



PROCEDURE FOR TRADEMARK REGISTRATION IN KENYA

Trademark has been defined in Section 2 of the Trademarks Act Cap 506, Laws of Kenya mean a Trademark as mark used or proposed to be used in relation to goods for the purpose of indicating connection in the course of trade between the goods and some person having the right either as proprietor or as licensee to use the mark, whether with or without any indication of the identity of that person or distinguishing goods in relation to which the mark is used or proposed to be used from the same kind of goods connected in the course of trade with any person,

Also in relation to services for the purpose of indicating that a particular person is connected, in the course of business, with the provision of those services, whether with or without any indication of the identity of that person or distinguish services in relation to which the mark is used or proposed to be used from the same kind of services connected in the course of business with any other person.

Simply, a Trademark is a recognizable name, word, phrase, [logo](#), [symbol](#), [design](#), image, or a combination of these elements which identifies [products](#) or [services](#) of a particular source from those of others.

THE PROCESS OF REGISTERING A TRADEMARK IN KENYA

Registration of Trade mark in Kenya involve the following process,

- Name search this include Preliminary Search, and the main purpose of name search is to find out whether the trademark is registrable or not and also whether there exists in the records a trademark which could be confused with the intended trade mark.
- Application form TM2 Application made to the Registrar on form TM 2 accompanied by seven (7) representations of the mark
- Filling of form TM 32 and required to inter the address of service in Kenya.
- Publication when the application is accepted, it shall be advertised in the Industrial Property Journal or Kenya gazette to allow any interested party an opportunity to raise objections to the pending application prior to registration.
The advertisement is for 60 days.
- Registration where there is no objection in the mandatory 60 days, the process of registration begins.

Registration of a Trade Mark in Kenya, may be a name or logo , one must indicate the class that the Mark is intended to be registered Trademark, the 9th edition of the Nice Agreement on International classification of goods and services is followed. The Nice Agreement has classified Trademarks into 45 [trademark classes](#) and 1 to 34 classes cover goods, and 35 to 45 classes cover services the idea behind this system is to specify and limit the extension of



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the intellectual property right by determining which goods or services are covered by the mark.

A search is then carried out at the Trademark Registry situated at the Kenya Industrial Property Institute (“KIPI”) to ascertain whether there is any mark on record that resembles the mark being applied for registration. A standard statutory search request form (Form 27) is filled with details of the proprietor, his trade or business address.

REQUIREMENTS FOR REGISTRATION OF A TRADEMARK IN KENYA.

The following are the requirements for Registration of trademark in Kenya,

- Proposed Trade Mark name for name search approval.
- Proposed Art Work and Trade mark description. In soft and hard copy.
- Names of the applicant in Full.
- Postal address for the Applicant.
- Proposed Physical address of the Applicants. Address includes road, plot number, town, Country.
- Copy of Registration certificates where applicants is a Business.