

UPDATE | Important Notice for Kenya Imports (Recordation)

1 June 2022 2 min read

Mandatory Recordation of Intellectual Property Rights as of 1 July 2022

“deadline extended to 1 January 2023”

Kenya's Anti-Counterfeit (Recordation) Regulations 2021 requires Intellectual Property rights (“IPR”) owners who import goods into Kenya to record their IPR with the Anti-Counterfeit Authority (“ACA”). We attach the [Public Notice No. 1/2022](#) dated 26 April 2022 announcing the commencement of Recordation of IPR as from **1 July 2022** and [Public Notice No. 2/2022](#) extending this commencement deadline to **1 January 2023**.

With the exception of the importation of raw material or “*items used as ingredients in the manufacture of goods*”, Recordation will be mandatory, as provided for in Section 34B of the Anti-Counterfeit Act, no. 13 of 2008. While this definition does seem to cover a wide range of products inclusive of machinery components, parts, and accessories further advice is recommended on such Imports.

The term “Intellectual Property Right” (IPR) defined under the Anti-Counterfeit Act, 2008 includes:

- Any right protected under the Kenyan Copyright Act, 2001;
- Any plant breeders’ right granted under the Kenyan Seeds and Plant Varieties Act;
- Any right protected under the Kenyan Trade Marks Act and;
- Any right protected under the Kenyan Industrial Property Act, 2001.

Furthermore, the Anti-Counterfeit Act recognises IPR’s registered outside Kenya.

Requirements and Obligations

- Annual renewals of Recordations will be required and any changes to the Registrant are on application to the ACA;
- Anticipated time frames for Recordation are 35 – 40 days. **While the deadline has been extended by six months to 1 January 2023 IPR owners are advised to continue with the application process as soon as possible.**
- The security device is to be issued to importers of goods whose IP has been recorded with the ACA;
- Presently the importation of goods not recorded will be an offence.

Either the IPR owner, authorised agent or licensee may apply for the Recordation to include:

- Name and address of IPR owner;
- Name and address of authorised importers;
- Name and address of manufacturer;
- Original simply signed Power of Attorney form;

- Photographs of the protected goods;
- Description of the IP and description of the goods;
- Details of the place of manufacture of the goods;
- Certified copies of the certificates of registration for the IP;
- A copy of the certificate of incorporation of the applicant; and
- The Applicant's Tax registration number.

Please contact the Werksmans [Intellectual Property Team](#) for further assistance.

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