

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 {AMENDMENT} REGULATIONS, 2019**

- |  |                                     |
|--|-------------------------------------|
| 1) These regulations may be cited as the Anti-Counterfeit {Amendment} Regulations, 2019.   | Citation                            |
| 2) Regulation 18 of the Anti-Counterfeit Regulations, in these Regulations referred to as the “principal Regulations “, is amended by renumbering the existing one as sub-regulation 1 and introducing sub-regulations 2-10 to read as follows: -  | Amendment of r. 18<br>L.N. 126/2010 |
| i. The owner of an intellectual property right may appoint an agent to act on his behalf by completing Form ACA 15 of the First Schedule upon payment of the fee specified in the Second Schedule.   |                                     |
| ii. The Authority shall maintain a register of agents appointed by the owners of intellectual property rights.   |                                     |
| iii. An agent appointed by the owner of an intellectual property right shall, in addition to any conditions that the Authority may impose under the provisions of the Act or Regulations, meet the requirements set out under the Private Security Regulation Act, No. 13 of 2016.               |                                     |
| iv. An agent appointed by the owner of an intellectual property right and desiring to perform functions of an agent under the provisions of the Act and the Regulations shall within a period of 30 days of such appointment apply in the prescribed manner for registration with the Authority. |                                     |
| v. The registration of an agent with the Authority shall be valid for a period of one year and shall automatically lapse unless renewed.   |                                     |
| vi. An application for renewal of by an agent shall be in the prescribed manner.   |                                     |
| vii. An application for registration or renewal of registration by an agent shall be accompanied by the prescribed fees.   |                                     |
| viii. The Authority shall develop a Code of Conduct and any other manual that shall bind all agents registered under the provisions of these regulations.  |                                     |
| ix. The Authority may deregister an agent and shall gazette such registration on account of gross misconduct, failure to abide by the provisions of the Act or the Code of Conduct or non-performance for a continuous period  |                                     |

of at least six months or in the public interest or for such other reasonable cause provided that the Executive Director shall hear such agent or grant such agent a reasonable opportunity to be heard before such registration.

- x. An agent deregistered by the Authority shall have the right of appeal against the decision to the High Court whose decision shall be final and conclusive.

- 3) The First Schedule to the principal Regulations is amended by adding the following new Forms-

Amendment of First  
Schedule to L.N.  
126/2010

FORM ACA 16

(S. 34A)

**THE ANTI-COUNTERFEIT ACT, 2008**  
The Anti-Counterfeit Authority  
**APPLICATION FOR COMPOUNDING**

The Executive Director,  
The Anti-Counterfeit Authority

1	Name of the owner of the seized goods	
2	Telephone number, postal and physical address of owner	
3	Name of agent if any	
4	Telephone number, postal and physical address of agent	
5	Description of seized goods	
6	Quantity of seized goods	
7	Retail value of seized goods	
8	Physical location of the premise where the goods were seized	
9	Date and time when the goods were seized	
10	Remarks	

I hereby admit that I have committed the offence of ..... and hereby request the Executive Director to deal with the offence under Section 34A(1) of the Anti-Counterfeit Act.

Dated this ..... day of ..... 201.....

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 in quadruplicate. Upon approval of the application, a copy will be given to the applicant, the original to be filed in the relevant file of the compounding committee, one copy to be given to the Inspector and one copy to be filed in the relevant file.
3. This application shall be accompanied by the Inventory of Seized Goods and an affidavit in support of the application.

**THE ANTI-COUNTERFEIT ACT, 2008**  
**The Anti-Counterfeit Authority**  
**DESTRUCTION CERTIFICATE**

1	Name of the owner of seized goods	
2	Telephone number, postal and physical address of owner	
3	Name of agent if any	
4	Telephone number, postal and physical address of agent	
5	Type and quantity of seized goods	
6	Type and quantity of goods destroyed	
7	Name of the destroying company	
8	Telephone number, postal and physical address of destroying company	
9	Method of destruction	
10	Remarks	

This is to certify that the above stated goods were destroyed in compliance with the applicable environmental laws of Kenya on this ..... Day of .....20.....

Witnessed by;

Name .....Signature ..... Date .....  
 OWNER/AGENT

Name .....Signature ..... Date .....  
 INSPECTOR

Name .....Signature ..... Date .....  
 DEPOT MANAGER

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	
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;

4. If space provided is not sufficient, please use a separate sheet of paper
5. 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 RECORD INTELLECTUAL PROPERTY RIGHTS**

The Executive Director,  
The Anti-Counterfeit Authority

1	Name of the owner of the intellectual property	
2	Telephone number, postal and physical address of owner	
3	Details of the intellectual property rights owner or partners or the association	
4	Name of agent or local distributor if any	
5	Telephone number, postal and physical address of agent	
6	<b>Sample or photographic representation of the protected goods</b>	
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.

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

	Current recordation reference number	
	Name of the owner of the intellectual property	
	Telephone number, postal and physical address of owner	
	Name of agent or local distributor if any	
	Telephone number, postal and physical address of agent	
	Description of the recorded intellectual property right	
	Validity and subsistence of the trademark	
	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.

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 ..... 201.....

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

For official use only:

THIS APPLICATION IS APPROVED/NOT APPROVED

.....  
EXECUTIVE DIRECTOR

Notes:

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



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.

THE ANTI-COUNTERFEIT ACT, 2008  
The Anti-Counterfeit Authority  
**NOTICE OF APPROVAL OR DENIAL OF RECORDATION**

To-(Name and address of the Applicant for Recordation)

Take notice that your application for recordation dated.....has been approved with effect from...../not approved.

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

Executive Director

Note:

1. This notice shall indicate the effective date of approval.
2. The notice shall be issued by the Executive Director or any of his authorized officers.

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 trademark: -

Name of Trademark	
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

- 4) The Second Schedule to the principal Regulations is amended by introducing the following- Amendment of  
Second Schedule  
to L.N. 126/2010

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

<b>No</b>	<b>Forms</b>	<b>Purpose</b>	<b>Ksh.</b>
1	FORM ACA 16	Application for Compounding	5,000
2	FORM ACA 18	Particulars of Intellectual Property Rights	2,000
3	FORM ACA 19	Application to Record	200,000
4	FORM ACA 20	Application for Renewal	100,000
5	FORM ACA 21	Change of Ownership	200,000
6	FORM ACA 22	Change of Name	100,000
7	FORM ACA 23	Notice of Recordation or Refusal	3,000
8	FORM ACA 24	Application for Search	5,000
9	Security Device	Certification of Imported Goods	10

PETER MUNYA  
*Cabinet Secretary, Industry, Trade & Cooperatives*