

REPUBLIC OF KENYA
IN THE HIGH OF KENYA AT NAIROBI
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION

PETITION NO. E276 OF 2021

IN THE MATTER OF THE CONSTITUTION OF KENYA 2010

AND

**IN THE MATTER OF ARTICLES 10, 11, 9,20,21,22,33,40 43, 55, 165
and 259 OF THE CONSTITUTION OF KENYA 2010**

AND

**IN THE MATTER OF THE INTERPRETATION OF ARTICLES AND 40(5)
OF THE CONSTITUTION OF KENYA 2010 AS RELATES TO THE
STATUTORY MANDATE OF THE KENYA COPYRIGHT BOARD IN
COLLECTIVE MANAGEMENT OF COPYRIGHT AND RELATED RIGHTS**

AND

**IN THE MAITER OF THE CONSTITUTIONALITY OF THE MANDATE OF
KENYA COPYRIGHT BOARD IN COLLECTIVE MANAGEMENT ON
TEMPORARY BASIS IN THE ABSENCE OF A REGISTERED
COLLECTIVE MANAGEMENT ORGANISATION**

AND

**IN THE MATTER OF VIOLATIONS AND/OR IMMINENT VIOLATIONS
OF COPYRIGHT AND RELATED RIGHTS OF THE RIGHTHOLDERS**

BETWEEN

KENYA COPYRIGHT BOARD.....PETITIONER

VERSUS

MUSIC COPYRIGHT SOCIETY OF KENYA (MCSK).....1ST RESPONDENT

KENYA ASSOCIATION OF MUSIC

PRODUCERS (KAMP).....2ND RESPONDENT

PERFORMERS RIGHTS SOCIETY OF KENYA (PRISK).

.....3RD RESPONDENT

AND

ATTORNEY GENERAL.....INTERESTED PARTY

ABSA BANK KENYA PLC.....2ND INTERESTED PARTY

NCBA BANK KENYA PLC..... 3RD INTERESTED PARTY

IN COURT ON 30TH AUGUST, 2021
BEFORE HON. JUSTICE W. KORIR

ORDER

UPON THIS MATTER coming up for directions on 30th August, 2021 before **Hon. Mr. Justice Korir AND UPON** hearing Counsel for the Petitioner and Counsel for the 1st, 2nd and 3rd Respondent and Counsel for the 1st Interested Party and in the absence of Counsel for 1st and 2nd Interested Party, **WHEREAS** this matter coming up virtually:

IT IS HEREBY ORDERED:

- A. **THAT** the Respondents to file and serve Submission on the 2nd Respondent's application dated 23rd August, 2021 within fourteen (14) days from today's date;
- B. **THAT** upon service the Petitioner will file and serve Submissions within fourteen (14) days;
- C. **THAT** the application to be heard before Hon Mr. Justice A.C Mrima on **3rd November, 2021.**
- D. **THAT** the Attorney General (1st Interested Party) to file a response to the Petition within twenty (21) days from today's date;
- E. **THAT** in order to ensure that there is continued collection of royalties, an interim order be and is hereby issued staying/or suspending the implementation of the Petitioner's decision

contained in letter dated 23rd August, 2021 and public notice dated 24th August 2021 and public notice dated 24th August, 2021.

F. **THAT** the Respondents are directed to render an account of all royalties collected between 30th August, 2021 to 3rd November, 2021 to the Petitioner and the Court on or before 30th November, 2021

G. **THAT** the interim order is issued pending interpartes hearing of the application on **3rd November, 2021.**

GIVEN under my **Hand** and **Seal** of this Honourable Court this **30th** day of **August, 2021.**

ISSUED at **Nairobi** this.....**31st**.....day of.....**August**.....2021.

N. M. M. M.
DEPUTY REGISTRAR
HIGH COURT OF KENYA, NAIROBI - *Petition*
5276/2021

DEPUTY REGISTRAR
HIGH COURT OF KENYA
MILIMANI - NAIROBI