

**Regional Workshop on the use of Utility Models and Industrial Designs for Small  
and Medium-sized Enterprises in ARIPO Member States**  
**24-26 June 2015, Harare, Zimbabwe**

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**The Role of National IP Offices: Kenya**

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# Background

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- 1913-1989
  - Patents, trade marks, companies, etc registered@ AG's Office
  - No Utility model or industrial design law
- 1989: New independent Law- Industrial Property Act 509
  - Patents, Utility models and Industrial designs.
  - Kenya Industrial Property Office (KIPO) - 1990
- 2001: New Law - Industrial Property Act
  - TRIPs compliance
  - Kenya Industrial Property Institute (KIPI)
  - Mandate
    - Patents, Industrial Designs, Utility models
    - Trade marks - Trade Marks Act of 1956

# Utility models

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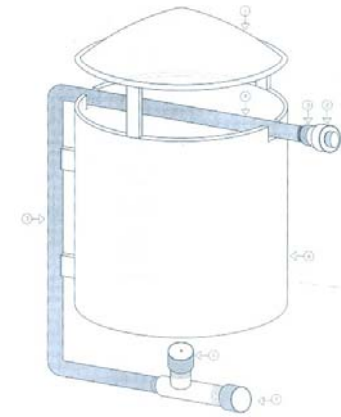
# Utility model

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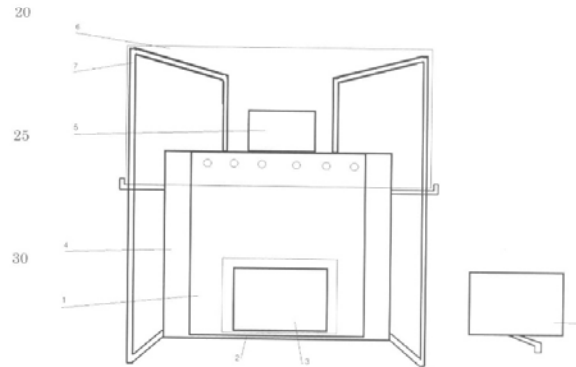
- Innovations that give some utility, advantage, saving or technical effect not available in Kenya before.
- improvements that may not qualify for patent protection.

# Utility model examples

- IMPROVED LOW CONSUMPTION KEROSENE BURNER



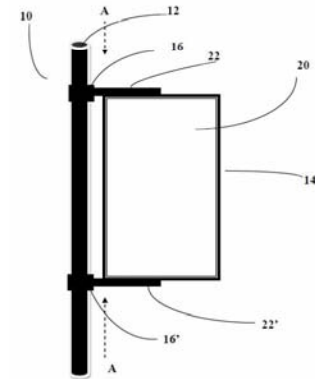
- BIOMASS COOKING STOVE



# Utility model examples

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– POLE ADVERTISING STRUCTURE



– VEHICLE ADVERTISING BODY ALLOWING CHANGE OF DISPLAYED MESSAGE

– INTERLOCKING BUILDING BLOCKS FOR LOW COST HOMES

# Utility model requirements

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- Filing Requirements
- Similar to patent
  - Request (Form IP3)
  - Specification
    - Description of invention
    - Claims
    - Drawings (where necessary)

# Utility model requirements

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- Registration procedure
  - Application
  - Formality Examination
  - Publication
  - Registration
- Others
  - Novelty
  - Industrial Applicable
  - No inventive step requirement
  - No substantive examination since 2014



# Utility model fees

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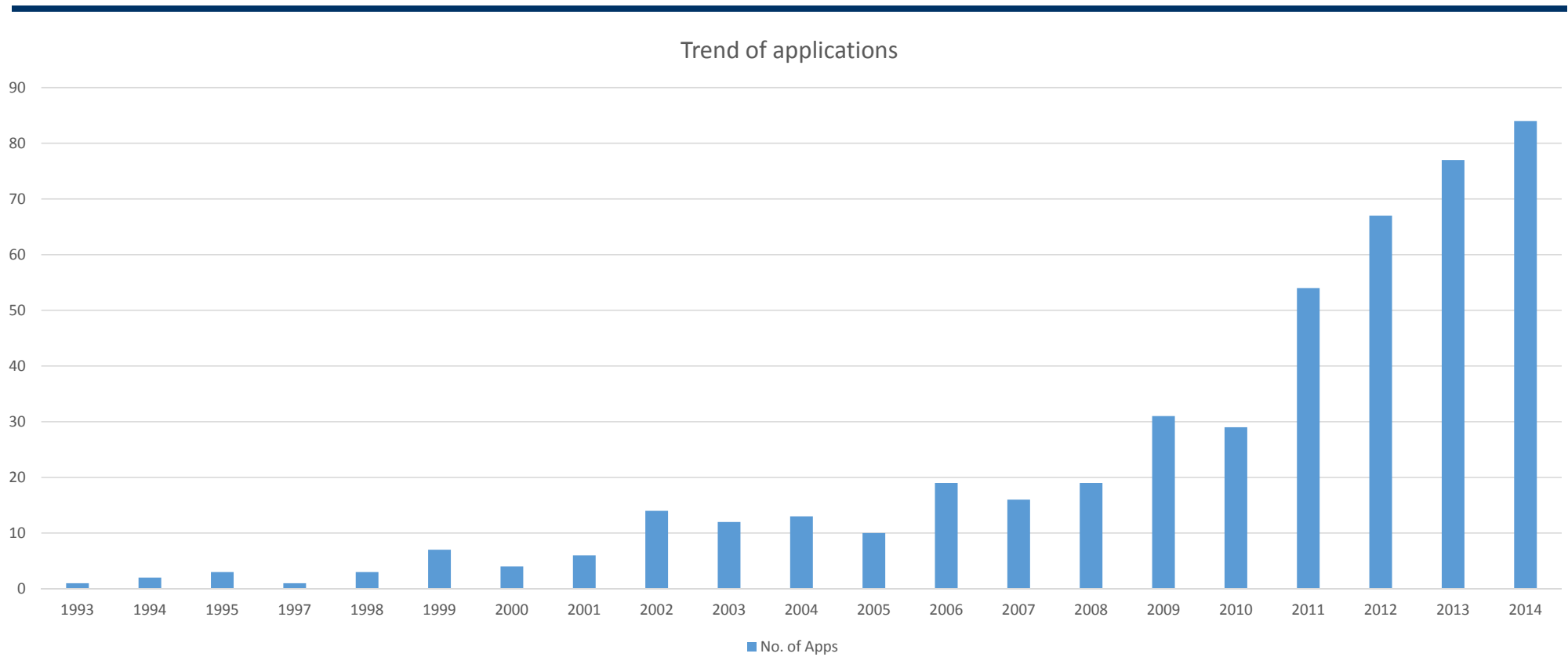
- Filing fee - Ksh. 1000 ( $\pm$  US\$ 10)
- Publication fee - Ksh. 3000 ( $\pm$  US\$ 30)
- Registration fee - Ksh. 3000 ( $\pm$  US\$ 30)
  
- Others
  - Annual fees Ksh. 1000 ( $\pm$  US\$ 10)

# Benefits of Protection

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- Exclusive rights to the owner
  - to make, use or sell invention in Kenya.
- legal action against another party who infringes the rights.
- Period of protection
  - 10 years
  - Annual fees

# Utility model applications



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# Applicants

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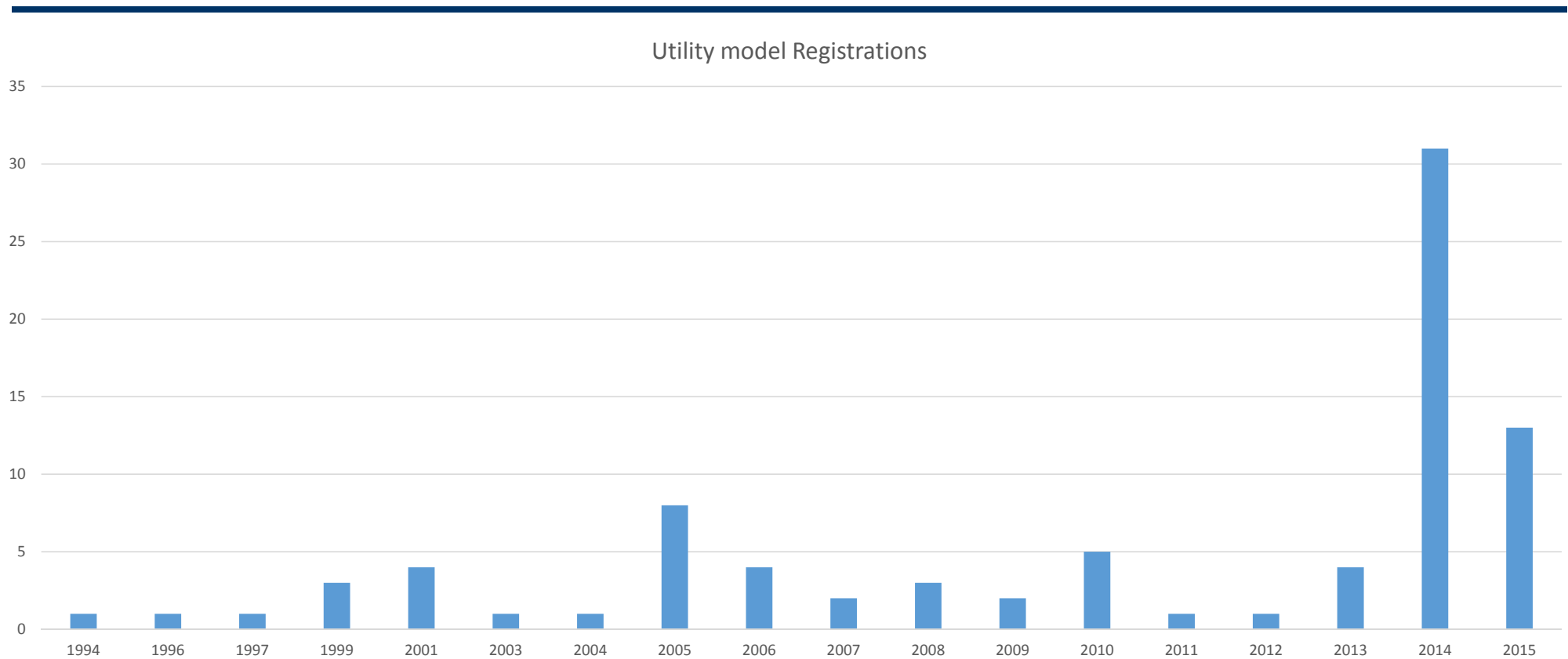
- Kenyan residents = 99.6%
- Non residents=0.4%
  
- Most active applicants
  1. Individuals
  2. SMEs
- Few applications from Universities

# Fields

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- Electrical devices
- Advertising/display structures
- Energy efficient cooking apparatus (e.g. biomass stoves)
- Mechanical devices – e.g. pumps,
- Chemical preparation/treatment methods
- Food supplements/herbal compositions

# Utility model registrations



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# Industrial designs

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# Industrial designs

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- Generally concern protection of special appearance of products (articles)
  - Shape/configuration
  - Pattern/ornamentation
- What makes an article attractive and appealing
- Adds to the commercial value of a product and increases its marketability



# Industrial designs: Examples

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- Shape/configuration



Display stand



Perfume bottle

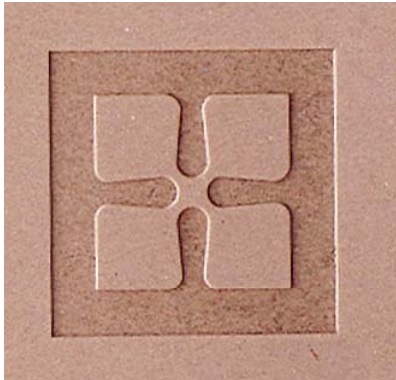
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# Industrial designs: Examples

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- Pattern/ornamentation



- Ceiling board

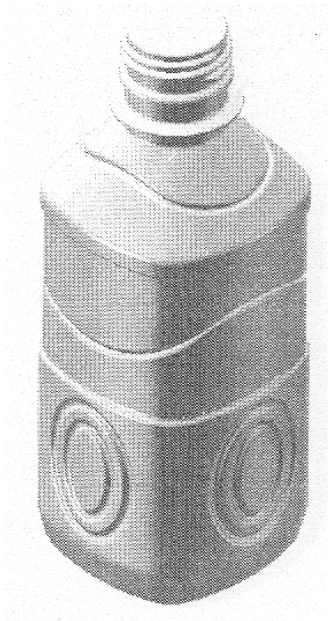


blister pack

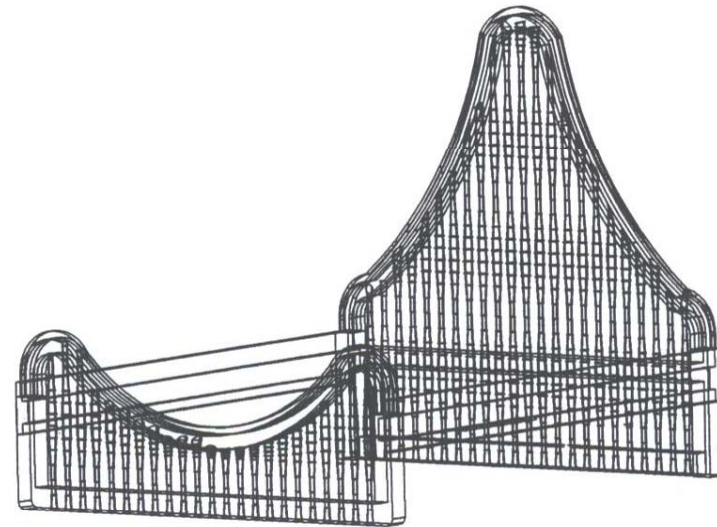
# Industrial designs: Examples

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- Shape/configuration and pattern



Container



bed

# Application requirements

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- **Request** (form IP27)
- Graphic representations of the article
  - Drawings or photographs
- Specimen of the article embodying the design
- one application for each design
  - No multiple design application

# fees

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- Filing fee - Ksh. 3000 (US\$ 30)
- Publication fee - Ksh. 3000 (US\$ 30)
- Certificate fee - Ksh. 1000 (US\$ 10)

# Requirements for registration

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- Design registrable if it is new (novel)
  - Universal novelty
  - Identical or similar design must not have been disclosed before the filing date
- Examination
- Publication in Journal
  - 60 days opposition period
- Registration

# Rights conferred

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- Right to prevent others from
  - Copying the design
  - Offering for sale articles embodying the design
- Period of protection
  - 5 years
  - renewable after 5 for up to 15 years
  - Note: 10 years under Harare Protocol

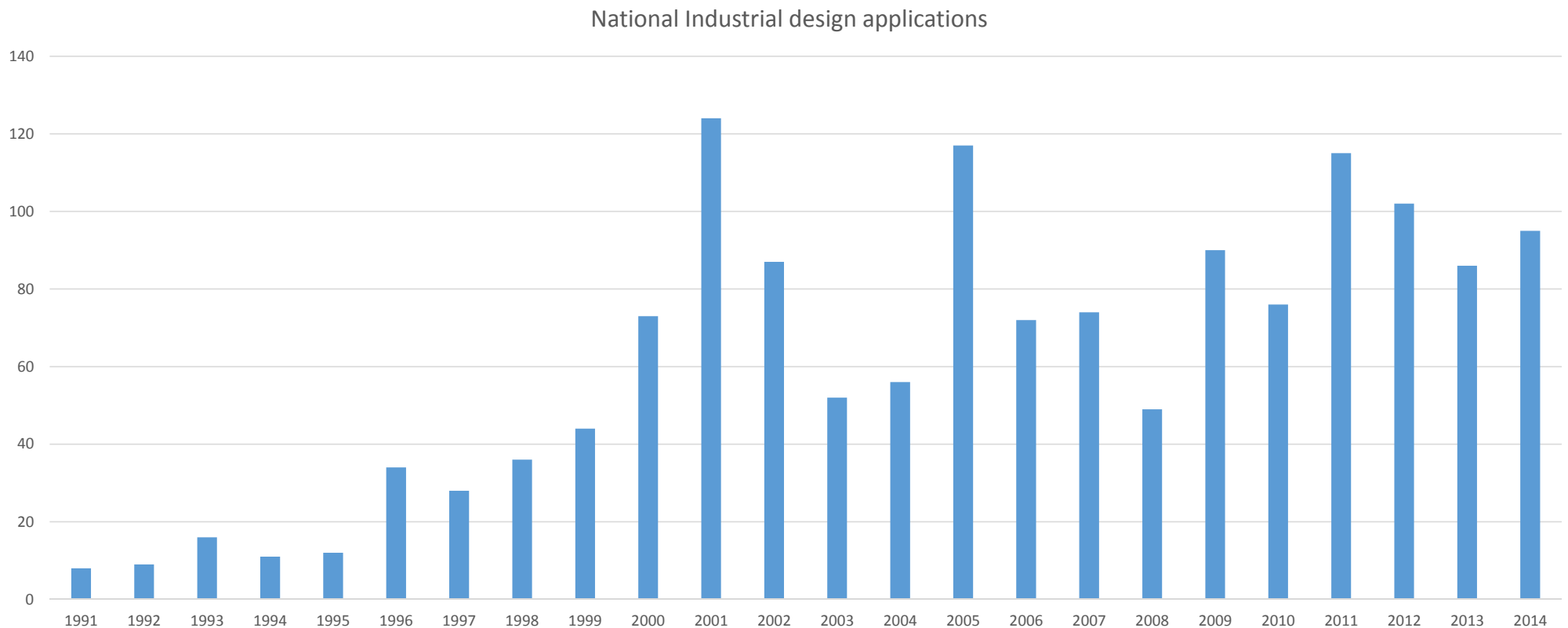
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- Industrial Design numbers and hi(story)

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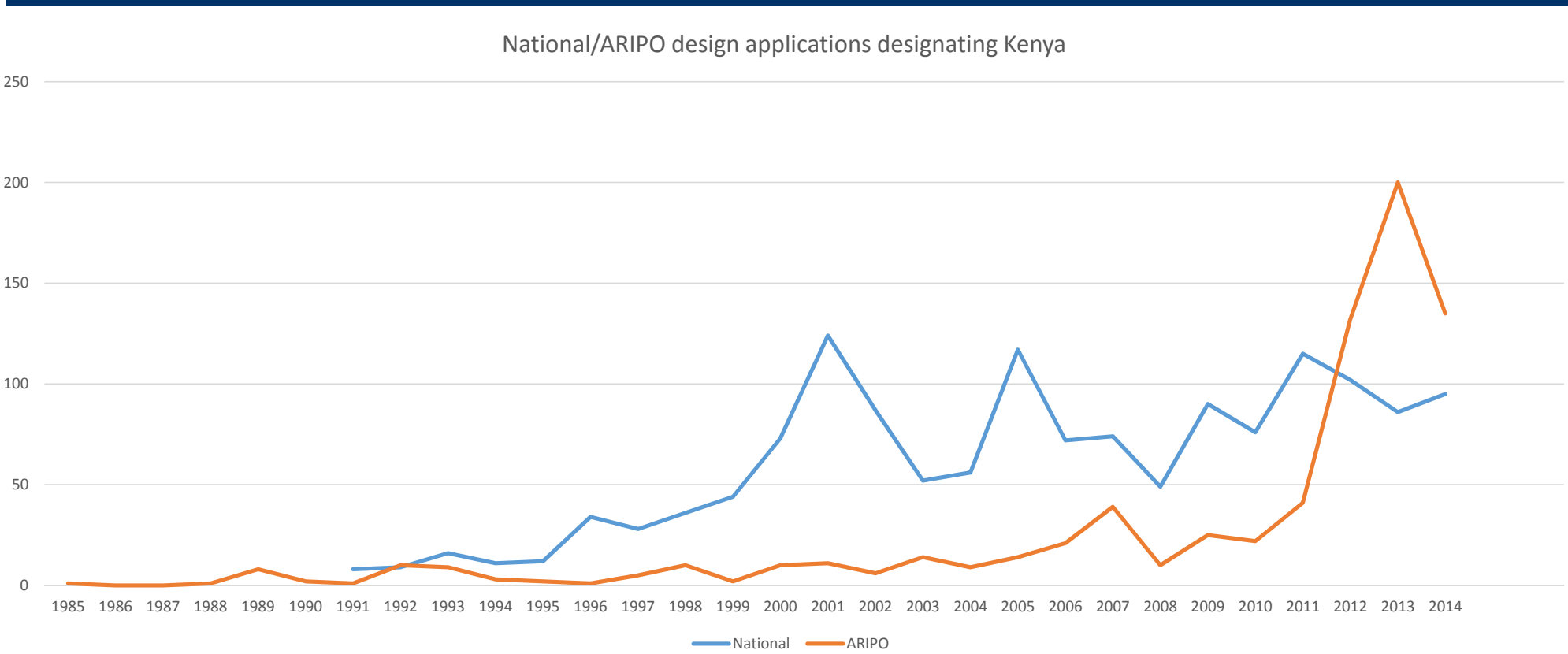
# National Industrial Design applications



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# National/ARIPO design applications designating Kenya



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# National Industrial Design applications

Class	Description of products	%
9	Packages and containers for transporting and handling of goods (e.g. bottles)	38%
7	Household goods (e.g. utensils, glassware, dishes)	10%
2	Articles of clothing	10%
6	Furnishing	7%
20	Sales and advertising equipment, signs	5%
23	Fluid distribution equipment, heating, solid fuel	4%

# Origin of National industrial design applications

Country	% of applications
<b>Kenya</b>	82%
<b>U.S.A.</b>	5%
<b>United Kingdom</b>	3%
<b>Netherlands</b>	2%
<b>Germany</b>	2%
<b>India</b>	2%
<b>Switzerland</b>	1%
<b>Other countries</b>	3%

# Applicants

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- Most active applicants
  1. SMEs (Resident applicants)
  2. Multi nationals (Non Resident applicants)
  3. Individuals (Resident applicants)
- Applications by universities ?
  - None

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Thank you.

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