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LEGAL ALERT



**Ready, Set, Innovate: How Patent Protection Can
Enhance the Accessibility of Sports in Kenya**



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Introduction

Observed on the 26th of April each year, the World Intellectual Property Day invites us to reflect on how the legal protection of intellectual property encourages the progress of human innovation. The 2026 theme, “[IP and Sports: Ready, Set, Innovate](#),” highlights a growing reality: modern sport is no longer defined by talent alone, but by technology, data, and design.

This year’s theme is particularly apt in today’s world. The world of sports is becoming increasingly shaped by technology, connectivity, equipment design, data and innovation. Through this year’s theme, the World Intellectual Property Organization ([WIPO](#)) encourages the recognition of the importance of protecting and promoting inventions, designs, and brands that keep the sporting world dynamic, competitive and accessible

Recent Technological Innovation in Sports

One illustration of the transformative power of modern technology in sports is the recent account of Mr. Clarke Reynolds, a blind runner and braille artist, who successfully completed the Brighton Marathon using [Ray-Ban Meta Smart Glasses](#) operated via the “[Be My Eyes](#)” application.

This feat of human ingenuity was accomplished using the help of remote volunteers who were able to view Mr. Reynolds’ surroundings through the glasses and offer real-time guidance in landscape navigation. This achievement serves as a compelling demonstration of how a combination of technology, innovation, connectivity and human support can expand the

limits of participation for differently abled members of society.

Such a significant accomplishment lies not only in the determination of one athlete, but in the dedication of inventors to the future of inclusivity in sport. If properly protected and responsibly commercialized, assistive technologies such as these can play a crucial part in being not only exceptional individual stories, but also provide scalable solutions for schools, sports clubs, para-athletes and community programmes at large.

Although the precise patent status of the particular features used by Mr. Reynolds would require a dedicated patent search, the wider smart glasses sector is already the subject of active patent protection and enforcement.

In January 2026, for example, Solos Technology filed [patent infringement proceedings](#) against Meta Platforms and EssilorLuxottica in relation to smart glasses technology, alleging infringement of patents concerning audio, sensing and processing features used in smart eyewear.

This underscores the commercial and legal significance of protecting the technical systems that make such assistive sporting applications possible. While this example is global, it raises an important question: how can similar innovations be developed, protected, and scaled within Kenya?

The Kenyan context already offers a local parallel from an innovation perspective. In 2024, [KCA University students](#) were reported to have developed Artificial Intelligence (AI) powered smart glasses for



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visually impaired users, integrating Google Maps, computer vision and generative AI to support navigation, object recognition and audio description of surroundings. Although such technology is not confined to sport, its potential application in inclusive sport is evident.

The Role of Patent Protection in Encouraging Technological Innovation

Kenya is internationally recognised for its sporting talent, particularly in athletics. However, Kenya must move beyond producing exceptional talent, but also developing technologies, devices and systems that make sports safer and more accessible.

At its core, patent protection encourages inventors to develop, disclose, and commercialise new technological solutions. Where their inventions are new, involve an inventive step, and are industrially applicable, inventors may access legally recognised protections over their creations. It is from this position of security that inventors can rest assured that the fruits of their creativity are protected from unauthorized exploitation.

Kenya's patent system should therefore be viewed as part of the country's broader sports development infrastructure. If inventors believe their ideas can be protected, they are more likely to build, test, disclose, improve and commercialise them. However, challenges remain. Limited patent awareness, high registration costs, and weak industry-academia linkages continue to hinder the growth of sports innovation in Kenya.

Patent literacy should become part of Kenya's sports

innovation ecosystem. Coaches, athletes, sports federations, universities, technical training institutions, manufacturers, start-ups and investors should be encouraged to identify patentable inventions early.

If universities, technical institutes and start-ups understand the value of patent registration, they are more likely to invest in sports science and sports technology. If local manufacturers appreciate the commercial value of patented inventions, they are more likely to partner with inventors rather than merely import finished products.

Protection under the Industrial Property Act, (Cap. 509), Laws of Kenya

Under section 30 of the Industrial Property Act, (Cap. 509), Laws of Kenya (the "IPA"), a patent once granted provides its registered proprietor with enforceable protective rights over the invention.

However, patent protection must also be pursued carefully. Not every idea is patentable. A general concept, business method, abstract aspiration or untested proposal will not ordinarily suffice. The invention must meet the legal requirements of novelty, inventive step and industrial applicability. Prior disclosure may also affect novelty, which means that inventors should obtain legal advice before publishing, pitching, demonstrating or publicly testing an invention.

According to section 21 of the IPA, an "invention" means a solution to a specific problem in the field of technology. Section 22 of the IPA goes further to expressly specify that an invention is patentable if it is



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new, involves an inventive step and, is industrially applicable.

Where these legal pre-conditions are met, patent registration transforms an idea into a protectable asset that can be licensed, assigned, used to attract investment, commercialised through local manufacturing, or deployed through partnerships with schools, sports federations, corporate sponsors and disability inclusion programmes.

Additionally, sections 23 and 24 of the IPA provide that an invention is new if it is not anticipated by prior art and shall be considered as involving an inventive step if, having regard to the prior art relevant to the application claiming the invention, it would not have been obvious to a person skilled in the art to which the invention pertains.

This protection is vital because the process of the invention of technology requires several rounds of repeated prototyping, testing in real sporting conditions, collaboration with athletes and input from engineers, coaches, physiotherapists, software developers or medical professionals. Without adequate protection, an inventor may fear that once the invention is disclosed, demonstrated or tested publicly, it may be copied by a better funded competitor.

In [Apex Creative Ltd & another v Kartasi Industries Ltd \[2011\] KEHC 720 \(KLR\)](#), the High Court (Ogola J) underscored the significance of registered industrial property rights in enforcement proceedings, holding that only a registered patent owner can institute infringement proceedings under the Industrial Property Act.

The importance of this legal framework becomes especially clear when one considers sports accessibility as not limited to elite athletes or high-end performance equipment, but also including assistive devices that can determine who is able to participate in sport in the first place, for instance, adaptive wheelchairs, prosthetic sports equipment, safer protective gear, affordable training aids, injury prevention devices, rehabilitation technologies, wearable monitoring tools and locally designed sports equipment can all contribute to a more inclusive sporting environment.

Patent protection and public access should therefore not be treated as opposing goals. Properly managed, patent rights can encourage both commercialisation and access. An inventor may license technology to local manufacturers, permit preferential use by schools or disability sports programmes, enter sponsorship supported distribution arrangements, or collaborate with public institutions to scale the invention responsibly. In this way, patent protection can serve both private reward and public benefit.

Conclusion

The future of sport in Kenya will be built by both athletic talent and shaped by the inventors who design better equipment, safer systems, adaptive devices, smarter training tools and technologies that allow more people to participate. Patent protection gives those inventors the confidence to innovate.

If properly utilized, patent protection can help transform sports innovation from isolated ideas into protected assets and commercial opportunities, for the benefit of the general public at large.

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If Kenya is to remain a global sporting powerhouse, it must invest not only in athletes, but in the ideas that support them. Patent protection is not merely a legal tool, but a catalyst for inclusive, home-grown innovation that can redefine who gets to participate in sport.

DISCLAIMER

This alert is for informational purposes only and should not be considered or interpreted as legal advice. If you have any questions or require clarification, please feel free to contact the authors John Mbaluto, FCI Arb, Deputy Managing Partner (john@oraro.co.ke), Claire Mwangi, Partner (claire@oraro.co.ke), Wambui Mwariri, Associate (wambui@oraro.co.ke) and Blenda Nyahoro, Associate (blenda@oraro.co.ke) – or your usual contact at our firm for legal guidance.



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