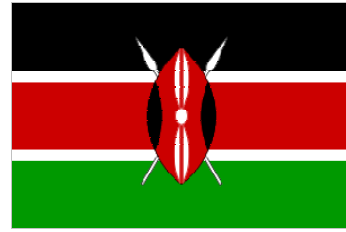


KENYA (KE)

I. LEGISLATIVE PROFILE

1. National Legislation



a. Industrial Property

Capital: Nairobi
Population: 30,736,000

Patents:

- The Industrial Property Act of 1989, cap. 509 (in force in February 1990).
- Patents and Designs (Convention Countries) Order of 1971 (commencement December 1971).
- The Industrial Property Regulations of 1993.
- Industrial Property Act of July 2001, not yet in force.

Trade Marks:

- The Trade Marks Act, cap. 506, No. 51 of 1955, No. 39 of 1956 (revised edition 1962), as amended by the Trade Marks (Amendment) Acts, Nos. 11 of 1965, 1 of 1984, Statute Law No. 7 of 1990 and as last amended 1994.
- The Trade Marks Rules, L.N. 575/1956, 454/1959 (revised edition 1962), as amended by L.N. Nos. 44 of 1970, 138 of 1971, 131 of 1975, 249 of 1988 and in 1994.

Industrial Designs:

- The Industrial Property Act of 1989, cap. 509 (in force in February 1990), as above, under Patents.
- Patents and Designs (Convention Countries) Order of 1971 (commencement in December 1971), as above, under Patents.

b. Copyright and Related Rights

Copyright:

- Copyright Act cap. 130 of the Laws of Kenya as last amended by the Copyright (Amendment) Act, October 1995.
- Draft Copyright Bill of 2001, submitted to Parliament.

Related Rights:

As above, under Copyright.

c. Other Country-Specific Legislation or Activities

Utility Models

- The Industrial Property Act of 1989 (sections 43-71), since February 1990, as above under Patents.

Appellations of Origin / Geographical Indications / Indications of Source:

- The Trade Descriptions Act, cap. 505, No. 27 of 1962 (revised edition 1963).
- Draft Geographical Indications Bill of January 2001, not yet in force.

Layout Designs (Topographics) of Integrated Circuits:

- Draft Layout-Designs of Integrated Circuits Bill of 2001, pending.

Employees' Inventions:

- The Industrial Property Act of 1989 (in force in February 1990) (to be amended), as above, under Patents.

Science and Technology:

- The Science and Technology Act, Chapter 250, 3 of 1977, L.N. 232/1977, 7 of 1979, as amended by Statute Law (Repeal and Miscellaneous Amendment Act) of 1980.

Plant Variety Protection

- The Seed and Plant Varieties Act, cap. 326, in force since 1977, as amended in 1991.

d. Sources for Information on National Laws

Office of the Attorney General

State Law Office

As below, under Supervisory Ministry for
Copyright and Related Rights.

2. Membership of International Bodies**a. Membership of WIPO treaties:**

- WIPO Convention, since October 1971.
- Paris Convention (Industrial Property), since June 1965.
- Berne Convention (Literary and Artistic Works), since June 1993.
- PCT (Patent Cooperation Treaty), since June 1994.
- PLT (Patent Law Treaty), Signatory since June 2000.
- Madrid Agreement (International Registration of Marks), since June 1998.
- Madrid Protocol (International Registration of Marks), since June 1998.
- Geneva Convention (Unauthorized Duplication of Phonograms), since April 1976.
- Brussels Convention (Distribution of Programme-Carrying Signals Transmitted by Satellite), since August 1979.
- Nairobi Treaty (Olympic Symbol), since September 1982.

b. WTO: Member and Signatory to TRIPS Agreement, since January 1995.**c. Membership of other bodies/treaties: ARIPO, UCC, UPOV.**

- Member of ARIPO since February 1982.
- Member of UCC since June 1966.
- Member of UPOV since May 1999.

Title of Head: Chairman

III. AUTHORITIES ENFORCING INTELLECTUAL PROPERTY

Industrial Property Tribunal

Contact point:
Kenya Industrial Property Institute
As above, under Industrial Property Office
Title of Head: Prof. Norah K. Olembbo

Tel.: (254.2) 33.26.48
33.23.36-9
Fax: (254.2) 21.94.30

High Court
P.O. Box 30041
Law Courts
City Hall Way
Nairobi

Tel.: (254.2) 22.12.21

Court of Appeal
P.O. Box 30187
Nairobi

Tel.: (254.2) 22.12.21

Title of Head: Chief Justice (Head of judiciary in Kenya, applicable to the two types of courts)

Contact point:
As above, under Industrial Property Office
Contact Official: Prof. Norah K. Olembbo
Director

Copyright Tribunal

Contact point:
As above, under Copyright Office.
Contact Official: Mr. Paul Omondi Mbago
Registrar General

Other

Kenya Police Force
Criminal Investigation Department
P.O. Box 30083
Nairobi
Title of Head: Commissioner of Police

Tel.: (254.2) 72.30.90

Customs and Excise Department
P.O. Box 48240
Nairobi
Title of Head: Commissioner of Customs

Tel.: (254.2) 57.46.30

IV. EDUCATIONAL INSTITUTIONS TEACHING INTELLECTUAL PROPERTY

Nairobi University
 Faculty of Law
 Highrise, Block G5/35, Off Mbagathi Way
 P.O. Box 42309, Nairobi
Title of Head: Dean of the Faculty of Law

Tel.: (254.2) 74.22.63/64
 Fax: (254.2) 74.35.65
 Fax: (254.2) 60.79.34 – 43091
 E-mail:
Innovativelawyering@net2000ke.com

V. INDUSTRIAL PROPERTY STATISTICS

Applications filed and/or registered for 1999 and 2001: Patents and Industrial Designs filed by ARIPO

		Patents <u>2001</u>	Trade Marks <u>1999</u>	Industrial Designs <u>2001</u>
Applications by:	residents	2	418	
	non-residents	59	1,025	9
Grants to:	residents		250	
	non-residents	33	740	5

PCT – 2002

Applications by residents and non-residents: 89,180 (non-residents only)
 Grants to residents and non-residents: Information not available

Madrid System – 2005

International Registrations:

Total applications: 1,484 (non-residents only)
 Total registrations: 1,483 (non-residents only)