

## KENYA INTRODUCES CUSTOMS RECORDAL TO FIGHT COUNTERFEIT PRACTICES



In the wake of increased counterfeit goods in the Kenyan market, in January 2019, Kenya amended the Anti-counterfeit Act of 2008, through the Statute Law (Miscellaneous Amendments) Act of 2018, which made recordation of Intellectual Property Rights through the Anti-counterfeit Authority (ACA) mandatory.

The amendment became operational on 30th July 2021, after publication in the Kenya Gazette of the Anti-Counterfeit (Recordation) Regulations, 2021 (the Recordation Regulations) published under Legal Notice Number 118 of 2021.

The Recordation Regulations introduced Customs Recordal application procedures including the applicants detailed information, details relating to the name their appointed agent in Kenya or their local distributor, clear identification of the sample goods or photographic representation of the protected goods, indication of the products manufacturing country bearing the recorded intellectual property rights.

The Recordation Regulations make it mandatory for the recordation by the IP Right Owner relating to goods to be imported into Kenya, and any other person other than IP Right Owner importing goods into Kenya to notify the Anti-Counterfeit Authority the particulars of such goods and the same are recorded. Recordation shall remain in force for a period of one year, with the right to renew annually

by submission of an application for renewal to the Anti-Counterfeit Authority which application should be filed at least thirty (30) days before its expiry.

Through operationalization of the Recordation Regulations, Kenya has joined the pool of other African countries such as South Africa and Morocco in curbing counterfeit practices on its borders, enabling Intellectual Property Owners to utilize and enforce their Intellectual Property Rights.

You can read more about us here: <https://vemmaattorneys.co.tz/africa-ip-practice-kenya-introduces-customs-recordal-to-fight-counterfeit-practices/>

**FURTHER INFORMATION:**

Africa IP Practice is a department at Vemma Attorneys, aimed at updating on Intellectual Property laws, developments, policies and regulations across African Countries and at the same time advising on enforcement and commercialization of Intellectual Property Rights in Africa. For further information on any issue raised in this article, please contact:

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