

Regulation and Quality Standards for Collective Mark “Taita Basket”

Voi, Taita Taveta County, Kenya

June 24, 2016

Article 1 Definitions

The words in this regulation shall have the meanings set out below.

- a. “Association” means Taita Baskets Association registered under the Societies Act with registration number XXXXXXXXX.
- b. “Board” means the managing committee of the association.
- c. “Member group” means a basket weaving group who is a member of the association.
- d. “Mark” means the registered collective trade mark “Taita Basket” owned by the association registered with the Kenya Industrial Property Institute as of XXX, 2016 with registration number XXXXXXXXX.
- e. “Tag” means a hang tag on which the mark is printed.
- f. “Declaration” means “Taita Basket Regional Brand Declaration” annexed to this regulation.

Article 2 Purpose

1. This regulation provides for necessary matters in using the mark.
2. The mark was registered with a view to raising the name recognition of the basket and the region, to preserving and fostering the traditional basket weaving of quality, and to strengthening the solidarity among member groups.
3. The association and the member groups will make efforts to enhance the value of the mark as a regional brand.

Article 3 Condition for Use

1. The mark may be used for any basket that fulfills all the requirements provided in the following items.
 - a. The basket is handwoven by a basket weaver who belongs to one of the member groups.
 - b. The basket is made by a basket weaver who has received the basket making training designated by the association.
 - c. The basket is made of sisal grown and harvested in Taita Taveta County and its vicinity, Kenya.
 - d. The basket meets the quality standards provided in Article 5.

2. Any member group who uses the mark shall comply with the declaration.

Article 4 Application for Use of the Mark

1. Any member group who seeks to use the mark shall file an application with the association by using the prescribed form (Form 1). The application shall be accompanied by a signed declaration.
2. The board may request the member group to provide oral explanations on the application. The board may appoint a special committee for the purpose of hearing.
3. The board shall approve the use of the mark by the member group where the board finds that the conditions provided in paragraph 1 of Article 3 are fully satisfied.
4. A notice of approval shall be sent to the member group where the application is approved; otherwise, a notice of rejection shall be sent to the member group together with reasons for rejection.
5. The member group shall have the right to express opinions on the application before the board at any time. Upon request of the member group, the board shall appoint a special committee for the purpose of hearing.
6. The approval of use of the mark shall remain valid unless canceled according to Article 7.

Article 5 Quality Standards

1. Any basket sold with the mark shall be made in accordance with the following quality standards depending on the grade of basket: “decorative grade” or “practical grade”. The grade of basket shall be indicated on the tag. The items (a) to (c) shall apply only to “decorative grade”.
 - a. The diameter of thread is not greater than 2 mm.
 - b. The number of warp per 2 inches is not less than 10.
 - c. The number of weft per 2 inches is not less than 25.
 - d. The base is flat and firm enough to allow the basket to stand on its own without instability.
 - e. The side and the top end have no excessive distortions such as waves.
 - f. The finishing is tight enough not to be easily undone. There is no visible cut end of thread at the top end.
 - g. The basket is made and kept in a clean environment and not stained with dirt.
2. The mark may be used for any basket finished with leather work, handles, zipper and other accessories.
3. The responsibility of the compliance with the quality standards belongs to the basket weaver who made the basket.
4. Any basket that does not meet the requirements set out in paragraph 1 of this Article can be made and sold without the mark.

Article 6 Issuance of Tags

1. All tags shall be issued by the association.
2. Any member group may place an order for tags by using the prescribed form (Form 2).

Article 7 Inspection and Cancelation

1. The association may conduct inspections on any member group's compliance with this regulation. The member group who is subject to inspection shall cooperate with the association. The leader of the member group shall accompany the inspector during the inspection.
2. Where the board finds an event that falls under any of the following items, the board may cancel the approval of use of the mark.
 - a. The mark was used for baskets that did not fulfill the requirements provided in paragraph 1 of Article 3.
 - b. The mark was indicated on a tag that was not issued by the association according to Article 6.
 - c. A fraud was found in the application for use of the mark.
 - d. A breach of the declaration was found.
 - e. A member group did not cooperate with the inspection by the association according to paragraph 1 of this Article.
 - f. The brand image of the basket was tarnished by an abuse of the mark.

Article 7 Inspection and Cancelation (Cont'd)

3. The board may request the member group to provide oral explanations on the issue in question. The board may appoint a special committee for the purpose of hearing.
4. Where the board made a decision to cancel the approval of use of the mark by a member group, a notice of cancelation shall be sent to the member group together with reasons for cancelation.
5. The member group shall have the right to express opinions on the issue in question before the board at any time. Upon request of the member group, the board shall appoint a special committee for the purpose of hearing.

Article 8 Use of the Mark for Promotional Purposes

1. The mark may be used for promotional purposes such as a website, a catalogue and an exhibition with the approval of the board.
2. Any member group or any third party may file a request for use of the mark for promotional purposes with the board by using the prescribed form (Form 3).
3. A notice of approval shall be sent to the member group or the third party where the request is approved; otherwise, a notice of rejection shall be sent to the member group or the third party together with reasons for rejection.

Article 9 Amendment

1. This regulation may be amended by a decision of the board.
2. Any member group may file a petition for amendment of the regulation with the board by using the prescribed form (Form 4). The board shall deliberate and make a decision on the petition.
3. The board may request the member group to provide oral explanations on the petition. The board may appoint a special committee for the purpose of hearing.
4. A notice of approval shall be sent to the member group where the petition is approved; otherwise, a notice of rejection shall be sent to the member group together with reasons for rejection.
5. The member group shall have the right to express opinions on the petition before the board at any time. Upon request of the member group, the board shall appoint a special committee for the purpose of hearing.
6. The board shall communicate to all the member groups any amendments to the regulation without delay.

Article 10 Miscellaneous

1. Any necessary matters concerning the use of the mark that are not provided in this regulation are deliberated and decided by the board.
2. The board shall communicate its decisions to all the member groups without delay.
3. The board may appoint a special committee for the purpose of resolving a dispute concerning the use of the mark.

Supplementary Provisions

1. This regulation comes into effect as of XXX, 2016.