear. I referred to the live music scene in Egypt as a *de facto* commons because it represents practices that have naturally originated through a bottom-up approach, without any planned action or deliberate decision from any organising agency (Rizk, 2010a, p. 128). Such social commons models based on bottom-up approaches may be suited to developing countries where intellectual property regimes are not fully developed (Lemos, 2007). In a world of *de facto* commons, there is a convergence between the interests of musicians and users, without much need for copyright protection.

This *de facto* commons operates in parallel to the legal mainstream and serves both consumers and musicians. It also upholds the *quasi*-public nature of music goods (i.e. non-rival consumption but possibly excludable consumption), which renders traditional pricing mechanisms and typical IP maximalist motives in the music industry ineffectual in catering for economic efficiency. In relation to sustainable development, social commons or *de facto* models crystallise the meaning of knowledge as a form of public good that needs to be shared and disseminated (Rizk, 2010a, p. 101). Additionally, in a gift culture that “rejoices in sharing and gives little attention to individuality”, the commons-based approach upholds the nature of music as a *quasi*-public good, whose value increases with the number of users (Rizk, 2010a, p. 126).

### ***The legal context***

Statutory protection of copyright in Egypt was introduced by the Copyright Law 354 of 1954, which was modified several times. In 2002 Egypt adopted a new law, the Egyptian Intellectual Property Rights Law 82 of 2002 (EIPRL, or “the Law”), which replaced the copyright statute and kept many of its provisions but expanded its scope by adding new ones, such as folklore protection. The Law generally protects all creative productions in the literary, scientific and musical domains, whatever their type or mode of expression. It provides protection for written works, oral works, paintings, sculpture, architecture, applied and plastic arts, theatre and musical pieces, photographs and cinematographic films, television and radio works, sketches, databases and computer software. Protection does not extend to mere ideas, procedures, systems, operational methods, concepts, discoveries and data. Protection does not cover information or ideas contained in a work; it only protects the original way in which information or ideas have been expressed. Protection for the author is automatic as soon as the original work is created in a fixed and tangible form of expression. While the Law requires publishers, printers and producers of works, sound recordings, performance recordings

and broadcast programmes to “jointly deposit one or more copies, not exceeding 10, of their works”, failure to deposit such copies “shall not affect the author’s rights and related rights provided for under this Law” (Art. 184).

For musical recordings, Articles 160–165 of the Law grant copyright protection “for 50 years from the recording date if owned by a company and for 50 years after the death of the author if owned by an individual”. Article 140.6 gives authors an exclusive right over musical works. Copyright violations are subject to fines ranging between LE 5,000<sup>3</sup> and LE 10,000 (approximately US\$ 900 and US\$ 1,800) per infringement and/or a minimum of one month imprisonment (Art. 181). Article 140(13) also protects derivative works and covers the “related rights” of performers such as musicians, actors, dancers, producers of phonograms (or sound recording such as CDs and cassettes) and broadcasting organisations. (See Appendix 8.1 for further review of the copyright provisions of the Law of 2002.) The Ministry of Culture is responsible for enforcing copyrights associated with music.

Alongside the Law’s IP rights provisions, alternative licensing has sparked interest in Egypt. Creative Commons and other alternative licences are the product of individual negotiations for specific rights between the licensor (copyright owner) and the licensee, resulting in standardised licences for re-use cases with no commercial compensation sought by the copyright owner. Creative Commons licences enable creators to decide which rights they reserve and which rights they waive so that users and other creators can share, use and build upon the original work. Instead of falling under a typical copyright protection umbrella of “all rights reserved”, alternative licences create an umbrella of “some rights reserved”, creating “a balance between the reality of the Internet and the reality of copyright laws” (Creative Commons, 2012).

In June 2007, Egypt signed a memorandum of understanding with Creative Commons to adopt the alternative licence in accordance with Egyptian law. The licence was first translated into Arabic, and this “unported” licence (i.e. not associated with any specific jurisdiction) was carefully reviewed to ensure compatibility with the Egyptian law, including IP law and civil law. The revised Arabic Creative Commons licences were made available for discussion online in January 2010. In January 2013, as the research described in this chapter was being completed, Egypt was transferring the Egyptian licence to HTML to be posted online (Essalmawi, 2013).

## ***IP law in practice***

As evidenced by the abundance of illegally copied cassette tapes and CDs available on the market, Egyptian IP law as it applies to music is hardly respected or

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3 LE stands for Egyptian pound.

enforced. There are no published local statistics on music piracy in Egypt; the only available figures are by the International Intellectual Property Alliance (IIPA), a coalition of associations representing US copyright-based industries. The IIPA reports that 75% of physical music (cassette and CD) distribution in Egypt consists of black market copies of a single original copy (IIPA, 2010). A popular form of illegal copying is the creation of “cocktails” – cassette and CD compilations of a variety of top hits sold on street kiosks downtown and elsewhere. These are part of an informal network of shops, street vendors and small-scale replication plants called “copy shops” that burn CDs on the spot (AmCham, 2005).

Mirroring the illegal music copying on Egyptian streets is an abundance of illegal access to music from the internet. Table 8.1 below offers an example of illegal download websites with the highest traffic in Egypt, which are among the top 75 websites most visited by Egyptians. These websites are easily accessible from home computers and PCs in internet cafés. The unlicensed software typically installed on computers in Egypt enables illegal downloading (AmCham, 2005). In 2008, the Egyptian music and record industry reported that illegal downloads represented 97% of all digital distribution of music in the country (IIPA, 2010, p. 177).

**Table 8.1: Popular websites for illegal music downloads in Egypt**

Alexa traffic rank *	Online music website
33	mazika2day.com
48	mawaly.com
60	melody4arab.com
75	Sm3na.com

\* Rank among top websites visited in Egypt, as compiled from Alexa.com (January 2013). Alexa is an online provider of global web metrics that offers site analysis based on keyword, category or country.

Source: Alexa.com (2013)

The evidence on illegal copying, street “cocktails” and illegal downloading demonstrates that a great deal of music consumption in Egypt falls outside the scope of IP laws. Against this background, this case study explored how the consumption and production of independent music in Egypt, operate in the midst of restrictive copyright instruments and the mutual need of both consumers and producers for

music sharing. This case study sought to bring the voices of central actors into the debate, namely, the consumers, musicians, producers and other stakeholders in the music industry. The study was the first to use field work to collect primary data on a large scale in Egypt on this topic, and it tapped into the perceptions behind music consumption habits and the thrust behind producing music outside the scope of the mainstream.

## 2. Research objectives and questions

*How can independent music be nurtured and sustained within frameworks and models that reward creativity and enable knowledge-sharing, in a way that reflects the current practices of music consumption and production in Egypt?* To answer this research question, field work was carried out to explore the prevailing perceptions of copyright and the practices of consumption and delivery of independent music. The research looked into the extent to which awareness of copyright and its breach intersects with trends in music delivery and consumption. It also looked at the gap in copyright awareness between physical and digital goods, whereby the notion of materiality directly correlates with the relevance of copyright. (This has its effect on the understanding of how products that are available online can be consumed and how the musicians behind them should be remunerated.) Accordingly, the study tapped into propositions on models that would legalise, accommodate and refine existing grassroots mechanisms for music production and sharing. The research also explored the possibility of creating a “*quasi-commons*” in which collaborators could be compensated for creativity and simultaneously satisfy the public interest in unhindered music-sharing. Specifically, the questions in the research included, but were not limited to:

- What are the prevalent trends of music consumption among users?
- What are the existing perceptions of copyright among users and producers?
- What types of reward are musicians seeking? Are they content with using their music as a channel for voicing opinion, or would they want to reap a monetary benefit as well, and, if so, how would that be possible?
- Which channels of remuneration do musicians prefer? Which ones do consumers prefer?
- How might it be possible to capitalise on the *quasi*-public, non-rival nature of music and yet create value that provides incentives to production?
- Which business models would be most suitable to empowering authors in the industry, bearing in mind socio-cultural factors?

The findings of this case study should prove valuable to policy-makers, as, in essence, the study addresses the core controversy inherent in any



knowledge-embedded good: how can modern business models adapt to derive value from sharing and collaboration rather than resorting to maximalist IP tactics? If such models are to be developed, they will ultimately empower collaborators in the creative industry and encourage knowledge-sharing, thereby acting as a catalyst for invention, knowledge production and open development.

### 3. Methodology and design

The sample for this study consisted of a cross-section of 600 consumers of alternative music in Cairo and 38 individuals involved in the music industry (coming from creative, production, distribution and policy-making perspectives).<sup>4</sup> These included 24 independent musicians, five owners/managers of performance outlets, three owners/managers of digital platforms, two owners/managers from cultural centres, one policy-maker, one union lawyer, one producer and one copyright expert. (See Appendix 8.2 for a complete list of interviewees). A structured survey was deemed appropriate for the consumer group, whereas in-depth semi-structured interviews were utilised for the music industry sample. The survey allowed a larger number of consumers to be sampled in a cost-effective way, and the types of answers sought were straightforward enough to warrant beforehand-coding and very few open-ended questions. On the other hand, given that much less was known beforehand about the music industry and its operations – i.e. about the generation of musicians that constitutes the alternative music scene, their business models and the problems and successes they encounter – interviews were necessary so as to elicit more detailed information.

The consumer survey was carried out in Cairo – by a research team based at the Access to Knowledge for Development Center (A2K4D) at The American University in Cairo (AUC) – between March and April 2012. The survey followed a targeted stratified methodology. Appendix 8.3 provides the list of all institutions and venues targeted for the purposes of this study. These venues represent a cross-section of the most important institutional players on the Cairene alternative art scene. The researchers carried out the surveys at these alternative music outlets and performance and art spaces because the interested customer population was

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4 The initial research plan included interviewing 60 individuals from the music industry, but, due to several constraints, that target was unattainable. One limitation in this study was the difficulty in contacting the originally desired number of musicians. This limitation should be taken into consideration in interpreting the numerical results of the musicians. This is, to some extent, compensated for by the anecdotes provided by musicians, which are reflected in the analysis.

more concentrated at those venues than among the general population, and in consideration of the high rates of non-response that were likely to occur had a random, door-to-door methodology been adopted. The sample was stratified according to gender only, given that for alternative music-consuming populations, older age groups might not be available. In absolute terms, a larger percentage of interviews was obtained from Sakiat al-Sawy (Al Sawy Cultural Wheel)<sup>5</sup> compared with other outlets, understandable given that venue's large capacity, diversity of audience and attendance rates. However, relative to their size, capacity and attendance rates, institutions were all fairly represented in the final sample of 600 respondents. (See Appendix 8.4 for more details on the consumer survey sample.)

For the semi-structured in-depth industry interviews, individuals involved in the alternative music and art industries were chosen according to criteria associated with their specific roles in the music industry. Musicians were chosen according to their visibility on the alternative music scene, as measured by their YouTube video click count or by their concert presence at the more frequented alternative venues. In this sense, the sample was also slightly stratified to include musicians whose music had "gone viral" and also those who were relatively well-known but had not broken through as yet. The policy-maker interviewed was selected according to his knowledge of the topic at hand.

## 4. Findings

### ***Participants' knowledge of IP and perceptions of its relevance***

The survey and interview results revealed a lack of relevance – from the perspective of consumers, musicians and other stakeholders – of copyright in relation to the Egyptian alternative music scene. This comes from their answers regarding three topics: (1) knowledge of the law; (2) obstacles hindering their creativity; and (3) incentives to comply with the law.

First, the lack of knowledge of the Egyptian copyright law by consumers and musicians pointed to the limited relevance of copyright in the independent music industry. While 71% of music consumers surveyed knew the general meaning of copyright and IP, only 26% of the total sample was familiar with the content of Egyptian copyright law. All of the musicians interviewed confessed they knew

5 Al Sawy Cultural Wheel was built on the site of a garbage dump under a flyover by the Nile. The centre transformed the role of the middleman in the music industry by "removing the concept of CVs", according to centre founder/director Mohamed Al Sawy (cited in Rizk, 2010a).

very little or nothing about copyright law in Egypt.<sup>6</sup> Additionally, the majority of musicians felt that the copyright regime was irrelevant to the art industry at large and to their own work. Only two out of 24 musicians thought copyright reform mattered, and stated it would only be effective if it shifted the balance of power away from production companies in favour of musicians. Hosam Loutfi, member of the Law Committee in the Supreme Council of Culture (and an IP lawyer), shed light on the lack of awareness of copyright in Egypt. He pointed out that independent musicians do not seek out the options available to them, and thus are not aware of how they could benefit from copyright (Loutfi, 2012). This perspective also explains the process by which copyright may have been rendered irrelevant in the minds of musicians.

Second, the musicians' perception of the lack of relevance of copyright could be deduced from their answers to questions on the obstacles hindering music and creativity in Egypt. None of the musicians cited the copyright regime as a main obstacle. Instead, they cited the role of production companies, media and government bureaucracy as the main obstacles. Furthermore, responses from other stakeholders also did not place importance on copyright. Dr. Ahmed El Maghraby, owner of Makan art outlet,<sup>7</sup> felt that, despite the existence of copyright in Egypt, the main obstacle facing musicians is the corrupt judicial process and court system, which hinder any protection that copyright could otherwise give to musicians (El Maghraby, 2012). Ahmed Mohamed, Partner and General Manager of Studio Vibe, mentioned the music syndicate laws as a major hindrance, since their requirements are too restrictive for young independent musicians. To illustrate this, Mohamed spoke of how requirements seek to compel musicians to be members of the syndicate in order to perform when, in fact, nowadays some young musicians have not reached the required membership age (Mohamed, 2012).

Third, copyright's lack of relevance is compounded by its absence as an incentive to musicians. Two main perspectives were voiced regarding copyright's apparent failure to incentivise. One view was that the legal coercion associated with enforcing copyright is a hindrance to musicians. Among the respondents voicing this view was Tarek Metwalli, founder of Who's Jammin?,<sup>8</sup> a digital platform composed of a worldwide private social network of musicians categorised by city and instrument. Metwalli spoke of copyright as a major obstacle in building a relationship between musicians and their consumer base. From his perspective,

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6 Despite the musicians' little knowledge of the EIPRL, two musicians had heard of Creative Commons, and three felt that Creative Commons licensing would bring improvement to the Egyptian music landscape.

7 Makan is an art outlet in Cairo oriented towards cultural and heritage preservation/awareness.

8 A list of services provided by Who's Jammin? can be found at Who's Jammin? (n.d.).

copyrights promote a relationship of violent coercion, whereby the court system is involved and fines are imposed, rather than promoting a relationship of ethical consumption, whereby consumers want to do the right thing to support good art. Furthermore, Metwalli felt that copyright simply protected the rights of the industry and not that of the musicians (Metwalli, 2012). Another view was that the lack of enforcement of copyright laws deters musicians from pursuing a legal course of action in relation to copyright. When musicians were asked, “How would you feel about changes in copyright policies?” half of them said copyright did not matter because the law was a luxury irrelevant to most people’s lives and it was impossible to get one’s rights enforced in Egyptian courts. Makan art outlet owner El Maghraby also voiced this view, alluding to the corrupt judicial process and court system in Egypt (El Maghraby, 2012). Thus, in the perceived absence of incentives to comply with copyright, it becomes understandable why musicians see copyright as irrelevant.

### ***Knowledge of the notion of a “digital commons”***

In the next set of questions, consumers and musicians were asked about their perception of the notion of a “digital commons”. The following is from the definition adopted for this research study:

The digital commons comprises informational resources created and shared within voluntary communities of varying size and interests. These resources are typically held *de facto* as communal, rather than private or public (i.e. state) property. Management of the resource is characteristically oriented towards use within the community, rather than exchange in the market. As a result, separation between producers and consumers is minimal in the digital commons. (Stalder, 2010)

The sustainability of a digital commons model depends on its source of revenue. In the music context, revenue is commonly generated through advertising, sponsorships and subscription fees, which may include user payments in varying forms: direct payment in case of subscription, or a versioned user model with differential pricing possibly complementing advertising and/or sponsorships. Meetphool<sup>9</sup> is an existing digital platform based on sponsorship that seeks to develop a future model of user payment. Meetphool was established via a grant by the EU awarded in 2009 (Delegation of the EU to Egypt, 2011). Nada Thabet, Meetphool Concept and Technical Manager, explained that one element of the project is an effort to devise models for revenue generation in order to ensure sustainability (Thabet,

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9 Meetphool is a platform that specialises in building a network for the performing arts, including music, with a regional focus seeking to bridge the Mediterranean and connect North African and European artists (Meetphool, 2012).

2012). Who's Jammin? founder Metwalli stated that his service's main source of revenue was studio bookings, and he hoped he would not have to resort to placing advertisements on the Who's Jammin? website. Metwalli added that Who's Jammin? will, however, eventually levy a subscription fee for non-musicians to get access to the music uploaded by member musicians on the digital platform (Metwalli, 2012).

Despite the existence of digital platform initiatives in Egypt, there was low familiarity with the notion of a digital commons among the surveyed sample. Initially, none of the consumers or musicians appeared to be familiar with the term. Once the concept was explained to them, just over one fifth of consumers and more than half of the musicians said they were familiar with the notion.

Half the musicians said they did not want to develop a digital commons model, partly because people do not buy music online and partly because they did not believe it could survive in Egypt. Of the total sample of music consumers, 96% said they downloaded music online, yet only 1% said they paid for it. The musicians dismissed alternative licensing and digital commons as irrelevant models for the improvement of the Egyptian independent music industry. Reasons included the lack of internet access and limited security for online payment, as well as the irrelevance of copyright as adequate legal protection. Meetphool interviewee Thabet also pointed to the problem of online payments in Egypt, stating that the country does not have a culture of online credit card use (Thabet, 2012).

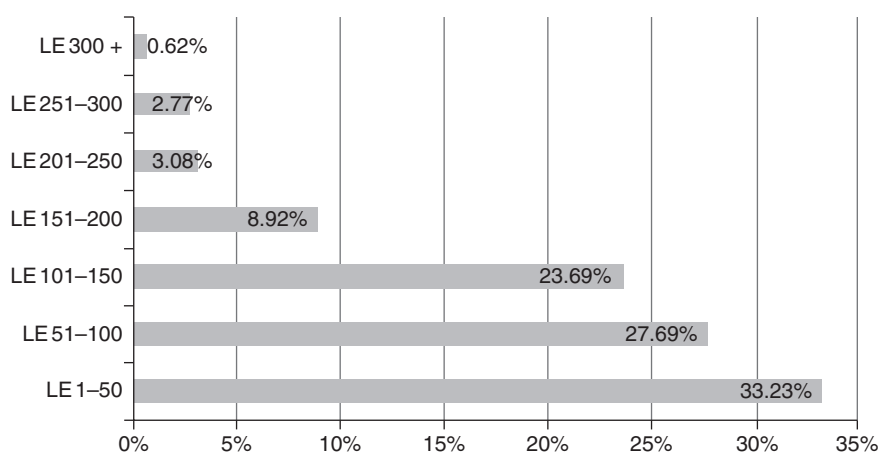
Nevertheless, two musicians were in favour of developing a digital commons model to foster collaboration among musicians, citing the potential networking benefits of such a platform. As well, these two musicians expressed the view that a common digital platform could resolve the moral aspect of copyright. Citing YouTube as an example of a technology that helps address the issue of copyright, they felt that uploading a song to a digital platform obviates the need for recourse to a notary public or even to courts, i.e. they viewed uploading a video or a recording to YouTube as guaranteeing proof of authorship, with proof of date, without the hassle of the registration process. In addition, uploading music to YouTube was commended by musicians because, in their opinion, it blurred the distinction between promotion and protection.

### ***Music consumption patterns***

Most consumers surveyed were aware that street CDs were illegally copied, but the consumers did not seem to be deterred by this knowledge. Specifically, 97% of the consumers surveyed were aware that cheap street CDs were pirated and 91% believed it was illegal to buy them on the street. The EIPRL does not contain a specific clause for buying illegally copied CDs and thus it is not considered illegal to

buy such copies.<sup>10</sup> More than three quarters of consumers surveyed believed that burning CDs was an illegal practice, but only 34% of all consumers were willing to pay more to purchase CDs that respected copyright.

**Per month, how much would you be willing to pay for the model you thought was most appropriate to reward artists?**



**Figure 8.1: Amount respondent willing to pay per month to musicians**

The survey asked consumers how much they would be willing to pay per month to reward musicians, regardless of the format of music delivery (Figure 8.1). While one third of the consumer sample was willing to pay between LE 1 and LE 50 (about US\$ 0.17–0.18) per month to reward musicians, roughly one quarter of the sample was willing to pay between LE 51 and LE 100 (about US\$ 8–16) per month, and slightly more than a quarter was ready to pay between LE 101 and LE 150 (about US\$ 16–25). Together, this means that 85% of consumers were willing to pay some amount between LE 1 and LE 150 (US\$ 0.17–25) per month, while only 15% were willing to pay more than that (LE 151–300 [US\$ 25–50]).

Some questions were directed to the sub-group of consumers who use CDs or cassettes to listen to music (200 people, representing 33% of the sample). Of this sub-sample, 20% purchased illegally burned CDs and cassettes on the street at a cheaper rate, and 65% purchased them from stores with legal distribution

<sup>10</sup> According to Article 181 of the EIPRL, it is illegal to sell burned/copied CDs. However, making a single copy of a CD for exclusive personal use is legal (Art. 171.2), provided that this copy shall not hamper the normal exploitation of the work nor cause undue prejudice to the legitimate interests of the copyright-holder.

rights. When asked about the reasons behind their consumption patterns, only 14% mentioned a respect for IP rights, as opposed to 86% who mentioned better quality as their primary reason.

In the sample of consumers, 33% (200 individuals) listened to CDs and cassettes that they purchased either in stores or on the streets. Consumers demonstrated a distinction in attitudes with respect to digital music. The prevailing view among the majority of consumers was that music available online is free and legally available for all. Consumption patterns reflected this view. Of the total sample of music consumers, 96% said they download music online, yet only 1% said they pay for it. Slightly more than 80% of respondents said they do not pay for the music they download due to the availability of free download sites. Another 14% held the view that websites and music available online are “free” (a misconception which reveals the lack of knowledge of online IP requirements and payment rules). The lack of knowledge of IP and payment rules suggests that there may be a widely held view that all virtual music products are implicitly free of charge by virtue of their online, unrestricted (in practical terms) accessibility.

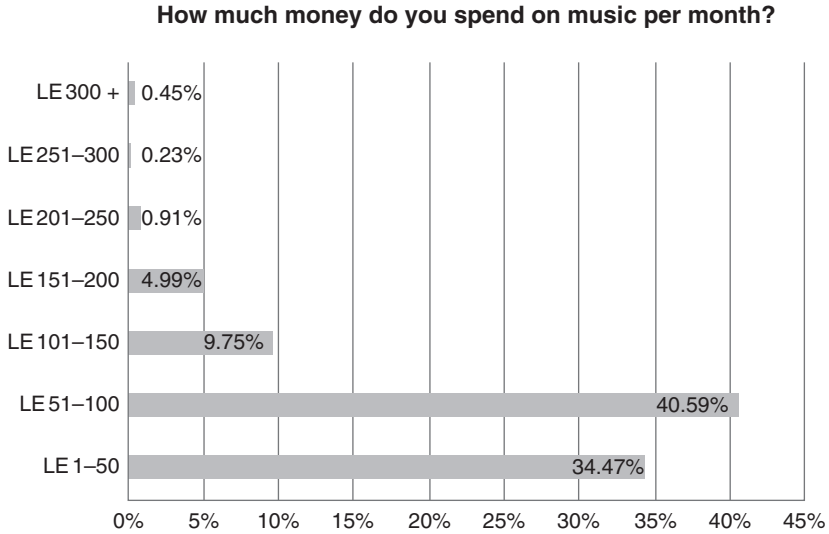
Interviews with the independent musicians revealed a similar trend, whereby online digital music is perceived as “free”. Streaming, in particular, was viewed by several musicians as a free-of-charge form of music. More than one musician noted, as obstacles for charging for digital downloads, the technical difficulties of tracking digital downloads and administering online payments in Egypt. Thus, while the concern for copyright and IP was found to be generally low among the sample of consumers and musicians, it was particularly low in respect of online digital music products. Music consumers and musicians both shared the view that virtual, online products are for free-of-charge use.

### ***Remuneration, musicians’ incentives and business models***

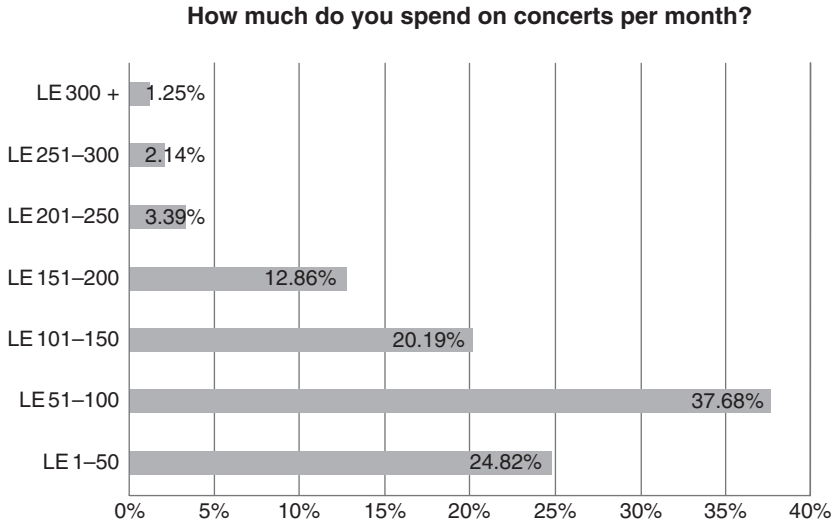
The next set of questions explored the views of consumers and musicians regarding musicians’ remuneration, incentives and business models. Out of the sample of consumers, 91% said they pay for music and 34% of the sample said they spend up to LE 50 (about US\$ 8) on music per month (Figure 8.2). In comparison to spending money on CDs/cassettes or online music, consumers spend more money on concert-going. Almost 39% of consumers surveyed said they spend up to LE 100 (about US\$ 16) on concerts per month (Figure 8.3).

On average, a respondent in the sample would spend LE 96 (about US\$ 15) per month on concert-going, whereas the average respondent would spend a mere LE 14 (about US\$ 2) per month on purchasing CDs/cassettes (and, in rare cases, online downloads), in other words approximately seven times less than on concert-going. And, as was mentioned above, although 96% of the sample reported

downloading music online, only 1% of them reported paying for it, suggesting that the overwhelming majority of the “downloaders”, 99%, download music free. Money spent on concerts, therefore, represents a disproportionately much larger



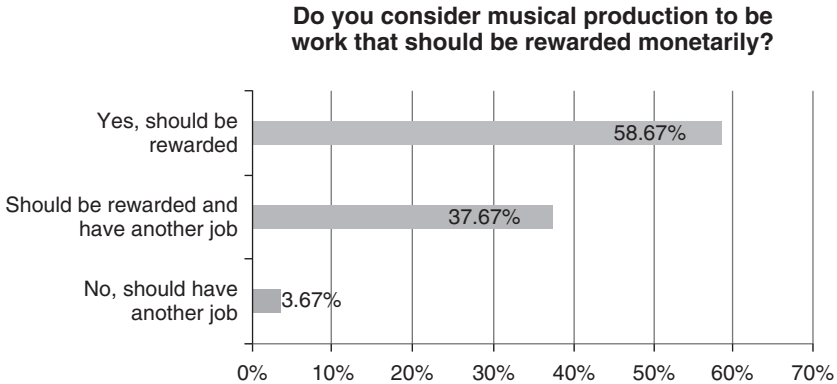
**Figure 8.2: Money spent on music per month**



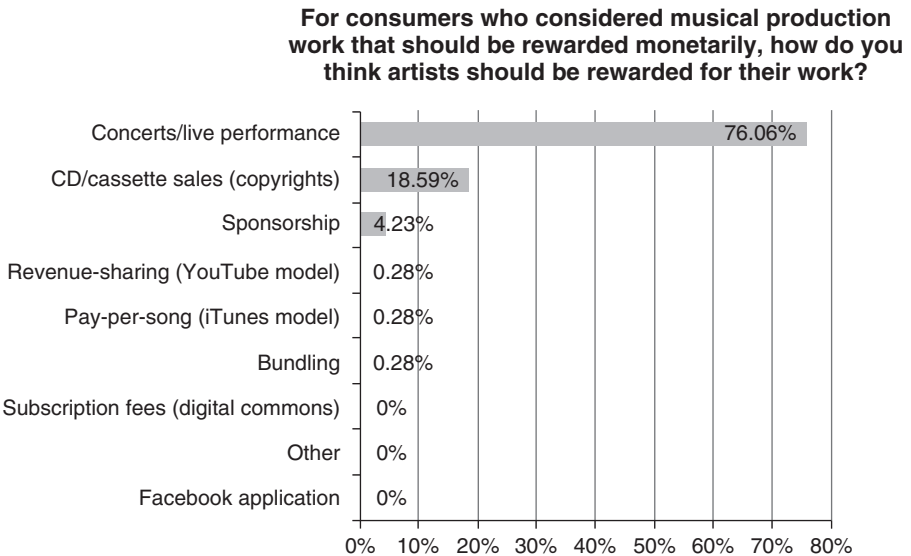
**Figure 8.3: Money spent on concerts per month**



sum than money spent on physical or online music goods. Confirming this trend, concerts and live performances were identified as the best medium of reward for musicians' work, with 59% of consumers sampled stating that they believe music creation is a real job that should be rewarded monetarily, and of that 59%, 76% saying that such work should be rewarded monetarily via paid attendance at concerts and performances (see Figures 8.4 and 8.5).



**Figure 8.4: Monetary reward for production?**



**Figure 8.5: Method of monetary reward**

Preference for the live scene as the main venue for music delivery was echoed by the musicians. One third of the musicians interviewed (8 out of 24) said they believe that, ideally, musicians should be remunerated for live performances, while half of them (12 out of 24) chose live performances as the first revenue source for themselves. Additionally, half the musicians (12 out of 24) said they get at least 50% of their music income from live performances, and 14 of them said they do not get any music income from copyright-protected recorded material. An exception is George Kazazian, a famous veteran star in the independent scene, who said copyrighted material represented a small amount of music income for him (Kazazian, 2012). For nearly half the musicians (10 out of 24), music is not their main source of income; they make most of their money from other occupations.

Other income for the musicians surveyed mostly comes from composing short jingles for advertisements, or from composing music for famous mainstream musicians. Rather than expecting to generate income from producing an album, a great majority of musicians who had recorded an album said they invested in its production with no hope of getting any direct return from it, demonstrating the fact that album production is viewed as a promotional exercise. Although 11 of the 24 musicians said they had produced one or more CDs, only one had actually signed with a label. Nine of the interviewed musicians agreed they would want to sign if offered the chance, but only if the conditions suited their tastes. They said they were concerned about “selling their souls” to production companies or labels.

For the majority of the alternative musicians surveyed, the importance of performances was said to be not merely an adaptation to the business realities of the contemporary independent music scene in Egypt, but also a lifestyle and ideological choice. This choice was reflected in the musicians’ notable self-distancing from the notion of business models or the commercialisation of music practice. While 15 out of the sample of 24 musicians said they receive some income from music, the musicians were found to be uncomfortable when sharing their views about business models. They showed a lack of interest in making money, and were mostly interested in surviving by doing something they were passionate about. When asked, “What is your main incentive for producing music?” none of the independent musicians answered, “To make money”. In fact, 16 of the respondents said they do not expect to make much money out of their music.

Many of the musicians surveyed voiced anti-commercialisation notions, perhaps as a reaction to the financially driven mainstream production universe. Almost half the musicians interviewed (10 of 24) highlighted that they would prefer to focus on their music as self-expression, rather than as a response to market demands. They said they did not want to commercialise themselves and preferred to continue

creating their music to send their message. Three musicians emphasised the secondary importance of money and their willingness to struggle financially for their musical passion.<sup>11</sup>

In terms of the musicians' business model, more than half (13 of 24) the independent musicians interviewed said they had no business plan at all when they started, and that they still saw themselves as operating without a business plan. During the interviews, some musicians became annoyed or smiled at the mention of business terms, thus demonstrating their anti-commercial inclinations (as noted earlier). In the most extreme cases, the musicians argued against having business plans or considering financial success in order to progress in the field of art. The trend that emerged was that independent musicians accumulate and save money from multiple sources, mostly live performance or non-music-related work, to invest into the production of a recorded album, which is mostly seen as a tool of self-promotion, akin to a rite of passage rather than an important element of survival.

When asked whether they minded if their music is shared free, nine musicians answered that they did not, mostly because they said they see CDs as just a promotional tool and that the more people who listen, the better it is for them. This sentiment was present despite the fact that the musicians who said they do not mind their music being shared free tend to know that this sharing is illegal. Ten musicians agreed that art should be a public good, explaining that access to cultural production should be a human right.

However, despite the musicians' non-monetary and anti-commercial inclinations, some responses revealed propositions to make Egypt's independent music industry more economically viable. Fairuz Karawia, an independent musician, proposed an alternative remuneration model that would use mainstream IP for collaborative production of albums and collective licensing. This, according to Karawia, could be aided by consumers paying for material music goods such as CDs and cassettes. The proposed remuneration model was in line with Karawia's view that musicians should collaborate and devise business models to suit their own needs rather than complain about production companies (Karawia, 2012). Meanwhile, Emad Mubarak, the copyright lawyer interviewed, said he favoured

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11 These statements echo those made by interviewees in my earlier research on Egypt's music industry. Moreover, in a National Public Radio (NPR) interview in 2008, independent Egyptian group Black Thema stated that it was not easy for the band to operate and they were working as musicians for almost no monetisation, because they refused to be part of the commercial music industry. The band said its music covered mundane Cairo life scenes so that it could provide "very real street-level views of Egypt", while focusing on raising the profile of a part of Egypt – Nubia – mostly ignored by popular music and musicians.

the notion of a sharing-based public licence coupled with ethical consumption, whereby consumers would pay symbolic prices for CDs and other artistic products subsidised by the state (Mubarak, 2012).

## 5. Conclusions

This study was an attempt to tap into the universe of independent music consumption and production in Egypt. Field questions focused on exploring the prevailing perceptions on matters of copyright, musician remuneration and consumption and delivery practices. The study found that the lack of awareness and the breach of copyright intersect with practices of music delivery and consumption. Moreover, there is a gap in copyright awareness with reference to physical goods versus virtual goods: respect for copyright is directly correlated with the physicality of the music product. This gap in copyright awareness is reflected in consumption and expenditure patterns by consumers and will need to be taken into consideration in proposing any model that would seek to legalise, accommodate and refine existing grassroots mechanisms for music production and sharing.

Through canvassing the prevalent trends in music consumption, it was found that Egyptian consumers do pay for music, albeit modestly. The majority of money spent on music goes towards attending concerts and barely any is spent on CDs or cassettes. Moreover, consumers who buy illegally copied street CDs and cassettes are not deterred by the counterfeit character of the goods. At the same time, online downloads are overwhelmingly done without any payment.

Consumers and musicians convey similar perceptions of copyright. While the majority of consumers (71%) surveyed knew of the general concept of copyright, only a minority were aware of the Egyptian law. All the musicians surveyed admitted to knowing very little about copyright, deeming it irrelevant to their practices. From the musicians' perspective, IP law is totally removed from people's lives and hence knowledge of it would not serve any end. Some musicians find the courts' approach to enforcing IP rights inadequate, thus rendering the IP regime even more irrelevant to them. Copyright law was not cited by any of the musicians as an obstacle to music production, and only a few of the non-musician stakeholders said that it was an obstacle. There thus appears to be a parallel and non-intersecting universe for independent Egyptian music alongside that of the mainstream universe of commercial production: a parallel independent music reality in which notions of copyright, cost and financial remuneration are of much less concern (than in the commercial dispensation) to both musicians and consumers.

An unexpected finding was the difference in perceptions (among both consumers and musicians) regarding physical versus virtual music. Most

consumers surveyed said they felt that online music, unlike CDs or cassettes, was free from the legalities of economic rights (e.g. copyrights), given its immateriality. This view was shared by the independent musicians surveyed, for whom online platforms are primarily a vehicle not for monetary gain but rather exposure, promotion and sharing.

Despite its seeming potential, few respondents knew about the concept of a digital commons, and several musicians cast doubt on the feasibility of the concept for independent music in the Egyptian context. This lack of feasibility was, to a large extent, attributed by the musicians to the requirement that consumers would have to pay (directly or indirectly) for digital music in such a commons arrangement, a modality which musicians saw as running contrary to consumer expectation (as confirmed by the findings of this research) that online music is free of charge. Other potential structural impediments to a digital commons were, according to respondents, the lack of an e-commerce culture in Egypt and the overall low internet penetration.

In this author's analysis, however, the current reticence towards the idea of a digital commons for Egyptian independent music should not necessarily limit the possibility of promoting the concept. A digital commons platform could, in my view, resolve the moral element of copyright as it resonates with the spirit of EIPRL (which renders copyright protection for the artist automatically [see Appendix 8.1]). According to the EIPRL, moral rights are independent of economic rights and remain with the authors even after they transfer their economic rights (art. 143). The author of a work "cannot assign, waive, transfer or sell their moral rights", even if the owner of the economic rights is a different individual (Awad *et. al.*, 2010, p. 30). In addition, digital platforms could, for instance, allow for a "freemium" model (a mix of free and paid-for offerings) whereby free online music is bundled with forms of paid-for content and goods such as concert tickets (paid-for goods which clearly align with the musicians' ideologies towards their music and with the consumption patterns and economic preferences of consumers).

Egypt's independent musicians produce music for reasons other than monetary benefits. For most of the musicians surveyed, music is primarily a means of self-expression and voicing opinion. A few musicians surveyed did, however, note the importance of financial reward, albeit as a secondary motivation. Musicians could, in my analysis, reap an enhanced monetary benefit if they were to collaborate in the adoption of a business model that capitalised on the capacity of digital platforms to freely disseminate their artistic voice, promote their music and enable innovative means of remuneration.

Compensation for live performances was identified as the preferred channel of remuneration by both the musician and consumer sub-samples of the survey

sample. Consumers spend as much as seven times more money on concert-going as they do on CDs/cassettes (and, extremely rarely, online music). A hybrid offering of live performances, CDs/cassettes and online music could represent a workable balance between public access and producers' returns. The sustainability of this balance would likely depend on factors such as the presence of spaces to host live performances, the adoption of alternative physical outputs of production (away from the expensive recording companies) for which consumers are willing to pay, and, finally, investment in more awareness about the promises and possibilities of a digital commons. One viable business model for Egypt's independent music scene could be based on a free digital commons licensed under an alternative licensing framework such as a Creative Commons.<sup>12</sup> Such a model could offer the option of direct purchase to support the idea of ethical consumption, and/or remuneration to musicians for their live performances (in alignment with the musicians' ideological stance of self-distancing from commercialised music practice).

Opening up an independent music digital commons is, in my analysis, realistic in Egypt, given the prevalent consumption patterns and the prevalent perceptions towards copyright and online payment modalities. Bundling free digital commons content with paid access to live performance (and optional contribution to the band and purchase of a physical CD or both) could be one way to capitalise on the nature of music as a *quasi*-public good (and also an "experience good" in a culture that thrives on social interaction). Business models that follow a *quasi*-commons approach to Egyptian independent music could offer an alternative, whereby collaborators could be compensated for creativity and could simultaneously satisfy the public interest in unhindered music-sharing. Such models could constitute one way of easing the tensions (between access and incentive) that have emerged with the expansion of free online music, while at the same time expanding user access and, through complementary means, generating musician remuneration.

Fine-tuning the appropriate business models as such would approach the "open development" paradigm. It would create a valid environment to empower music producers, promote collaboration and expand access, through an inclusive rather than exclusive IP paradigm. This would entail more sharing among musicians and, ideally, eliminate the need for copyright infringement.

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12 There have been recent efforts (as mentioned above) to adapt Creative Commons licensing to the Egyptian context, as well as holding an event in December 2012 to promote the licence to artists in particular (Essalmawi, 2013).

## **Appendix 8.1: Review of Egyptian copyright provisions (in the EIPRL of 2002)<sup>13</sup>**

### **1. Conditions of protection**

Egypt's IP Law, the EIPRL of 2002, does not require any formalities for copyright protection. An author does not need to officially register, or apply, for copyright protection. Copyright protection exists as soon as an original work is created in a fixed and tangible form of expression.

In certain instances, however, keeping a private register of works *is* required by law. Article 187, for instance, provides as follows:

Any establishment that puts in circulation works, recorded performances, sound recordings or broadcast programmes through sale, rent, loan or licensing, shall be required to:

- (1) Obtain a license from the competent minister against payment of a fee prescribed by the Regulations, not exceeding 1,000 pounds;
- (2) Maintain registers in which data and circulation year relating to each work, sound recording or broadcast programme are recorded [...].

Moreover, Article 149 of the Law, dealing with the right to transfer economic rights, requires any such transfer to be “certified in writing and contain an explicit and detailed indication of each right to be transferred with the extent and purpose of transfer and the duration and place of exploitation”. Article 185 then goes on to require every competent ministry to establish a register in which any act of disposal relating to works, performances, sound recordings and broadcast programmes shall be recorded (Art. 185).

### **2. Core rights**

Egypt is a civil law country and both moral rights and economic rights are protected. Economic rights allow authors to extract economic value from the utilisation of their works and moral rights allow authors to claim authorship and protect their integrity.

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<sup>13</sup> This Appendix was written by Bassem Awad, an IP specialist affiliated to A2K4D (where the author is Director) at The American University in Cairo (AUC). In addition to contributing this Appendix on Egyptian copyright provisions, Awad co-authored Chapter 12 of this book, on biofuel innovation and patenting in Egypt.

**Moral rights** include the right to make the work available to the public for the first time; the right to claim authorship; and the right to object to any distortion, mutilation or other modification of the author's work that might be prejudicial to his/her honour or reputation (Art. 143). These rights are independent of economic rights and remain with the author (and his/her successors) in perpetuity, even if he/she transfers his/her economic rights. Creators cannot assign, waive, transfer or sell their moral rights.

**Economic rights** cover any form of work exploitation. They provide the copyright-owner with an exclusive monopoly to do – and to authorise others to do – the following in relation to the copyright-owner's work: reproduce in various forms, adapt, translate, distribute, rent, lend, perform publicly, broadcast, communicate to the public and/or make available to the public (Art. 147).

In many countries, rights-holders in musical works have authorised so-called collective management organisations (CMOs) to license restaurants, retail outlets, broadcasting organisations and other users to perform/play/communicate their music. In Egypt, however, there is no CMO for copyright-holders. In countries with CMOs, the CMOs act on behalf of their members, negotiating rates and terms of use with users, issuing licences authorising uses and collecting and distributing royalties. The CMOs distribute the collected revenues, after the deduction of administration costs, to individual right-holders. There are typically various kinds of CMOs, depending on the category of works involved (e.g. music, dramatic works, multimedia productions).

### 3. Duration of protection

The Egyptian Law provides the standard term of copyright protection – 50 years – set out in international treaties. Copyrights are protected during the author, composer or lyricist's life and for 50 years after his/her death (Art. 160). The duration of protection of performer or producer "related rights" (also known as "neighbouring rights") is the same as that for the author/composer/lyricist rights: performers enjoy an exclusive right for the exploitation of their performances for a period of 50 years calculated from the date on which the performance/recording took place (Art. 166); and producers of sound recordings enjoy an exclusive economic right to exploit the recordings they produce for a period of 50 years calculated from the date on which the recording was made or made public, whichever comes first (Art. 167). Meanwhile, broadcasting organisations enjoy an exclusive right to exploit their programmes for a period of 20 years, calculated from the date on which the programme was first broadcast (Art. 168).



## 4. Administrative bodies

The following ministries and government authorities are responsible for enforcement of copyrights in Egypt:

Relevant government entity	Enforcement area
Ministry of Culture's Central Department for Audio-visual Censorship	Copyright and neighbouring rights for music, films and theatre performances; the Ministry of Culture does not enforce rights in literary works, databases and broadcasts
The Ministry of Information	Broadcasting rights
Ministry of Communications and Information Technology's Information Technology Industry Development Authority (ITIDA)	Software and databases
The Ministry of Trade	Counterfeits
The Cyber Investigation Unit of the Ministry of Interior Affairs	Internet copyright infringement

To promote stronger enforcement, Egypt in 1996 set up an IP unit within the police force, with the unit named the General Administration for the Prevention of Infringement of Intellectual Property Rights. In addition, teams of civil inspectors are authorised to remove infringing goods from the market, and an Economic Court was created in 2008 to handle several types of cases, including copyright disputes.

## Appendix 8.2: List of interviewees

<b>Digital platforms</b>	Tarek Metwalli	Founder ,Who's Jammin?
	Nada Thabet	Concept and Technical Manager, Meetphool
	Mohamed El Ayat	Producer and founder of Underground Music Federation (UMF)
<b>Outlets</b>	Ahmed El Maghraby	Founder/Director, Makan
	Ammar Dajjani	Owner, Cairo Jazz Club
	Moataz Nasr El Din	Director, Darb 1718
	Ahmed Mohamed	Partner and General Manager, Studio Vibe
	William Wells	Director, Townhouse Gallery and Rawabet Gallery
<b>Cultural institutes</b>	Azza El Hussein	Member of Organising Committee, El Fan Midan
	Mohamed Talaat	Project Coordinator, Jesuit Cultural Centre
<b>Policy-maker</b>	Hossam Loutfi	Member, Law Committee, Supreme Council of Culture (and IP lawyer)
<b>Union</b>	Emad Mubarak	Lawyer, Association for the Freedom of Thought and Expression (AFTE)
<b>Stakeholder</b>	Mohamed Khalifa	Producer, Bassem Youssef Show
<b>IP rights officer</b>	Hala Essalmawi	Principal Attorney and IP Rights Officer, Library of Alexandria

*Continued*

## Appendix 8.2: List of interviewees (*continued*)

<b>Independent musicians</b>	Youssef Atwan	Like Jelly
	Georges Kazazian	Solo
	Nadia Chanab	Solo
	Mohamed Hassan	Solo rap/hip-hop
	Fairuz Karawia	Solo
	Moe (Mohamed El Arkani)	Percussion Show
	Hani Mustafa	HanyMust
	Hazem Shahin	Eskenderella
	Khaled Gabri	Ashara Gharby
	Ibrahim	Asphalt Band
	Gad	Asphalt Band
	Ahmed Mostafa	City Band
	Noor Ayman	Simplexity and Zabaleen Band
	Aya Metwalli	Solo and Mashrou3 Chorale
	Tarek El Borolossy	Digla
	Omar El Deeb	Simplexity
	Ousso (Mohamed Lotfy)	Eftekesat and Nagham Masry
	Ragui Akram	Karma Band
	Cherine Amr	Mascara Band
	Mado (Mohamed Adel Aal)	Taxi band
	Jimmy (Mohamed El Gohary)	Salalem
	Neobyrd	Solo DJ
	Aly B (Aly Bahgat)	Solo DJ
	Salam Yousry	Mashrou3 Chorale

## Appendix 8.3: List of alternative art outlets in Cairo, as at May 2012

1) Cairo Opera House	El Borg Gezira, 11567, Cairo – Tel 0227390132
2) Darb 1718	Kast El Sham3 Street Al Fakhareen, Old Cairo, Cairo – Tel 0223610511
3) El Sawy (Culture Wheel)	End of 26th of July Street, Zamalek, Cairo- Tel 02 27368881, 2736 6178 – Email: info@culturewheel.com – Co-founder: Abdel Moneim El Sawy
4) Makan	1, Saad Zaghloul St, El Dawaween, Cairo – Tel 27920878, Dr Ahmad El Maghraby, Admin Secretary Dina Mohamed Said
5) Townhouse Gallery	Hussein El Me'amar Pasha St, off Mahmoud Basyouni St, Downtown Cairo – Tel 25768086 – Email: info@thetownhousegallery.com – Director: William Wells
6) Rawabet Theatre	3 Hussien El Me'amar St, ext. of Mahmoud Bassiouny St, from Talaat Harb – Tel 01275070727
7) El Gueinena Theatre / Beit El Harawi	Al Azhar Park, Salah Salem Street, Cairo – Tel 202 25103868 – 25107338 – Email info@alazharpark.com
8) After Eight	6, Kasr El Nil St, Downtown, Cairo – Tel 0103398000
9) Bikya	23, Dr Zaki Hassan St, off El Nasr Street, Nasr City, Cairo – Tel 224046688 – Email info@bikyabookcafe.com
10) Cairo Jazz Club	197, 26 of July Street, Sphinx Square, Agouza, Cairo – Tel 02 33459939 – Care of Mariam

## Appendix 8.4: Consumer survey sample diagnostics

A problem encountered regarding the sample stratification was the gender balance. Although instructions were given to the research team in charge of the questionnaires, they were unable to respect a 50/50 gender balance due to the disproportionate number of men attending cultural events relative to women. The final gender distribution was 75/25 in favour of men, or 446 men and 154 women. Researchers reported, *ex post*, that the majority of women present at the venues were not particularly interested in music, and were simply there with their male partners/boyfriends or accompanying some friend/relative as a favour (encouraged by gender attendance policies which give preferential treatment [entry] to couples over young men).

In terms of age, the sample was, on average, younger than an average random sample of the population, as expected of alternative cultural outlets. Seventy per cent of the sample was aged 24 or younger, and 90% of respondents were 29 or younger. No respondents older than 44 were interviewed. Unsurprisingly, the majority of the respondents in the sample were students (62%). The fact that approximately 30% of the rest were employed by the private sector or in the liberal professions (e.g. lawyers, doctors, engineers) suggested a significantly more affluent segment of the population relative to the Egyptian average. This interpretation is further supported by the educational attainments of the sample: 83.5% of respondents had either already obtained or were in the process of obtaining a university degree. For only 10% of the sample was high school the highest educational attainment, and only 2.3% had obtained a technical licence.

To complete the picture, all but one respondent had access to the internet. For the greatest majority of internet users, the principal internet access point was at home (76.7%), while 15% accessed the internet primarily via mobile phone and 6% primarily at their workplaces. This high educational, class and connectivity profile was also mirrored in the linguistic abilities of the sample: only one third of respondents were Arabic-only speakers, whereas the majority (57%) spoke both Arabic and English, and 9% spoke Arabic and another language.

One of the more telling characteristics of the sample – considering its relative wealth, connectivity and high educational achievements – was its rate of bank account ownership. Only 34% of respondents reported having a bank account, a figure not disproportionately higher than the average population. Further, only half of the bank account holders in the sample reported using online banking features, and only a third felt safe using credit instruments for online purchases (i.e. 5% of the total sample). These characteristics severely restrict the ability of the vast majority in the sample to make online purchases of artistic products, including legal music downloads.

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# Index

Please note: Page numbers in *italics* refer to figures, tables and appendices.

## A

- Academy of Sciences of South Africa (ASSAf) 289, 308
  - access and benefit-sharing (ABS) 15–16, 18, 151
    - Nagoya Protocol 153, 161–162
    - Regulations, South Africa 162
  - access to knowledge (A2K) 3, 17, 204, 285–286
  - Access to Knowledge for Development Center (A2K4D) 178
  - Adama University Research Policy, Ethiopia 325
  - Addis Ababa University (AAU) 323
    - Research Policy 325
  - Africa 4–5, 61
    - agricultural production 89
    - diversity of social constructs 377
    - net exporters of knowledge 18
    - recommendations to policy-makers 391–393
    - unemployment statistics 46
  - African Economic Research Consortium (AERC) 210
  - African Growth and Opportunity Act (AGOA) 114
  - African innovation and creativity
    - undermining 5, 7–8
    - undervaluing 5–7
  - African innovation policy priorities 20
  - African national patent regimes 242
  - African Regional Intellectual Property Organisation (ARIPO) 139–140, 237, 238, 239, 250–251, 256, 262, 381
  - African Science, Technology and Innovation Indicators (ASTII) 39
    - African Innovation Outlook* report 39
  - African Technology Policy Studies Network (ATPS) 210
  - African Union (AU) 344
  - African workforce 46
  - agricultural biotechnology 88
  - agricultural industries 133
  - agricultural producers 79
  - agricultural products 375
  - agricultural waste 272, 273
    - rice straw 273
  - Agro Eco-Louis Bolk Institute 88
  - Ajuda de Desenvolvimento de Povo para Pova (ADPP), People to People Development Aid, Mozambique 257
    - community biofuel project 256, 257, 258–259
    - NGO project 260
  - algae 272, 273
  - alternative art scene, Cairene 178–179
  - alternative markets for higher-value products 78
  - alternative music and art industries 179
  - alternative music-consuming populations 179
  - alternative publishing models
    - online subscription 204–205, 212
    - online OA self-archiving 205, 212
  - alternative trading organisations (ATOs) 86
  - alternative value chain 90–91
  - American University in Cairo, The (AUC) 178
  - Anne Nangunda Kukali v Mary A Ogola & Another*, Kenya, 215–216
  - anti-commons effect 337
  - Anti-Counterfeit Act, Kenya 140
  - Antigua coffee, Guatemala 97
  - apprenticeship
    - as means of learning 66–67
    - sector-specific 376
  - Aquaculture Research Centre (ARC), Egypt 273
  - Arab Academy for Science, Technology and Maritime Transport 373
  - Arabic Creative Commons licences 175
  - architecture for Kenyan scholarship
    - copyright communities 210
    - libraries and archives 209
    - professional research and publishing 210
    - publishers 209
    - scholarly consortia 210
    - universities 209
  - Argentina 306
  - artisans 67
    - and technology students 69
  - Association for Promoting Fairtrade in Finland 86
  - Australian patent office (IP Australia) 275–276
  - authorship 206–208
    - motivation for 219–221
    - and open scholarship 220–221
  - automobile parts 375
- ## B
- Bali meeting, UNFCCC 268
  - Banjul Protocol on Marks within the Framework of ARIPO 340
  - Bank of Industry (BoI), Nigeria, 116, 125

- Bayh-Dole Act, US 21, 288, 290, 337–338, 391
    - international emulation 320–321
  - B-BBEE Act, South Africa 293
  - Berlin Declaration on Open Access 298, 303, 308, 310
  - Berne Convention for the Protection of Literary and Artistic Works 214, 340
  - bio-cultural community protocols (BCPs) 153, 378, 388
  - Biodiversity Act, South Africa 159, 162
  - biofuels 15, 375
    - agricultural products 248
    - ethanol and biodiesel 248–249
    - exploitation 250
    - innovations 270, 383, 385
    - legislation 254
    - patent landscape, Mozambique 255–256
    - policy and strategy, Mozambique 249
    - production methods 273
    - technology in production 258, 382
    - technology patenting 20
  - biopiracy 152–153
  - bio-prospecting 162
  - biotechnology 11
  - Botswana 385
    - benefits of public research to economy and society 359, 362
    - framework for IP at institutions 348–353
    - importance of IP factors to
      - commercialisation 360
    - industrial property rights 341
    - institutional funding for research 365, 365
    - institutional IP environments 364
    - institutional IP policies 364
    - institutional IP policy on
      - commercialisation 352, 352–353
    - institutional IP policy on dissemination 350
    - institutional IP policy on knowledge
      - utilisation 351
    - institutional roles 362–363, 363
    - IPA and PRO ownership of results 350
    - IP and research practices necessary for value 361
    - IP and STI environment 340–342
    - IP and University of Botswana (UB) 342–343
    - IP expertise and activity 344–345
    - IP law and policy 338, 353, 354–355
    - IP management infrastructure 363
    - IP methods used 359
    - IP for protection of research output 345–346, 347
    - knowledge of how to use IP 347
    - knowledge of institutional IP policies 349, 353
    - levels of research activity 356–357
    - ministerial powers and parastatal institutions 343–344
    - Ministry of Trade and Industry 339, 343
    - publicly funded researchers 22, 335, 359, 384, 387
    - public policy 22
    - Registrar of Companies 344–345
    - research factors and commercialisation 358
    - “triple helix” of research and development 344
    - types of research 353, 356
    - university and PRO roles 366
    - use of IP procedures 348, 358
  - Botswana domestic laws and regulations
    - Copyright and Neighbouring Rights Act 341
    - Industrial Property Act (IPA) 341
    - Industrial Property Regulations, Statutory Instrument 341
  - Botswana Export Development and Investment Authority 343
  - Botswana Football Association and Another v. Kgamane* 345
  - Botswana Innovation Hub (BIH) 343, 344
  - Botswana Technology Centre (BOTEC) 343
  - Braille, audio or digital texts 225
  - branding 110
    - communal strategies 379
  - BRICS nations (Brazil, Russia, India, China, South Africa) 38
  - Budapest Open Access Initiative 211
  - Bushbuckridge, Kruger to Canyons (K2C) area, South Africa 151–168, 380
    - multi-ethnic nature of TK commons 160
    - municipality 157
    - registered as Biosphere Reserve 151
    - traditional medicinal practitioners 18, 386
- C**
- Canadian Intellectual Property Office (CIPO) 276
  - capitalist entrepreneurs 36
  - Centre for Research in Transportation Technologies (CRTT), Makerere University, Uganda 64–65
  - certification
    - assessing schemes 88–90
    - critics of schemes 89
    - overseen by governmental bodies 88
    - marks 16–17, 78, 111, 112–113, 120, 123, 124
    - registration of marks 117
    - trademarks schemes 379
  - China 97, 110, 111, 122
  - clean energy technology 378, 383
    - Egypt 242, 267
    - fast-track administrative procedure 275–276
    - innovations 270, 385
    - and IP mechanisms 268
    - Mozambique 242
  - Climate Change Conference, UN, Copenhagen 268
  - clothing 375
  - Codes of Practice for Organic Farming, Ghana 88
  - collaborative, openness-oriented dynamics 4
  - collaborative branding, trademarks and
    - geographical indications (GIs) 16–17

- collaborative innovation and creativity 9–12, 22, 135, 388
- collaborative intellectual property 377–384
- collaborative partnerships 144–145
- collective entities 81
- collective management organisations (CMOs) 210
- collective marks 111, 123, 124
- “CA” mark 112
- collective rights of a community 80
- College of Engineering, Design, Art and Technology (CEDAT), Makerere University 16, 63, 387
- IP dynamics 71–72
- Kiira EV Project 64–65, 67, 72
- Makerere Clusters Programme 73
- MoUs (memoranda of understanding) 72
- networks among study participants and entities 74
- research centre and informal-sector artisans 59–60
- see also* Gatsby Garage automotive workshop
- commercialisation 320, 335
- in global R&D markets 305
- of IP 285, 286, 304
- of research output 348
- Commission on Intellectual Property Rights (CIPR), UK 319–320
- common law
- of copyright 214
- jurisdictions of UK and former British colonies 78
- commons 137
- concept 154–155
- knowledge 137
- material 137
- social 137
- traditional agricultural 388–389
- communalism 112
- communal trademarks 109, 111–113, 120, 123, 379
- Ethiopian initiative 111
- feasibility 114
- models 124
- Nigeria 116–119
- communication 37
- communities
- closed group of 81
- traditional agricultural 82
- Companies and Intellectual Property Commission (CIPC) (formerly CIPRO), South Africa 307
- confidential information 379
- construction, innovation in 38
- consultancies for industry 353
- consumer preferences 96
- Convention on Biological Diversity (CBD) 138–139, 153, 271
- cooking oil 272, 273–274
- copyright 1, 3, 10, 132, 138, 346, 378
- American law 214–215
- development in Kenya and Africa 213–214
- economic rights 208
- and empowered creativity 19
- infringement 221
- laws, policies, practices 224
- moral rights 207, 208
- paternity right 207
- policy-makers 205
- protection 175, 205, 389
- in research 14
- right of integrity 207
- term in Kenyan law 207
- violations 175
- see also* open scholarship and copyright, Kenya
- Copyright Act, Kenya 140, 141
- Copyright Tribunal, Kenya 210
- cosmetic industries, and traditional knowledge (TK) 133
- counterfeiting and falsification 97, 124
- Creative Commons 11, 175
- Creative Research Systems, *Sample Size Calculator* 339
- creativity 1–2, 10, 133, 374, 375
- cultural heritage 378
- customary laws 157–158, 159
- D**
- De Beers Element Six programme 303
- demand-side factors 47
- Department for International Development (DFID), UK 94
- Department of Chemical Engineering, UCT 296
- Department of Education, Science and Training (DEST), Australia 287
- Department of Higher Education and Training (DHET), South Africa 289, 308
- Green Paper for Post-School Education and Training 289
- Department of Molecular and Cell Biology, UCT 296
- Department of Science and Technology (DST), South Africa 288, 308
- Department of Trade and Industry (DTI), South Africa 303
- design theft 121
- diffusion
- geographic versions of theory 37
- process of innovation 41–42
- digital commons business model 171, 387
- advertising and/or sponsorships 181
- knowledge of 181
- Meetphool digital platform 181–182
- online digital music and streaming 184
- digital copyright exchange 286
- digital communications 203
- digital rights management (DRM) 219, 223
- digitisation and copyright, Kenya 210–211
- discontinuous economic change 37

- Divine Chocolate Inc, UK 86
- domain name system (DNS) 210
- Draft Bill on Protection of Traditional Knowledge and Traditional Cultural Expressions (Draft TK Bill), Kenya 141–142
- dual economy model 48
- E**
- Econergy International Corporation 249, 252–253
- ecological and sustainability conditions, of production 87
- Economic Community of West African States (ECOWAS) 125
- economic development 36
  - drive to maturity 36
- Economic Development Imports 86
- economic growth 33
- economic strategies 38
- economic systems
  - classic and neoclassical 33–34
  - development 33, 35
  - dynamic development 34
  - formal and informal 9
- Eco-Patent Commons 276–277
- ecosystem, building the new 309–310
- “egocentric networks” approach 63
  - selection of central node 63–64
- Education and Training Policy, Ethiopia 322
- Egypt 306, 385
  - Al Sawy Cultural Wheel 179
  - willingness to pay musicians 183
  - biofuel patenting 20, 271–272, 275–278
  - biofuel technology development 382
  - copyright law 174–175, 381
  - Economic Court 194
  - “Hollywood of the East” 171
  - illegally copied CDs and cassettes 183–184
  - independent music industry 19, 171–172, 376, 380–381, 387
  - IP law in practice 175–177
  - alternative art outlets, Cairo 197
  - Patent Gazette* 272
  - patent law 270
  - Patent Office 270–271, 272, 275, 276
  - patent system 267–272
  - private sector 274–275
  - public sector 274
  - research incentives 277
  - stakeholders 272–275, 277–278
  - see also* music industry
- Egyptian alternative music scene 390
  - judicial process and court system 180, 181
  - knowledge of copyright law 179–180
  - relevance of copyright 180
- Egyptian copyright provisions 268–271
  - administrative bodies 194
  - conditions of protection 192
  - duration of protection 193
  - economic rights 192–193
  - Executive Regulation 270–271
  - moral rights 192–193
- Egyptian Environmental Affairs Agency (EEAA) 274
- Egyptian Intellectual Property Rights Law (EIPRL) 174–175, 182–183, 268–269
  - Executive Regulation 271
  - moral rights 190
- electronic patent databases 14
- electronic publishing 204
- engineering, software and genetic 203
- Engineering Capacity Building Program (ECBP), Ethiopia 324
- enterprises, parastatal and industrial 336
- entrepreneurial education 47
- entrepreneurial environment in a developing economy 42–45
- entrepreneurs
  - “imitating” 41, 42
  - “innovating” 41
  - risk-taking 39
- entrepreneurship 9, 32
  - and Africa 45–48
  - defined 40
  - in developing world 40–42
  - imitation 52
  - and IP 43–44
- environmental certifications 78, 87
  - and labelling 84
- Environmental Protection Authority (EPA), Ethiopia 91
- environmental standards 110
- environmentally sound technologies (ESTs) 276
- ethanol 249
- Ethiopia 21–22, 99, 316, 373, 375, 384, 385
  - agriculture and GDP 316
  - coffee industry 17, 77, 78, 84–85, 90–91, 376, 379, 386
  - Coffee Quality Control and Inspection Centre 83
  - Coffee Quality Control and Marketing Proclamation 92
  - coffee trademark and licensing initiative 98–99
  - Draft GIs Proclamation 91
  - empirical value chain 82
  - Farmers Cooperative Unions 84, 388
  - foreign exchange earnings 83
  - Forest Stewardship Council 87
  - government policies 321–323
  - institutional IP management 324–326
  - IP rights and university research 319–321
  - Ministry of Trade 91
  - national IP system 324–326
  - Office of the Vice-President 325
  - Organic Agriculture System Proclamation 88

- policy-makers, industry managers, academic researchers 326–328
- poverty eradication 316–317
- public researchers 387
- Rainforest Alliance 87
- university research and innovation by firms 323–324, 329
- UTZ KAPEH 87
- Ethiopia Commodity Exchange (ECX) 84
- quality inspection centres 92
- Ethiopian Intellectual Property Office (EIPO) 83, 91, 324–325, 327
- trademark-based protection 98–99
- Europe 99
- European Patent Office 275
- Eurostat (Statistical Office of the European Communities) 9, 32
- evolutionary economic theory 37–38
- Expert Group on Informal Sector Statistics (Delhi Group) 49
- F**
- fair trade 84
  - certification 86–87, 89–90
  - labelling 78
- Fairtrade Federation 86, 90
- Fairtrade Foundation, UK 87
- Fairtrade Labelling Organizations International (FLO) 86
- FAIRTRADE™ mark 86
- Fair World Designs 86
- financial support facilities and schemes 125
- FLO-Cert 86
  - Kafa Forest Coffee Farmers Cooperative Union 86
  - Oromia Coffee Farmers Cooperative Union 86
  - Sidama Coffee Farmers Cooperative Union 86, 89, 93
  - Yirgacheffe Coffee Farmers Cooperative Union 86, 93
- folklore 133, 136, 214
- foreign certifiers 88
- foreign direct investment (FDI) 344
- foreign markets 113
- formal and informal sectors
  - dualistic conceptions 60–61
  - innovative work 66
  - networks, linkages between 67–69
  - sharing of innovations 70–71
- formal–informal continuum 61–62, 387
  - choosing a point on 62
  - knowledge transfer 61
- formal–informal exchanges and linkages 69–70
- formal–informal innovation intersections 11
- France 99
- free and open source software (FOSS) movement 11
- Free Day Secondary Education (FDSE), Kenya 209
- Free Primary Education (FPE), Kenya 209
- Friendship, Commerce and Navigation (FCN) Agreements 214
- G**
- Galp Energia 252
- Gatsby Garage automotive workshop, Uganda 16, 387, 388
- IP protection issues 65–66
- research 62–69
- General Administration for the Prevention of Infringement of Intellectual Property Rights, Egypt 194
- genetically modified (GM) foods 88
- genetic resources (GRs) 79
- geographical indications (GIs) 13, 16, 17, 77–78, 80–82, 89, 111, 113, 118, 123, 124, 138, 341, 346, 378
  - compliance and additional production costs 94
  - feasibility 90–91
  - legislation 92–93
  - operational challenges 95
  - origin-designated (or place-based) branding 379
  - potential economic benefits and costs 94
  - protection for wines and spirits 98
  - structural challenges 91–95
- Ghana 48, 373
  - adinkra* and *kente* cloths 97
  - certification schemes 85
  - Cocoa Abrabopa Association 87, 93
  - cocoa industry 17, 77, 78, 90–91, 376, 379, 386
  - empirical value chain analysis 82
  - Geographical Indications Act 91
  - good agricultural practice guidelines 92
  - government role in production and marketing 85
  - Kuapa Kokoo Farmers Union 86–87
  - Licensed Buying Companies (LBCs) 85, 388
  - Ministry of Agriculture 92
  - Ministry of Trade 83
  - Rainforest Alliance 87
  - Registrar General's Department 83
  - Standards Authority 83
  - Standards Board Codes of Practice for Organic Farming 88
  - UTZ KAPEH 87
- Ghana Cocoa Board (COCOBOD) 85, 94
  - Quality Control Division 93
- global diseases 306
- Global Entrepreneurship Monitor (GEM) Model 43
  - and IP 44–45
- globalisation 109, 111
- global patenting market 306
- greenhouse gas emissions 267
- green inventions 275
- green technologies 268, 276

- gross domestic product (GDP)
  - Botswana 344
  - Ethiopia 316
  - Nigeria 110
- gross expenditure on research and development (GERD) 344
- Group of 77 developing nations (G77) 268
- H**
- Hagen, Everett 36
- Hague Agreement Concerning the International Deposit of Industrial Designs 340
- Hague Convention on the Law applicable to Trusts and their Recognition 163
- Haramaya University, Ethiopia 323
- Harare Protocol on Patents and Industrial Designs within the Framework of ARIPO 255, 340–341
- Hargreaves Report, UK 285–286
- Harrod-Domar Growth Model 35
- healing schools (*imphande*) 157
  - leaders (*magobela*) 157
- Higher Education Proclamation, Ethiopia 322, 325
- Hirschman, Albert 35
- HIV infection 152
  - local patent for drug delivery 306
- Hoselitz, Bert 36
- human development 33
- I**
- IBM 276–277
- implementation, meaning of 10
- inclusive development 8–9
- India 118
  - Council of Scientific and Industrial Research (CSIR) 134
  - Darjeeling tea 111
  - Protection and Utilisation of Publicly Funded Intellectual Property 321
  - leather products, toys, wall decorations 111
  - pashmina textiles 111
- indigenous and local communities (ILCs) 18, 80, 81, 144, 145, 146, 378–379
  - control over commercialisation and exploitation 134
  - control over natural resources and TK 153
  - Kenya 132, 133, 136–137
  - Kukula Healers, South Africa 161–162
  - and TK 17, 80
- indigenous art 123
- indigenous knowledge and capabilities 38
- Indigenous Knowledge Systems Policy, South Africa 159
- indigenous people's innovation 3
- indigenous scientific capabilities 38
- indigenous textile products, Nigeria 113
- industrial absorptive capacity for knowledge conversion 375
- industrial designs 138, 346
- Industrial Development Corporation (IDC), South Africa 305
- industrialisation 36
- Industrial Property Act (IPA), Botswana 341
- Industrial Property Act, Kenya 140, 141
- Industrial Property Code, Mozambique 255, 382
- Industrial Property Institute (IPI), Mozambique 250–251, 256
- industrial property rights 255
- informal appropriation, research on 13
- informal economy (IE) 16, 32, 47–48, 52, 61, 379
- “informal sector” concept 48–50
- informal protections 378
- international statistical definition 49
- Kampala auto mechanics 373
- networks, linkages in 69–70
- information and communication technology (ICT) 204
  - efforts to digitally document TK 134, 136
  - systems 14, 51, 80
  - use of in Kenya 144–45
- “informationalism” 203
- innovation 1–2, 10, 33, 67, 133, 283, 288, 304, 339, 374, 375
  - conceptual frameworks 32
  - current state of literature 38–39
  - development and diffusion 37
  - and entrepreneurship 36, 52
  - five-step theory (Rogers) 36
  - in industrial enterprises 328
  - knowledge transfer approach 38
  - measurement in the informal sector 50–51
  - systems approach 33, 38
- innovation–development nexus 33
- innovation for development 47
- innovative knowledge systems 376
- Institute of Chartered Public Secretaries of Kenya (ICPSK) 210
- Institute of Infectious Disease and Molecular Medicine (IIDMM), UCT 296
- Institut national des appellations d'origine (INAO), France 98
- instructional broadcasts 216
- intangible resources 14
- integrated seawater agriculture system (ISAS), Egypt 274
- intellectual property (IP) 32, 77, 111, 248, 249, 268, 335, 373
  - Code, Mozambique 255
  - commercialisation 384
  - conventional rights 79
  - and dissemination 319–320
  - education and training of lawyers in Africa 238
  - fear of exploitation and infringement 52
  - framework for development 51–52
  - law and traditional healing 158–159

- law, policy and practice 7, 10, 384
- macro-level public policies 11
- management, innovation, creativity 386
- micro-level management practices 11
- open or closed systems 283
- policy instruments 133, 309
- protection 319, 327, 346
- rights 1–8, 22, 138, 317
- rights in Africa's informal sector 59
- South African public funding 283
- training of legal counsel and judges 241
- valorising (adding value to) GRs
  - (genetic resources) 79
- Western model of rights 79
- Intellectual Property Rights from Publicly
  - Financed Research and Development (IPR-PFRD) Act, South Africa 282–285, 288, 290, 302, 308, 310, 338, 383, 389–391
  - benefit-sharing 295
  - conditions that apply only to exclusive licences 294
  - conditions that apply to all licences 294
  - conditions that apply to offshore transactions 294
  - evolution of South African approach 289
  - Framework, 288
  - institutional infrastructure 292
  - IP ownership and statutory protection 292–293
  - IP transactions 293–294
  - key provisions 291–292
  - primary intent of Act 290–291
  - Regulations 282–285
  - state “walk-in” rights 294–295
- inter-ethnic traditions and customary laws 160
- Inter-Ministerial Committee on Biofuels,
  - Mozambique 254
  - regulations for biofuel additives to commercialised fuel 254
- International Commission of Jurists (ICJ),
  - Kenya Section 210
- International Conference of Labour Statisticians (ICLS) 49
- International Development Research
  - Centre (IDRC), Canada 50
- International Federation of Organic Agriculture
  - Movements 88
- International Institute for Environment and
  - Development (IIED) 158
- International Intellectual Property
  - Alliance (IIPA) 176
- International Labour Organisation (ILO)
  - 45, 48–49, 51, 61
- international markets
  - competition and standards 114
  - promotional activities in 95
- International Patent Classification (IPC)
  - committee of experts 276
  - Green Inventory 276
- International Organisation for
  - Standardisation (ISO) 110
- International Trade Centre (ITC) 343
- International Treaty on Plant Genetic Resources
  - for Food and Agriculture (International Seed Treaty) 139
- inventions 304, 381
  - evaluation of merits 20
  - protection and processes 359
- inventors 303
- investment 35
- Italian Embassy, Maputo 252
- Italy 110
- J**
- Japan
  - policy-makers 320
  - productivity 36
- Joint Integrated Technical Assistance
  - Programme (JITAP) 343
- jojoba 274–275
  - medicinal applications 275
  - plantations 272
- K**
- Kenya 380
  - alternative publishing 381
  - Anti-Corruption and Economic Crimes Act 218
  - civil society organisations 213
  - collaboration between government and indigenous and local communities (ILCs) 132
  - collective management organisations (CMOs) 213
  - conceptualising and contextualising copyright 206–208
  - Constitution 132, 140, 204, 214
  - Copyright Act 206, 211, 213, 214–217, 219, 224–226, 381
  - copyright law 380
  - Department of Culture 136
  - Department of Justice 136
  - Digitising Traditional Culture Initiative 145
  - Draft TK Bill 132, 146–147
  - fair dealing 214–215
  - funding 143
  - industrial property law 380
  - international and regional legal instruments 138–140
  - IP laws 132
  - IP rights 214
  - legal instruments for protection of IP 140–141
  - legal/policy framework and role of government 142–144



- local economy 49
- McMillan Memorial Library Act 209
- National Cultural Agency 142
- national and legal policy framework 140–142
- National Museums of Kenya 136, 143–144
- National TK Policy 18, 132, 142, 144, 146–147, 380
- Office of the Attorney-General 136
- Official Secrets Act 218
- Penal Code 218
- Public Officer Ethics Act 218
- scholarly authors 376, 387, 388
- Science and Technology Act 209
- stakeholder perspectives 142–145
- State Law Office 213, 225
- TK commons 380
- TK digital library 380
- University of Nairobi 136
- Vision 2030, policy blueprint 204
- see also* open scholarship and copyright, Kenya
- Kenya Copyright Board (KECOBO) 136, 143–144, 145, 146, 210, 213, 225
- National Competent Authority for traditional knowledge (TK) 142
- Kenya Historical Association (KHA) 210
- Kenya Industrial Property Institute (KIPI) 136, 142, 143–144, 145, 239
- Kenya Institute for Public Policy Research and Analysis (KIPPRA) 209
- Kenya Institute of Curriculum Development (KICD) broadcasts 216
- Kenya National Academy of Sciences (KNAS) 210
- Kenya National Library Service Board Act 209
- Kenya Nonfiction and Academic Authors' Association (KENFAA) 210
- Kenya Oral Literature Association (KOLA) 210
- Keynesian economics and growth theory 33, 34–35
- knowledge
  - African 5
  - capital 43
  - commercial application 337
  - commons 7, 388
  - dissemination 320, 348
  - economy 78–79
  - hoarding 285–186
  - informal management of 16
  - “know how” 43
  - poor people's 3
  - pre-existing (“prior art”) 235
  - socialisation 21, 310–311, 338
  - technological 242
  - utilisation 348
- knowledge-based economic development and change 322–323
- knowledge–development nexus 38
- knowledge economy (KE) 203
- knowledge-governance frameworks 7
- knowledge-sharing 178
- knowledge transfer 375–376
- knowledge transfer offices (KTOs), Botswana 349, 353
- Kruger to Canyons (K2C) Biosphere Region, South Africa 151
- ethnic groupings 151–152
- K2C Management Committee 151, 153, 154, 165, 166
- Kukula Healers 151–154, 373, 380, 388
- Association 156–157, 167
- bio-cultural protocol (BCP) 153–154, 160, 161
- Code of Ethics 157
- collective 380
- commons 155–156
- cosmetics 164
- evolution of TK commons 156–161
- Godding and Godding laboratories 164
- holistic approach to knowledge-sharing 158
- IP-based property rights 156
- Nagoya Protocol 161–162
- non-disclosure agreement with Godding and Godding 161–162
- Traditional Health Practitioners' Association 151
- trust as legal model 161–163, 166
- Kyoto Protocol 252, 267
- L**
- labelling 93
- labour, flow of 48
- Latin America 61
- Law Society of Kenya (LSK) 210
- least developed countries (LDCs) 319
- legal profession and universities 304
- legal trust components 163–164
- licensing
  - alternative, in Egypt 175
  - and assignments of scholarly works 217
  - compulsory 216
  - learning materials 378
  - of rights, voluntary 255
  - and registration of businesses 50
- Lipset, Seymour Martin 35–36
- Luanda, Angola study 46
- Lusaka Agreement on the Creation of ARIPO 340
- M**
- Maasai, Kenya 142
- community 135–136, 143, 144
- knowledge 18, 132, 133
- project on digitisation of culture 145
- Maasai Cultural Heritage (MCH) Organisation, Kenya 136
- Madrid Agreement Concerning the International Registration of Marks 117, 255, 340

- Protocol 117, 118, 255, 341  
Treaty 124–125
- Malindi District Cultural Association (MDCA), Kenya 136, 144
- Manufacturers Association of Nigeria (MAN) 116
- manufacturing 35, 38
- Margaret Ogola & 3 Others v David Aduda and Another*, Kenya 215
- marginalisation of African youth 45
- marketed services, innovation in 38
- Marshall, Alfred 34
- mass consumption, age of high 36
- Mauritius 306
- McClelland, David 36
- media coverage 6
- medicinal knowledge 378
- medicinal plants 152, 157  
and animals 158
- Mekelle University, Ethiopia 323
- memoranda of understanding (MoUs) 72
- microelectronics 203
- micro-entrepreneurs 50
- micro or cottage enterprises 113
- Miji Kenda community, Kenya 135–136, 142, 143
- Millennium Development Goals (MDGs) 51
- Ministry of Agriculture (MOA), Ethiopia 83, 88, 91, 94  
Agricultural Extension Directorate 91  
Coffee Quality and Marketing Implementation Manual 92
- Ministry of Infrastructure, Science and Technology (MIST), Botswana 343, 344, 345
- modernisation theory 33, 35–37
- Mozambique 379, 382, 385  
applications to the Industrial Property Institute (IPI), Maputo 262  
biofuels agreement with EU and Brazil 253  
biofuel production 248–250  
biofuel technology patenting 250, 256  
Constitution 254  
Inter-Ministerial Committee on Biofuels 259–260, 385–386  
IP Code 255  
IP Strategy 254–255  
national biofuel policy-making and patenting 20  
oil-from-jatropha initiative 388  
patents granted 261  
policy and legal framework 253–255  
studies of biofuel sector 251–253
- Multilateral Environmental Agreements (MEAs) 110
- musicians  
anti-commercialisation 187–188  
business model 188  
ethical consumption 189  
non-monetary inclinations 188  
remuneration model 188–189  
sharing-based public licence 189  
music industry 133  
access versus incentive tension 172–174  
commons-based approach 172, 190  
consumers of alternative music, Cairo 178  
consumption patterns 182–184  
copyright and sharing 177–178  
digital 172–173  
“freemium” model 19, 171, 381, 387  
illegal music copying, Egypt 176–177  
independent music digital commons 191  
jingles for advertisements 187  
legal barriers and IP rules 173  
live music scene, Cairo 173–174, 187, 190–191  
monetary reward 186  
money spent on concerts 185  
money spent on music 185  
physical versus virtual 189–190  
piracy in Egypt 176  
as *quasi*-public good 172–174  
remuneration, incentives, business models 184–189  
websites for illegal music downloads, Egypt 176
- muti* (traditional medicine) hunters, South Africa 152
- N**
- National Agenda for Research and Innovation in Biofuels, Mozambique 254, 260
- National Enquiry Point (NEP), Botswana 343
- National Experts on Science and Technology Indicators (NESTI), OECD 37
- national innovation system (NIS) approach 317
- National IP Management Office (NIPMO), South Africa 288–289, 292, 294–295, 297–298, 302, 304, 307, 308, 309
- National Museums and Heritage Act, Kenya 140, 141
- National Museums of Kenya 142, 143
- National Policy and Strategy on Biofuels (NPSB), Mozambique 248, 249, 250, 253, 258, 259, 382, 385–386
- National Policy on Traditional Knowledge, Genetic Resources and Traditional Cultural Expressions (National TK Policy), Kenya 141
- National Programme for the Promotion of Mozambican Innovators 258
- National Programme on Biofuels Development, Mozambique 254, 260
- National Research and Development (R&D) Strategy, South Africa 288
- National Research Centre (NRC), Egypt 273
- National Scholarly Editors’ Forum, South Africa 289
- Natural Justice non-governmental organisation (NGO) 153

- neoclassical school 34
  - market equilibrium 34
  - orderly economic change 34
- Natural Oil Company (Natoil), Egypt 274–275
- New and Renewable Energy Authority (NREA), Egypt 274
- New Nile Company, Egypt 274
- Nigeria 379
  - Aba leather shoemakers 115, 115–116, 120, 121–123
  - Central Bank 125
  - economy 109–111
  - existing cluster dynamics 119–120
  - existing knowledge of IP 121
  - export of leather 110
  - Itoku-Abeokuta textile producers 115, 120, 121–124
  - Kano leather tanneries 114, 115, 120, 121–122
  - leather and textile products 17, 78, 109–111, 113–114, 388
  - leather and textile unions and associations 386
  - legal and regulatory framework 116–119
  - market challenges 121–123
  - oil sector 109–110
  - Patent Office, Abuja 236–237
  - revenue generation 110
  - small-scale operators 123
  - textile makers 376
  - Trade Marks Act 112, 116–117, 121, 124–125
  - Yoruba people 113
- Nigerian Customs Service 125
- Nigerian Export Promotion Council 116, 125
- Nokia 276–277
- non-disclosure agreements (NDAs) 299–300
- non-GI certification marks 124
- non-trademarked certification schemes 78
- North Africa 3
- North–South protectionist dynamics 18
- O**
- online Creative Commons-based “digital commons” 19
- open, distance and electronic learning (ODEL) 216
- open access (OA) 204, 211–212
  - to knowledge and culture 81
  - online publishing approach 19
  - publishing 289, 303, 383, 388
  - scholarly publishing 282, 287, 306
- Open African Innovation Research and Training Project (Open A.I.R.) 12–15, 388
  - network’s interdisciplinary framework 13
  - research programme 14
- open development 8–9, 80, 134, 191, 204, 211, 386
- open educational resources (OERs) 289
- open innovation 135
- open knowledge 288
- openness 22, 388–389
- open research 288
- open scholarship 222–223, 381
  - challenges to accessing scholarly information 217–218
  - and alternative publishing, Kenya 225–226
  - and copyright, Kenya 19, 203–205, 211–212
- open science approach 21, 288, 320, 335, 337
- open source approach 276
- Oromia Coffee Farmers Cooperative Union (OCFCU), Ethiopia 93
- organic certification 84, 88, 90
  - schemes 90
  - through foreign-based certifiers 89
- organic labelling 78
- Organisation africaine de la propriété intellectuelle (OAPI) 237, 238, 239, 381
- Organisation for Economic Co-operation and Development (OECD) 6, 9, 32, 38, 51, 335, 366
  - Working Party of NESTI 37–38
  - work on innovation 47
- Oslo Manual: Proposed Guidelines for Collecting and Interpreting Technological Innovation Data* (OECD and Eurostat) 9–10, 32–33, 37–39
- ownership
  - and control systems 7
  - of IP rights 327
  - of outputs from publicly funded research 20–22, 378
- Oxfam 86
- P**
- Paris Convention for the Protection of Industrial Property 117–118, 139, 255, 340
- Parsons, Talcott 36
- patentability 234
- patent commons 276–277
- Patent Cooperation Treaty (PCT) 139, 237–238, 255, 272, 305, 340
  - International Bureau, Geneva 256, 261
  - Office, Geneva 238
- patent data 276
- patenting
  - and commercialisation 383
  - dynamics 20
  - university 320
- patent offices in Africa 234
  - roles of 235–236
  - survey data 243–244
- patents 1, 10, 132, 138, 234, 248, 249, 346, 378
  - access to information 259
  - applications 236, 238
  - business method 210
  - database 276
  - design 379
  - “dumping grounds” 381
  - exclusive rights 270
  - incentivised payment for examiners 241
  - regimes in Africa 236–238

- protection 381, 389
- and renewable energy 15
- in research 14
- software 210
- statistics 11
- systems in African states 240–241
- performance industry 133
- Perroux, François 35
- Petrobras, Brazil 386
- Petromoc, Mozambique 251, 253, 257
- “petty patent” utility models (UMs) 248
- pharmaceutical industries 133, 134, 306
- pharmaceutical research 306
- Pitney Bowes 276–277
- place-based intellectual property (PBIP) 17, 378
  - strategies 77, 78
- plagiarism 221
- Plant and Health Inspectorate, Kenya 143–144
- plants 273
  - African palm 249
  - breeder exemption 270, 383
  - breeders’ rights 138
  - castor seed 249
  - coconut 248, 249
  - genetic resources 376
  - jatropha 248, 249, 250, 251, 252, 256, 272, 274, 376, 386
  - sugar cane 248, 249
  - sui generis* protection for varieties, Egypt 383
  - sunflower 249
  - variety rights systems 270
  - see also* jojoba
- Population Action International 45–46
- preconditions for take-off 36
- Pred, Allan 35
- principles of inclusion and collaboration 378
- prior informed consent 151
- private-sector investment 319–320
- probability proportional to size (PPS)
  - measures 339
- Proclamation for the Registration and Protection of Designation of Origin, Ethiopia 91
- product
  - innovation 38
  - quality improvement 96
- production cost 125
- professionalism in patent offices 239
- property ownership, attributes of 90
- proprietary value 101
- protection of IP 285–286
- public good 172, 204
- publicly funded research 14, 318, 320, 338, 351, 359, 375, 376, 384, 385
  - ownership of outputs 383
- public–private partnerships 14–15
- public research organisations (PROs), Botswana 335, 336–337, 339, 353, 363
- publishers’ copyright policies 221–222
- publishing
  - digital 204
  - offline print 204
  - scholarly 204
- Q**
  - qualitative data 13, 373
  - quantitative data 13, 373
  - quasi*-public good 173
- R**
  - reading or recitation of an extract 216
  - remuneration, direct financial 204
  - Renewable Energy Strategy, Egypt 268
  - research
    - analytical framework 12
    - applied 353
    - development-focused 287
    - emphasis on institutions 357
    - epidemiological 353
    - evaluation 353
    - investment of public funds 306
    - literature/desk review 353
    - methods 12–13
    - multi-disciplinary network of researchers 12
    - perception of institution’s involvement 357
    - publicly funded entities 309
    - publishing 285
    - respondents’ average yearly output, Botswana 358
    - thematic areas 13–16
    - types 356
    - under-utilisation of findings 286
  - research and development (R&D) 15, 20, 43, 45, 209, 242, 253, 254, 283, 305, 322, 375, 382
  - university-based 308
- Revised National Policy on Research, Science, Technology and Innovation, Botswana 344
- rights-holders 100
- rights management information (RMI) 219
- Rogers, Everett 36
- Rostow, Walt Whitman 36
- royalties 204
- Rural Industrial Promotion Company (Botswana) (RIPCO (B)) 344
- rural poverty 152
- S**
  - scholarly communication 208
  - scholarly publishing 203, 205, 287
    - literary works 207
  - scholarly works, use of 221
  - scholarship 208
    - see also* architecture for Kenyan scholarship
  - school use and copyright 215–216
  - Scielo OA publishing platform, Brazil 289
  - Scielo South Africa 289
  - science and engineering publications 376
  - Science and Technology Capacity Index (STCI) 344

- Science and Technology Policy, Ethiopia 322
  - “science first” position 337
  - science, technology and innovation (STI)
    - African Science, Technology and Innovation Indicators (ASTII) 39
    - Botswana 335, 344
    - national goals 22
    - Policy, Ethiopia 316–318, 322, 328, 338, 375
    - at Uganda National Council for Science and Technology (UNCST) 65
  - scientific information in African patent applications 242
  - scientific research, new economics of 337
  - scientists and academics 272–274
  - Schumpeter, Joseph 34, 41
  - Seeds and Plant Varieties Act, Kenya 140
  - sharing or non-disclosure agreements 379
  - Sierra Leone, study 48
  - small, micro- and medium enterprises (SMMEs) 341
  - small and medium enterprises (SMEs) 253, 255, 324, 327, 391
    - access to technology 258
    - utilisation and adaptation 256
  - small-scale enterprises 109
  - small-scale entrepreneurs 111
  - Smith, Adam 34
  - social and cultural value of textiles 110
  - social (*de facto*) commons 171–174
  - socialisation of knowledge 286–287, 299
  - socially conscious consumers 86
  - social network analysis (SNA) 63, 64
  - social networks 11
  - Society for International Development (SID), Kenya 210
  - socio-economic development 32, 134, 204, 283, 373, 382, 384–385, 387
    - grassroots, *ad hoc* visions 387
    - high-level, state visions 385–386
    - mid-level, associational visions 386
    - sociological approach to development 36
  - solar and wind energy 272
  - Solow, Robert 35
    - growth model 35
  - Sony 276–277
  - sorghum 249
  - South Africa 118, 385
    - traditional healers 376
    - traditional medical practitioners 386
  - South African Revenue Service 307
  - Southern African Development Community (SADC) 344
  - South Korean patent office (Korean Intellectual Property Office) 275–276
  - standardisation 109
  - Standards Organisation of Nigeria (SON) 110–111, 116, 118–119, 390–391
    - Director of International Standards and SMEs 110
  - Duty Drawback Schemes 125
    - respondent adherence to standards 119
  - Statistical Office of the European Communities, *see* Eurostat
  - sub-Saharan Africa
    - informal employment 47
    - perspectives 3
    - “youth bulge” 45
    - youth-to-adult ratio 45
  - sui generis*
    - ex parte* form of GI protection 94
    - ex officio* form of GI protection 94
    - geographical indications (GIs) 77–78, 80
    - protection of GIs, TK, plant varieties 389–390
    - regimes 80
    - systems 18
  - Sumitomo Chemical Company 256
  - Sun Biofuels Mozambique 256–257
    - Quinvita 257
    - Lufthansa 257
  - supply-side factors 47
  - Sussex Manifesto: Science and Technology for Developing Countries during the Second Development Decade* 38
  - Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore within the Framework of ARIPO 139–140, 340
- T**
- take-off preconditions 36
  - Tanzanian small-scale farmers 382
  - Tea Board of India 97
  - Technical and Vocational Education and Training (TVET), Ethiopia 323–324
  - technological development 35, 36
  - technological innovation 33
  - technological knowledge 242
  - technological protection measures (TPMs) 14, 173, 219
  - Technology and Human Resources Programme (THRIP), South Africa 303
  - Technology and Innovation Support Centres (TISCs), WIPO 259
  - Technology Innovation Agency (TIA), South Africa, 288, 304, 308, 309
  - technology research outputs 328
  - technology transfer offices (TTOs) 292, 296, 302, 307, 366
    - funding functions at Wits Enterprise 305
    - informal mode 382
    - and legal offices 309
  - telecommunications 203
  - Ten-Year Innovation Plan, South Africa 288
  - Thomson Reuters Web of Science 289
  - trade
    - global 79

- liberalisation 109, 111
- secrets 1, 10, 138, 346, 379, 389
- trademark-based GI protection 101
- trademark GIs versus *sui generis* GIs 100–102
  - ecological, cultural, biodiversity goals 100
- trademarks 1, 10, 80, 132, 138, 346, 378
  - collective 78
  - conventional 78
  - ordinary 78
  - protection 389
  - registration and licensing 98
  - in research 13
  - speciality 78
  - see also* communal trademarks
- Trade Marks Act, Kenya 140, 141
- Trademarks Registry, Nigeria 116
- Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement, WTO 2, 4, 117–118, 132–133, 255, 269, 340
- traditional cultural expressions (TCEs) 133, 136, 145
- traditional ecological knowledge 133
- traditional healers, Bushbuckridge, South Africa 151–152
- Traditional Health Practitioners Act, South Africa 159
- traditional knowledge (TK) 80, 123, 136, 138, 214, 341, 376, 378
  - and biodiversity 155
  - biological resources and cultural goods 133
  - commercialisation 133
  - commons 16, 18, 134, 151
  - commons-based approach 380
  - commons pool 160
  - digital library initiative as defensive protection 145
  - exploitation of 18
  - legal trust mechanism 18
  - multi-generational 159, 380
  - patent applications 271
  - potential of commons arrangements 18–19
  - in production processes 114
  - in research 15
  - sui generis* protection 145
  - TK-based agricultural products 80
  - TK-related IP challenges 16
  - trans-generational territorial 81
- Traditional Knowledge Digital Library (TKDL), India 134, 144
- traditional medicinal knowledge 133, 375
  - ancestors Nkomo le Lwandle and Dlamini 157
  - from healer (*sangoma*) to apprentice (*thwasa*) 157
  - transfer and collection systems 158
- traditional society 36
- trust
  - administration rules 166
  - beneficiary 166–167
  - property 164–165
  - settlor 165
  - terms 165–166
  - trustee 166
- Trust Property Control Act, South Africa 162–164, 166
- U
- Uganda 59, 375
  - auto mechanics 387
  - Central Engineering Workshop, Kampala 70
  - Kampala 59
  - policy-making 72–73
  - see also* Gatsby Garage automotive workshop
- Uganda Gatsby Trust (UGT) 64
- Uganda National Council for Science and Technology (UNCST) 65, 72–73
- UK 78, 94, 118, 319–320
  - Copyright Acts, colonial era 213–214
  - Intellectual Property Office 275
  - IP framework 285
- UN
  - Commission on Trade and Development (UNCTAD) 94, 343
  - Declaration of the Rights of Indigenous Peoples 139
  - Department of Economic and Social Affairs (UNDESA) 251–252, 256
  - Educational, Scientific and Cultural Organisation (UNESCO) 6, 47, 151
  - Framework Convention on Climate Change (UNFCCC) 252, 267, 276, 382–383
  - Industrial Development Organisation (UNIDO) 116
  - Office for West Africa 46
- unemployment 152
- unfair competition 101
- Universal Copyright Convention (UCC) 214
- universities 338
- university-generated knowledge 317
- university–industry knowledge transfer, Ethiopia 316, 329, 376, 383
- university–industry linkages 385
- University of Botswana (UB) 339, 342, 345
  - Institutional Review Board (IRB) 339
  - Office of Research and Development (ORD) 342
  - research community 342–343
- University of Cape Town (UCT) 21, 282–285, 383
  - commercialisation and dispute resolution 295
  - Creative Commons (CC)-licensed learning materials 298
  - Intellectual Property Advisory Committee 295
  - ownership of IP 295
  - research and innovation indicators 295–296, 296
  - Research Contracts and IP Services office (RCIPS) 285, 296–297, 298, 299
  - researcher-inventor perspectives 299–300
  - UCT OpenContent website 298

- University of Nairobi Institute of Development Studies (IDS) 210
- University of the Witwatersrand (Wits University), South Africa 21, 282–285, 383
  - funding 302
  - IP protection strategy 304
  - patent filing 301–302
  - pharmaceutical research team 305
  - research and innovation indicators 300–301
  - researcher-inventor perspective 305–307
  - research-IP manager perspective 302–305
  - Technology Transfer Unit 302
  - Wits Enterprise (Wits Commercial Enterprise (Pty) Ltd) 285, 302–304, 305, 307
- US
  - Agency for International Development (USAID) 116
  - Digital Millennium Copyright Act 217–218
  - Patent and Trademark Office (USPTO) 275–276, 336
  - Sonny Bono Copyright Term Extension Act (CTEA) 218
  - Uniform Computer Information Transactions Act (UCITA) 218
- utilities, innovation in 38
- utility models (UMs) 138, 248, 379
- V**
- value chains 82
  - differentiation strategies 85–88
  - Ethiopian coffee 83–85
  - Ghanaian cocoa 85
  - intermediaries in products 95–96
- visual art and design 133
- W**
- Web of Science journal index 289
- Wennekers and Thurik Model 42–43, 44
- West African countries 110
- White Paper on Science and Technology, South Africa 288
- witchcraft 159
- Witchcraft Suppression Act, South Africa 159
- work policy, externally funded 309
- World Bank 79, 252
- World Business Council for Sustainable Development (WBCSD) 276–277
- World Economic Forum (WEF) 344
  - Global Competitiveness Report* 344
- World Employment Programme (WEP), ILO 48–49
  - mission to Kenya 48–49
- World Intellectual Property Organisation (WIPO) 3, 14, 18, 112, 143, 239, 255, 259
  - development agenda 3, 14, 259
  - Convention Establishing WIPO 340
  - Creative Heritage Project 145
  - digitisation of culture 145
  - digitisation of Maasai culture 135–136, 145
  - Diplomatic Conference, Marrakesh 3
  - Internet Treaties 211
  - Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled 3
  - patent databases 276
  - PATENTSCOPE database 276
  - Technology and Innovation Support Centres (TISCs) 259
  - WIPO Copyright Treaty (WCT) 211, 340
  - WIPO Patent Information Service (WPIS) 276
  - WIPO Performances and Phonograms Treaty (WPPT) 211, 340
- World Trade Organisation (WTO) 2–3, 97, 110, 239, 269, 343
  - Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement 2, 97, 117, 132–133, 211
- Y**
- youth unemployment in Africa 46–47
  - deficiency in skills 46
- Z**
- Zwolle principles, on scholarship and copyright management 218