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AGM Annual General Meeting

AGs Attorney Generals

ARIPO Africa Regional Intellectual Property Organization

CESCR The United Nations Sub-Committee on Economic, Social and Cultural

Rights

HIVOS Humanist Institute for Development Cooperation

ICESCR The International Covenant on Economic, Social, and Cultural Rights

ICT Information and Communication Technology

IFPI International Federation of Phonographic Industry

KNBS Kenya National Bureau of Statistics

KNATCOM The Kenya National Commission for UNESCO

NORCODE Norwegian Copyright Development Association

PESTEL Political, Economic, Social, Technological, Environmental & Legal

SWOT Strengths, Weaknesses, Opportunities and Threats

TRIPs Trade Related Aspects of Intellectual Property Rights

WIPO Performances and Phonograms Treaty

CHAIRMAN's MESSAGE



It is with great pleasure that I introduce to you our strategic plan for the next three (3) years, 2022 to 2024. This document is a bold move coming at the backdrop of the turbulent waters this industry has turned into. With the death of the physical sales, the traditional methods of monetizing entertainment works are quickly becoming obsolete. Businesspeople are now viewing Collective Management Organizations (CMOs), rightfully so, as one of the key methods of monetization of creative industry productions.

As we begin our journey for the next three years of the Board's service to KAMP members, music users and the industry at large, I am convinced that this document will confidently illuminate our way out of this abyss. To our employees, I hope this document becomes a constant reminder that you are the team to make this document live. That you have to ceaselessly lift the name of KAMP, make it a global pacesetter and an inspiration by other similar companies.

To our faithful members, may this document inspire you to have full confidence in our ability to transform your fortunes. Your unequivocal support, as you have always done, co-operation and criticism where appropriate shall come in handy in assisting us to realize our set goals.

To my fellow Board members, a lot is expected of us. In the regulatory environment, boards are being held accountable for appropriately fulfilling their fiduciary duties. Primary among these is the oversight role, which bestows on us the task of helping management to set and monitor the organization's strategic direction. For the avoidance of doubt, our concern should be more on what will be accomplished and not how to achieve the goals. Together, we are committed to creating substantial value to our members.

I look forward to reporting the fruits of this strategic plan with pride.

MR. ANTHONY KARANI MURIMI CHAIRMAN

CEO's MESSAGE



I am delighted to present the 3rd Strategic Plan of KAMP for the period 2022–2024. This Strategic Plan is the result of an all-encompassing consultative process that involved our staff and other participants. The Plan makes retrospection of the past, makes introspection of the present and creates a three-year prospect trajectory for KAMP.

The Plan enunciates largescale blueprint for the next three years, and outlines the immediate, short and medium strategies for the Association. The planning cycle is premised on four pillars, to wit: member services experience, professional and technical services; positioning for influence and institutional sustainability.

To our members, consumers of our copyrighted works, our licensees and other stakeholders, this Plan will serve as a benchmark for gauging our performance as Collective Management Organization. Implementation of this strategic plan is expected to stimulate further development of the creative sector and spur copyright compliance in Kenya. This is important in the attainment of our vision.

In developing this Plan, KAMP considered a number of important documents to ensure that the plan is anchored on the prevailing government policies, national development plans and the law. The most notable were the country's development blueprint - Vision 2030, Africa's Union Agenda 2063, and the Constitution of Kenya. KAMP is keen in ensuring that this Strategic Plan is aligned with any policy and legislative changes that may occur within the planning period.

I am happy that given the consultative process we went through in developing this strategic plan, there is common understanding, common ownership and common commitment to its implementation. As the CEO, I commit to remain the primary custodian and driver of the implementation process. I shall also keep my staff focused on the intended results and provide an enabling environment for success.

DR. MBUGUA NJOROGE CHIEF EXECUTIVE OFFICER

BOARD OF DIRECTORS



MR. ANTHONY KARANI MURIMI/ CHAIRMAN



DR. MBUGUA NJOROGE / CEO



MS. ANGELA NDAMBUKI / VICE-CHAIR



MR. PATRICK NDILANGO



REV GABRIEL TOROME



MS. FAITH KITHELE



MR. ABEDDY NGOSSO



DR. REV ANTHONY MUSEMBI

ABOUT **COMPANY**

The Kenya Association of Music Producers (KAMP) is a registered non-profit making private company, with no share capital and limited by guarantee. KAMP was registered in the year 2003 under the Companies Act, Chapter 486 of the Laws of Kenya. It was granted its operating license in May 2008 by the Kenya Copyright Board (KECOBO) in line with sections 28 and 46 of the Copyright Act 2001.

MEMBERSHIP

KAMP membership is open to record companies, music producers, and other individual producers of sound recordings registered or incorporated in Kenya. Membership application is made after submitting all registration requirements, which are disclosed to all interested persons prior to them making a formal application. Potential members can also apply online through KAMP's website www.kamp.or.ke. By the end of December 2021, KAMP had 1,438 duly approved members.

LICENSING

Since its establishment, KAMP has been dedicated to representing the rights of phonogram producers or producers of sound recordings and audio-visual works, who own rights related to the copyright. KAMP is charged with the responsibility of collecting licence fees/royalties from the users of sound recordings such as broadcasting stations (radio and television) and public performance in places such as concert halls, restaurants, hotels, shopping malls, public transport vehicles, etc. and distributing royalties to its membership.

Also, KAMP seeks to have reciprocal agreements with other local and international bodies, which have similar objectives worldwide for purposes of collecting and distributing or channelling revenue to its registered members and its affiliates.



MANDATE OF THE ASSOCIATION

Kenya Association of Music Producers (KAMP) is registered under the Companies Act, Chapter 486 of the Laws of Kenya as a non-profit making private company, with no share capital and limited by guarantee. KAMP Memorandum and Articles of Association prescribe the following as functions of the Association:

- To provide a forum for discussing matters of common interest. To promote dialogue between the various independent creative arms of the industry and to address their opportunities.
- To collect and equitably distribute to the members of public performance and broadcast fees, royalties, and any other fees or levies as the Association may be permitted to collect.
- To establish, negotiate and enter into agreements to authorize the collection of royalties locally and internationally for the public performance and broadcasting of sound recordings and audio-visual recordings on behalf of members and other right holders.
- To promote ethical business, to repress malpractice and investigate any other illegal activities detrimental to the members including to advocate for any matter that will protect and enhance the rights of the members such advocacy includes, proposed amendments to the law.
- To establish and enforce rules and code of conduct for the regulation, maintenance, and promotion of standards of members, their management, employees, directors, and agents in their dealings with each other and with third parties.
- To take such action as may be necessary by legal or other process, for the protection of the rights of the members including enforcement of intellectual

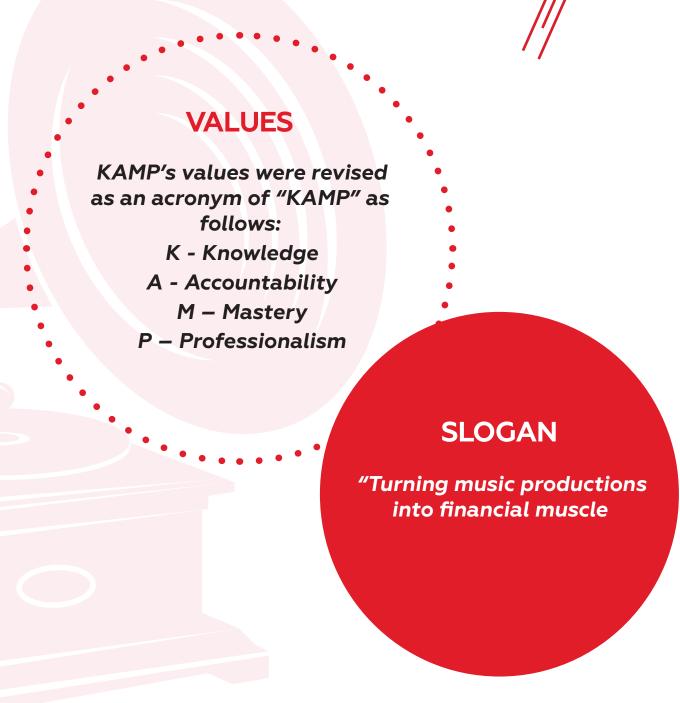
- property rights.
- To consult and liaise with related bodies both at international and national level, including chambers of commerce, trade and business and other mercantile and industrial bodies for the purpose of joint action in the interest of the industry and commerce.
- To maintain registers of sound recordings, audio-visual recordings, producers of sound recordings, producers of audio-visual recordings and to an extent performer, authors, composers, broadcasters, and publishers.
- To represent the audio-visual producers, Producers of sound recordings or phonogram producers.
- To enter into any agreements with producers of music and dramatic works videos.
- To enter into any agreements with any government Organizations, authorities that may seem conducive to the Association objects.

"To represent the audio-visual producers, Producers of sound recordings or phonogram producers".

VISION AND **MISSION STATEMENTS**

By engaging with internal and external publics, the Kenya Association of Music Producers has managed to refine and sharpen its corporate propositions as epitomised in its new and a clear vision, mission and core values.





NATIONAL IP GOALS /

The legal and institutional framework for collective administration of copyright exists at two levels; the national and international levels. On the national level, the laws that affect the collective administration of copyright include copyright statutes, legislation regulating corporations, business associations, and competition laws.

On the international level, the Berne Convention along with other WIPO-administered Conventions and Treaties such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) are key international instruments affecting copyright in general and collective administration of copyright.

Kenya is a member of the World Intellectual Property Organization (WIPO), Africa Regional Intellectual Property Organisation (ARIPO) and the World Trade Organization (WTO). Kenya is also signatory to the TRIPS Agreement and several other major international and regional intellectual property conventions.

THE CONSTITUTION OF THE REPUBLIC OF **KENYA 2010**

According to Article 2 of the Constitution, the Constitution is the supreme law of the Republic and binds all persons and all State organs at both levels of government. Article two-sub article 5 provides that general rules of international law shall form part of the law of Kenya. Additionally, Article two-sub article 6 states that any treaty or convention ratified by Kenya shall form part of the law of Kenya, which include copyright international laws such as Berne and TRIPs Agreement.

Article 11 of the Constitution, recognizes culture as the foundation of the nation. It obligates the state to promote all forms of national and cultural



Former President Mwai Kibaki accends and Attorney General Amos Wako during promulgation of the new Constitution> PHOTO: STANDARD

expression and intellectual property rights of the people of Kenya. Article 40 (5) of the Constitution compels the state to support. Promote and protect intellectual property rights of the Kenyan people. Out of an abundance of precaution, Article 260 of the Constitution defines "property" as contained in Article 40 to include any vested or contingent right to, or interest in or arising from intellectual property. Therefore, just like any other tangible property, copyright and related rights are construed as property and as such copyright owners, copyright assignees; copyright licensees are recognized as holders of rights.

Article 10 of the Constitution states that the national values and principles of governance binds all State organs, State officers, public officers and all persons whenever any of them enacts, applies or interprets any law or makes or implements public policy decisions. Sub article 2 of this Article provides non-exhaustive list of national values and principles of governance including good governance, integrity, transparency and accountability. Within the context of licensing and supervision of CMOs, Article 10 of the Constitution binds KECOBO, as a state organ.

COPYRIGHT ACT OF KENYA

The Copyright Act of 2001 is the main statute in Kenya governing copyright administration and enforcement. The Kenya Copyright Board is established as a statutory body under the Copyright Act No. 12 of 2001. The Board is mandated to administer and enforce copyright and related rights in Kenya. The Board is responsible for registering copyright works and licensing Collective Management Organizations (CMOs) in Kenya among other functions.

BERNE CONVENTION

The Berne Convention, adopted in 1886, deals with the protection of works and the rights of their authors. It provides creators such as authors, m¬usicians, poets, painters etc. with the means to control how their works are used, by whom, and on what terms. It is based on three basic principles and contains a series of provisions determining the minimum protection to be granted, as well as special provisions available to developing countries that want to make use of them.

THE TRIPS AGREEMENT

The TRIPS agreement came into effect in January 1996. The Agreement introduced global standards for

protecting and enforcing intellectual property rights. TRIPS Kenya became a member of the WTO on 1st January 1995. As a developing country member of the WTO, Kenya recognizes the division between industrial property (e.g. patents, trademarks) and copyright.

The African Union (AU) has embarked on the important process of creating intellectual property (IP) law and policy for the African continent. In 2016, the AU created a region wide IP organization, Pan-African Intellectual Property Organization (PAIPO), for the African continent and member states with the sole agenda of expanding IP rights, strengthening enforcement, harmonizing regional legislation, and eventually facilitating the granting of IP monopolies by a central granting authority that may well be legally binding on Member States. The objectives of PAIPO (Art. 5) include:

- the harmonization of intellectual property systems of its Member States, with particular regard to protection, exploitation, commercialization and enforcement of intellectual property rights;
- the provision of common services in the "administration and management" of IPRs activities that strengthen the human, financial and technical capacity to Member States to maximize the benefits of the IP system and to eradicate the scourge of piracy and counterfeits;
- Finally, to lead African negotiation on IP issues.

"Article 40 (5) of the Constitution compels the state to support. Promote and protect intellectual property rights of the Kenyan people."

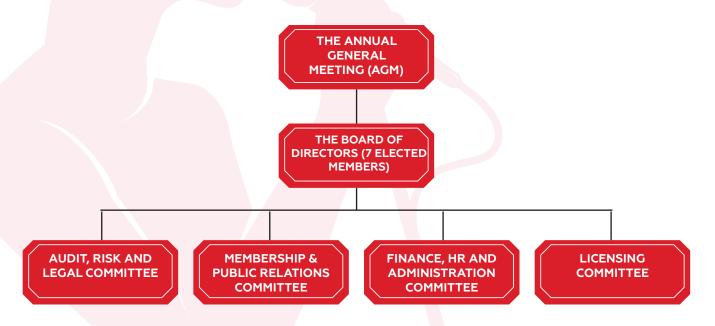
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GOVERNANCE AND MANAGEMENT OF THE ASSOCIATION

Since its inception, Kenya Association of Music Producers' (KAMP's) purpose has been to collect license fees and fairly distribute royalties to the makers and controllers of sound recordings, enabling them to fully benefit from their Intellectual Property Rights and make additional economic gain from their productions. In addition, we protect and advocate for the rights of our members and represent their interests in various forums worldwide.

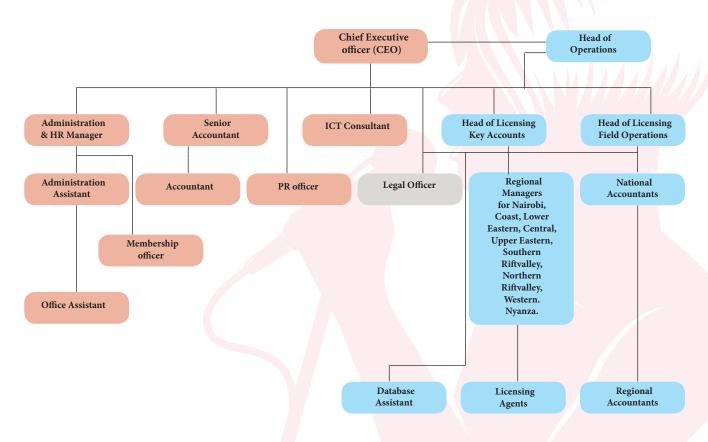
As the needs and expectations of our members grow, so too have our own organizational capacities and expectations. The Kenya Association of Music Producers (KAMP) is governed through a Board of Directors, elected by the membership at an Annual General Meeting (AGM).

The Board operates through four committees as per the provisions of the CMOs Policy Framework issued by the Kenya Copyright Board (KECOBO). The four (4) Committees are Audit, Risk & Legal Committee; Licensing Committee; Finance, HR and Administration and Membership; and PR and Marketing Committee.



MANAGEMENT

The management undertakes the day to day running of the Association activities as directed by the Board. The Management team is led by the Chief Executive Officer.



KEY (color coding)



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STAKEHOLDER ANALYSIS



Stakeholders are individuals or organizations that are influenced positively or negatively by and exert an influence on a particular project or the operations of an entity. Stakeholder Analysis involves mapping of stakeholders and their respective roles, interests, their strengths in terms of resource endowment and their weaknesses / shortcomings. This enables implementers to make decisions on which stakeholders should be involved in planning and/or implementing particular projects.

GENERAL LISTING OF STAKEHOLDERS

During the planning workshop, relevant stakeholders involved in or have interests in collective management of copyright and related rights either directly or indirectly or affected in some way in the operations of CMOs such as KAMP were grouped into three categories:

- ▶must have
- ▶good to have
- ▶nice to have.

Within the three categories, the "must have" stakeholders were further grouped into three clusters as primary stakeholders, government institutions and suppliers.

On the other hand, the "good to have" stakeholders were grouped into other government institutions, local and international strategic partners, communication agencies and other CMOs.

Lastly, the "nice to have" stakeholders were given as Business Associations or Business Membership Organizations, Blank Media Importers/Manufacturers.

Table on the next page gives the outcome of the general listing and categorization of main stakeholders in collective management.

MUST HAVE

Primary Stakeholders

- Rights holders
- All Users
- KAMP Board of Directors
- KAMP Employees

Government Institutions

- KECOBO
- Statutory Bodies (KRA, NHIF, NSSF, NITA, NEA)
- Courts of Law/Judiciary
- Kenya Police Service

Suppliers

- Auditors
- Company Secretary
- Auditors
- Company Secretary
- Financial Institutions
- Legal Firms
- Consultants (ICT, etc.)

GOOD TO HAVE

Other Government Institutions

- AG's Office
- MCK
- Communications Authority
- Ministry of ICT
- KNATCOM
- Parliament of Kenya
- County Governments

Local/International Strategic Partners

- WIPO
- ARIPO
- NORCODE
- IFPI
- SIDA
- HIVOS
- UNESCO
- Africa Development Bank (AfDB)

Other CMOs

- PRISK
- MCSK

NICE TO HAVE

Business Membership Associations(BMOs)

- Blank Media Importers/ Manufacturers
- Creative sector caucuses
- Social media influencers
- Captains of industry
- Celebrities
- Non-governmental organisations
- Foreign missions
- Donors

I SWOT/PESTEL ANALYSIS

The SWOT analysis is an examination of the external environment and internal capacities of the implementing organization, in this case, KAMP. On the other hand, PESTEL analysis involves analysing the organization's operating sphere on account of such parameters as:

 ▶Political
 ▶Environmental
 ▶Legal Aspects.
 ▶Technological,
 ▶Social
 ▶Economic

Output from the analysis is presented below:

POLITICAL

STRENGTHS

- The Kenyan Constitution (2010) recognizes the Creative Sector.
- We have Creatives in key political positions.
- Political parties' manifestos that support the creative sector.
- Established government entities that support the creative sector e.g. PPMC, Min. of Arts & Culture, etc.

WEAKNESSES

- Political squabbles within the CMOs' leadership.
- Office politics which causes instability in the office.
- Advancing of political agenda by individual staff, members and board of directors.
- Political disquiet and incitement by members.
- Negative influence of users who are well connected to key political leaders.

OPPORTUNITIES

- Creatives in key political positions are an asset for lobbying/advancing/advocating favourable policies and legislative frameworks.
- Use public participation forums to advance our agenda.
- Support creatives to ascent to key political positions.

THREATS

- Political interference in CMO operations through silent amendments to the Copyright laws and regulations.
- Selective implementation of Copyright laws and regulations. (scrapping of Section 30A).
- Vested interests in Collective Management takeover by State appointed agencies.
- Unfavourable constitutional amendments.
- Negative publicity from some stakeholders.
- Adverse administrative actions by the regulator

ECONOMIC

STRENGTHS

- We have a huge consumer base of music in Kenya.
- Economic focus from KNBS shows that we are on a positive economic trend.
- We have a willing pool of economically empowered producers.
- We have a huge catalogue of over 100,000 locally produced sound recordings & AV recordings.
- We have an established Head Office and Regional offices.

WEAKNESSES

- Low/ Inadequate royalty collections as a result of weak systems.
- Unsettled pending financial bills.
- Limited capacity to compensate human resources within the market rates.
- High operational expenses due to use of rented premises.
- Incessant royalty distribution.
- Inability to meet the recommended ratio of royalty distribution of 70%.
- Limited market penetration.

OPPORTUNITIES

- Growing middle-class that is consuming music in the country.
- Utilization of the digital space and emerging new media income streams.
- Operationalization of Blank Tape Media Levy.

THREATS

- Lack of support from key stakeholders (e.g. Police).
- Economic sabotage from some key stakeholders.
- Aversion to pay license fees by some users.

SOCIAL

STRENGTHS

- Good membership base.
- Availability of structures for tripartite CMO partnerships.
- Established brand name.
- Operating in a non-competitive CMO environment (protection by law).

WEAKNESSES

- Poor leadership and governance structures.
- Inadequately trained and motivated staff.
- Inadequate infrastructure e.g. no own means of transport.
- Poor negotiation skills.

OPPORTUNITIES

- Availability of social media communication channels for information dissemination.
- Availability of training opportunities through KECOBO, WIPO, ARIPO, NORCODE & Sida.
- Healthy Staff members.

THREATS

- Micro-management of CMOs by state agencies.
- Low public awareness of copyright and related rights laws.

TECHNOLOGICAL

STRENGTHS

- Adoption of a CMOs licensing, media monitoring and distribution system.
- Wide internet coverage, which has enabled us to reach stakeholders.
- Automation of internal processes and systems.

WEAKNESSES

- Political squabbles within the CMOs' leadership.
- Office politics which causes instability in the office.
- Advancing of political agenda by individual staff, members and board of directors.
- Political disquiet and incitement by members.
- Negative influence of users who are well connected to key political leaders.

OPPORTUNITIES

- Creatives in key political positions are an asset for lobbying/advancing/advocating favourable policies and legislative frameworks.
- Use public participation forums to advance our agenda.
- Support creatives to ascent to key political positions

THREATS

- Political interference in CMO operations through silent amendments to the Copyright laws and regulations.
- Selective implementation of Copyright laws and regulations. (scrapping of Section 30A).
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- Unfavourable constitutional amendments.
- Negative publicity from some stakeholders.
- Adverse administrative actions by the regulator

ENVIRONMENTAL

STRENGTHS	WEAKNESSES
 Member support. Strategic partnerships Supportive legislative framework. Consensus on combating climate change. Sustainable reporting framework. 	 Inadequate use of sustainable reporting framework. Inadequate provision for physically challenged persons (differently abled persons). Lack of disability policy. Diseases and pandemics affecting staff and board members.
OPPORTUNITIES	THREATS
 Tap into government policies and mainstreaming. Tap into international climatic architecture. Registration with Occupational Safety Institutions. 	 Uncontrolled pollution by third parties. Effects of climatic change on operations. Emerging pandemics and contagious diseases.

LEGAL

STRENGTHS	WEAKNESSES
 The constitution on articles 11(2) c, 40.5, 69 and 259. Establishment of statutes that support IP e.g. Copyright Act of 2001, companies Act. Income Tax act. Copyright Regulations (local & international). 	 Lack of capacity and skills to exploit provisions of the constitutional and international law. Policies not aligned to both national and international law. Enjoy a monopolistic status.
OPPORTUNITIES	THREATS
 Repositioning ourselves. Thought leadership. Opportunity for research. Getting into Partnerships. 	 Skewed legislation. Over regulation & micro management. Noncompliance by major players. Overreaching by the regulator. Failure to secure operational CMO license.

STRATEGIC DIRECTION



STRATEGIC PILLARS AND OUTPUTS/RESULTS

During the implementation of this plan, KAMP expects to deliver eight (8) results / outputs, which are anchored in four (4) strategic pillars as given in table below: -

STRATEGIC PILLAR	OUTPUTS/RESULTS
PILLAR 1: MEMBER SERVICES AND ENHANCED MEMBER EXPERIENCE	1.0 To establish proper ICT systems for effective member services operations.2.0 To enhance member engagement opportunities.
PILLAR 2: PROFESSIONAL AND TECHNICAL SERVICES	 3.0 To substantially increase the levels of royalty collection and distribution. 4.0 To increase the level of awareness by users on need for compliance with copyright laws.
PILLAR 3: POSITIONING FOR INFLUENCE	 5.0 To develop collaborative partnerships at national, regional and global level. 6.0 To strengthen KAMP's brand presence as an influential voice in matters Copyright.
PILLAR 4: INSTITUTIONAL STRENGTHENING AND SUSTAINABILITY	7.0 To enhance mobilization of requisite infrastructural resources for operations and internal controls and processes. 8.0 To increase the capacity of human resources.

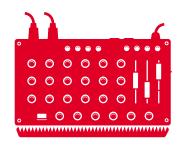
MONITORING AND **EVALUATION**



Monitoring and Evaluation (M & E) is the process of assessing performance in terms of the implementation of the strategic plan. M & E will ensure that there will be consistent tracking of progress during the implementation of the strategic plan. Achievement of targets will be measured against the set indicators of performance. Quarterly progress reports will give a critical review of the progress made. Recommendations will also be given for future improvements. External factors, which have been included in this plan as "important assumptions" will be monitored and where possible influenced through lobbying so as to achieve the desired results and set objectives.

INTERNAL BUSINESS PROCESSES

This focuses on internal business processes that lead to financial success and customer satisfaction. Key business processes must produce excellent outcomes and outputs. These include operational efficiency, timeliness in delivery, quick response to concerns by members, partners, users, etc.





LEARNING AND GROWTH

This revolves around the ability of employees in discharging their duties. Of importance is capacity building of employees to equip them with the necessary skills through training, talent development, knowledge acquisition. In addition, the quality of information systems i.e. ICT Systems, Databases and Networks are very important for a company's growth. Lastly, the effects of organization alignment is very important in terms of culture, leadership and teamwork.

STRATEGIC PLANNING **TEAM**



The Board and Senior Management team of Kenya Association of Music Producers during a strategic plan engagement.

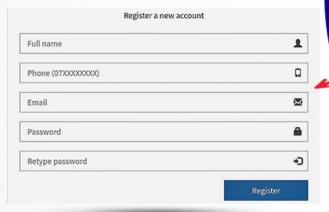


Board of Directors from left: Mr. Patrick Ndilango, Mr. Abeddy Ngosso, Rev Gabriel Torome, Mr. Anthony Karani (Chairman), Ms. Angela Ndambuki (Vice-chair), Dr. Rev Anthony Musembi, Ms. Faith Kithele.

KPM LESENI YA MZIKI NA HAKIMILIKI ZINAZOHUSIANA

PATA LESENI YA KAMP - PRISK - MCSK popote ulipo na kwa wakati wowote

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Lipa leseni, inua Msanii.

