

TECHNOLOGY, MEDIA & TELECOMMUNICATIONS ALERT

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Extension of implementation date for recordation of intellectual property rights

Kenya established the legal framework for the recordation of trademarks and other intellectual property rights (IPRs) through the amendment of the Anti-Counterfeit Act (Act) in 2019, and the adoption of the Anti-Counterfeit (Recordation) Regulations, 2021 (Regulations). The mandate of implementing this legal framework is bestowed upon the Anti-Counterfeit Authority (ACA), which is the regulatory body that is established under the Act to combat counterfeiting, trade of, and other dealings in counterfeit goods in Kenya.



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The aim of the recordation framework is to aid the ACA in readily knowing and identifying the rightful owners of IPRs that are applied to imported goods and to facilitate the process of identifying and restricting the importation of any counterfeit goods.

As part of the implementation of the legal framework, the ACA established an online integrated management system (AIMS) to facilitate the lodging of: (i) applications for the recordation of IPRs; (ii) applications for the renewal or change of particulars of any existing recordation; (iii) mandatory applications for admission as an IPRs recordation agent; and (iv) reports in relation to any counterfeit goods, among other things.

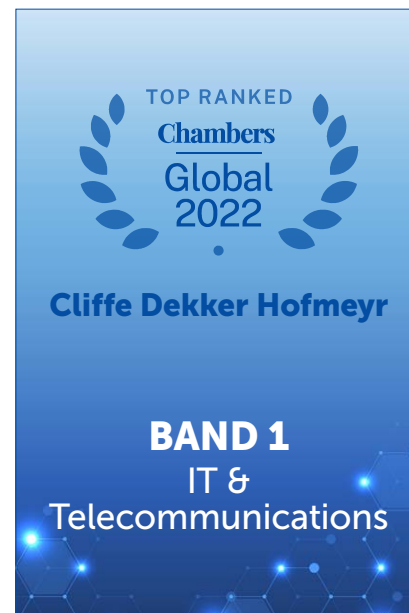
On 26 April 2022, the ACA notified the public via a public notice on its website and other media platforms of the commencement of the implementation of the recordation of IPRS with effect from 1 July 2022 via the AIMS portal. The notice also

reminded IPR agents to apply to the ACA for admission and registration before the 1 July 2022 deadline. However, following responses from various stakeholders regarding the recordation process, on 24 May 2022 the ACA issued a notice extending the deadline for the commencement of the recordation process by six months from 1 July 2022 to 1 January 2023.

The deferral of the implementation date for the recordation requirements gives stakeholders much needed time, and breathing space for compliance, which is a welcome development. It is, however, advisable that importers of branded goods and other IPR stakeholders continue to engage with the ACA, with a view to recording their IPRs over the next six months, so as to ensure that they are fully compliant from 1 January 2023.

CDH Kenya's previous publication on the recordation of IPRs with the ACA and the salient features of the Regulations can be read [here](#).

SHEM OTANGA



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BBBEE STATUS: LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

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