

## **CHECKLIST FOR REGISTRATION OF A TRADEMARK IN KENYA**

Details	Fill in here
<p><b>Name/ Mark/ logo or Symbol to be registered</b></p> <p><i>(Please provide three names/marks/logos/ symbols in order of preference.</i></p> <p><i>Please note that a mark must contain at least one of the following to be registrable:</i></p> <ul style="list-style-type: none"><li><i>• the name of a company, individual or firm, represented in a particular manner;</i></li><li><i>• the applicant's signature or that of its predecessor in business;</i></li><li><i>• an invented word or words; or</i></li><li><i>• a word or words having no direct reference to the character or quality of the goods and not being a geographical name or surname.</i></li><li><i>• For a name that is not in English, please provide its meaning and the English translation.</i></li></ul> <p><b>Please provide two identical specimen of the Trademark;</b></p> <p><i>This should be a representation of the mark (preferably coloured) of approximately size, say <b>8 cm by 8 cm.</b></i></p>	

<p><i>Details of the proprietor</i></p> <p><b>(Please note that the Trademark owner can be an individual, business organization or any legal entity).</b></p> <ul style="list-style-type: none"> <li>✓ Name of proprietor</li> <li>✓ Postal address</li> <li>✓ Residential Address</li> <li>✓ Email Address</li> <li>✓ Telephone Number</li> <li>✓ Nationality</li> <li>✓ The Trade or business address.</li> <li>✓ signed Power of Attorney where applicant is represented by an Agent;</li> <li>✓ If claiming priority, a certified priority document.</li> </ul>	
<p><b>Proprietor 2</b></p> <ul style="list-style-type: none"> <li>✓ <b>Name</b></li> <li>✓ Postal address</li> <li>✓ Residential Address <b>(Name of building, Estate, Plot No.)</b></li> <li>✓ Email Address</li> <li>✓ Telephone Number</li> <li>✓ Nationality</li> <li>✓ The trade or business address</li> </ul>	

<ul style="list-style-type: none"> <li>✓ signed Power of Attorney where applicant is represented by an Agent;</li> <li>✓ If claiming priority, a certified priority document.</li> </ul> <p><b>{insert more proprietors as necessary</b></p>	
<p><b>List of Goods/Services; to which the trademark relates.</b></p> <p><b>Class or classes to which the Trade mark to be registered belongs.</b></p> <p><i>(Please see our attached summary of Classes of Trademarks as per the NICE Classification)</i></p>	
<p>Any other comments</p>	

**Client Details**

Name	
Email	
Mobile phone Number	

**FEES**

**Please note fees is payable before work begins.**

## **NOTES**

The following are generally excluded from registration:

- marks whose use would be likely to deceive or cause confusion;
- marks that closely resemble registered trademarks and are proposed to be registered in respect of the goods or services covered under the prior similar registrations;
- touch, scent, taste and sound marks;
- the words 'patent', 'patented', 'registered', 'registered design', 'copyright', 'entered at Stationer's Hall', 'to counterfeit this is a forgery' or similar words;
- representations of the head of state of any foreign state, or any colourable imitation thereof;
- the phrases 'Red Cross' or 'Geneva Cross' and representations of the Geneva and other crosses in red or the Swiss federal cross in white on a red background or silver on a red background, or such representations in a similar colour or colours;
- any specified emblems, likenesses and names under the National Flag, Emblems and Names Act (these may be registrable where the applicant obtains the written permission of the competent authority);
- any honour, award, title or abbreviation of a title created by the president;
- armorial bearings, insignia or flags of any foreign state or international intergovernmental organisation;
- any title or abbreviation of any international intergovernmental organisation; and
- marks consisting of or containing the Olympic symbol.

### **Classification of trade marks**

Before registration of a Trade Mark, one must indicate the class or classes that the Mark is intended to be registered under.

The Nice Agreement establishes a classification of goods and services for the purposes of registering trademarks and service marks (the Nice Classification).

The Nice Agreement has classified Trademarks into 45 Trademark Classes (1 to 34 cover goods, and 35 to 45 services). The idea behind this system is to specify and limit the extension of the intellectual property right by determining which goods or services are covered by the mark, and to unify classification systems around the world.

Thereafter a search is conducted at the Trademark Registry to determine whether there is any mark on record that bear a resemblance to the mark being applied for registration.

Please note that searches and registration must be conducted separately for each Class and a search carried out in each Class is charged separately and registration in each Class is also charged separately.

### **Application and examination**

On filing a trademark registration application and paying the filing fees, the filed application is examined and a report issued thereafter indicating:

- approval of the application for advertisement;
- a requirement for a disclaimer of the right to the exclusive use of generic elements of the trademark (this disclaimer requirement must be either accepted within 30 days or challenged within 90 days of its issuance – both periods being extendable upon application); or
- a reasoned refusal of the application. This refusal can be challenged within 90 days of its issuance (this period is also extendable upon application).

If the mark is accepted for registration, the applicant is then issued with a Certificate of Registration of the Trademark.