



## **William Ikutha Maema**

Partner

Commercial and Corporate Law

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Nairobi

## Overview

William is a leading Corporate Commercial lawyer with over twenty six years post admission experience and the Partner in Charge of the Corporate Commercial Department.

William advises both local and international clients on transactions of varied complexity and has gained immeasurable experience in handling complex transactions both locally internationally. His areas of practice include Commercial and Corporate Law, Education, Employment Law, Estate Planning, Immigration Law, Information Communication and Technology (ICT) Law, Intellectual Property, Legislative drafting and Non-Governmental Organizations/ Not for Profit.

William's most cherished achievement is having introduced the teaching of Intellectual Property Law for the first time in Kenya at the University of Nairobi in the mid 1990s. He is a recognised authority in the field of intellectual property in Kenya.

William has also distinguished himself as a leading practitioner in the non-governmental/not for profit sector in which he has built an enviable portfolio of both local and international clients, including virtually all leading Universities in the US which run non-profit programmes in Kenya.

William was recently appointed a member of **INTA'S Africa Global Advisory Council (AGAC)** for the 2018-2019 year. AGAC is one of INTA's regional advisory councils which advise the global organisation on regional public policy and advocacy issues relating to Intellectual Property.

William is regularly invited to present papers on Intellectual Property Law at local and international conferences.

Since 2006, William has been a resource person engaged by the World Bank (Washington) in research on Kenyan commercial laws relating to corporate governance which forms the Kenyan chapter of the World Bank annual report known as "**Doing Business**".

William plays a key role in the thought leadership initiatives of the Firm by regularly writing and publishing articles on topical legal issues affecting the Firm's clients as well as the general public.

## Careers

### Education

- Queen's College, University of Cambridge: Master of Law (LLM) (1991 – 1992)
- University of Nairobi, Bachelor of Law (LLB) (1987 – 1990)

- Kenya School of Law, Diploma in Law (1990 – 1991)

## Professional Qualifications

- Law Society of Kenya
- Institute of the Certified Public Secretaries of Kenya
- Association of Teachers and Researchers in Intellectual Property (ATRIP)
- International Federation of Intellectual Property Attorneys (FICPI)
- International Trade Mark Association (INTA)
- Cambridge Commonwealth Trust Society
- Post Admission Experience: 24 years
- Admitted as an Advocate of the High Court of Kenya (1991)

## Key experience

### Corporate

- Regularly advises new entrants into the Kenyan market on the registration options under Kenyan law, undertaking the actual registrations, advising on statutory and tax compliance requirements, etc.,
- Routinely handles restructuring assignments for businesses going through various stages.

### Commercial

- Provides diverse commercial legal services to clients such as drafting, review and localization of different types of commercial contracts and agreements, preparation of legal opinions, training on commercial matters etc.
- Advises clients on complex subjects such as the proper classification of food additives under the Standards Act, filing and prosecuting applications for re-classification, the legal framework for the importation and use of drones in Kenya etc.

### Education

Advises numerous American universities on the law governing universities and university-funded programmes in Kenya including registration procedures and requirements, collaboration with Kenyan universities, immigration affairs for foreign staff, establishment of non-academic programs in Kenya, employment law, contracts with collaborators including Government, etc.

### Employment Law

- Regularly advises clients on various aspects of employment law including preparation and review of employment contracts, independent contractor agreements and human resource policies/manuals to bring them into compliance with local labour laws, advising on staff rationalization exercises, transfer of employees following a merger/acquisition transaction, employee share option plans/schemes, retirement benefits, work place safety, foreign contracts of employment, etc.
- Advises local and international clients on the various ways of terminating employment contracts at the most minimum risk and assists in the preparation of the requisite documentation for each stage of the process as well as assisting clients in conducting disciplinary processes in accordance with the provisions of the Employment Act.
- Assists clients in undertaking large-scale redundancies in strict compliance with the law.
- Provides legal opinions on different aspects of employment law as required by clients from time to time.

- Provides training and writes articles in mainstream media on different aspects of employment law and practice in Kenya

## **Estate Planning**

- Advises clients on estate planning including creating complex structures for the purpose for high net worth individuals.
- Conducts client training on estate planning.

## **Immigration**

- Advises clients on the immigration options available and provides guidance on the most ideal option to suit their business and personal needs
- Prepares opinions on different aspects of immigration law and practice in Kenya.
- Reviews and drafts documents, lodging and following up for the approval and issuance of work permits (all categories), special passes, dependant's passes, student's passes, internship passes and researcher's passes;
- Reviews and drafts documents, lodging and following up for the approval and grant of citizenship for work permit holders and their dependants and spouses of Kenyan citizens.
- Reviews and drafts documents, lodging and following up for the approval and grant of permanent residence for work permit holders and their dependants and spouses of Kenyan citizens.
- Applies for and follows up for issuance of visitors and business visas.
- Assists Kenyan citizens on dual citizenship applications and applications to regain Kenyan citizenship
- Assists in cancelling work permits including preparing the application documents, filing and following up for issuance of the confirmation of cancellation from the Department of Immigration Services
- Provides training on different aspects of immigration law and practice in Kenya.

## **Intellectual Property**

- Coordinates the registration of various intellectual property rights for local and international clients in various African countries.
- Advises clients on their intellectual property portfolios, carrying out searches and advising clients on registrability of their trademarks, registration and renewal of trademarks as well as recordal of assignments, changes of name and address etc.
- Represents clients before the Registrar of Trade Marks in opposition and expungement proceedings as well as before the Managing Director in respect of similar proceedings in connection with industrial designs and utility models.
- Involved in the registration of patents and industrial designs, payment of annual maintenance fees on behalf of clients, liaising with the Kenya Industrial Property Institute to facilitate speedy processing of clients' applications and generally advising clients on their applications up to grant of letters patent/registration of the industrial designs.

## **Non-Governmental Organizations/ Not for Profit**

Routinely assists non-governmental/not-for-profit organizations in the following areas :

- advising on the registration requirements under Kenyan law;
- carrying out the actual registration including drafting the constitution and the relevant statutory forms, following up and obtaining the Certificate of Registration from the NGO Board;
- attending to statutory registrations such as PIN, NSSF, NHIF, VAT, etc,

- advising on employment generally, drafting templates for local use, providing legal opinion on specific employment questions from time to time;
- advising on Kenyan immigration laws and obtaining permits and passes for expatriate staff;
- providing legal advice and drafting commercial contracts, advising on leases and reviewing lease agreements, protecting an organisation's intellectual property rights, providing tax advice and assistance with tax exemptions;
- and generally supporting the organizations in all aspects requiring legal input.

## Resource Person

- William was recently appointed a member of *INTA'S Africa Global Advisory Council (AGAC)* for the 2018-2019 year. AGAC is one of INTA's regional advisory councils which advise the global organisation on regional public policy and advocacy issues relating to Intellectual Property.
- William is regularly invited to present papers on Intellectual Property Law at local and international conferences.
- Since 2006, William has been a resource person engaged by the World Bank (Washington) in research on Kenyan commercial laws relating to corporate governance which forms the Kenyan chapter of the World Bank annual report known as "*Doing Business*".

## Publications

William has published articles in mainstream media commenting on various proposed legislation; addressing specific legal issues in the practice of commercial law aimed at demystifying complex legal subjects for the benefit and consumption of the general public. Examples:-

- **NGO Bill Akin to Throwing out Baby with Bath Water**

<http://www.nation.co.ke/oped/Opinion/-/440808/2074858/-/6xry22z/-/index.html>

- **New Law Sounds Death Knell for Faceless Company Owners**

<http://www.ikm.co.ke/export/sites/ikm/news/articles/2017/downloads/Amendments-to-the-Companies-Act-Article.pdf>

- **"You're Fired" is No Longer the Law**

<http://www.ikm.co.ke/export/sites/ikm/news/articles/2017/downloads/WIM-Article.pdf>

- **Amend Public Benefits Organisations Act Immediately-it is Quite Toxic**

<http://www.nation.co.ke/oped/Opinion/Amend-Public-Benefit-Organisations-Act-immediately/-/440808/1842872/-/i22c>

- **Brand Protections as a Key Driver for Business Growth**

<http://www.ikm.co.ke/export/sites/ikm/news/articles/2017/downloads/Property-Rights-Articles.pdf>

- **Why Most Innovators Die Paupers**

<http://www.ikm.co.ke/export/sites/ikm/news/articles/2017/downloads/Know-how-protection.pdf>

- **Redundancies – Court of Appeal Steps in to Clarify the Law**

<http://www.ikm.co.ke/export/sites/ikm/news/articles/2017/downloads/BUSINESS-DAILY-REDUNDANCY.pdf>

- **Shifting Ground: Which Way for NGOs in Kenya?**

<http://www.ikm.co.ke/export/sites/ikm/news/articles/2017/downloads/Business-Daily-SHIFTING-GROUND-WHICH->

- **Estate Planning: Every Tycoon's Nightmare**

<http://www.ikm.co.ke/export/sites/ikm/news/articles/2017/downloads/Why-Kenyans-Should-be-Open-to-Writing-a-W>

- **Businesses Breaking Non Smoking Law with Impunity**

<http://www.ikm.co.ke/export/sites/ikm/news/articles/2017/downloads/Businesses-Breaking-Non-Smoking-Law-with-Im>

- **Tough Regulations to Cause Ripples in NGO Sector**

<http://www.nation.co.ke/oped/Opinion/-/440808/1738510/-/k422gz/-/index.html>

- **Restrictive Covenants in Employment**

<http://www.ikm.co.ke/news/articles/2018/RESTRICTIVE-COVENANTS-IN-EMPLOYMENT-CONTRACTS.htm>

## Experience record

**1992:** Lecturer, Intellectual Property law and International Trade at the Faculty of Law - University of Nairobi, Nairobi (1992 to 2000)

**1993:** Legal Assistant, Commercial Department - Hamilton Harrison & Mathews Advocates

**1997:** Partner, Commercial Department - Hamilton Harrison & Mathews Advocates

**2000:** Partner, Commercial and Corporate law practice – IKM

## Languages

**English:** Excellent

**Kiswahili:** Good

## Market recognition

### Chambers Global 2017:

- Ranked in **Band I** by **Chambers Global** and described in the 2017 edition as a lawyer who "delivers exceptionally good turnaround times. The quality of work is great - exceptional, even."



## World Trade Mark Review 2017:

- Ranked in the **Gold Category** in *World Trade Mark Review* and described in the 2017 edition as “a premier trade mark practitioner with outstanding substantive legal knowledge and a high degree of international commercial awareness”.

## Legal 500 2017:

- Ranked in **Band 1** in Intellectual Property and **Band 2** in Commercial Practice by *Legal 500* and described in the 2017 edition as having a “great wealth of knowledge”.