

LEGAL NOTICE No.....

**THE ANTI-COUNTERFEIT ACT**  
**{No. 13 of 2008}**

**IN EXERCISE** of the powers conferred by Section 37 of the Anti-Counterfeit Act, the Cabinet Secretary for Industry, Trade & Cooperatives makes the following regulations-

**THE ANTI-COUNTERFEIT {RECORDATION} REGULATIONS, 2019**

**1) Citation**

These regulations may be cited as the Anti-Counterfeit {Recordation} Regulations, 2019. Citation

**2) Interpretation**

In these Regulations, unless the context otherwise requires-

Interpretation

“Act” means the Anti-Counterfeit Act, 2008;

No. 13 of 2008

“agent” means a person duly appointed to act on behalf of an intellectual property right owner, and includes a licensee;

“application” means an application made to the Executive Director under the Act;

“certificate of registration” means a certificate relating to protection of intellectual property rights issued under any written law.

“copies” means copies of any document issued under the Act or these Regulations;

“Executive Director” means the Executive Director of the Authority appointed under section 10 of the Act and any other authorized officer; and

“registrant” means the owner of an intellectual property right who has recorded the same with the Authority and includes its authorized agent;

3) (1) The owner of any intellectual property right relating to goods to be imported into Kenya shall record the same with the Authority in Form ACA 1B set out in the First Schedule and pay the fee specified in the Second Schedule.

Application for  
recordation

(2) An applicant for recordation shall be notified of approval or denial of the same in writing within a period of thirty days from the date of application.

- (3) Notwithstanding anything contained in this Regulations, it shall be the responsibility of any person wishing to import goods for commercial purposes to ensure that the intellectual property right(s) relating to them is recorded.
- 4) A person other than a registrant who wishes to import any goods shall, in addition to any other requirements under any written law, notify the Authority of such intention in Form ACA 2B set out in the First Schedule and pay the fee specified in the Second Schedule. Submission of particulars of imported goods
- 5) (1) Whenever there is a change in ownership of a recorded intellectual property right and the new owner wishes to continue with the recordation, the new owner shall immediately apply to the Authority in Form ACA 3B set out in the First Schedule and pay the fee specified in the Second Schedule. Change of ownership
- (2) Whenever the owner of a recorded intellectual property right wishes to discontinue the recordation, the owner shall notify the Authority within a period of thirty days of the date of such discontinuation in Form ACA 4B set out in the First Schedule.
- 6) Whenever there is a change in name of the registrant of a recorded intellectual property right and such registrant wishes to continue with the recordation he shall immediately apply to the Authority in Form ACA 5B set out in the First Schedule and pay the fee specified in the Second Schedule. Change of name
- 7) A registrant of a recorded intellectual property right who wishes to renew a recordation with the Authority shall make an application in Form ACA 6B set out in the First Schedule and pay the fee specified in the Second Schedule not later than thirty days to the expiration of the current recordation. Renewal of recordation
- 8) Where a recordation of an intellectual property right has been cancelled or revoked the Authority shall notify the registrant within a period of thirty days from the date of such cancellation or revocation. Cancellation or revocation of recordation
- 9) The Authority shall maintain a register of all recorded intellectual property rights. Register
- 10) Any person seeking to establish the particulars of any recorded intellectual property right shall apply in Form ACA 7B set out in the First Schedule and pay the fee specified in the Second Schedule. Search

11) Any person wishing to obtain copies of documents submitted under these Regulations shall apply in Form ACA 8B set out in the First Schedule and pay the fee specified in the Second Schedule

Application for  
copies of documents

12) A person who—

False Declaration

(a) with intent to deceive or mislead, gives any false information in relation to any application made to the Authority; or

(b) removes, adds to, alters, defaces, or renders illegible any information on any Form prescribed under these Regulations in relation to any goods or tools; or

(c) without authority or reasonable cause alters any entry made under these Regulations

commits an offence and shall be liable upon conviction to imprisonment for a term not exceeding six months, or a fine not exceeding six thousand shillings, or both.

13) (1) The forms prescribed in the First Schedule to these Regulations shall with such modifications as may be necessary, be used for the purpose indicated therein.

Forms

(2) Notwithstanding the provision of these Regulations, a document which deviates from the prescribed form shall not be void by reason of the deviation which does not affect the substance of the document, unless it is calculated to mislead or deceive in which case regulation 11 shall apply.

FIRST SCHEDULE

FORM ACA 1B

(r. 3(1))

(S. 34B (3))

THE ANTI-COUNTERFEIT ACT, 2008

The Anti-Counterfeit Authority

**APPLICATION TO RECORD INTELLECTUAL PROPERTY RIGHTS**

The Executive Director,

The Anti-Counterfeit Authority

1	Name of the owner of the intellectual property right	
2	Telephone number, postal and physical address of owner	
3	Details of the intellectual property rights owner or partners of the association	
4	Name of agent or local distributor if any	
5	Telephone number, postal and physical address of agent or local distributor	
6	Sample or photographic representation of the protected goods	
7	Name and address of each foreign person or business entity authorized or licensed to use the intellectual property right	
8	The identity of any parent or subsidiary company or other foreign company under common ownership or control which uses the intellectual property right abroad	
9	Remarks	

Dated this ..... day of ..... 20.....

Name of Applicant.....Signature .....

**For official use only**

THIS APPLICATION IS APPROVED/NOT APPROVED

.....  
EXECUTIVE DIRECTOR

NOTES;

1. If space provided is not sufficient, please use a separate sheet of paper
2. This application shall be accompanied by a copy of the certificate of registration certified by the registering authority showing title to be presently in the name of the Applicant;
3. The application shall also be accompanied by a fee set out in the Second Schedule to the Act.

FORM ACA 2B

(r. 4)

THE ANTI-COUNTERFEIT ACT, 2008

The Anti-Counterfeit Authority

**INTELLECTUAL PROPERTY RIGHT PARTICULARS FOR IMPORTED GOODS**

The Executive Director,

The Anti-Counterfeit Authority

1	Name of the owner of the intellectual property right	
2	Telephone number, postal and physical address of owner	
3	Name of agent or local distributor if any	
4	Telephone number, postal and physical address of agent	
5	Description of the intellectual property right	
6	Place where the goods are produced or manufactured	
7	Particulars of the specific intellectual property right (s)	
8	Validity and subsistence of the intellectual property right	
9	Remarks	

Dated this ..... day of ..... 20.....

Name.....Signature .....

NOTES;

1. If space provided is not sufficient, please use a separate sheet of paper
2. This Form shall be accompanied by a sample of the trademarked goods or a coloured photographic representation of the trademarked goods and certified copies of certificate of incorporation and registration of the intellectual property right or information which furnishes authorship or creation.

THE ANTI-COUNTERFEIT ACT, 2008  
The Anti-Counterfeit Authority

**APPLICATION TO CONTINUE RECORDATION ON CHANGE OF OWNERSHIP**

The Executive Director,  
The Anti-Counterfeit Authority

1.	Name of the new owner of the intellectual property right.	
2.	Telephone number, postal and physical address of the new owner of the intellectual property right.	
3.	Name, telephone number, postal and physical address of the previous owner of the intellectual property right.	
4.	Effective date of the change of ownership.	
5.	Description of the time limit, if any, of the rights transferred.	
6.	Remarks	

Dated this ..... day of .....20.....

Name of Applicant.....Signature .....

For official use only:

THIS APPLICATION IS APPROVED/NOT APPROVED

.....  
EXECUTIVE DIRECTOR

Notes:

1. If space provided is not sufficient, please use a separate sheet of paper
2. This Form shall be completed and filed with the Authority in quadruplicate.
3. This application shall be accompanied by a certified copy of the certificate of registration and the prescribed fees.

(S. 34B (3))

THE ANTI-COUNTERFEIT ACT, 2008

The Anti-Counterfeit Authority

**NOTICE OF DISCONTINUATION OF RECORDATION**

The Executive Director,  
The Anti-Counterfeit Authority

**NAIROBI**

This is to notify you that..... (*indicate name of the proprietor of the recorded intellectual property right*) holder of recordal number .....has with effect from the date of this notice discontinued the said recordation.

Dated at Nairobi this.....day of.....20.....

.....  
*(name of proprietor of the intellectual property right)*

Note:

The form shall be signed by an authorized officer or agent or representative of the registrant.

THE ANTI-COUNTERFEIT ACT, 2008

The Anti-Counterfeit Authority

**NOTICE OF CHANGE OF NAME**

The Executive Director,  
The Anti-Counterfeit Authority

**NAIROBI**

This is to notify you that.....(*indicate name of the proprietor of the recorded intellectual property rights holder*) has with effect from.....(*indicate the date, month and year*) changed its name to.....(*indicate the new name*).

Dated at Nairobi this.....day of.....20.....

.....  
*(name of proprietor of the intellectual property right)*

Note:

1. This form shall be accompanied by a certified copy of the certificate of registration showing title in the new name and the prescribed fees.

2. The form shall be signed by an authorized officer or agent or representative of the proprietor.

FORM ACA 6B

(r. 7)

THE ANTI-COUNTERFEIT ACT, 2008

The Anti-Counterfeit Authority

**APPLICATION FOR RENEWAL OF RECORDATION OF INTELLECTUAL  
PROPERTY RIGHT**

The Executive Director,  
The Anti-Counterfeit Authority

1	Current recordation reference number	
2	Name of the owner of the intellectual property	
3	Telephone number, postal and physical address of owner	
4	Name of agent or local distributor if any	
5	Telephone number, postal and physical address of agent	
6	Description of the recorded intellectual property right	
7	Validity and subsistence of the intellectual property right	
8	Remarks	

Dated this ..... day of ..... 20.....

Name.....Signature .....

NOTES;

1. If space provided is not sufficient, please use a separate sheet of paper
2. This Form shall be accompanied by;
  - (a) a status copy of the certificate of registration certified by the registering authority showing the title to be in the name of the Applicant;
  - (b) a statement describing any change of ownership or in the name of the owner and any change of addresses of the owners and places of manufacture;
  - (c) a fee as prescribed in the Second Schedule to the Act.

ANTI-COUNTERFEIT ACT, 2008  
Anti-Counterfeit Authority  
**APPLICATION FOR OFFICIAL SEARCH**

Executive Director  
Anti-Counterfeit Authority  
NAIROBI

Kindly supply the undersigned with details of the following intellectual property right: -

Nature of Intellectual Property Right	
Name of proprietor	
Nationality of Proprietor	
Postal Address of Proprietor	
Physical Address of the Proprietor	
Local Agent of Proprietor, if any	
Date of Recordation	

.....  
APPLICANT

THE ANTI-COUNTERFEIT ACT, 2008  
The Anti-Counterfeit Authority  
**APPLICATION FOR COPIES OF DOCUMENTS**

The Executive Director,  
The Anti-Counterfeit Authority

1	Name of the applicant	
2	Telephone number, postal and physical address of the Applicant	
3	Recordal Number	
4	Reason(s) for seeking copies	
5	Remarks	

Dated this.....day of ....., 20.....

Signature.....  
OWNER/AGENT

SECOND SCHEDULE  
ANTI-COUNTERFEIT ACT, 2008  
The Anti-Counterfeit Authority  
FEES

No	Forms	Purpose	Ksh.
	FORM ACA 1B	Application to Record	9,000 for the first class, 1,000 for each subsequent class
1			
2	FORM ACA 2B	Submission of Particulars of Imported Goods	2,000
3	FORM ACA 3B	Change of ownership	2,000
4	FORM ACA 5B	Change of Name	2,000
5	FORM ACA 6B	Renewal of Recordation	5,000
6	FORM ACA 7B	Application for Search	500
7	FORM ACA 8B	Application for copies	50 per page