

# **WORLD TRADE ORGANIZATION**

**IP/N/1/KEN/2**  
4 November 2002

(02-6051)

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**Council for Trade-Related Aspects of  
Intellectual Property Rights**

Original: English

## **NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLE 63.2 OF THE AGREEMENT**

KENYA

By means of a communication from its Permanent Mission, dated 10 April 2001, the following notification has been received from Kenya under Article 63.2 of the Agreement.

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In accordance with Article 63.2 of the Agreement on Trade-Related Aspects of Intellectual Property Rights, the Government of Kenya hereby notifies its laws and regulations pertaining to the subject-matter of the Agreement, as follows:

- Annex I to this document states the main dedicated intellectual property laws and regulations.

ANNEX I

MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS

<b>TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</b>	<b>BRIEF DESCRIPTION</b>
<p><u>Industrial Property Act Cap 509 of 1989.</u><sup>1</sup></p> <p><u>Industrial Property Bill 2001.</u><sup>2</sup> Republished on 30 March 2001.</p> <p><u>Trade Marks Act Cap 506 of 1957, as last amended in 1994.</u><sup>3</sup></p> <p><u>Trade Marks (Amendment) Bill 2001.</u><sup>2</sup></p>	<p>The Act protects the following subjects:</p> <ul style="list-style-type: none"><li>- patents:</li><li>- industrial designs.</li></ul> <p>The Bill is to repeal and replace the Industrial Property Act Cap 509 of 1989, of the Laws of Kenya. The Bill prescribes provisions for the protection of patents and industrial designs as provided for under the Agreement on Trade-Related Aspects of Intellectual Property Rights. The Bill will be reintroduced in parliament for enactment during the current session.</p> <p>The Trade Marks Act was amended in 1994 to incorporate the protection of service marks.</p> <p>The Trade Marks (Amendment) Bill 2001 will amend the Trade Marks Act Cap 507:</p> <ul style="list-style-type: none"><li>- to provide for protection of well-known marks as required by Article 16 of the Agreement on Trade-Related Aspects of Intellectual Property Rights;</li><li>- to provide for replacement of “registered users” with “Licenses” as required by Article 21 of the Agreement on Trade-Related Aspects of Intellectual Property Rights.</li></ul>

<sup>1</sup> See document IP/N/1/KEN/I/1.

<sup>2</sup> Indicates draft legislation awaiting enactment.

<sup>3</sup> See document IP/N/1/KEN/T/1.

<b>TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</b>	<b>BRIEF DESCRIPTION</b>
<p><u>Copyright Act Cap 130 of 1966, as as last amended in 1991.</u><sup>4</sup></p> <p><u>Copyright Bill 2001.</u><sup>2</sup></p> <p>Published on 27 February 2001.</p> <p><u>Seed and Plant Varieties Act Cap 326 of 1977, as last revised in 1991.</u><sup>5</sup></p> <p><u>Geographical Indications Bill 2001.</u><sup>2</sup></p> <p><u>Layout-Designs for Integrated Circuits Bill 2001.</u><sup>2</sup></p>	<p>The Copyright Act protects literally, artistic, musical, audio-visual works, sounds recordings, broadcasts and programme-carrying signals.</p> <p>The Bill is to be introduced in parliament for enactment during this session. The Bill will repeal the Copyright Act to bring it into conformity with the Agreement on Trade-Related Aspects of Intellectual Property Rights.</p> <p>The Seed and Plant Varieties Act protects plant varieties apart from seed regulation, testing and certification.</p> <p>The draft is ready and awaits the cabinet approval before being published and presented in parliament for enactment.</p> <p>The draft is ready for cabinet approval before being published and presented in parliament for enactment. The Layout-Designs for Integrated Circuits Bill 2001 makes provisions for the protection of layout-desgns for integrated circuits as provided for in Articles 35 to 38 of the Agreement on Trade-Related Aspects of Intellectual Property Rights.</p>

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<sup>4</sup> See document IP/N/1/KEN/C/1.

<sup>5</sup> See document IP/N/1/KEN/P/1.