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Editorial

Welcome to the Fourth Volume of the Journal of Intellectual Property and Information Technology Law (JIPIT). In adherence to its established tradition, this Edition serves as a platform for academic research on Intellectual Property (IP), Information Technology (IT) and Artificial Intelligence (AI) with a square focus on jurisdictions within the Global South. This Volume reflects a dearly held commitment by the *Centre for Intellectual Property and Information Technology Law* (CIPIT) at Strathmore University. The aforementioned commitment is to develop and disseminate research on emerging technologies and digital landscapes in Africa and to shape inclusive and equitable data governance frameworks that align with Africa's needs and global standards. This Volume is also illustrative of the success the Data Governance Centre Fellowship Program has attained, having been fashioned to encourage and enable research and scholarship in the field of data protection and privacy within the Global South.

Between the months of February and July 2024, the Data Governance Centre hosted two Fellows who contributed to research centred on two limbs: first, within the intersection of data protection law and epistemic data justice, and second, encouraging resilience through data literacy and privacy enhancing technologies for Refugee Women within the global south. The works of the Fellowship culminated in the publication of blog articles, as well as the hosting of webinars.

In this Edition, we embark on a substantive exploration of rigorous, flagship works through intellectually invigorating articles cutting across diverse contexts such as Nigeria, Kenya, Tanzania, Sudan, Ghana and South Africa, dissecting topics such as data protection, AI, IP, and ICT law.

Introducing the Issue is Michael Dugeri in their work titled *'The Cannibalization of Culture: Generative AI and the Appropriation of Indigenous African Musical Works'*. Dugeri engages the timely topic of generative AI by critically examining its adverse effects on Indigenous African music. The author argues, in defence of African Indigenous music, that resource-rich multinational corporations exploit culturally significant data from African communities without proper acknowledgement, consultation, consent, or compensation. To address this adversity, the author advocates for the adoption of a value chain governance framework that ensures the ethical and equitable use of Indigenous musical works in AI training datasets, proposing this as a necessary regulatory measure to promote fair utilization and protection of cultural heritage in the era of generative AI.

In *'Rights in Traditional Cultural Expressions: Weaving Intellectual Property Protections into* Àdìrẹ *Textiles'*, Temitope Abigail Olorunnipa, Dr Yewande Fatoki, and Matilda Adedoyin Chukwuemeka aver that expressions of folklore are more than ancestral relics; instead, they serve a significant social, economic, and cultural role that necessitate protection through state laws and institutions. Using the Àdìrẹ textiles of the Abeokuta community as a case study, the authors critique the commercial imitation of traditional cultural expressions, emphasizing the detrimental impact on the cultural preservation and economic sustainability of the communities originally creating and marketing them. In response, the authors explore viable mechanisms to protect such expression of folklore.

Pressing issues such as the regulation of Web3 and cryptocurrencies have been significantly illuminated by the work of Victoria Wamuyu Kariithi. In *'Navigating the Web3 Revolution: Regulatory Strategies for Kenya'*, Kariithi delves into the intricate regulatory challenges posed by Web3 technologies, particularly emphasizing Kenya's landscape. The author aptly advocates for an investigative framework rooted in broad principles

and essential questions to help Kenya craft a systematic and integrated regulatory strategy. By emphasizing co-regulation and fostering collaboration between state and non-state actors, the author presents a balanced model that promotes innovation while addressing the inherent risks of Web3, laying the groundwork for effective and forward-looking digital governance.

Teresia Mutindi Munywoki presents this Volumes penultimate piece, '*Privacy in Displacement: Protecting the Data of Refugees in Sudan*'. Therein, Munywoki advocates for the establishment of a data protection law and body in Sudan. According to Munywoki, the continued lack of these mechanisms exacerbates the marginalization of refugees, particularly refugee women, who face an amalgamated sense of vulnerability due to their dual status as refugees and as women. This compounded marginalization exposes them to increased risks of exploitation and abuse. The author advocates for effective Data Protection Impact Assessment (DPIA) to be integrated into the activities of humanitarian organizations, enactment and enforcement of a data protection law, and the establishment of a national data protection authority in Sudan.

Nelson Otieno concludes the Issue in an article titled '*Legal Prospects for Achieving Epistemic Data Justice for Rural Women in Tanzania and Kenya*'. In this curtain closer, Otieno contends that the failure to recognize legitimate knowledge results in epistemic data injustices. The author argues that excluding rural women's agricultural expertise from technological design creates a bipartite risk: reduced effectiveness of the technologies, as well as potential alienation of the intended users. Central to Otieno's work is the averment that a legal framework ought to play a role in addressing these risks by mandating inclusive design and processing practices. However, the frameworks in Kenya and Tanzania are currently insufficient to protect against these injustices fully. This article contends that the proposed legal principles offer critical pathways toward realizing epistemic data justice for rural women utilizing digi-

tal agricultural technologies. Recognizing, however, that these pathways have inherent limitations, the article advocates for further measures, including inter-state knowledge exchange, to capitalize on potential opportunities and address any deficiencies in their implementation.

The discussions presented in the articles above are both timely and innovative, addressing pressing issues fundamental to the advancement of the Global South. These scholarly contributions reflect the evolving dynamics of critical fields such as data protection, AI, IP, and ICT law, showcasing a rich blend of theoretical insight and practical relevance.

Equally, these articles are a testament to the dedication, expertise, and meticulous efforts of the JIPIT Editorial Board and its peer reviewers whose rigorous standards ensure the publication of impactful and high-quality research. Therefore, we appreciate our peer reviewers for their invaluable role in refining and elevating the quality of the submissions. Their collaborative effort underscores the journal's mission to be an arena of academic excellence and to be a venue in which meaningful discourse in shaping the legal and technological landscape of the Global South takes place.

In this same spirit, we also extend our heartfelt gratitude to all authors who trusted JIPIT with their scholarly work, upon which they undoubtedly worked tirelessly. Cognizant also that their belief in JIPIT being an appropriate forum to communicate their opinions is what makes this Volume possible, and we are indeed grateful. We hope you find this Fourth Issue to be educative, empowering, transformative, and beneficial. Looking ahead, we are thrilled to announce that our next Edition will mark a significant milestone—our fifth-anniversary Edition, which we hope to make available in 2025. This celebratory Issue will honor a journey of longevity, consistency, growth, and impactful academic contributions in the fields of data protection, AI, IP, and ICT law in the Global South. In light of this, we warmly invite you to join this intellectual convention of contemporary authors

who are irrigating the seeds of justice, progress, and development in the Global South through the ink of the pen.

To have your work considered for this landmark edition, please submit your manuscripts by visiting: https://journal.strathmore.edu/index.php/jipit/about/submissions

Thank you.

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