



KENYA NATIONAL QUALIFICATIONS AUTHORITY

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## INTELLECTUAL PROPERTY POLICY



September, 2025



# KNQA



# FOREWORD



The Intellectual Property (IP) Policy of the Kenya National Qualifications Authority (KNQA) has been formulated in alignment with its legal mandate, strategic vision, and the evolving needs of a knowledge-driven economy. This policy is a strategic tool aimed at fostering creativity, safeguarding innovations, and ensuring the equitable distribution of benefits arising from intellectual endeavours

The policy outlines the principles, procedures, and institutional framework for managing intellectual property at KNQA. It addresses issues of ownership, rights and obligations of creators, collaborative research, commercialization, dispute resolution, and capacity building. By doing so, it promotes transparency, innovation, and knowledge dissemination while protecting the rights of both the Authority and the creators.

This document has been developed through extensive stakeholder consultation and benchmarking against best practices. It reflects KNQA's commitment to nurturing an intellectual environment where innovation thrives and contributes meaningfully to national development.

We urge all staff, collaborators, and partners to familiarize themselves with this policy and embrace its provisions to uphold the integrity and value of intellectual assets generated within and through KNQA.

A handwritten signature in blue ink, appearing to be 'S. Kiptis'.

Hon. Stanley Kiptis, EBS  
**Council Chairperson**  
**Kenya National Qualifications Authority**

# PREFACE



The Kenya National Qualifications Authority plays a pivotal role in harmonizing, developing, and implementing a credible and responsive National Qualifications Framework. As a knowledge-based institution, KNQA is committed to fostering a culture of innovation, research, and intellectual excellence. In an era where ideas and innovations are fundamental drivers of social and economic development, the recognition, protection, and commercialization of intellectual property (IP) are paramount.

This Intellectual Property Policy has been developed to guide the creation, management, ownership, and utilization of intellectual assets generated through KNQA's mandate. It seeks to empower staff, collaborators, and stakeholders by creating an enabling environment for innovation while ensuring compliance with national and international IP standards.

We believe that this policy will enhance the Authority's capacity to protect its innovations and knowledge products, encourage strategic partnerships, and contribute to Kenya's socio-economic transformation.

Dr. Alice Kande

**Director General/CEO**

**Kenya National Qualifications Authority**



## POLICY APPROVAL

This Intellectual Property Policy was duly adopted and approved by the Council at its meeting

held on the 24<sup>th</sup> day of October 2025.

This Policy shall be reviewed as and when necessary. All amendments will be communicated in writing using the amendment sheet below. This will provide assurance that the Intellectual Property Policy remains consistent with the Council's mandate, objectives, roles and responsibilities.

.....

Council Chairperson  
**Kenya National Qualifications  
Authority**

.....

Director General/CEO  
**Kenya National Qualifications  
Authority**



## POLICY AMENDMENT SHEET

Issue/Revision No	Subject of Amendments	Reviewed By (Signature)	Review Authorized by (Signature)	Date



## DEFINITION OF TERMS

### **Academic Output:**

Any work resulting from scholarly activity including publications, theses, conference presentations, and technical reports.

### **Attribution:**

Acknowledgment of the contribution of creators and collaborators in an intellectual product.

### **Benefit Sharing:**

Equitable distribution of financial or non-financial benefits derived from the use or commercialization of intellectual property.

### **Collective Work:**

A work created by several authors with the intention that their contributions be merged into inseparable or interdependent parts of a unitary whole.

### **Commercialization:**

The process of bringing IP to the market with the aim of generating revenue or creating public benefit.

### **Confidential Information:**

Any non-public information, know-how, or data disclosed during research, development, or collaboration, which has commercial or strategic value.

### **Copyright:**

A legal right that grants the creator of original works exclusive rights to its use and distribution, usually for a limited time.

### **Creator/Author:**

An individual or group of individuals who invent, create or contribute to the development of intellectual property.

### **Derivative Work:**

A new creation based on or derived from an existing work (e.g., translation, adaptation, or modification of an original work).

### **Disclosure:**

The act of revealing or reporting an invention or innovation to the institution for purposes of protection or commercialization.

### **Equitable Access:**

Fair opportunity to access and benefit from intellectual property, regardless of one's position or status.

**Exclusive Rights:**

Legal rights granted to the IP holder to control how the IP is used, including the right to license, sell, or prevent others from using it without permission.

**Innovation Ecosystem:**

A network of interconnected institutions, individuals, policies, and processes that support the development and diffusion of innovations.

**Innovation:**

The process of translating an idea or invention into a good or service that creates value or for which customers will pay.

**Institutional IP:**

Intellectual property that is created with significant use of the institution's resources or developed under the auspices of the institution.

**Intellectual Property (IP):**

Creations of the mind, including inventions, literary and artistic works, symbols, names, images, and designs used in commerce.

**Invention Disclosure Form (IDF):**

A formal document used by inventors to report new inventions to the institution for review, protection, or commercialization.

**Knowledge Transfer:**

The process through which IP, skills, technologies, or research findings are shared with other institutions, the public, or the private sector.

**Moral Rights:**

Rights of authors to claim authorship of their work and to object to any distortion or modification that would harm their reputation.

**Non-disclosure Agreement (NDA):**

A legal contract between parties to protect confidential or proprietary information from being disclosed to third parties.

**Open Access:**

The practice of providing unrestricted access to peer-reviewed scholarly research and outputs online.

**Ownership:**

The legal right to possess and control the use of intellectual property.

**Patent:**

An exclusive legal right granted for an invention, providing the patent holder with the right to exclude others from making, using, or selling the invention without permission.

**Prior Art:**

Existing knowledge or information that relates to an invention and may affect its novelty or patentability.

**Public Domain:**

Creative works or inventions that are not protected by IP rights and are free for public use.

**Research Outputs:**

Results, data, reports, or any materials developed through research activities.

**Technology Transfer:**

The process of moving skills, knowledge, technologies, methods, or samples from one institution or stakeholder to another.

**Trade Secret:**

Confidential business information that provides an enterprise with a competitive edge and is not publicly disclosed.

**Trademark:**

A sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. Trademarks may include words, logos, symbols, or combinations thereof.

## ACRONYMS AND ABBREVIATIONS

ADR	Alternative Dispute Resolution
CEO	Chief Executive Officer
COI	Conflict of Interest
DG	Director General
IDF	Invention Disclosure Form
IP	Intellectual Property
IPC	Intellectual Property Committee
KIPI	Kenya Industrial Property Institute
KNQA	Kenya National Qualifications Authority
KNQF	Kenya National Qualifications Framework
NDA	Non-Disclosure Agreement
SDGs	Sustainable Development Goals
WIPO	World Intellectual Property Organization



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## SECTION 1: INTRODUCTION

### 1.0 Background

The Authority is established pursuant to the Kenya National Qualifications Framework Act, Cap 214 and operationalized through the KNQF (General) Regulations 2025, which mandate it to coordinate, regulate, and oversee the development and implementation of the national qualifications' framework. This framework is designed to enhance the quality, comparability, portability, and relevance of qualifications across education, training, and industry sectors in Kenya. In fulfilling this mandate, the Authority undertakes knowledge-intensive functions including research, policy and standards development, stakeholder capacity building, and the deployment of systems that support qualifications recognition and mobility.

The Authority operates within a multi-stakeholder environment involving government agencies, training institutions, industry partners, and development organizations. Lack of clear guidance on intellectual property management may lead to conflicting claims over jointly developed outputs, thereby undermining trust, accountability, and effective knowledge sharing. It may also limit the Authority's ability to leverage its intellectual assets for strategic partnerships, innovation, and commercialization.

The development of intellectual property policy is therefore necessary to provide clarity and consistency in handling intellectual outputs. The policy is aligned with applicable laws and policy frameworks as well as relevant international best practices.

This policy shall guide the identification, ownership, protection, utilization, and dissemination of intellectual assets generated by or on behalf of the Authority. It shall further establish provisions for disclosure, registration, licensing, and benefit sharing, while ensuring appropriate recognition of contributors. In addition, it shall provide mechanisms for balancing knowledge sharing with the protection of sensitive or high-value outputs.

It is therefore intended to enhance transparency, accountability, and efficiency in the management of intellectual assets, minimize potential disputes, safeguard institutional interests, and promote innovation and responsible knowledge sharing within the qualifications sector.



### 1.1 Mission

To establish and implement the KNQF aimed at promoting globally recognized and competitive qualifications for sustainable development



### 1.2 Vision

Globally recognized and competitive qualifications transforming Kenya

### 1.3 Core values

**Professionalism:** Our staff upholds professionalism and respects the code of conduct.

**Quality:** We strive to provide services that conform to international standards.

**Relevance:** We coordinate and harmonize the training, assessment, and register qualifications relevant to the industry.

**Diversity & Inclusion:** We create an environment where individuals from various backgrounds, perspectives, and identities feel valued, respected, and supported.

**Integrity:** We uphold honesty and adherence to solid ethical principles.



**Equity:** We always strive to be fair and impartial in our operations.

**Responsiveness:** We adapt to the changing educational and economic landscape by remaining agile and responsive to the evolving needs of learners and the labour market.

**Teamwork:** We uphold working together to benefit from synergy, cohesion, and prudent use of resources.

**Accountability:** We accept responsibility for our actions.

**Collaboration:** We foster strong relationships, open communication, and active engagement with all stakeholders involved in the organization's activities and decision-making processes.

### 1.4 Purpose

The purpose of this Policy is to safeguard and manage the intellectual assets generated through the Authority's mandate. The Authority consistently produces original works that are vital to the national qualifications' ecosystem. This policy aims to ensure that its intellectual property is appropriately safeguarded, utilized and respected in line with the Authority's mandate.

### 1.5 Policy Objectives

The main objectives of this Intellectual Property Policy are to:

1. Establish a clear and consistent framework for the identification, protection, ownership, management, and commercialization of intellectual property created by or in collaboration with the Authority.
2. Define the rights and obligations of KNQA staff, and stakeholders in relation to intellectual property.
3. Ensure compliance with relevant national legislation and international IP instruments.
4. Promote innovation, research, and knowledge-sharing within the qualifications framework while safeguarding KNQA's institutional interests.
5. Provide mechanisms for dispute resolution, benefit-sharing, and IP-related capacity building.



## 1.6 Scope of the Policy

This Policy shall apply to;

- a. Council members, the Authority's staff, individuals, and institutions associated with activities that may generate intellectual assets; and
- b. all intellectual assets and intellectual property owned by the Authority or created by its staff, contractors, suppliers, service providers, partners, and collaborators.

## 1.7 Legal and Policy Framework

This Policy is anchored on a comprehensive legal framework that aligns with national and international laws, regulations, and best practices concerning IP rights as follows:

- a. Constitution of Kenya, 2010 under article 11 2(c) that provides that the State shall promote the intellectual property rights of the people of Kenya.
- b. The Industrial Property Act, Cap 509: This act governs the protection of patents, utility models, industrial designs, and technovations in Kenya.
- c. The Copyright Act, Cap 130 on the protection of literary, musical, artistic works, and other related rights.
- d. The Trademarks Act, Cap 506 on the registration and protection of trademarks within Kenya.
- e. The Kenya Industrial Property Institute (KIPI) on administering industrial property rights in Kenya. The Authority ensures compliance with KIPI's regulations and guidelines.
- f. The World Intellectual Property Organization (WIPO): This IP policy aligns with the principles and guidelines established by WIPO, which promotes the protection of IP rights worldwide.

## SECTION 2: OWNERSHIP OF INTELLECTUAL PROPERTY

1. The intellectual property rights vests in the author, innovator, inventor or creator as long as the author, innovator, inventor as creator is a staff member of the Authority, the Authority shall be entitled in principle to ownership of the intellectual property conferred, where the innovation is made within the scope of the functions of the Authority.
2. All intellectual property conceptualized or developed by staff in the course of normal duty or as a result of participation in Authority activities or funds channeled through the Authority shall be owned by the Authority when: -
  - a. The intellectual property was developed pursuant to prior agreements or arrangements with sponsors;
  - b. The intellectual property was developed with significant use of resources or funds owned by the Authority.
3. The Authority may allow ownership of intellectual property in the following instances:
  - a. Where there has not been significant use of the Authority resources;
  - b. Where the Authority is involved in collaborative research with another entity, person or institution, in which case, the intellectual property may be jointly owned and the distribution of royalties shall be governed by the contractual agreements between the parties;
  - c. Where it has been expressly provided for between the Authority and the research sponsor; and
4. The Authority shall file for patent for its works conducted under the purview of the Authority to protect its intellectual property.





## SECTION 3: PROTECTION OF INTELLECTUAL PROPERTY

The Authority recognizes that intellectual property protection on its Qualifications Framework, Policies, Standards and Guidelines, Branding, Research Outputs, Technologies, Media & Publications and any other innovations to ensure continued availability, protection of its staff, relevant stakeholders and delivery of its mandate.

### 3.1 Patents

Where applicable, the Authority shall pursue patent protection for inventions deemed valuable to its strategic goal.

### 3.2 Trademarks and Copyrights

Where applicable and necessary, the Authority shall register and protect trademarks and copyrights associated with its products, services, and creative works, including, where necessary, registering the Kenya National Qualifications Authority (logo) as a trademark. No person(s), institution or organization shall use the Authority name or logo or any combination thereof for any application or process except as provided for under the provisions of the KNQF Act, Cap. 214 Laws of Kenya and any other applicable laws, and policies of the Authority.

All copyrightable material created, developed, or produced by or for the Authority must bear the copyright notification '© KENYA NATIONAL QUALIFICATIONS AUTHORITY' followed by the year of compilation/publication.

### 3.3 Trade Secrets, Know-How and Confidential Information

The Authority shall implement appropriate measures to safeguard confidential information, including but not limited to employee training, non-disclosure agreements, and restricted access controls.

### 3.4 Intellectual Property Committee

The IPC appointed by the DG, shall oversee the implementation of this policy with the following terms of reference:

1. Approve the necessary forms for IP disclosure, agreements, and compliance
2. Advise the Authority on protection, commercialization of innovations, inventions and other research outputs
3. Determine the terms for ownership or control of IP
4. Approve relevant IP contracts
5. To monitor and oversee all IP related matters as documented in this policy
6. To receive, arbitrate and address any IP disputes.
7. Establish, maintain and continuously update the IP portfolio

### 3.5 Ethics and Integrity

Ethics and integrity in the management and protection of the Authority’s intellectual property shall be upheld in line with the Leadership and Integrity Act, Cap 185C. All officers are expected to demonstrate honesty, transparency, and accountability in handling intellectual assets, ensuring their use strictly for institutional benefit, promoting ethical conduct, and safeguarding the Authority’s reputation in accordance with national integrity and governance principles.



## SECTION 4: USE, PERMISSION AND COMPLIANCE

### 4.1 Compliance

All Council members, staff, and relevant stakeholders shall be required to comply with the provisions of this Policy and sign the Authority Intellectual Property Agreement. In furthering such requirement, all participants will sign Agreements on innovations, inventions and Proprietary Information in accordance with this Policy. All applications and/or processes in the Authority shall be subject to this Policy.

- a. **Compliance Obligations:** All council members, staff and stakeholders are obligated to adhere to the intellectual property policy established by the Authority.
- b. **Monitoring and Oversight:** The Authority shall establish mechanisms for monitoring and oversight to ensure compliance with Intellectual Property policy, including periodic audits and reviews of intellectual property-related activities.
- c. **Enforcement Measures:** In cases of suspected infringement or violations of intellectual property rights, the Authority shall implement appropriate enforcement measures per established policies and legal frameworks.
- d. **Penalties for Non-Compliance:** Penalties or disciplinary actions for noncompliance with Intellectual Property policy shall be outlined, ensuring that violations are addressed effectively and serve as a deterrent for future infringements.
- e. **Witness Protection:** The Authority shall protect individuals reporting suspected IP violations from retaliation, ensuring confidentiality and fair treatment during investigations.

### 4.2 Internal Use

The Authority employees shall have the right to use generated intellectual property for internal purposes within the scope of their official responsibilities.

### 4.3 External Use and Permission

External use or permission of intellectual property owned by the Authority shall require written authorization. The Director General is authorized to negotiate and grant permissions for the Authority's Intellectual Property.

Agreements will specify the type of rights granted, and the financial terms. Any disputes arising shall be resolved through mediation or arbitration or any other alternative dispute resolution mechanism.





## SECTION 5: CONFLICT OF INTEREST AND DISPUTE RESOLUTION

### 5.1 Conflict of Interest

#### 5.1.1 Professional Responsibility

Staff and stakeholders have a professional responsibility to act in the best interests of the Authority. They must avoid situations where conflicting interests; whether personal, financial or otherwise could significantly undermine their work ethic and/or integrity.

#### 5.1.1 Negotiating Agreements

It is the responsibility of all staff to ensure that their agreements with stakeholders are negotiated in a manner that does not conflict with their professional duties under this Policy. This provision shall apply in particular to private consultancy and other service agreements. Staff should clearly communicate their roles and responsibilities to stakeholders and ensure that they are provided with a copy of this Policy.

#### 5.1.2 Reporting Conflict of Interest

Staff and stakeholders shall promptly report any potential and existing Conflict of Interest (COI) to the office responsible for research, in compliance with this policy. The designated office shall be responsible for resolving the conflict or reaching a solution satisfactory to all parties concerned.

#### 5.1.4 Indicators of conflict of interest

The following factors may signal potential conflict of interest under this policy;

- (i) A negative impact on Authorities Mandate and core functions
- (ii) Excessive influence on the innovator, inventor, or author employment commitment in terms of time or direction of effort.
- (iii) Conflicts as defined in applicable legal frameworks as well as internal Authority's policies and processes.

#### 5.1.5 Disqualifications in Technology transfer

The Authority may demand that a staff or stakeholder disqualifies themselves from participating in matters of technology transfer where the Authority is likely to be disadvantaged by such a decision in the following circumstances:

- (i) If the staff or stakeholder has an external relationship with a company that itself has a financial interest in the Authority strategic activities;
- (ii) If the staff or stakeholder serves on the board of a company with which the Authority conduct financial transactions
- (iii) If the staff or stakeholder holds equity or expect royalties that could influence the decision;
- (iv) If the staff or stakeholder has a vested interest and hold a position that could unduly influence the decision-making process



## 5.2 Dispute Resolution

Any dispute, controversy, or claim arising out of or in connection with the interpretation, application, or implementation of this Intellectual Property Policy shall, in the first instance, be addressed through amicable negotiations between the parties concerned.

Where such negotiations fail to resolve the matter within thirty (30) days, the dispute shall be referred to mediation facilitated by the Authority or any mutually agreed independent mediator.

If mediation does not resolve the dispute, the matter shall be referred to arbitration in accordance with the provisions of the Arbitration Act, Cap 49, Laws of Kenya. The place of arbitration shall be Nairobi, Kenya, and the arbitral award shall be final and binding on the parties.

Nothing in this clause shall prevent the Authority or any aggrieved party from seeking interim reliefs from a court of competent jurisdiction where necessary to protect its intellectual property rights.





## SECTION 6: COMMERCIALIZATION OF INTELLECTUAL PROPERTY

The Authority recognizes the need to translate intellectual property into tangible benefits for the institution, creators, stakeholders, and the nation. In line with Vision 2030 and the SDGs, the Authority promotes commercialization to convert intellectual assets into practical applications and revenue opportunities, while safeguarding interests and driving impact through jobs, recognition of qualifications, and a stronger national industry.

### 6.1 Management and Decision-Making

- 6.1.1 The Authority shall establish a structured process, managed by the designated IP committee, to determine whether, when, and how to commercialize its intellectual property. This process shall encompass the identification, evaluation, protection, and transfer of IP assets.
- 6.1.2 The Authority reserves the sole right to decide whether to proceed with, continue, or exit from the commercialization process for any IP asset it owns.
- 6.1.3 The IP Committee shall decide on the protection and/or commercialization of a disclosed IP asset within 14 working days of formal receipt of a request for commercialization. The creator(s) shall be notified of this decision in writing.
- 6.1.4 The Authority may decide not to protect or commercialize an IP asset after consultation with the creator(s) if:
  - a) There is no reasonable prospect of commercial success;
  - b) It is not deemed to be in the best strategic interest of the Authority;
  - c) It infringes on the data protection laws and other relevant laws of the country:  
or
  - d) It is not deemed to be in the public interest.

### 6.2 Commercialization Approaches, Agreements and Safeguards

The Authority shall develop clear procedures for the commercialization of intellectual property, which may include, but are not limited to:

### 6.3 Revenue Distribution and Incentives

- 6.3.1 A portion of the proceeds generated from IP commercialization shall be allocated to support further research, innovation, and IP management initiatives within the Authority, fostering a cycle of continuous development.
- 6.3.2 The specific allocation of revenues and incentives shall be determined by a transparent and pre-defined benefit-sharing mechanism, considering factors such as the level of contribution, the significance of the IP, and the organizational objectives.

## SECTION 7: IMPLEMENTATION, MONITORING, EVALUATION AND REVIEW

The overall responsibility for the oversight of this Policy shall rest with the Director General/CEO. The effective day-to-day operationalization of this Policy shall be vested on the Authority’s Intellectual Property Committee (IPC).

### 7.1 The Intellectual Property Committee (IPC)

- 7.1.1 The IPC shall be established to provide strategic guidance, ensure oversight, and manage the effective implementation of this IP Policy in the Authority.
- 7.1.2 The IPC shall be a multi-disciplinary team comprising representation from relevant departments, nominated by the Director General. The Committee may co-opt external experts where need be on an ad-hoc basis.
- 7.1.3 The IPC shall review this IP Policy at specific intervals or when the need arises.

### 7.2 Implementation

To ensure effective implementation, the Authority, through the IPC, shall:

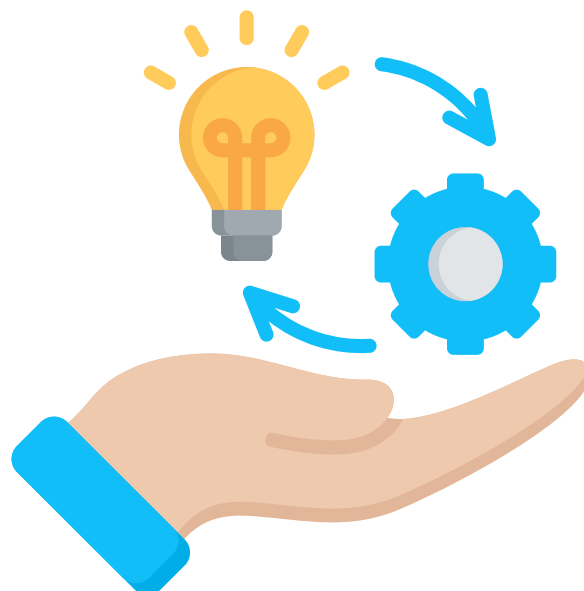
- a) Establish and maintain a method for the identification, tracking, documentation, and auditing of all intellectual assets developed under the Authority’s mandate.
- b) Institute internal controls to create a defense for the Authority’s valuable knowledge assets.
- c) Integrate IP considerations into all relevant organizational processes, including research projects, procurement, and collaboration agreements.

### 7.3 Monitoring and Evaluation

The IPC shall establish a structured M&E framework to ensure compliance with the IP policy.

### 7.4 Policy Review

The IPC shall review this Policy every three (3) years or when need arises.





REPUBLIC OF KENYA



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