



anti  
counterfeit  
authority  
*Upholding Authenticity*

# ANTI-COUNTERFEIT NEWSLETTER

14TH EDITION-2024



Collaborations

## ACA & KCA University

Signs Research Contract to Combat Counterfeiting

### Enforcement

Apple Inc. Collaborates with ACA to Strengthen Fight against counterfeit goods

### Public Awareness

ACA Partners with Kenya Music Council to Educate Students on Intellectual Property Rights

### Corporate News

The FCC Tanzania delegation visited ACA for a benchmarking exercise to enhance cross-border anti-counterfeit measures.

# Foreward

## Dr. Robi Mbugua Njoroge Executive Director



I am proud to present the 14th edition of the Anti-Counterfeit Authority (ACA) Newsletter, highlighting our unwavering commitment to combating counterfeiting and protecting intellectual property rights (IPR) in Kenya. This quarter has been pivotal as we have strengthened partnerships with a number of stakeholders drawn from private sector and government agencies, aligning our efforts with the global movement towards robust intellectual property enforcement.

Intellectual property plays a crucial role in shaping the future of industrialization. In an era of rapid technological advancements and global connectivity, innovation has become a driving force for sustainable development across all sectors. In Kenya, startups, universities, and research institutions are developing breakthrough technologies that address pressing challenges such as climate change and healthcare. However, for these innovations to contribute meaningfully to industrial growth and societal welfare, we must establish a robust intellectual property system that supports the creation, commercialization, and protection of new inventions.

Our collaboration with KCA University and other academic institutions is vital in this endeavor. Through

comprehensive research initiatives, we aim to assess the scope and impact of counterfeiting on key sectors, including automotive, pharmaceuticals, electronics, and alcoholic beverages. Protecting these sectors from counterfeit threats is a top priority for our economy.

To bolster our efforts, we have partnered with global leaders like Apple Inc and CFAO Motors Kenya Limited the Kenyan franchise holders for Mercedes-Benz for product training and authentication, ensuring our enforcement teams are equipped to combat counterfeiting effectively. Additionally, in response to the growing threat of counterfeit goods in the digital space, we have launched a two-day intensive training program in partnership with GIZ Trade Kenya, aimed at enhancing our capacity to address e-commerce challenges.

Our collaboration with the Kenya Association of Manufacturers (KAM) members and the recent hosting of a delegation from Tanzania's Fair Competition Commission (FCC) for a benchmarking exercise further underscores our commitment to enhancing cross-border efforts in combating counterfeit goods.

The importance of intellectual property protection goes beyond financial returns; it is a matter of global

competitiveness. A secure IP environment attracts investment, drives commercialization, and ensures that innovators—from students to established companies—are recognized and rewarded for their contributions. By strengthening our intellectual property framework, we remain committed to fostering an environment where innovation can thrive and contribute to our nation's economic transformation.

In conclusion, the future of industrialization will depend not only on the ideas we generate but also on how effectively we protect and implement them. Intellectual property serves as a catalyst that transforms ideas into inventions and those inventions into thriving industries.

Let us embrace the opportunity to build a future where innovation flourishes, industries grow, and society prospers by #SayingNoToCounterfeits.

Thank you

*(Dr. Robi Mbugua Njoroge, PhD is the Executive Director at the Anti-Counterfeit Authority).*

# Editorial Comment

**Tom Muteti**  
**Editor**



Welcome to the 14th edition of the Anti-Counterfeit Authority (ACA) Newsletter, where we bring you the latest developments and insights in intellectual property rights promotion and protection in Kenya.

This edition highlights our expanded efforts in stakeholder collaboration, with a focus on key initiatives such as the landmark research contract signed with KCA University aimed at combating counterfeiting in sectors like automotive, pharmaceuticals, electronics, and alcoholic beverages. Additionally, you will read about our partnerships with Apple Inc. and Mercedes-Benz, where we conducted product authentication training to enhance our enforcement capabilities. We also hosted a regional benchmarking exercise with the Fair Competition Commission (FCC) of Tanzania to strengthen cross-border efforts against counterfeiting.

In an exciting development, this newsletter has transitioned from a biannual to a quarterly publication, allowing us to provide more timely updates on ACA's activities. To further enhance your reading experience, we've introduced two fun pages, ensuring that each edition is engaging as well as informative. This edition also features a guest column by Mr. Henry

Omusundi Maina, OGW, our Deputy Director of Research and Policy, reflecting on the remarkable success of the Second International Symposium on Intellectual Property Protection and Enforcement (ISIPPE 2), held in Nairobi earlier this year.

For ease of communication with ACA, we have included a full page with contact details for all our offices across the country. This is especially

***“this newsletter has transitioned from a bi-annual to a quarterly publication, allowing us to provide more timely updates on ACA’s activities. To further enhance your reading experience, we’ve introduced two fun pages, ensuring that each edition is engaging as well as informative.”***

important given recent reports of imposters posing as ACA inspectors, and we encourage citizens to use these contacts to report any related matters directly to the Authority.

Additionally, we have shared information on the expanded Harmonized System (HS) Codes for import declarations, which are essential for IPR recordation to curb the influx of counterfeit imports into Kenya.

Our editorial team has worked diligently to ensure this edition captures the breadth of ACA's initiatives and milestones. I would like to extend my sincere thanks to our contributors and partners for their ongoing support. Together, we are advancing towards a safer, counterfeit-free Kenya.

Enjoy reading!

*(Mr. Tom Muteti, is the Principal Public Communications Officer at the Anti-Counterfeit Authority).*

# Anti-Counterfeit Authority and Apple Inc. Collaborate to Strengthen Fight Against Counterfeit Goods



*Mr. Yusuf Ahmed, Director of Enforcement, ACA addressing the participants during Apple Inc. Training at ACA Headquarter.*

of counterfeit goods. This initiative brought together enforcement officers from key agencies including the ACA, Kenya Bureau of Standards (KEBS), Kenya Revenue Authority (KRA), and the Pharmacy and Poisons Board to bolster their ability to identify and eliminate counterfeit products from the market.

knowledge of Apple's brand identification techniques, which are crucial for distinguishing genuine products from counterfeits in the market.

growing problem."

This training reflects the ACA's ongoing commitment to fostering collaboration with global industry leaders like Apple, in an effort to protect consumers from counterfeit goods and ensure the integrity of the Kenyan market. "Counterfeit products not only undermine consumer trust but also pose significant safety risks," noted Mr. Ahmed. "Through this collaboration, we are enhancing the capabilities of our enforcement teams to address this

**T**he Anti-Counterfeit Authority (ACA), in partnership with Apple Inc., successfully conducted a high-impact awareness and brand identification training aimed at enhancing the detection

The event marked an important milestone in ACA's fight against counterfeiting, reinforcing the authority's mission to safeguard consumer interests and support the growth of a fair and transparent market. With continued partnerships like these, ACA is well-positioned to tackle the evolving challenges of counterfeiting in today's dynamic global marketplace.

# Anti-Counterfeit Authority Signs Research Contract with KCA University to Combat Counterfeiting

In a landmark move to strengthen the fight against counterfeit goods, the Anti-Counterfeit Authority (ACA) has signed a research contract with KCA University. This collaborative initiative aims to enhance the understanding of counterfeiting across key sectors in Kenya, including automotive spare parts, pharmaceuticals, medical equipment, energy, electronics, and alcoholic beverages.

The research, which spans eight regions of the country, seeks to assess the scope and impact of counterfeit products in these sectors. With support from the Kenya Association of Manufacturers (KAM), the study will provide valuable insights that will inform the development of more effective anti-counterfeiting strategies. By identifying the most affected sectors, the research will help guide enforcement efforts and improve current measures to curb the proliferation of



Vice Chancellor KCA University Prof. Isaiah I.C. Wakindiki, PhD., and Dr. Robi Mbugua Njoroge Executive Director ACA share a photo moment after signing of the Contract.

counterfeit goods.

Dr. Robi Mbugua Njoroge, Executive Director of ACA, highlighted the critical role of collaboration in tackling this complex issue. "Fighting counterfeiting is not just a responsibility of regulatory bodies but a collective effort that involves government, industry, academia, and consumers. This partnership with KCA University is a vital step in creating a fair, secure, and counterfeit-free market for all," Dr. Mbugua

stated. He also expressed gratitude to both the ACA and KCA University teams for their dedication to this initiative.

This partnership represents a significant step forward in the fight against counterfeiting in Kenya, ensuring that informed, data-driven solutions are developed to protect consumers, support legitimate businesses, and safeguard the country's economy.



Vice Chancellor KCA University Prof. Isaiah I.C. Wakindiki, PhD., and Dr. Robi Mbugua Njoroge Executive Director ACA together with senior representatives from both institutions.

# Safeguarding public health: Anti-counterfeit Authority and Pharmacy and Poisons Board unite forces against counterfeit and illicit medicines

the pervasive trade in counterfeit and illicit medicines within the country.

Data from a joint initiative by the World Customs Organization (WCO) and the International Institute for Research Against Counterfeit Medicines (IRACM) revealed that, in 2016 alone, customs officials across 16 countries, including Kenya, identified 113 million illicit and potentially dangerous medicines valued at €52 million (Sh6 billion).

Speaking at the signing ceremony, Dr. Robi Njoroge Mbugua, Executive Director of the Anti-Counterfeit Authority, emphasized that the influx of counterfeit products, including medicines, posed not only a threat to the market share of genuine products but, more critically, jeopardized the health and safety of consumers. Dr. Mbugua reiterated that imported counterfeit products violated intellectual property rights and were strictly prohibited in the country.

Addressing the danger posed by counterfeit drugs, Dr. Fred Siyo, CEO of the Pharmacy and Poisons Board, highlighted the government's intensified efforts to counter the prolif-



*Dr. Fred Siyo, CEO of the Pharmacy and Poisons Board and Dr. Robi Mbugua, Executive Director ACA share a photo moment after signing of the MoU*

eration of counterfeit drugs in the country. Dr. Siyo underscored the board's commitment to enhancing pharmacovigilance measures to identify and eliminate dangerous products from the market.

The MoU between ACA and PPB aimed to strengthen their collaborative efforts, fostering a comprehensive approach to tackling the trade in counterfeit and illicit medicines. Key components of the agreement included the exchange of information, collaboration in training pro-

grams, sharing of expertise, technical exchanges, and outreach activities.

Working committees were established to implement the MoU, focusing on detailed planning and the execution of cooperative activities, defining the scope of action. This collaboration was anticipated to be a landmark step forward in Kenya's fight against counterfeit and illicit trade, marking a significant stride towards ensuring the safety of consumers and protecting public health.

**T**he Anti-Counterfeit Authority (ACA) and the Pharmacy and Poisons Board (PPB) of Kenya signed a Memorandum of Understanding (MoU) earlier this year to strengthen existing collaboration in the war against counterfeit trade. This strategic partnership underscored the shared commitment of the two government agencies to combat

# Holographic Asia Delegation Visits to Explore Partnership to Combat Counterfeiting Using Cutting-Edge Technology

The Anti-Counterfeit Authority (ACA) hosted a delegation from Holographic Asia Company, a leading Malaysian firm specializing in holographic authentication stickers. This collaboration underscores ACA's commitment to utilizing advanced technology in combating the growing threat of counterfeit products across various industries in Kenya.

The delegation, led by Mr. Foong Wan Hong, presented Holographic Asia's latest innovations in holographic authentication. These cutting-edge solutions provide robust protection against counterfeiting, with applications ranging from securing pharmaceuticals to safeguarding consumer electronics and luxury goods.

ACA Executive Director



Dr. Robi Mbugua Njoroge emphasized the importance of embracing new technologies in the ongoing fight against counterfeit goods. "To effectively combat counterfeiting, we must stay ahead of counterfeiters. Holographic authentication provides a high level of security that is extremely difficult to replicate, making it an essential tool for protecting consumers and ensuring market integrity," Dr. Njoroge stated.

Mr. Hong elaborated on the multifaceted security features of holographic technology, including microtext, nano-imaging, and dynamic visual effects. These sophisticated elements offer strong protection, ensuring that each product can be authenticated quickly and reliably.



*delegation from Holographic Asia was led by Mr. Foong Wan Hong, demonstrating state-of-the-art solutions that can protect brands against counterfeiting.*

As ACA continues to explore and adopt innovative solutions, this collaboration marks a significant advancement towards creating a safer, more transparent market, free from counterfeit goods that pose risks to both consumers and the economy.

## ENFORCEMENT

# ACA and KAM Cement Manufacturing Subsector Unite to Combat Counterfeit Cement



*Anti-Counterfeit Authority Team and Kenya Association of Manufacturers (KAM) share a photo moment*

Dr. Robi Mbugua Njoroge, Executive Director of the Anti-Counterfeit Authority (ACA), held a critical meeting with representatives from the Kenya Association of Manufacturers (KAM) Cement Manufacturing Subsector, led by Chair Mr. Mohit Kapoor, to address the growing threat of counterfeit cement and repackaging. These illegal activities not only jeopardize the safety of construction projects but also deceive consumers, creating widespread risks.

During the meeting, the KAM team, including Mr. Job Wanjohi, expressed grave concerns over the rise in cement adulteration, which has compromised the quality of construction materials and placed more than 10,000 jobs in the sector at risk. With Kenya's cement

industry producing over 14 million metric tons annually, the threat posed by counterfeit products could have far-reaching consequences. Mr. Kapoor highlighted the growing illicit trade as a significant danger to the industry's stability, calling for immediate and decisive action.

Dr. Mbugua echoed these concerns and emphasized the need for a unified approach to combat the illicit practices of counterfeiting and repackaging. He noted that such practices not only undermine product integrity but also violate intellectual property rights, which are essential to maintaining the trust of consumers and businesses alike. The ACA and KAM agreed on the importance of joint enforcement measures, product traceability, and enhanced public awareness

campaigns to tackle the issue head-on.

The meeting marked a significant step toward safeguarding the construction industry from the dangers of counterfeit products. Both ACA and KAM reaffirmed their commitment to collaboration, outlining a roadmap for ongoing cooperation to ensure the safety, integrity, and sustainability of Kenya's cement manufacturing sector. Plans for future enforcement actions and public engagement were set in motion, reinforcing their shared mission to protect consumers and support legitimate manufacturers.

# Authority strengthens enforcement efforts against e-commerce counterfeiting through training

In response to the growing threat of counterfeit goods in the digital space, the Anti-Counterfeit Authority (ACA), in partnership with GIZ Trade Kenya, launched a two-day intensive training program aimed at bolstering the ACA's capacity to combat counterfeiting in e-commerce. The training, targeted at senior management and technical staff, provided participants with vital tools and knowledge to effectively tackle the rise of counterfeit goods being sold through online platforms.

With the rapid growth of e-commerce, counterfeit trade has surged, resulting in global losses exceeding \$500 billion annually and posing significant risks to consumer safety. ACA's Executive Director, Dr. Robi Mbugua Njoroge, emphasized the importance of international collaboration to effectively address this complex and borderless issue. "E-commerce offers anonymity to counterfeit-



Executive Director Dr. Robi Mbugua during the training

ers, making enforcement more challenging. Tackling this growing threat requires a coordinated global approach," he said.

The program covered a broad range of topics essential for modern enforcement, including the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), international databases for monitoring counterfeit goods, and cutting-edge enforcement tools like the recordation system, which helps track and flag counterfeit goods at borders. Dr. Mbugua also stressed the need to adapt and update

legal frameworks to effectively address the unique challenges posed by the anonymity of online trading.

Jennifer Chiku from GIZ underscored the importance of building capacity and adopting best practices in the fight against counterfeiting. She noted that the collaboration between ACA and GIZ is a crucial step towards protecting both Kenya's economy and its citizens from the dangers of counterfeit goods. The training program sets the foundation for a more robust enforcement strategy aimed at safeguarding consumers and ensuring the integrity of Kenya's e-commerce market.



Group photo of ACA senior management and technical personnel during the training

This collaborative effort between ACA and GIZ marks a significant stride in enhancing the nation's ability to combat counterfeiting in the rapidly evolving digital marketplace, reinforcing Kenya's commitment to consumer protection and economic growth.

## PUBLIC AWARENESS

## ACA Partners with Kamba TV & Radio to Combat Counterfeiting Along Mombasa-Nairobi Road Corridor



*Top ACA team led by the Principal Public Communication Officer Mr. Tom Muteti poses for a selfie photo with Kamba Music maestro Alphonse Kithungo Raha Maima alias mashimo, who was the chief entertainer during a stopover.*

er East African region, is a hotbed for counterfeit goods and illicit trade.need of

Speaking at the different stop overs, consumers were educated on the need of avoiding buying counterfeit goods and engaging in other forms of illicit trade. The ACA team highlighted the serious impact of counterfeit products, which not only jeopardize public health but also undermine the economy and legitimate businesses.

This collaboration with Kamba TV & Radio sought to reach a broad audience along the Mombasa-Nairobi road, through roadshows, exhibitions, and live radio interactions. The campaign aimed at educating traders, transporters, and consumers on how to identify counterfeit goods, understand the risks involved, and take action by reporting suspected counterfeits.

The ACA is using vernacular media to ensure its an-

ti-counterfeiting message resonates deeply with local communities, fostering a culture of vigilance and consumer protection. Speaking at the event, The Anti-Counterfeit Authority Head of Public Communication Mr. Tom Muteti said the initiative played a crucial role in safeguarding consumers' rights and ensuring the integrity of Kenya's markets along the critical trade corridor.

In an effort to fight the growing issue of counterfeit goods, the Anti-Counterfeit Authority (ACA) has teamed up with Kamba TV & Radio to launch a public awareness campaign targeting consumers and traders along the busy Mombasa-Nairobi road corridor and the greater Lower Eastern parts of Kenya. The region is a key transit route, which serves as a gateway to Uganda and the broad-



# ACA Partners with Kenya Music Council to Educate Students on Intellectual Property Rights

The Anti-Counterfeit Authority (ACA) recently partnered with the Kenya Music Council at the 2024 Kenya National Music Festival to sponsor categories that promote intellectual property rights (IPR) awareness among students. The festival, held at Moi Girls High School in Uasin Gishu County, saw over 3 million participants from schools across the country, making it a powerful platform for raising awareness on the dangers of counterfeit products.

As part of its mandate to protect the public from counterfeit goods, ACA sponsored competitive categories such as choral verses and original compositions centered on the theme “Counterfeit-Free Environment.” The initiative was aimed at educating young minds on the importance of respecting intellectual property, particularly in the cre-

ative industry, and the need to avoid counterfeit products and illicit trade.

Speaking during the event, ACA’s Deputy Director of Public Education and Awareness, Agnes Kariru, emphasized the role of the festival in instilling IPR knowledge in students. “By engaging young people through music and arts, we can nurture a generation that understands the value of original work and is committed to protecting intellectual property. This partnership is key to fostering a culture that rejects counterfeit goods and supports the creative economy,” she said.

ACA’s participation also included an exhibition stand that showcased samples of genuine and counterfeit products, helping students and teachers distinguish between the two. More than 1,000 informational brochures and fliers were



*Beacon of hope Academy receiving the winning trophy from ACA*

distributed, and over 5,000 participants were sensitized on ACA’s efforts to combat counterfeiting.

Through this collaboration, ACA aims to build a well-informed and vigilant public from a young age, encouraging them to become ambassadors of intellectual property rights as

they grow into future consumers and creators. The partnership with the Kenya Music Council marks an important step in leveraging cultural platforms to advance the fight against counterfeit products in Kenya



## PUBLIC AWARENESS

# ACA Raises Awareness on Counterfeiting at Nairobi International Trade Fair



Annie Obieoro and Lindah Oyoo from the Education and public awareness department Educating the public at the NITF.

The Anti-Counterfeit Authority (ACA) took center stage at the 2024 Nairobi International Trade Fair (NITF) with a strong public awareness campaign aimed at educating visitors about the dangers of counterfeit products. Held from September 23rd to 29th at the Jamhuri Grounds in Nairobi County, the event attracted over 500 exhibitors from diverse sectors, including agriculture, manufacturing, and trade.

In line with this year's theme, "Promoting Climate Smart Agriculture and Trade Initiatives for Sustainable Economic

Growth," ACA leveraged the platform to inform attendees about the harmful effects of counterfeit goods on consumers, businesses, and the economy. ACA's booth in the Jamhuri Expo Hall featured a wide range of counterfeit and genuine product samples, including instant showers, iron boxes, beauty products, and agricultural inputs such as seeds and fertilizers. Through interactive displays, the public was shown how to identify authentic products and avoid counterfeit items that pose significant risks to health and safety.

ACA's Principal Public Awareness Officer, Ms. Annie Obiero, emphasized the importance of such outreach efforts in combating the proliferation of counterfeit goods.

"Our participation at the Nairobi International Trade Fair has been crucial in engaging directly with the public. We've demonstrated the differences between genuine and counterfeit products, helping people make informed choices. It is clear from the feedback we've received that there is a growing concern about the availability of fake products in the market, especially in sectors like agriculture and beauty," she said.

During the week-long exhibition, ACA engaged with 392 participants and distributed over 500 informational brochures and fliers. Visitors to the stand shared concerns about counterfeit seeds, beauty products, and construction materials like roofing sheets,

suggesting a need for greater enforcement and awareness in these areas. Some even recommended that ACA expand its outreach efforts, particularly to rural areas, and explore partnerships with local authorities to ensure businesses commit to selling only genuine products.

ACA's participation in the Nairobi International Trade Fair further solidified its commitment to safeguarding consumers and businesses from the economic harm caused by counterfeit products. The Authority continues to advocate for stricter measures and enhanced public education to create a counterfeit-free marketplace in Kenya.

# Anti-Counterfeit Authority's Role in Advancing Environmental Sustainability through National Tree Planting Campaigns.

The Anti-Counterfeit Authority (ACA), in collaboration with Miti Kenya, the Kenya Forestry Service, and the Muanda Primary School community, organized a successful tree planting event at Muanda Primary School in Bungoma County.

This initiative is a part of ACA's commitment to environmental conservation, public awareness, and creating safer, more sustainable communities, aligning with the Kenyan Government's national tree planting campaign and the Sustainable Development Goals (SDGs).

The tree planting activity focused on improving the school environment by providing shade, enhancing air quality, and reducing the school's carbon footprint. Students, teachers, the School Board of Governors, and community members came together to plant indigenous trees around the school compound. Experts from the Kenya Forestry Service guided participants in tree care, ensuring that this



Executive Director Dr. Robi Mbugua together with the Head Teacher of Muanda Primary school

initiative contributes to long-term environmental sustainability. This aligns with Kenya's goal of increasing tree cover and tackling climate change.

As part of the global drive for environmental sustainability, this effort contributes to mitigating climate change by absorbing carbon dioxide, producing oxygen, and supporting biodiversity. Trees play a crucial role in building a healthier planet, which is central to ACA's corporate social responsibility (CSR) commitments. This event also underscores the role of responsible organizations in safeguarding natural resources for future generations.

In addition to its environmental impact, the initiative had a strong educational component. Students were taught the importance of trees in combating climate change, improving local ecosystems, and promoting healthier communities. Their hands-on involvement not only provided practical lessons in sustainability but also inspired them to become advocates for environmental stewardship and climate action.

An essential part of the event was a special session conducted by ACA's Education and Public Awareness team, led by Mrs. Agnes Karingu, focusing on the dangers of counterfeit

goods. Students learned how to identify counterfeit products, the risks these items pose to consumers, and the importance of supporting genuine goods. By empowering these young learners with knowledge, ACA is fostering a generation that values both environmental conservation and consumer safety—two critical elements of sustainable development.

This initiative highlights ACA's corporate responsibility in addressing the interconnected challenges of environmental degradation and illicit

trade. As a regulatory body, ACA recognizes that true compliance goes beyond enforcing intellectual property rights; it includes contributing to Kenya's environmental goals and supporting national and global sustainability efforts, particularly SDGs 12 (Responsible Consumption and Production) and 13 (Climate Action).

The success of this tree planting event is a testament to the power of community-driven initiatives. The collaboration between ACA, Miti Kenya, the Kenya Forestry

Service, and the Muanda School Board of Governors shows how partnerships can address both environmental and social challenges, reinforcing ACA's role in promoting both corporate and environmental compliance.

Looking ahead, ACA remains dedicated to working with schools, communities, and environmental organizations to foster green initiatives and raise awareness about the dangers of counterfeit goods. Through continued education, community engagement, and collaboration, ACA

is making significant strides toward a brighter, greener, and safer future for all.

Special thanks go out to Miti Kenya, the Kenya Forestry Service, and the Muanda School Board of Governors for their invaluable partnership in this event. We also extend our gratitude to the students and teachers for their enthusiastic participation, as well as the ACA team for leading the counterfeit awareness efforts.



ACA team led by Executive Director Dr. Robi Mbugua handing over trees to Muanda Primary school teachers and students



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## PUBLIC NOTICE

### IMPLEMENTATION OF PHASE IV OF THE ACA IPR COMPLIANCE PROGRAM FOR IMPORTED GOODS UNDER THE RECORDATION OF INTELLECTUAL PROPERTY RIGHTS.

Pursuant to the provisions of the **Anti-Counterfeit Act No. 13 of 2008 (Section 34B)** and the **Anti-Counterfeit {Recordation} Regulations LN 118/2021 (R4)** as read with Article 40(5) of the **Constitution of Kenya 2010**: The public and stakeholders are hereby notified that:

Following the successful implementation of phases I, II and III of the ACA pre-import permit program, the Authority is further expanding the program with effect from November 1, 2024 to incorporate additional selected HS Codes. This phase also enhances the regulation of chapters already regulated in preceding phases.

To submit IPR particulars for imported goods (Form ACA 2B), follow the steps below:

1. Log onto <https://tfp.kenyatradenet.go.ke>. (Ensure trader PIN is opted-in)
2. Select Document Type as '2 -Permit'
3. Select Document as 'ACA01 - Form ACA 2B permit'
4. Select OGA Code as 'ACA-Anti Counterfeit Authority'
5. Select reference Document Type as 'Base Doc' (IDF)
6. Declare the IPR (brands) of the goods being imported
7. Attach images of goods being imported, packing list and invoice
8. Pay USD 20 and submit for processing

Where imported goods fall under the exempted category, apply for ACA exemption permit, by selecting Document Type in 2 above as '8-Exemption' and Document as 'ACA02-Form ACA 2B (Exemption) permit' in 3 above. Attach proof of exemption and submit for processing. An exemption permit shall be issued only if the entire consignment falls under exemption.

To submit an application to record an Intellectual Property Right, log on to <https://public.aims.aca.go.ke>.

The ACA IPR recordation program is a trade facilitation tool used to detect, intercept and deter counterfeit imports at source, thereby protecting the health and safety of Kenyan consumers as well as creating a fair environment for investment and trade.

For more information on the detailed list of the HS Codes regulated by ACA based on the EAC Common External Tariff version 2022, the ACA exemption permit process and the IPR recordation and IPR agent application process, visit the ACA website ([www.aca.go.ke](http://www.aca.go.ke)) or contact us at [recordation@aca.go.ke](mailto:recordation@aca.go.ke) or call us on **+254717430640**

**Dr. Robi Mbugua Njoroge**  
Executive Director,  
Anti-Counterfeit Authority (ACA).  
**September 2024**

## The FCC Tanzania delegation visited ACA for a benchmarking exercise to enhance cross-border anti-counterfeit measures.

The Anti-Counterfeit Authority (ACA) of Kenya recently hosted a delegation from Tanzania's Fair Competition Commission (FCC) for a benchmarking exercise aimed at enhancing cross-border efforts to combat counterfeit goods. The Tanzanian delegation, led by FCC's ICT Manager Mr. Hatibu Idrissa, visited ACA to learn about Kenya's successful Recordation program, which has been instrumental in preventing the importation of counterfeit products.

The discussions focused on Kenya's experience with intellectual property recordation, including key aspects such as legal updates, system automation, and

maintenance processes. ACA's Director of Corporate Services, RephahKitavi, emphasized the program's success in tracking counterfeit goods and highlighted the importance of regional cooperation in tackling the growing threat of cross-border counterfeiting. "This exchange offers a great opportunity for both countries to share insights and strengthen enforcement measures," said Ms. Kitavi.

The visit comes at a time of increasing trade between Kenya and Tanzania, with bilateral trade surpassing USD 1 billion in 2023. However, this growth has also contributed to a rise in counterfeit goods crossing

borders, posing significant challenges to consumer safety and market integrity. By collaborating on anti-counterfeit strategies, ACA and FCC aim to bolster market reliability and ensure the safety of consumers in both countries.

This partnership underscores the importance of regional cooperation in the fight against counterfeiting and highlights the shared commitment of both Kenya and Tanzania to creating secure and trustworthy markets through enhanced enforcement and regulatory measures.



Ms Rephah Kitavi, Director Corporate services shares a photo moment with ACA senior Management and FCC Tanzania Representatives.

## VIEW POINT



M/s. Rephah Kitavi

Counterfeiting has become a pressing issue in today's global economy, impacting not only consumer safety and brand integrity but also the job market. As counterfeit goods proliferate, the adverse effects on employment are increasingly evident.

One of the most direct consequences of counterfeiting is the loss of jobs within legitimate businesses. In Kenya, findings from the National Baseline Survey on Counterfeiting and Illicit Trade (2020) revealed that counterfeit and illicit trade affect approximately 40% of businesses, leading to a reduction in workforce and closure of legitimate enterprises. The global impact is even more staggering. According to the Organisation for Economic Co-operation and Development (OECD), counterfeiting and piracy

## Economic Cost of Counterfeiting: Job Losses and the Fight for a Fair Market

cost the global economy an estimated \$1.7 trillion annually and have been linked to the loss of approximately 2.5 million jobs worldwide.

Counterfeit goods often flood the market at lower prices, making it difficult for genuine manufacturers and retailers to compete. As a result, companies may experience significant revenue losses, leading to tough decisions such as workforce downsizing or even closure. For instance, in the fashion industry, counterfeit products can dramatically affect sales for authentic brands. In response to dwindling profits, companies may reduce staff or cut back on production, potentially resulting in widespread layoffs.

Small businesses are particularly vulnerable to the effects of counterfeiting. Unlike larger corporations, small enterprises often lack the resources to effectively combat the prevalence of counterfeit goods. In Kenya, the baseline survey showed that 20% of small businesses are directly impacted by counterfeits, with some facing up to 30% revenue loss. When consumers unknowingly purchase counterfeit products, they bypass small businesses that offer genuine items, resulting in decreased sales and potential layoffs.

Additionally, counterfeiting stifles innovation, which is crucial for job creation. Companies invest

substantial resources in research and development to introduce new products to the market. However, the emergence of counterfeits can diminish the incentive for innovation. A European Union Intellectual Property Office (EUIPO) study estimates that industries intensive in intellectual property rights lose 7.5% of their sales to counterfeiters, significantly affecting their capacity for innovation and job creation.

The economic ramifications of counterfeiting extend beyond individual businesses. As job losses mount and consumer spending declines, the ripple effects can destabilize entire economies. High unemployment rates can lead to reduced tax revenues, which affect public services and infrastructure development. Furthermore, counterfeiting undermines consumer confidence in the market. The global decline in consumer trust due to counterfeit products is estimated to reduce overall spending by 3-4% annually, further exacerbating job losses across various sectors.

Addressing counterfeiting is essential not only for protecting brands but also for preserving jobs. Strengthening legal frameworks is crucial, as governments must enhance intellectual property laws and enforce stricter

penalties for counterfeiters to safeguard legitimate businesses and their employees. Raising consumer awareness is also vital; educating consumers about the importance of purchasing genuine products can drive sales for legitimate businesses, ultimately protecting jobs. Additionally, promoting industry collaboration through partnerships between government agencies, industry associations, and businesses can lead to more effective strategies for combating counterfeiting and safeguarding employment. Finally, investing in innovation by encouraging businesses to allocate resources to research and development can spur job creation and reduce the allure of counterfeit goods.

In conclusion, counterfeiting poses a significant threat to jobs across various sectors, affecting both large corporations and small businesses. By addressing this issue through robust legal frameworks, consumer education, and industry collaboration, stakeholders can help protect jobs and foster a healthier economy. In the fight against counterfeiting, preserving employment opportunities must be a key priority, ensuring a brighter future for workers and businesses alike.

*M/s. Rephah Kitavi the Editorial Administration Director of this edition is the Director Corporate Services at the Anti-Counterfeit Authority.*

GUEST  
COLUMN

Mr. Henry O. Maina (OGW)

## ISIPPE 2: Uniting Global Forces Against Counterfeiting for a Safer Future

As we reflect on the remarkable success of the Second International Symposium on Intellectual Property Protection and Enforcement (ISIPPE 2) held in Nairobi, we are reminded of the immense progress we have made in our fight against the trade in counterfeits. This year's conference, themed "Uniting Against Counterfeiting for a Healthy and Safe Future," brought together key global players, demonstrating the importance of international collaboration in securing intellectual property (IP) rights and protecting consumers.

The presence and active participation of international agencies such as the World Intellectual Property Organization (WIPO), the Japan Patent Office (JPO), and various African and European counterparts signaled the growing global commitment to combating counterfeiting. Their participation showcased how governments, IP enforcement agencies, and businesses can work together to develop robust frameworks for enforcement and regulation. The dialogue and partnerships fostered during ISIPPE 2 have laid the groundwork for stronger future collaborations.

In terms of impact, ISIPPE 2 registered significant progress. We recorded over 500 participants from 25 countries, marking a no-

table increase in attendance from the first symposium. Our interactive sessions addressed the latest trends in counterfeiting, emerging challenges in e-commerce, and the role of innovative technologies in IP enforcement. These discussions yielded critical insights, which were complemented by robust statistical evidence indicating that counterfeiting is responsible for over 3.3% of global trade, with significant economic losses, especially in Africa.

One of the key highlights was the exhibitions hosted during the symposium, where stakeholders in IP protection and enforcement showcased cutting-edge innovations, tools, and products designed to combat counterfeit goods. These exhibitions provided an interactive space for participants to witness firsthand how technology is revolutionizing IP protection. From advanced tracking systems to authentication technologies, the fight against counterfeiting is becoming increasingly sophisticated, and we are proud to be at the forefront of these developments.

As we celebrate these achievements, we also recognize that much more needs to be done. ISIPPE 2 has set a high bar, but we are determined to build on this momentum. Plans for ISIPPE 3, scheduled for June 2024, are already underway. We aim to bring even more global actors into the fold, fostering deeper collaborations with

industry leaders, governments, and enforcement agencies worldwide. With a focus on sustainability and stronger enforcement mechanisms, ISIPPE 3 will be pivotal in shaping the future of intellectual property protection and enforcement in Kenya and beyond.

The success of ISIPPE 2 would not have been possible without the unwavering support of our partners, including WIPO, the Japan Patent Office, and the Kenya Association of Manufacturers (KAM), as well as the government agencies, stakeholders, and IP experts who contributed to the rich discussions. We remain committed to building a counterfeit-free future and ensuring that intellectual property rights are protected for the benefit of innovators, businesses, and consumers globally.

As the Anti-Counterfeiting Authority (ACA), we look forward to welcoming you again in 2025 for ISIPPE 3, where we will continue to unite in our mission to combat counterfeiting and safeguard the integrity of global trade.

*Henry Maina is the Deputy Director- Research & Policy Anti-Counterfeiting Authority*

**African Countries****Find and circle all of the countries of Africa that are hidden in the grid.****The remaining letters spell seven more African countries.**

|   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| C | E | N | A | Z | T | R | M | A | D | A | G | A | S | C | A | R | A | L | A |
| L | F | S | I | I | R | A | I | N | A | Z | N | A | T | I | C | A | R | A | E |
| A | S | O | R | M | R | E | P | B | U | R | U | N | D | I | U | E | S | Y | D |
| G | E | M | E | B | A | I | N | A | T | I | R | U | A | M | P | U | B | B | R |
| E | Y | A | B | A | L | C | A | M | E | R | O | O | N | U | I | I | C | I | E |
| N | C | L | I | B | A | C | O | M | O | R | O | S | B | T | G | U | I | L | V |
| E | H | I | L | W | D | R | E | G | I | N | D | L | I | T | O | G | O | N | E |
| S | E | A | A | E | N | I | U | G | L | A | I | R | O | T | A | U | Q | E | P |
| R | L | E | A | A | A | G | U | I | H | C | N | G | E | A | B | I | S | A |   |
| W | L | O | D | S | G | A | G | C | O | A | U | A | O | A | M | A | M | L | C |
| A | E | U | S | H | U | A | I | F | M | E | I | H | N | B | B | O | I | A | N |
| N | S | D | A | A | M | D | T | V | N | M | T | R | O | G | Z | O | I | C | G |
| D | E | N | J | B | F | H | N | O | O | O | O | T | E | A | O | R | N | I | I |
| A | A | A | I | I | E | A | E | A | S | R | S | R | M | G | A | L | T | R | S |
| Y | I | A | I | C | B | L | N | E | L | W | Y | B | O | A | L | U | A | F | A |
| N | O | W | O | P | A | O | L | I | A | I | I | C | I | C | N | A | E | A | T |
| E | O | N | A | R | O | M | U | N | K | Q | Z | B | O | I | C | E | G | H | A |
| K | G | N | R | L | D | I | A | T | U | R | I | A | S | A | P | O | Y | T | R |
| O | I | E | N | C | A | I | H | E | I | M | U | I | W | P | S | E | P | U | S |
| A | I | B | M | A | Z | M | O | T | A | U | A | B | T | S | H | T | T | O | S |
| S | A | E | R | T | I | R | E | N | E | B | E | N | I | N | U | D | A | S | N |

|                       |                 |                           |               |
|-----------------------|-----------------|---------------------------|---------------|
| 1. ALGERIA            | 14. ERITREA     | 27. MAURITIUS             | 39. SUDAN     |
| 2. ANGOLA             | 15. ETHIOPIA    | 28. MOROCCO               | 40. SWAZILAND |
| 3. BENIN              | 16. GABON       | 29. MOZAMBIQUE            | 41. TANZANIA  |
| 4. BOTSWANA           | 17. GAMBIA      | 30. NAMIBIA               | 42. TOGO      |
| 5. BURKINA FASO       | 18. GHANA       | 31. NIGER                 | 43. TUNISIA   |
| 6. BURUNDI            | 19. IVORY COAST | 32. REPUBLIC OF THE CONGO | 44. UGANDA    |
| 7. CAMEROON           | 20. KENYA       | 33. RWANDA                | 45. ZAMBIA    |
| 8. CAPE VERDE         | 21. LESOTHO     | 34. SENEGAL               | 46. ZIMBABWE  |
| 9. CHAD               | 22. LIBERIA     | 35. SEYCHELLES            |               |
| 10. COMOROS           | 23. LIBYA       | 36. SIERRA LEONE          |               |
| 11. DJIBOUTI          | 24. MADAGASCAR  | 37. SOMALIA               |               |
| 12. EGYPT             | 25. MALAWI      | 38. SOUTH AFRICA          |               |
| 13. EQUATORIAL GUINEA | 26. MAURITANIA  |                           |               |

## Solve each Sudoku puzzle!

|   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|
| 9 | 8 | 1 | 3 | 6 | 5 | 2 | 7 | 4 |
| 7 | 6 | 5 | 4 | 8 | 2 | 3 | 1 | 9 |
| 2 | 4 | 3 | 1 | 7 | 9 | 8 | 5 | 6 |
| 1 | 9 | 2 | 6 | 3 | 4 | 7 | 8 | 5 |
| 4 | 3 | 7 | 5 | 2 | 8 | 9 | 6 | 1 |
| 8 | 5 | 6 | 9 | 1 | 7 | 4 | 3 | 2 |
| 3 | 2 | 4 | 7 | 5 | 6 | 1 | 9 | 8 |
| 5 | 1 | 8 | 2 | 9 | 3 | 6 | 4 | 7 |
| 6 | 7 | 9 | 8 | 4 | 1 | 5 | 2 | 3 |

Sudoku puzzles require you to find the missing numbers in a 9 by 9 grid, with that grid itself divided into 9 square grids of 3 by 3.

You can't just add any numbers, though. There are rules that make solving the puzzle challenging.

A number can only occur once in a row, column, or square.

To solve a Sudoku, look for open spaces where its row, column and square already have enough other numbers filled in to tell you the correct value. The more squares you fill in, the easier the puzzle is to finish!

|   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|
| 8 |   | 7 |   |   | 4 |   |   | 9 |
| 1 |   | 9 | 8 |   | 2 | 3 |   | 7 |
| 3 | 5 |   |   | 7 | 4 |   | 6 |   |
| 6 |   | 4 | 7 | 8 |   | 9 | 3 |   |
| 9 |   | 3 |   | 1 |   | 7 |   |   |
| 7 | 8 |   |   | 3 | 1 | 4 |   |   |
|   | 7 | 1 | 4 |   | 9 | 8 |   | 3 |
| 4 | 2 |   | 3 | 7 | 6 |   | 9 | 1 |
| 3 | 9 |   | 1 |   | 8 | 7 |   | 4 |

|   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|
| 8 |   | 9 | 3 |   | 6 | 7 | 5 | 2 |
| 3 |   | 2 | 1 |   | 5 | 8 |   | 4 |
|   | 4 | 7 | 8 | 2 | 9 |   | 6 | 3 |
| 2 |   | 5 |   |   | 8 | 6 | 3 |   |
| 1 |   | 6 | 7 |   | 3 | 2 |   | 8 |
| 4 |   | 3 | 9 |   | 2 |   |   | 7 |
| 7 | 3 |   |   | 8 | 4 |   | 2 | 6 |
| 6 |   | 4 | 2 | 9 | 7 | 3 | 8 |   |
| 2 |   | 6 | 3 |   |   |   | 7 |   |

|   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|
| 5 |   | 1 |   | 9 | 6 |   | 3 | 8 |
| 9 |   | 8 | 7 | 5 |   | 6 |   |   |
| 3 |   | 8 |   | 1 |   | 9 | 5 |   |
| 3 | 7 |   |   | 8 |   |   | 5 |   |
| 8 | 5 | 6 | 1 |   |   |   | 3 |   |
| 6 |   | 3 |   | 5 |   | 8 |   |   |
| 5 | 3 | 1 | 6 |   | 8 |   | 9 |   |
| 6 | 1 |   | 3 | 8 | 5 |   | 2 |   |
| 8 | 9 |   | 5 | 7 |   | 1 | 6 |   |

|   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|
| 7 | 2 |   |   | 5 | 8 | 1 | 3 |   |
| 1 | 3 |   | 2 | 7 |   | 8 | 5 |   |
|   |   | 8 |   | 1 | 3 | 7 | 9 |   |
| 9 | 7 | 5 | 8 |   | 2 |   | 1 |   |
| 2 | 4 |   | 1 |   | 5 |   | 8 | 7 |
|   | 8 | 1 | 3 |   | 7 |   |   | 5 |
| 4 | 1 |   |   | 3 | 9 | 5 | 7 |   |
| 9 | 7 | 5 | 2 |   | 3 |   | 1 |   |
| 5 |   | 7 | 8 | 1 |   | 2 |   |   |

## EDITORIAL TEAM

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Anti-Counterfeit Authority



Anti-Counterfeit Authority - Kenya



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## CONTACTS

### HEADQUARTERS-NAIROBI

#### Anti-Counterfeit Authority (ACA)

National Water Plaza,  
3rd Floor, Dunga Road Junction Industrial Area,  
P.O. Box, 47771-00100 (GPO), Nairobi, Kenya.

.....  
**Hotline : +254 20 2280000**

.....  
Report corruption and public complaints against the Authority  
through **+254 775 390 668**

.....  
**Email: info@aca.go.ke**

.....  
Share any intelligence related information through:  
**intelligence@aca.go.ke**

.....  
**Phone: +254 20-2280000**  
**Fax: +254-20-2225124/31**  
**Mobile: +254 717 430 640**

### MOMBASA

Mombasa Trade Centre 5th Floor, Nkrumah Road  
Tel: **041- 2220709**

### KISUMU

Alpha House, 4th Floor, Oginga Odinga Street  
Tel: **0208000876**

### ELDORET

Kiptagich Building, 3rd Floor, Uganda Road  
Tel: **0208000878**