

	<b>Vilcom Networks Limited</b> <u>Copyright Policy</u>	Document No.	Policy/36
		Version No.	1.0
		Classification	Public
		Date	02.12.2024

**COPYRIGHT POLICY**

**1. INTRODUCTION**

1.1. Vilcom Network Limited seeks to ensure that our customers enjoy our high speeds of Vilcom fiber for both office meetings and entertainment purposes without internet limit restrictions. In order to reach a wider market scope, the Marketing Department engages in various activities including creating, downloading, uploading and distribution of content. Vilcom recognizes the value of original works and is committed to fostering an environment which encourages creativity and in which third party material is used lawfully without infringement.

1.2. This Copyright Policy, therefore, outlines the guidelines for content creation and distribution within the Marketing Department of Vilcom Networks Limited and measures to ensure compliance with the Kenyan Copyright legislation (**the Copyright Act, No. 12 of 2001**) and all other attendant rules and regulations in order to adhere to the terms and conditions of copyright licenses. Further, this Policy seeks to ensure that all marketing content created and/or downloaded, reviewed and published by the Marketing Department adheres to the set legal standards, upholds brand integrity and effectively communicates with the target audience.

**2. LEGAL FRAMEWORK FOR COPYRIGHT PROTECTION**

**(a) Copyright Act, 2001**

2.1. This is the primary Act of Parliament which makes provisions for copyright in literary, musical and artistic works, audio-visual works, sound recordings as well as broadcasts.

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It protects original literary, artistic and musical works and requires adherence to copyright laws when using third-party content in marketing materials.

**(b) Consumer Protection Act, 2012**

2.2. This Act provides for the protection of the consumer through, *among others*, preventing unfair trade practices in consumer transactions. It regulates advertising and marketing practices to ensure fairness, honesty and transparency.

**(c) Data Protection Act, 2019**

2.3. The Data Protection Act No. 24 of 2019 was passed into law on 8<sup>th</sup> November 2019 and came into force on 14<sup>th</sup> July 2022 to give effect to Article 31(c) and (d) of the Constitution that contains the right to privacy which is a fundamental human right. It governs the collection, processing, storage and use of personal data and further requires obtaining consent before collecting personal information.

**(d) The Kenya Film and Stage Plays Act, Cap 222 Laws of Kenya**

2.4. This Act of Parliament provides for the control of the making and the exhibition of cinematograph films, for the licensing of stage plays, theatres and cinemas. It regulates the production, exhibition, distribution and possession of films and stage plays and sets standards for content classification, age restrictions and licensing requirements for audiovisual content.

**(e) The Kenya Information and Communications Act, Cap 411A Laws of Kenya**

2.5. It provides for the regulation of electronic commerce, electronic transactions, digital signatures and cybercrime and includes provisions related to telecommunications, broadcasting, and media regulation.

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**(f) Code of Advertising Practice and Direct Marketing**

2.6. The Code of Advertising Practice is the guiding document of the Advertising Standards Board of Kenya (ASBK). It binds the advertiser, the practitioner in advertising, the facilitator in the creation of advertisements and providence of data, statistics and information to be relied upon for the production of advertising and the medium involved in publication or broadcasting of the advertiser’s message to the public. It ensures advertising is truthful, ethical and respects consumer rights.

**3. SCOPE OF POLICY**

3.1. This Policy covers all printed, electronic and digital copyrighted material used within the scope of company’s activities. For clarity, these materials include but are not limited to images, literary, dramatic, musical, artistic works, designs, sound recordings, films, broadcasts and electronic material stored on local and remote drives and on the internet. This Policy is solely concerned with issues relating to the use of third-party material and does not cover the company’s ownership of copyright in materials created by individual members of the Marketing Department.

3.2. Accordingly, members of staff and others working for or on behalf of the company are required to follow and observe this Policy and should seek advice from the Senior Management if unsure whether use or copying of material is lawful. In this light, the company and/or its Senior Management will be responsible for providing suitable advice, training and awareness to its staff and particularly members of the Marketing Department on copyright matters and will monitor and promote the Policy to the letter.

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**4. OBJECTIVES OF THIS POLICY**

- 4.1. To appreciate and comply with all applicable laws relating to the recognition of copyright rights, licenses and their protection.
- 4.2. To involve all the employees in the recognition of the importance of the copyright rights, and their protection.
- 4.3. To regularly and appropriately review this Copyright Protection Policy to be in congruence with any changes in the law.

**5. RESPONSIBILITIES**

- 5.1. It is the responsibility of Senior Management and the Head of the Marketing Department to ensure implementation of this Policy.
- 5.2. It is the responsibility of individual members of staff or others working on behalf of the Vilcom Network Limited to make legitimate use of third-party material, which involves ensuring that permission has been granted so as not to infringe any of the exclusive rights of the copyright holder. If so, the contemplated use must either permitted by license and consent or lawful under either statutory exception, fair dealing or under the doctrine public interest/domain.

**6. CONTENT CREATION GUIDELINES**

**(a) Language Use**

- 6.1. Each member of the Marketing Department Staff shall ensure that they use plain language for translatability and understanding, maintain professionalism and clarity when creating or producing content to avoid exaggeration and/or misleading claims.

**(b) Visual Content Standards:**

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6.2. Each member of the Marketing Department Staff will ensure that they not only comply with copyright laws and obtain necessary permissions for visual content but also adhere to Vilcom Networks Limited’s brand aesthetics in photography, graphics and design elements.

**(c) Ethical Considerations:**

6.3. Each member of the Marketing Department Staff will ensure that all content is truthful, accurate and transparent.

**7. LEGAL COMPLIANCE**

7.1. Infringing uses of copyrighted works are subject to penalties including fines and imprisonment under civil and criminal law. Any member of staff who breaches this Policy

7.2. may be held personally liable for their actions. All compliance cases involving nonintentional breaches of the Policy will receive the support of the company.

**8. HANDLING COPYRIGHT INFRINGEMENT CLAIMS**

8.1. If members of staff of the company are accused of copyright infringement in the normal course of their employment, they should contact the Senior Management in the first instance, which will then investigate the claim and assist in the negotiation process, providing advice and support. It should be noted, however, that ignorance is no defence under copyright law. The company may not be able to offer assistance should allegations of copyright infringement refer to instances which fall outside of the scope of the its normal course of business.

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**9. REVIEW OF THIS POLICY**

9.1. This policy will be subject to periodic review after every two years, or earlier subject to any arising need. Once the policy is reviewed, the staff members shall be notified and a training will be conducted.

**10. CONCLUSION**

10.1. Implementing a robust Legal Copywriting Policy ensures Vilcom Networks Limited operates within legal boundaries, enhancing brand reputation, audience engagement, and the effectiveness of marketing efforts. By fostering compliance and creativity, this Policy supports sustainable growth in the competitive marketplace.

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