



REPUBLIC OF KENYA

**KENYA COPYRIGHT BOARD**  
OFFICE OF THE ATTORNEY GENERAL AND  
DEPARTMENT OF JUSTICE



KENYA COPYRIGHT BOARD

Ref: .....

August 23, 2021  
Date: .....

PUBLIC ADVISORY NOTICE

ADVISORY ON THE MATTER OF CARDBURY COMPETITION

The Kenya Copyright Board (KECOBO) is a State Corporation established by Section 3 of the Copyright Act No. 12 of 2001 Laws of Kenya to administer and enforce all matters of copyright and related rights in Kenya.

It has come to the attention of the Kenya Copyright Board (KECOBO) that Cadbury is running a campaign dubbed 'In Our Own Words'.

Cadbury has stated that it intends to use original stories collected through the campaign on its website's digital library and across various platforms associated with the initiative. The economic and moral rights to the stories created shall be forfeited to Cadbury without acknowledgement or pay to the participants.

The campaign requires authors to forfeit their moral rights to be recognised as an author in connection with their work as well as their economic rights in their literary work in return for a mere thank you note.

Article 40 of the Kenyan constitution guarantees the right to property of any description which includes intellectual property of which Copyright is one. The author of a copyright work owns both economic rights and moral rights in the work. While economic rights can be transferred for a remuneration under Section 26 of the Copyright Act, moral rights under Section 32 of the Act are not transmissible under any circumstances.

KECOBO has reviewed the terms of the campaign and found them unethical and amounts to subjecting writers to degrading treatment while taking away their intellectual property rights.

As such, KECOBO has written to the Cadbury to review the terms of the competition or withdraw it entirely. The public is advised to avoid the campaign until authors' rights are well recognised and paid for.

By: Edward Sigei

Executive Director

KENYA COPYRIGHT BOARD