

# SUBSIDIARY LEGISLATION

Rules under sections 39 and 41

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# THE TRADE MARKS RULES

[Subsidiary]

L.N. 575/1956,  
L.N. 454/1959,  
L.N. 44/1970,  
L.N. 138/1971,  
L.N. 131/1975.

## Preliminary

1. These Rules may be cited as the Trade Marks Rules.

Short title.

2. In these Rules, except where the context otherwise requires—

Interpretation.

“agent” means an advocate, and any person who before the appointed day was a Trade Mark Agent recognized by the Registrar;

“the office” means the office of the Registrar;

“specification” means the designation of goods in respect of which a trade mark, or a registered user of a trade mark, is registered or proposed to be registered.

## Fees and Forms

3. The fees to be paid in relation to trade marks shall be those prescribed in the First Schedule.

Fees.

4. The forms referred to herein are the forms contained in the Fourth Schedule, and those forms shall be used in all cases to which they are applicable and shall be modified as directed by the Registrar to meet other cases.

Forms.

## Classification of Goods

5. (1) For the purposes of trade marks registrations dated before the appointed day, and of registrations of registered users thereunder, goods are classified in the manner appearing in the Second Schedule, unless any specification has been converted to the Third Schedule in accordance with rule 6.

Classification of goods.

(2) For the purposes of trade marks registrations dated on or after the appointed day, and of registrations of registered users thereunder, and for the purposes of any registrations dated before that day whereof the specifications have been converted in accordance with rule 6, goods are classified in the manner appearing in the Third Schedule.

## Re-Classification of Goods of Old Registrations

6. (1) Where the specification of a registered trade mark is founded on the Second Schedule, the registered proprietor may apply to the Registrar in Form TM 43 for the conversion of that specification so that it may be founded on the Third Schedule, whether with or without the striking-out of goods therefrom, but so that the registration retains its original date, and shall include in the application a request for the same conversion of the specification of the goods of any registered users under that registration.

Application by registered proprietors for conversion of specifications.

(2) Thereupon the Registrar in accordance with subsection (3) of section 39 of the Act shall notify in writing to the registered proprietor a proposal showing the form which, in the Registrar's view, the amendment of the register should take.

## [Subsidiary]

(3) Two or more registrations of a trade mark in respect of goods falling within the same class of the Third Schedule, having the same date of registration, may be amalgamated upon conversion in accordance with this rule.

### Advertisement of proposal.

7. (1) The advertisement of a proposal for amendment under subsection (3) of section 39 of the Act shall be made in the Gazette, and a notice of any opposition shall be given in form TM 44 within one month from the date of the advertisement, and shall be accompanied by a duplicate of the notice and by a statement in duplicate showing how the proposed amendment would be contrary to subsection (2) of that section.

(2) The Registrar shall forthwith send the duplicate copies to the registered proprietor who may, within one month from the receipt of such duplicates, send to the Registrar a counter-statement setting out fully the grounds on which the opposition is contested and if he does so he shall deliver to the opponent a copy thereof.

(3) The Registrar may thereupon require or admit evidence directed to the questions in issue, and if so desired by either party he shall, before deciding the matter, give the parties an opportunity of being heard thereon.

### Conversion of specifications.

8. (1) When a proposal for the conversion of a specification in accordance with rule 6 has been advertised and has not been opposed and the time for notice of opposition has expired, or having been opposed the opposition has been determined and a conversion allowed, the Registrar shall make all the entries in the register necessary to give effect to the conversion in accordance with the proposal as advertised, or the proposal as amended after opposition or appeal thereon and published subsequently in the Gazette, and shall enter in the register the date when such entries were made.

(2) The expression "the expiration of the last registration" shall have regard to the same date in the case of all the resulting entries for the purpose of determining the next renewal thereof in accordance with section 23 of the Act as it had with regard to the registration before conversion.

## *Documents*

### Size, etc., of documents.

9. Subject to any other directions that may be given by the Registrar, all applications, notices, counter-statements, papers having representations affixed or other documents authorized or required by the Act or these Rules to be made, left or sent, at or to the office or with or to the Registrar or the court, shall be on foolscap paper of a size approximately 13 inches by 8 inches, and shall have on the left-hand part thereof a margin of not less than  $1\frac{1}{2}$  inches.

### Signature of documents by partnerships, companies and associations.

10. (1) A document purporting to be signed for or on behalf of a partnership shall contain the names of all the partners in full and shall be signed by all the partners or by any qualified partner stating that he signs on behalf of the partnership, or by any other person who satisfies the Registrar that he is authorized to sign the document.

(2) A document purporting to be signed for or on behalf of a body corporate shall be signed by a director or by the secretary or other principal officer of the body corporate, or by any other person who satisfies the Registrar that he is authorized to sign the document.

(3) A document purporting to be signed for or on behalf of an association of persons may be signed by any person who appears to the Registrar to be duly qualified.

11. (1) All applications, notices, statements, papers having representations affixed or other documents authorized or required by the Act or these Rules to be made, left or sent, at or to the office, or with or to the Registrar or the court or any other person, may be sent through the post by a prepaid or official paid letter.

Service of documents.

(2) Any application or any document so sent shall be deemed to have been made, left or sent at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving the sending it shall be sufficient to prove that the letter was properly addressed and put into the post.

### *Address*

12. (1) Where any person is by the Act or these Rules bound to furnish the Registrar with an address, the address given shall in all cases be as full as possible, for the purpose of enabling any person easily to find the place of trade or business of the person whose address is given.

Address.

(2) The Registrar may require the address to include the name of the street and the plot number in the street of the premises.

13. (1) The Registrar may require an applicant, opponent or agent, or a registered proprietor or registered user of a trade mark, who does not reside or carry on business within Kenya to give an address for service within Kenya, and that address may be treated as the actual address of that person for all purposes connected with the matter in question.

Address for service.

(2) Any registered proprietor or registered user of a trade mark, or any person about to be registered as such, may give in form TM 32 an address for service for entry in the register, and such address may be entered by the Registrar.

(3) All applications in form TM 32 under this rule shall be signed by the applicant for registration or the registered proprietor or registered user, as the case may be, or by an agent expressly authorized by him for the purpose of such an application, unless in exceptional circumstances the Registrar otherwise allows.

(4) In any case in which no address for service is entered in the register, the Registrar may treat the trade or business address of the registered proprietor or registered user as therein entered as his address for service for all purposes connected with the registration.

(5) Any written communication addressed to a party or person as aforesaid at an address given by him, or treated by the Registrar, as his address for service shall be deemed to be properly addressed.

(6) The Registrar, at any time that a doubt arises as to the continued availability of an address for service entered in the register, may request the person for whom it is entered, by letter addressed to his trade or business address in the register, to confirm the address for service, and if within three months of making such a request the Registrar receives no confirmation of that address he may strike it off the register.

*Agents*

**Agency.**

14. (1) Except as otherwise required by these Rules, any application, request or notice which is required or permitted by the Act or these Rules to be made or given to the Registrar or the court, and all other communications between an applicant or a person making such a request or giving such a notice and the Registrar, or the court, and between the registered proprietor or a registered user of a trade mark and the Registrar or the court or any other person, may be signed, made or given by or through an agent.

(2) Any such applicant, person making request or giving notice, proprietor or registered user may appoint an agent to act for him in any proceeding or matter before or affecting the Registrar or the court under the Act and these Rules by signing and sending to the Registrar or the court, as the case may be, an authority to that effect in form TM 1 or in such other written form as the Registrar or the court may deem sufficient.

(3) In case of such appointment, service upon the agent of any document relating to the proceeding or matter shall be deemed to be service upon the person so appointing him, all communications directed to be made to that person in respect of the proceeding or matter may be addressed to the agent, and all attendances upon the Registrar relating thereto may be made by or through the agent.

(4) In any particular case the Registrar may require the personal signature or presence of an applicant, opponent, proprietor, registered user or other person.

*Registrable Trade Marks and Preliminary Advice (Section 43)*

**Registrable  
trade marks.**

15. (1) The Registrar may refuse to accept any application for the registration of a mark upon which any of the following appear—

- (a) the words "Patent", "Patented", "Registered", "Registered Design", "Copyright", "Entered at Stationer's Hall" or "To counterfeit this is a forgery", or words to similar effect;
- (b) representations of the Head of State of any foreign state, or any colourable imitation thereof;
- (c) the words "Red Cross", or "Geneva Cross", and representations of the Geneva and other crosses in red, or of the Swiss Federal cross in white on a red ground or silver on a red ground, or such representations in a similar colour or colours.

(2) Where there appears in a trade mark the registration of which is applied for a representation of a cross in any colour, not being one of those mentioned in subparagraph (c) of paragraph (1), the Registrar may require the applicant as a condition of acceptance to undertake not to use the cross device on red, or in white on a red ground or silver on a red ground, or in any similar colour or colours.

**Flags, emblems,  
arms, etc.**

16. Representations in any form of any of the following, or any device so nearly resembling them as to be likely to lead to mistake, may not appear on trade marks the registration of which is applied for—

- (a) without the written permission of the competent authority, any specified emblem, specified likeness or specified name within the meaning of section 2 of the National Flag, Emblems and Names Act;



- (b) without the written permission of the competent authority, any honour or award, or any title or abbreviation of a title thereof, created by the President;
- (c) any armorial bearing, insignia or flag of any foreign state or international intergovernmental organization;
- (d) any honour or award, or any title or abbreviation of a title thereof, of any foreign state;
- (e) any title or abbreviation thereof of any international intergovernmental organization.

17. Where a representation in any form of the armorial bearings, insignia, orders of chivalry, decorations or flags of any city, borough, town, place, society, body corporate, institution or person appears on a mark, the Registrar, before proceeding to register the mark, may require to be furnished with a consent to the registration and use of those emblems from such official or other person as appears to the Registrar to be entitled to give consent, and in default of that consent he may refuse to register the mark.

Arms of city,  
etc.

18. Where the name or representation of any person appears on a trade mark, the Registrar may require, before proceeding to register the mark to be furnished with consent from him or, in the case of a person recently dead, from his legal representatives, and in default of that consent he may refuse to register the mark.

Living persons  
or persons  
recently dead.

19. (1) Where the name or description of any goods appears on a trade mark, the Registrar may refuse to register the mark in respect of any goods other than the goods so named or described.

Name or  
description of  
goods on a  
trade mark.

(2) Where the name or description of any goods appears on a trade mark, which name or description in use varies, the Registrar may permit the registration of the mark for those and other goods, and in that case the applicant shall state in his application that the name or description will be varied when the mark is used upon goods covered by the specification other than the named or described goods.

20. (1) A person who proposes to apply for the registration of a trade mark in Part A or Part B of the register in respect of any goods may apply to the Registrar in form TM 28 or in form TM 27 in a case where he is also making an application under rule 114 for advice as to whether the trade mark, of which duplicate representations shall accompany the form, appears to the Registrar *prima facie* to be inherently adapted to distinguish within the meaning of section 12, or inherently capable of distinguishing within the meaning of section 13, of the Act in relation to those goods, and shall apply separately in relation to goods comprised within different classes of goods in the Third Schedule to these Rules.

Preliminary  
advice by  
Registrar as to  
distinctiveness.

(2) A notice of withdrawal of an application for the registration of a trade mark given under subsection (3) of section 43 of the Act for the purpose of obtaining repayment of any fee paid on the filing of the application shall be given in writing within two months from the date of the notice of the Registrar's objection.

#### *Application for Registration of a Trade Mark*

21. (1) An application to the Registrar for the registration of a trade mark shall be signed by the applicant or his agent; for a trade mark other than a certification or defensive trade mark the application

Form of  
application.

**[Subsidiary]**

shall be made in form TM 2; for a certification or a defensive trade mark the application shall be made in form TM 5 or form TM 31 respectively; and each application shall be for registration in respect of goods in one class only of the Third Schedule.

(2) Every application claiming priority under section 67 of the Act shall state the date of the application in the United Kingdom or foreign state, and the applicant shall furnish a certificate by the registrar or other registering authority of that country, or shall otherwise verify the application made or deemed to have been made therein to the satisfaction of the Registrar.

(3) In the case of an application for registration in respect of all the goods included in a class, or of a large variety of goods, the Registrar may refuse to accept the application unless he is satisfied that the specification is justified by the use of the mark which the applicant has made, or intends to make if it is registered.

Representation  
of mark.

22. (1) Every application for the registration of a trade mark shall contain a representation of the mark in the space provided on the application form for that purpose.

(2) Where the representation exceeds the space in size, the representation shall be mounted upon linen, tracing cloth or such other material as the Registrar may consider suitable; part of the mounting shall be affixed in the space and the rest may be folded.

Additional,  
forms and  
representations.

23. There shall be sent with every application for registration of a trade mark at least four additional representations of the mark in form TM 3 exactly corresponding to that affixed to the application form and noted with all such particulars as may from time to time be required by the Registrar; and those particulars shall, if required, be signed by the applicant or his agent.

Representations  
to be durable.

24. All representations of marks shall be of a durable nature, but the applicant may in case of need supply, in place of representations in form TM 3, representations on sheets of strong paper of the size prescribed in rule 9 and noted.

Separate  
applications.

25. Applications for the registration of the same mark in different classes shall be treated as separate and distinct applications, and in all cases where a trade mark is registered under the same official number for goods in more than one class, whether on conversion of the specification under rule 6 or otherwise, the registration in respect of the goods included in each separate class shall be deemed to be a separate registration for all the purposes of the Act.

Representations  
to be  
satisfactory.

26. The Registrar, if dissatisfied with any representation of a mark, may at any time require another representation satisfactory to him to be submitted before proceeding with the application.

Specimens of  
trade marks in  
exceptional  
cases.

27. (1) Where a drawing or other representation or specimen cannot be given as prescribed in these Rules, a specimen or copy of the trade mark may be sent either of full size or on a reduced scale, and in such form as the Registrar may think most convenient.

(2) The Registrar may also, in exceptional cases, deposit in the office a specimen or copy of any trade mark which cannot conveniently be shown by a representation, and may refer thereto in the register in such manner as he may think fit.

28. Where application is made for the registration of a series of trade marks under subsection (2) of section 24 of the Act, a representation of each trade mark of the series shall be included, all as prescribed in these Rules, in the application form, in the duplicate thereof (if any), and in each of the accompanying forms TM 3.

Series of trade marks.

29. (1) Where a trade mark contains a word or words in characters other than Roman, there shall, unless the Registrar otherwise directs, be endorsed on the application form, and on each of the accompanying forms TM 3, a sufficient transliteration and translation to the satisfaction of the Registrar of each of the words, and every such endorsement shall state the language to which the word belongs and shall be signed by the applicant or his agent.

Transliteration and translation.

(2) Where a trade mark contains a word or words in a language other than English, the Registrar may ask for an exact translation thereof together with the name of the language, and the translation and name, if he so requires, shall be so endorsed and signed.

### *Procedure on Receipt of Application for Registration of a Trade Mark*

30. Upon receipt of an application for the registration of trade mark in respect of any goods, the Registrar shall cause a search to be made amongst the registered marks and pending applications, for the purpose of ascertaining whether there are on record in respect of the same goods or description of goods any marks identical with the mark applied for, or which so nearly resemble it as to render the mark applied for likely to deceive or cause confusion, and the Registrar may cause the search to be renewed at any time before the acceptance of the application, but shall not be bound to do so.

Search

31. After a search, and consideration of the application, and of any evidence of use or of distinctiveness or of any other matter which the applicant may or may be required to furnish, the Registrar may accept the application absolutely, or he may object to it, or he may express his willingness to accept it subject to such conditions, amendments, disclaimer, modifications or limitations as he may think right to impose.

Registrar's powers on application.

32. If the Registrar objects to the application, he shall inform the applicant of his objections in writing, and unless within two months the applicant applies for a hearing or makes a considered reply in writing to those objections he shall be deemed to have withdrawn his application.

Objection by Registrar.

33. (1) If the Registrar is willing to accept the application subject to any conditions, amendments, disclaimer, modifications or limitations, he shall communicate his willingness to the applicant in writing, and, if the applicant objects to the conditions, amendments, disclaimer, modifications or limitations, he shall within one month from the date of the communication apply for a hearing or communicate his considered objections in writing, and if he does not do so he shall be deemed to have withdrawn his application.

Conditions by Registrar.

(2) If the applicant does not object to the conditions, amendments, disclaimer, modifications or limitations, he shall forthwith notify the Registrar in writing, and alter his application accordingly.

**[Subsidiary]**

**Decision of  
Registrar.**

34. (1) The decision of the Registrar, at a hearing under rule 32 or rule 33, or without a hearing if the applicant has duly communicated his considered objections or considered reply, in writing, and has stated that he does not desire to be heard, shall be communicated to the applicant in writing, and if the applicant objects to the decision he may within one month, by applying in form TM 4, require the Registrar to state in writing the grounds of, and the materials used by him in arriving at, his decision.

(2) In a case where the Registrar makes any requirements to which the applicant does not object, the applicant shall comply therewith before the Registrar issues the statement in writing; and the date when the statement is sent to the applicant shall be deemed to be the date of the Registrar's decision for the purpose of appeal.

**Disclaimer.**

35. The Registrar may call on an applicant to insert in his application such disclaimer as the Registrar may think fit, in order that the public generally may understand what the applicant's rights, if his mark is registered, will be.

*Defensive Trade Marks*

**Application  
under  
section 30.**

36. (1) An application for the registration of a defensive trade mark under section 30 of the Act shall be made, addressed and sent to the Registrar in form TM 31, and shall be accompanied by a statement of case setting forth full particulars of the facts on which the applicant relies in support of his application, verified by a statutory declaration made by the applicant or some other person approved for the purpose by the Registrar.

(2) The applicant may send with this declaration, or subsequently, such other evidence as he may desire to furnish, whether after request made by the Registrar or otherwise, and the Registrar shall consider the whole of the evidence before deciding on the application.

(3) In all other respects, and where they are appropriate and it is not otherwise stated, these Rules shall apply to such applications as they apply to applications for the registration of ordinary trade marks.

*Certification Trade Marks*

**Application  
under  
section 40.**

37. An application for the registration of a certification trade mark under section 40 of the Act shall be made to the Registrar in form TM 5, and shall be accompanied by two duplicates of the application in that form, and by six additional representations of the trade mark in form TM 3.

**Authorization  
to proceed.**

38. These Rules shall apply to applications under rule 37 as they apply to applications for the registration of ordinary trade marks, except that the applicant shall not be deemed to have abandoned his application if in the circumstances of rule 32 or rule 33 he does not apply for a hearing or reply in writing.

**Case; draft  
regulations.**

39. (1) The applicant shall send to the Registrar with his application or when required by the Registrar a case setting out the grounds on which he relies in support of his application together with draft regulations for governing the use of the mark and form TM 33, all being in duplicate.

(2) The Registrar may communicate to the applicant any observations he may have to make on the sufficiency of the case or the suitability of the draft regulations and the applicant may modify either of those documents.

40. If the Registrar decides to accept the application the regulations for governing the use of the mark approved by the Registrar, as well as the form of application, shall be open to public inspection.

Regulations and application to be open to inspection.

41. If the Registrar decides to refuse to accept the regulations or to accept the regulations subject to conditions, limitations, amendments or modifications, he shall inform the applicant of his objections in writing and shall, if required, hear the applicant.

Registrar's refusal.

#### *Advertisement of Application*

42. (1) An application for the registration of a trade mark required or permitted to be advertised by subsection (1) of section 21 of, or subparagraph (1) of paragraph 2 of the First Schedule to, the Act shall be advertised in the Gazette during such times and in such manner as the Registrar may direct.

Advertisement of application.

(1A) Where an application for the registration of a trade mark which has been advertised under paragraph (1) is subsequently withdrawn by the applicant, that withdrawal shall be advertised in the Gazette during such times and in such manner as the Registrar may direct.

(2) In the case of an application with which the Registrar proceeds only after the applicant has lodged the written consent to the proposed registration of the registered proprietor of another trade mark or another applicant, the words "By Consent" shall appear in the advertisement.

(3) If no representation of the trade mark is included in the advertisement of the application, the Registrar shall refer in the advertisement to the place or places where a specimen or representation of the trade mark is deposited for exhibition.

43. For the purposes of an advertisement the applicant may at the appropriate time supply or be required to supply a printing block (or more than one, if necessary) of the trade mark satisfactory to the Registrar, of such dimensions as may from time to time be approved or directed by the Registrar, or shall supply such information or other means of advertising the trade mark as may be required by the Registrar; and the Registrar, if dissatisfied with the printing block supplied by the applicant or his agent, may require a fresh block before proceeding with the advertisement.

Printing block.

44. When an application relates to a series of trade marks differing from one another in respect of the particulars mentioned in subsection (2) of section 24 of the Act, the applicant may be required to supply a printing block (or more than one, if necessary) satisfactory to the Registrar of any or of each of the trade marks constituting the series; or the Registrar may, if he thinks fit, insert with the advertisement of the application a statement of the manner in which the several trade marks differ from one another.

Advertisement of series.

45. Advertisements under subsection (10) of section 21 and subsections (2) and (4) of section 38 of the Act shall *mutatis mutandis* be made in the same manner as advertisements relating to an application for registration.

Advertisements under section 21 (10) and section 38 (2) and (4).

45A. The expenses, costs and charges incurred by or on behalf of the Registrar in effecting any advertisement in connexion with applications shall be repaid to the Registrar by the applicant concerned, and the Registrar may refuse to complete any registration until he has received such repayment.

Reimbursement for advertisements.

*Opposition to Registration*

Opposition.

46. Any person may, within sixty days from the date of any advertisement in the Gazette of an application for registration of a trade mark, give notice in form TM 6 to the Registrar of opposition to the registration.

Notice of  
opposition.

47. (1) The notice shall include a statement of the grounds upon which the opponent objects to the registration.

(2) If registration is opposed on the ground that the mark resembles marks already on the register, the numbers of those trade marks and the numbers of the Gazettes in which they have been advertised shall be set out.

(3) The notice shall be accompanied by a duplicate, which the Registrar shall forthwith send to the applicant.

Counter-  
statement.

48. Within forty-two days from the receipt of the duplicate the applicant shall send to the Registrar a counter-statement in form TM 7 setting out the grounds on which he relies as supporting his application.

(2) The applicant shall also set out what facts, if any, alleged in the notice of opposition he admits.

(3) The counter-statement shall be accompanied by a duplicate.

Evidence in  
support of  
opposition.

49. Upon receipt of the counter-statement and duplicate the Registrar shall forthwith send the duplicate to the opponent, and within forty-two days from the receipt of the duplicate the opponent shall leave with the Registrar such evidence by way of statutory declaration as he may desire to adduce in support of his opposition and shall deliver to the applicant copies thereof.

Evidence in  
support of  
application.

50. If an opponent leaves no evidence, he shall, unless the Registrar otherwise directs, be deemed to have abandoned his opposition, but, if he does leave evidence, then, within forty-two days from the receipt of the copies of declarations, the applicant shall leave with the Registrar such evidence by way of statutory declaration as he desires to adduce in support of his application, and shall deliver to the opponent copies thereof.

Evidence in  
reply by  
opponent.

51. Within one month from the receipt by the opponent of the copies of the applicant's declarations the opponent may leave with the Registrar evidence by statutory declaration in reply, and shall deliver to the applicant copies thereof; this evidence shall be confined to matters strictly in reply.

Further  
evidence.

52. No further evidence shall be left on either side, but, in any proceedings before the Registrar, he may at any time give leave to either the applicant or the opponent to leave any evidence upon such terms as to costs or otherwise as he may think fit.

Abandonment of  
application or  
opposition.

52A. If the applicant or opponent fails to furnish the required counter-statement or evidence in support within the times prescribed by rules 48 to 52, the application or opposition, as the case may be, shall be deemed to be abandoned and the Registrar may proceed to make an award of costs.

53. (1) Where there are exhibits to declarations filed in an opposition, copies or impressions of such exhibits shall be sent to the other party on his request and at his expense, or, if such copies or impressions cannot conveniently be furnished, the originals shall be left with the Registrar in order that they may be open to inspection.

Exhibits.

(2) The original exhibits shall be produced at the hearing unless the Registrar otherwise directs.

54. (1) Upon completion of the evidence, the Registrar shall give notice to the parties of a date when he will hear the arguments in the case.

Hearing.

(2) An appointment shall be for a date at least fourteen days after the date of the notice, unless the parties consent to a shorter notice.

(3) Within seven days from the receipt of the notice any party who intends to appear shall so notify the Registrar in form TM 8.

(4) A party who receives notice and who does not, within seven days from the receipt thereof, so notify the Registrar in form TM 8, may be treated as not desiring to be heard and the Registrar may act accordingly.

55. Where in opposition proceedings any extension of time is granted to any party, the Registrar may thereafter, without giving that party a hearing, grant any reasonable extension of time to any other party in which to take any subsequent steps.

Extension of time.

56. Where a party giving notice of opposition or an applicant sending a counter-statement after receipt of a copy of such a notice neither resides nor carries on business in Kenya, the Registrar may require him to give security, in such form as the Registrar may deem sufficient, for the costs of the proceedings before the Registrar, for such amount as to the Registrar may seem fit, and at any stage in the opposition proceedings may require further security to be given at any time before his decision in the case.

Security for costs.

57. In the event of an opposition being uncontested by the applicant, the Registrar in deciding whether costs should be awarded to the opponent shall consider whether proceedings might have been avoided if reasonable notice had been given by the opponent to the applicant before the notice of opposition was lodged.

Costs in uncontested case.

58. Within sixty days from the date of any advertisement in the Gazette of an application for the registration of a certification trade mark, any person may give notice to the Registrar in form TM 36 of opposition under subparagraph (1) of paragraph 2 of the First Schedule to the Act; and rules 47 to 57 shall apply *mutatis mutandis* to the proceedings thereon with substitution of form TM 37 for form TM 7 and form TM 38 for form TM 8; and in any case of doubt any party may apply to the Registrar for directions.

Opposition to application under section 40.

### *Non-Completion*

59. (1) Where registration of a trade mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar shall in form TM 9A give notice in writing to the applicant at his trade or business address of the non-completion, but if the applicant has authorized an agent for

Non-completion of registration.

the purpose of the application he shall instead send the notice to the agent and shall send a duplicate thereof to the applicant,

(2) If after fourteen days from the date when the notice was sent, or such further time as the Registrar may allow, the registration is not completed, the application shall be deemed to be abandoned.

*Entry in the Register, and Associated Marks*

Entry in  
register.

60. (1) As soon as may be after the expiration of sixty days from the date of the advertisement in the Gazette of any application for the registration of a trade mark, the Registrar shall, subject to any opposition and the determination thereof, and subject to the provisions of subsection (1) of section 22 of the Act, and upon payment of the prescribed fee in form TM 9, enter the trade mark in the register.

(2) The entry of a trade mark in a register shall give the date of registration, the goods in respect of which it is registered together with the particulars of the trade, business, profession, occupation or other description of the proprietor, particulars of any undertakings of the proprietor entered on the form of application, particulars affecting the scope of the registration or the rights conferred by the registration, and such other particulars as are prescribed.

(3) In the case of an application which the Registrar accepts only after the applicant has lodged the written consent to the proposed registration of the registered proprietor of another trade mark or another applicant for registration, the entry in the register shall state that it is "By Consent" and shall give the number of the previous registration or the application for registration.

Associated  
marks.

61. (1) Where a mark is registered as associated with any other mark or marks, the Registrar shall note in the register in connexion with the first-mentioned mark the numbers of the marks with which it is associated, and shall also note in the register in connexion with each of the associated marks the number of the first-mentioned mark as being a mark associated therewith.

(2) An application by a registered proprietor under subsection (5) of section 26 of the Act to the Registrar to dissolve the association between two or more associated trade marks shall be made in form TM 18, and shall include a statement of the grounds of the application.

Death of  
applicant before  
registration.

62. In case of the death of any applicant for the registration of a trade mark after the date of his application and before the trade mark applied for has been entered in the register, the Registrar, after the expiration of the prescribed period of advertisement and the determination of any opposition to the application, may, on being satisfied of the applicant's death, enter in the register, in place of the name of the deceased applicant, the name, address and description of the person owning the trade mark, on ownership being proved to the satisfaction of the Registrar.

Certificate of  
registration.

63. Upon the registration of a trade mark the Registrar shall issue to the applicant a certificate in form TM 10A, and shall affix thereto a copy of the mark, which may be a representation thereof supplied by the applicant under rule 23.



*Renewal*

64. (1) At any time not more than three months before the expiration of the last registration of a trade mark, any person may leave at the office a fee for the renewal of the registration of the mark in form TM 10, and, if he is not the registered proprietor, shall sign a statement on the form that he is directed by the registered proprietor to pay the fee (if such be the case) and shall give his address.

Renewal of registration.

(2) Before taking any further step, the Registrar may either—

(a) require the person leaving the fee to furnish within ten days an authority to pay the fee signed by the registered proprietor, and if he does not furnish that authority may return the fee and treat it as not received; or

(b) communicate with the registered proprietor stating that the fee has been received and that the registration will in due course be renewed.

65. At a date not less than one month and not more than two months before the expiration of the last registration of a mark, if no fee in form TM 10 has been received, the Registrar shall notify the registered proprietor in writing of the approaching expiration.

Notice before removal of trade mark from register.

66. At a time not less than fourteen days and not more than one month before the expiration of the last registration of a mark, the Registrar may, if no renewal fee has been received, send a notice in writing to the registered proprietor at his trade or business address as well as at his address for service, if any.

Second notice.

67. If at the date of the expiration of the last registration of a mark the renewal fee has not been paid, the Registrar shall advertise the fact forthwith in the Gazette, and if within one month of that advertisement the renewal fee in form TM 10, together with an additional fee in Form TM 11, is received, he may renew the registration without removing the mark from the register.

Advertisement of non-payment.

68. Where, at the expiration of one month from the advertisement under rule 67, the fees therein mentioned have not been paid, the Registrar may remove the mark from the register as of the date of the expiration of the last registration, but may, upon payment of the renewal fee in form TM 10 together with a restoration fee in form TM 12, restore the mark to the register if satisfied that it is just so to do, and upon such conditions as he may think fit to impose.

Removal of trade mark from register.

Restoration.

69. Where a trade mark has been removed from the register, the Registrar shall cause to be entered in the register a record of the removal and of the cause thereof.

Record of removal of mark.

70. Upon the renewal or restoration and renewal of a registration, a notice to that effect shall be sent to the registered proprietor and the renewal or restoration and renewal shall be advertised in the Gazette.

Notice and advertisement of renewal and restoration.

*Assignments and Transmissions*

71. Where a person becomes entitled by assignment or transmission to a registered trade mark, he may, conjointly with the registered proprietor, make application to the Registrar in form TM 14 to register his title.

Joint application for entry of assignment or transmission.

**[Subsidiary]**

Application for entry of assignment or transmission by subsequent proprietor.

Particulars to be stated in application.

72. Where a person becomes entitled to a registered trade mark in the manner referred to in rule 71, and no conjoint application as therein mentioned is made, he shall make application to the Registrar in form TM 15 to register his title.

73. (1) An application under rule 71 or rule 72 shall contain the name, trade or business address and description of the person claiming to be entitled, together with full particulars of the instrument, if any, under which he claims, and the instrument shall be produced for inspection by the Registrar, preferably at the time of application.

(2) The full names of all the partners in a partnership shall be given in the body of the application.

(3) The Registrar may in any case require and retain an attested copy of any instrument produced for inspection in proof of title, but that copy shall not be open to public inspection.

Case accompanying application.

74. Where in the case of an application in form TM 14 or form TM 15 the person applying for registration of his title does not claim under any document or instrument which is capable in itself of furnishing proof of his title, he shall, unless the Registrar otherwise directs, either upon or with the application, state a case setting forth the full particulars of the facts upon which his claim to be proprietor of the trade mark is based, and showing that the trade mark has been assigned or transmitted to him; and if the Registrar so requires, the case shall be verified by a statutory declaration in form TM 16.

Proof of title.

75. The Registrar may call on any person who applies to be registered as proprietor of a registered trade mark for such proof or additional proof of title as he may require for his satisfaction.

Application for entry of assignment without goodwill.

76. (1) An application under rule 71 or rule 72 relating to an assignment on or after the appointed day of a trade mark in respect of any goods shall state—

(a) whether the trade mark was, at the time of the assignment, used in a business in any of those goods; and

(b) whether the assignment was made otherwise than in connexion with the goodwill of that business;

and, if both those circumstances subsisted, the applicant shall leave with the Registrar a copy of the Registrar's directions to advertise the assignment, obtained upon application under subsection (7) of section 25 of the Act and rule 80 of these Rules, and such proof, including copies of advertisements or otherwise, as the Registrar may require that his directions have been fulfilled; and if the Registrar is not satisfied that the directions have been fulfilled, he shall not proceed with the application.

(2) For the purposes of subsection (4) of section 32 of the Act, the period within which a corporation may be registered as the subsequent proprietor of a registered trade mark, upon application made under rule 71 or rule 72, shall be six months from the date of advertisement in the Gazette of the registration of the trade mark, or such further period not exceeding six months as the Registrar may allow on application being made to him in form TM 13 by the applicant for registration of title or the registered proprietor, as the case may be, at any time before or during the period for which the extension can be allowed.

77. When the Registrar is satisfied as to the title of the person claiming to be registered, he shall cause him to be registered as proprietor of the trade mark in respect of the relevant goods, and shall enter in the register his name, trade or business address and description and particulars of the assignment or transmission.

78. Where, pursuant to an application under rule 71 or rule 72, and as the result of a division and separation of the goods of a registration or a division and separation of places or markets, different persons become registered separately under the same official number as subsequent proprietors of a trade mark, each of the resulting separate registrations in the names of those different persons shall be deemed to be a separate registration for all the purposes of the Act.

Separate registrations.

79. (1) Any person who desires to obtain the Registrar's certificate under subsection (5), or his notification of approval under subsection (6), of section 25 of the Act shall send to the Registrar, with his application in form TM 39, 40 or 29, as the case may be, a statement of case in duplicate setting out the circumstances, and a copy of any instrument or proposed instrument effecting the assignment or transmission.

Registrar's certificate of approval as to certain assignments and transmissions.

(2) The Registrar may call for any evidence or further information that he may consider necessary, and the statement of case shall be amended if required to include all the relevant circumstances, and shall if required be verified by a statutory declaration.

(3) The Registrar, after hearing if so required the applicant and any other person whom the Registrar may consider to be interested in the transfer, shall consider the matter and issue a certificate thereon or a notification in writing of approval or disapproval thereof, as the case may be.

(4) Where a statement of case is amended, two fair copies thereof in its final form shall be left with the Registrar.

(5) The Registrar shall seal a copy of the statement of case in its final form to the certificate or notification.

80. (1) An application to the Registrar under subsection (7) of section 25 of the Act shall be made by the assignee in form TM 41, and shall state the date on which the assignment was made.

Registrar's directions for advertisement of assignment without goodwill of trade mark in use.

(2) The application shall give particulars of the registration in the case of a registered trade mark, and, in the case of an unregistered trade mark, shall show the mark and give particulars of the registered trade mark that has been assigned therewith in accordance with subsection (3) of section 25.

(3) The Registrar may call for any evidence or further information, and if he is satisfied with regard to the various matters he shall issue directions in writing with respect to the advertisement of the assignment.

(4) The Registrar may refuse to consider such an application in a case to which subsection (6) of section 25 applies unless his approval has been obtained under the said subsection and a reference identifying the Registrar's notification of approval is included in the application.

(5) A request to the Registrar for an extension of the period within which the application may be made, which shall be in form

TM 42, may be made at any time before or during the period for which extension can be allowed; the extension of the period which the Registrar may allow shall not exceed three months.

*Alteration of Address*

Alteration of  
address in  
register.

81. (1) A registered proprietor or registered user of a trade mark whose trade or business address is changed so that the entry in the register is rendered incorrect shall forthwith request the Registrar in form TM 17 to make the appropriate alteration of the address in the register, and the Registrar shall alter the register accordingly if he is satisfied in the matter.

(2) A registered proprietor or registered user of a trade mark whose address for service in Kenya entered in the register is changed, whether by discontinuance of the entered address or otherwise, so that the entry in the register is rendered incorrect, shall forthwith request the Registrar in form TM 32 to make the appropriate alteration of the address in the register, and the Registrar shall alter the register accordingly if he is satisfied in the matter.

(3) A registered proprietor or registered user of a trade mark whose registered trade or business address or address for service is altered by a public authority, so that the changed address designates the same premises as before, may make the request to the Registrar, but in that case no fee shall be payable, and if he does so he shall leave therewith a certificate of the alteration given by the authority; and if the Registrar is satisfied as to the facts of the case he shall alter the register accordingly.

(4) In the case of the alteration of the address of a person entered in the register as the address for service of more than one registered proprietor or registered user of trade marks, the Registrar may, on proof that the address is the address of the applicant and if satisfied that it is just to do so, accept an application from that person in form TM 32 amended so as to suit the case for the appropriate alteration of the entries of his address as the address for service in the several registrations, particulars of which shall be given in the form, and may alter the entries accordingly.

(5) All applications under this rule in form TM 32 shall be signed by the registered proprietor or the registered user, as the case may be, or by an agent, expressly authorized by him for the purpose of such an application, unless in exceptional circumstances the Registrar otherwise allows.

*Applications to the Registrar for Rectification*  
(Sections 29, 30, 35 and 36)

Application to  
rectify or  
remove a trade  
mark from  
the register.

82. (1) An application to the Registrar under any of the sections 29, 30, 35 and 36 of the Act for the making, expunging or varying of any entry in the register shall be made in form TM 25 and shall be accompanied by a statement setting out fully the nature of the applicant's interest, the facts upon which he bases his case and the relief which he seeks.

(2) Where the application is made by a person who is not the registered proprietor of the trade mark in question it shall be accompanied by a copy of the application and a copy of the statement, and these copies shall be transmitted forthwith by the Registrar to the registered proprietor.

83. Upon application being made, and copy thereof transmitted to the registered proprietor, if necessary, the provisions of rules 48 to 57 shall apply *mutatis mutandis* to the further proceedings thereon; but the Registrar shall not rectify the register or remove the mark from the register merely because the registered proprietor has not filed a counter-statement; and in any case of doubt any party may apply to the Registrar for directions.

Further  
procedure.

84. (1) Any person other than the registered proprietor alleging interest in a registered trade mark in respect of which an application is made in form TM 25 may apply to the Registrar in form TM 26 for leave to intervene, stating thereon the nature of his interest, and the Registrar may refuse or grant leave, after hearing (if so required) the parties concerned, upon such conditions and terms as he may deem fit.

Intervention by  
third parties.

(2) Before dealing in any way with the application for leave to intervene the Registrar may require the applicant to give an undertaking to pay such costs as in the circumstances he may award to any party.

*Applications for Alteration of the Register by Correction, Change, Cancellation or Striking out Goods or for Entry of Disclaimer, Memorandum or Note (Section 37 (1))*

85. (1) An application to the Registrar under subsection (1) of section 37 of the Act for the alteration of the register by correction, change, cancellation or striking out goods, or for the entry of a disclaimer or memorandum, may be made by the registered proprietor of the trade mark or by such person as may satisfy the Registrar that he is entitled to act in the name of the registered proprietor.

Application  
under  
section 37 (1).

(2) Such applications shall be made in form TM 17, TM 19, TM 20, TM 21, TM 22, TM 23 or TM 32, as may be appropriate; but an application in form TM 21, TM 22 or TM 32 shall be signed by the registered proprietor or other person entitled under this rule unless in exceptional circumstances the Registrar otherwise allows, or, in the case of form TM 32 only, it is signed by an agent expressly authorized for the purpose of such an application.

86. In the case of an application as in rule 85, the Registrar may require such evidence by statutory declaration or otherwise as he may think fit as to the circumstances in which the application is made.

Evidence.

87. Where application is made in form TM 23 to enter a disclaimer or memorandum relating to a trade mark, the Registrar, before deciding upon such application, shall advertise the application in the Gazette in order to enable any person desiring so to do to state, within one month of the advertisement, any reasons in writing against the making of the entry of the disclaimer or memorandum.

Advertisement  
of certain  
applications.

88. Where the court has certified under section 47 of the Act with regard to the validity of a registered trade mark, the registered proprietor thereof may request the Registrar in form TM 47 to add to the entry in the register a note that the certificate of validity has been granted in the course of the proceedings, which shall be named in the form; an office copy of the certificate shall be sent with the request, and the Registrar shall so note the register and publish the note in the Gazette.

Certificates of  
validity to be  
noted.

[Subsidiary]

*Applications to Alter Registered Trade Marks*

Alteration of  
registered mark.

89. Where a person desires to apply under section 38 of the Act that his registered trade mark may be added to or altered, he shall make his application in writing in form TM 24, and shall furnish the Registrar with four copies of the mark as it will appear when so added to or altered.

Advertisement  
before decision.

90. (1) The Registrar shall consider the application and shall, if it appears to him expedient, advertise the application in the Gazette before deciding it.

(2) Within one month from the date of the advertisement any person may give notice of opposition to the application in form TM 45 accompanied by a duplicate of the notice, and may also send therewith a further statement of his objections in duplicate.

(3) The Registrar shall send the duplicate notice, and the duplicate of any further statement of objections, to the applicant, and the provisions of rules 48 to 57 shall apply *mutatis mutandis* to the further proceedings thereon; and in any case of doubt any party may apply to the Registrar for directions.

Decision of  
Registrar.

91. If the Registrar decides to allow the application he shall add to or alter the mark in the register, and if the mark so added to or altered has not been advertised under rule 90 he shall advertise it in the Gazette, and in any case shall insert in the Gazette a notification that the mark has been altered.

Advertisement  
illustration.

92. In connexion with an application to alter a registered trade mark the Registrar may at any time call on the applicant to supply a printing block satisfactory to the Registrar and suitable for advertising the mark with the addition or alteration, if in the opinion of the Registrar an advertisement describing the addition or alteration in words would not be likely to be understood by persons interested in the matter.

*Court Orders for Rectification of Certification  
Trade Mark Entries and Regulations*

Rectification of  
certification  
trade mark  
entries by the  
court.

93. An application on any of the grounds mentioned in paragraph 4 of the First Schedule to the Act, made by an aggrieved person to the court for an order expunging or varying an entry in the register of or relating to a certification trade mark, or varying the relevant deposited regulations, shall be made in form TM 35 and shall include full particulars of the grounds on which the application is made.

*Alteration of Certification Trade Mark Regulations*

Alteration of  
regulations.

94. (1) An application by the registered proprietor of a certification trade mark for an alteration of the deposited regulations shall be made in form TM 34.

(2) Where the Registrar causes such an application to be advertised, the time within which any person may give notice to the Registrar of opposition to the application shall be one month from the date of the advertisement.

*Registered Users*

Application for  
entry of  
registered user.

95. An application to the Registrar for the registration under section 31 of the Act of a person as a registered user of a registered trade mark shall be made by that person and the registered proprietor in form TM 48.

96. (1) The entry of a registered user in the register shall state the date on which it was made; and in addition to the trade or business address of the registered user it may include an address for service, if an application by him in form TM 32 therefor has been approved.

Entry and notification.

(2) A notification in writing of the registration of a registered user shall be sent to the registered proprietor of the trade mark, to the registered user and to every other registered user whose name is entered in relation to the same registration of a trade mark, and shall be inserted in the Gazette.

97. An application by the registered proprietor of a trade mark for the variation of the registration of a registered user of that trade mark under paragraph (a) of subsection (8) of section 31 of the Act shall be made on form TM 49, and shall be accompanied by a statement of the grounds on which it is made and, where the registered user in question consents, by the written consent of that registered user.

Registered proprietor's application to vary entry.

98. An application by the registered proprietor or any registered user of a trade mark for the cancellation of the registration of a registered user of that trade mark under paragraph (b) of subsection (8) of section 31 of the Act shall be made in form TM 50, and shall be accompanied by a statement of the grounds on which it is made.

Application by registered proprietor or user to cancel entry.

99. An application by any person for the cancellation of the registration of a registered user under paragraph (c) of subsection (8) of section 31 of the Act shall be made in form TM 51, and shall be accompanied by a statement of the grounds on which it is made.

Application by any person to cancel entry.

100. (1) The Registrar shall notify in writing applications under rules 97, 98 and 99 to the registered proprietor and each registered user (not being the applicant) under the registration of the trade mark.

Notification and hearing.

(2) Any person so notified who intends to intervene in the proceedings shall, within one month of the receipt of the notification, give notice to the Registrar in form TM 52 to that effect, and shall send therewith a statement of the grounds of his intervention; and the Registrar shall thereupon send copies of such notice and statement to the other parties, so that the intervention may be known to the applicant, the registered proprietor, the registered user whose registration is in suit and any other registered user who intervenes.

(3) Any such party may, within such time or times as the Registrar may appoint, leave evidence in support of his case, and the Registrar, after giving the parties an opportunity of being heard, may accept or refuse the application or accept it subject to any conditions, amendments, modifications or limitations as he may think right to impose.

101. (1) Applications under subsection (2) of section 37 of the Act shall be made in form TM 17, TM 19, TM 20 or TM 32, as may be appropriate, by a registered user of a trade mark, or by such person as may satisfy the Registrar that he is entitled to act in the name of a registered user; and the Registrar may require such evidence by statutory declaration or otherwise as he may think fit as to the circumstances in which the application is made.

Registered user's application to correct error or enter change.

(2) In case of the registration of a registered user for a period, in accordance with paragraph (d) of subsection (4) of section 32 of the Act, the Registrar shall cancel the entry of the registered user at the end of the period.

## [Subsidiary]

(3) Where some or all of the goods are struck out from those in respect of which a trade mark is registered, the Registrar shall at the same time strike them out from those specifications of registered users of the trade mark in which they are comprised.

(4) The Registrar shall notify every cancellation or striking out under this rule to the registered users whose permitted use is affected thereby and the registered proprietor of the trade mark.

### *Extension of Time*

Extension of time.

102. If in any particular case the Registrar is satisfied that the circumstances are such as to justify an extension of the time for doing any act or taking any proceeding under these Rules, not being a time expressly provided in the Act or prescribed by rule 76 or rule 80, he may extend the time upon such notice to other parties, and proceedings thereon, and upon such terms, as he may direct, and the extension may be granted though the time has expired for doing the act or taking the proceeding.

### *Discretionary Power*

Hearing.

103. Before exercising adversely to any person any discretionary power given to the Registrar by the Act or these Rules, the Registrar shall, if so required, hear that person thereon.

Application for hearing.

104. An application for a hearing shall be made within one month from the date of notification by the Registrar of any objection to an application or the date of any other indication that he proposes to exercise a discretionary power.

Notice of hearing.

105. (1) Upon receiving such application, the Registrar shall give the person applying fourteen days' notice of a time when he may be heard.

(2) Within seven days from the date when the notice would be delivered in the ordinary course of post, the person applying shall notify the Registrar whether or not he intends to be heard on the matter, and if he intends to appear he shall file form TM 8 and pay the prescribed fee thereon.

Notification of decision.

106. The decision of the Registrar in the exercise of any such discretionary power shall be notified to the person affected.

### *Power to Dispense with Evidence*

Dispensing with evidence.

107. Where under these Rules a person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself or of any body corporate, or any document or evidence is required to be produced to or left with the Registrar, or at the office, and it is shown to the satisfaction of the Registrar that from any reasonable cause that person is unable to do the act or thing, or to sign the document, or to make the declaration, or that the document or evidence cannot be produced or left, the Registrar may, upon the production of such other evidence, and subject to such terms as he may think fit, dispense with any such act or thing, signature, declaration, document or evidence.

### *Amendments*

Amendments of documents.

108. Any document or drawing or other representation of a trade mark may be amended, and any irregularity in procedure which in the opinion of the Registrar may be excused without detriment to the



interests of any person may be corrected, if the Registrar thinks fit, and on such terms as he may direct.

### *Certificates*

109. (1) The Registrar may give a certificate, other than a certificate under section 22 of the Act, as to any entry, matter or thing which he is authorized or required by the Act or these Rules to make or do, upon receipt of a request therefor in form TM 30 from any person who, if the Registrar thinks fit so to require, can show an interest in the entry, matter or thing to his satisfaction.

Certificates by Registrar.

(2) Except in a case falling under rule 111, the Registrar shall not be obliged to include in the certificate a copy of any mark, unless he is furnished by the applicant with a copy thereof suitable for the purpose.

110. Where a mark is registered without limitation of colour, the Registrar may grant a certificate of its registration for the purpose of obtaining registration abroad either in the colour in which it appears upon the register or in any other colour or colours.

Marks registered without limitation of colour.

111. (1) Where a certificate of registration of a trade mark is issued for use in obtaining registration abroad, the Registrar shall include in the certificate a copy of the mark, and may require the applicant for the certificate to furnish him with a copy of the mark suitable for the purpose, and if the applicant fails to do so may refuse to issue the certificate.

Certificates for use in obtaining registration abroad.

(2) The Registrar may state in the certificate such particulars concerning the registration of the mark as to him seem fit, and may omit therefrom reference to any disclaimers appearing in the register; but in the last-mentioned case the certificate shall be marked "For use in obtaining registration abroad only".

### *Declarations*

112. The statutory declarations required by the Act and these Rules, or used in any proceedings thereunder, shall be made and subscribed as follows—

Person before whom declaration is to be taken.

- (a) if made in the Commonwealth, before any court, judge or justice of the peace, or any officer authorized by law to administer an oath for the purpose of a legal proceeding;
- (b) if made outside the Commonwealth, before a Kenya Consul or Vice-Consul, or other person exercising the functions of a Kenya Consul, or a notary public, or before a judge or magistrate.

113. Any document purporting to have affixed, impressed or subscribed thereto or thereon the seal or signature of any person authorized by rule 112 to take a declaration in testimony that the declaration was made and subscribed before him may be admitted by the Registrar without proof of the genuineness of the seal or signature or of the official character of the person or his authority to take the declaration.

Presumption as to seal of officer taking declaration.

*Search*

Searches.

114. (1) Any person may request the Registrar in form TM 27 to cause a search to be made in respect of specified goods classified in any one class of the Second Schedule or the Third Schedule to these Rules to ascertain whether any mark is on record at the date of the search which resembles a trade mark of which duplicate representations accompany the form.

(2) The Registrar shall cause such a search to be made and the person making the request to be informed of the result thereof.

*Textile Goods*

Textile goods.

115. The classes to which paragraph 1 of the Second Schedule to the Act applies shall be classes 22 to 26 inclusive of the Third Schedule to these Rules, but that paragraph shall apply only to goods in classes 22, 25 or 26 that are composed to a substantial extent of artificial or natural textile fibres or are complete articles of clothing.

*Metal Goods*

Metal goods.

116. For the purposes of paragraph 2 of the Second Schedule to the Act, the classes which refer predominantly to metal goods shall be classes 6 to 14 (inclusive) and 21 of the Third Schedule to these Rules.

*Appeals to the Court*

Appeal to court.

117. When a person intends to appeal to the court, the appeal shall be made by motion in the usual way, and no such appeal shall be entertained unless notice of motion is given within sixty days from the date of the decision appealed against or within such further time as the Registrar shall allow.

*Applications to and Orders of the Court*

Applications to court.

118. Every application to the court under the Act shall be served on the Registrar.

Order of court.

119. (1) Where an order has been made by the court in any case under the Act, the person in whose favour the order has been made, or such one of them if more than one, as the Registrar may direct, shall forthwith leave at the office an office copy of the order, together with form TM 46, duly completed, if required.

(2) The register may, if necessary, thereupon be rectified or altered by the Registrar.

Publication of order of court.

120. Whenever an order is made by the court under the Act, the Registrar may, if he thinks that the order should be made public, publish it in the Gazette.

## FIRST SCHEDULE

(r. 3)

## FEES

The following fees shall be paid in respect of applications, registrations and other matters under the Act; the fees must, in all cases, be paid before or at the time of doing the matter in respect of which they are to be paid; and for the purpose of those fees (except where otherwise provided below) every mark of a series under section 24 of the Act or any preceding similar enactment shall be deemed to be a mark separately registered.

<i>Matter or Proceeding</i>	<i>Amount</i>	<i>Corresponding form</i>
	<i>Sh.</i>	
1. On application not otherwise charged to register a trade mark for a specification of goods included in one class . . . . .	60	TM 2
1a. On application to register a series of trade marks under section 24 (2) for a specification of goods included in one class . . . . .	60	TM 2
1b. On application to register a defensive trade mark for a specification of goods included in one class . . . . .	60	TM 31
1c. On application under section 40 to register a certification trade mark for a specification of goods included in one class . . . . .	60	TM 5
1d. On application made at the same time under section 40 to register one certification trade mark for specification of goods not all included in one class— in respect of every class . . . . . total fee in no case to exceed Sh. 600 for any number of classes.	30	TM 5
2. On request to the Registrar to state grounds of decision relating to an application to register a trade mark and materials used . . . . .	60	TM 4
3. On notice of opposition before the Registrar under section 21 for each application opposed, by opponent . . . . .	50	TM 6
3a. On lodging a counter-statement in answer to a notice of opposition under section 21, or paragraph 2 (1) of the First Schedule, for each application opposed, by the applicant; or in answer to a notice of opposition under any of sections 29, 30, 35 and 36, by the proprietor in respect of each trade mark; or in answer to a notice of opposition under section 38 or section 39, for each application or conversion opposed, by the proprietor . . . . .	30	TM 7
3b. On the hearing of each opposition under section 21, by the applicant and by the opponent respectively; or on the hearing of an application under any of sections 29, 30, 35 and 36, by the applicant and by the proprietor respectively; or on the hearing of an opposition under section 38 or section 39, by proprietor and by opponent respectively; or on a hearing under rule 32 or 33, by the applicant . . . . .	60	TM 8
3c. On notice of opposition before the court under paragraph 2 (1) of the First Schedule for each application opposed, by the opponent . . . . .	50	TM 36
3d. On lodging a counter-statement in answer to a notice of opposition before the court under paragraph 2 (1) of the First Schedule for each application opposed, by the applicant . . . . .	30	TM 37
3e. On the hearing of each opposition before the court under paragraph 2 (1) of the First Schedule by applicant and by opponent respectively . . . . .	50	TM 38

Matter or Proceeding	Amount	Corresponding form
	Sh.	
4. For one registration of a trade mark not otherwise charged for a specification of goods included in one class . . . .	50	TM 9
4a. For one registration of a series of trade marks under section 24 (2) for a specification of goods included in one class— for the first mark . . . . . and for every other mark of the series . . . . .	50 5	TM 9
4b. For registration under section 40 of a certification trade mark for a specification of goods included in one class . . . .	50	TM 9
4c. For registration upon applications made at the same time of one certification trade mark, under section 40, for specifications of goods not all included in one class— in respect of every class . . . . . total fee in no case to exceed Sh. 1,000 for any number of classes.	50	TM 9
4d. For one registration of a defensive trade mark for a specification of goods included in one class . . . . .	60	TM 9
5. Upon each addition to the registered entry of a trade mark of a note that the mark is associated with a newly registered mark . . . . .	5	TM 9
5a. On an application to dissolve the association between registered trade marks . . . . .	50	TM 18
6. On application to register a registered user of a registered trade mark in respect of goods within the specification thereof . . . . .	50	TM 48
6a. On application to register the same registered user of more than one registered trade mark of the same registered proprietor in respect of goods within the respective specifications thereof and subject to the same conditions and restrictions in each case— for the first mark . . . . . and for every other mark of the proprietor included in the application and statement of case . . . . .	50 5	TM 48
6b. On application by the proprietor of a single trade mark under paragraph (a) of section 31 (8) to vary the entry of a registered user thereof . . . . .	50	TM 49
6c. On application by the proprietor of more than one trade mark under paragraph (a) of section 31 (8) to vary the entries of a registered user thereof— for the first mark . . . . . and for every other mark of the proprietor for which the same user is registered, included in the application . . . . .	50 5	TM 49
6d. On application by the proprietor or registered user of a single trade mark under paragraph (b) of section 31 (8) for cancellation of the entry of a registered user thereof . . . .	50	TM 50
6e. On application by the proprietor or registered user of more than one trade mark under paragraph (b) of section 31 (8) for cancellation of the entries of a registered user thereof— for the first mark . . . . . and for every other mark of the proprietor for which the same user is registered, included in the application . . . . .	50 5	TM 50
6f. On application under paragraph (c) of section 31 (8) to cancel the entry of a registered user of a single trade mark . .	50	TM 51

## FEES—(Contd.)

<i>Matter or Proceeding</i>	<i>Amount</i>	<i>Corresponding form</i>
	<i>Sh.</i>	
6g. On application under paragraph (c) of section 31 (8) to cancel the entries of a registered user of more than one trade mark—		
for the first mark .. .. .	50	TM 51
and for every other mark of the same proprietor for which the same user is registered, included in the application .. .. .	5	
6h. On notice under section 31 (9) and rule 100 of intention to intervene in one proceeding for the variation or cancellation of entries of a registered user of trade marks .. .. .	10	TM 52
7. On request to enter in the register and advertise a certificate of validity under section 47 and rule 88—		
for the first registration certified .. .. .	20	TM 47
and for every other registration certified in the same certificate .. .. .	2	
7a. On application under section 32 (4) and rule 76 for extension of time for registration of a corporation as subsequent proprietor of trade marks on one assignment—		
not exceeding two months .. .. .	20	TM 13
not exceeding four months .. .. .	40	TM 13
not exceeding six months .. .. .	60	TM 13
8. On application for certificate of the Registrar under section 25 (5) and rule 79—		
for the first mark proposed to be assigned .. .. .	50	TM 39
and for every other mark of the same proprietor, included in that assignment .. .. .	5	
8a. On application for approval of the Registrar under section 25 (6) and rule 79—		
for the first mark .. .. .	50	TM 40
and for every other mark of the same proprietor included in the same transfer .. .. .	5	or 29
8b. On application for directions by the Registrar for advertisement of assignment of trade marks in use, without goodwill—		
for one mark assigned .. .. .	30	TM 41
and for every other mark assigned with the same devolution of title .. .. .	5	
8c. On application for extension of time for applying for directions for advertisement of assignment of trade marks in use, without goodwill, in respect of one devolution of title—		
not exceeding one month .. .. .	20	TM 42
not exceeding two months .. .. .	40	TM 42
not exceeding three months .. .. .	60	TM 42
9. On application to register a subsequent proprietor in a case of assignment or transmission of a single trade mark—		
if made within six months from the date of acquisition of proprietorship or the coming into force of these Rules .. .. .	40	TM 14
if made after expiration of six months but within twelve months from the date of acquisition of proprietorship or the coming into force of these Rules .. .. .	50	or 15
		TM 14
		or 15

Matter or Proceeding	Amount	Corresponding form
	Sh.	
if made after expiration of twelve months from the date of acquisition of proprietorship or the coming into force of these Rules .. .. .	60	TM 14 or 15
9a. On application to register a subsequent proprietor of more than one trade mark standing in the same name, the devolution of title being the same in each case—		
if made within six months from the date of acquisition of proprietorship or the coming into force of these Rules—		
for the first mark .. .. .	40	TM 14 or 15
and for every other mark .. .. .	5	
if made after expiration of six months but within twelve months from the date of acquisition of proprietorship or the coming into force of these Rules—		
for the first mark .. .. .	50	TM 14 or 15
and for every other mark .. .. .	5	
if made after expiration of twelve months from the date of acquisition of proprietorship or the coming into force of these Rules—		
for the first mark .. .. .	60	TM 14 or 15
and for every other mark .. .. .	5	
10. On application to change the name or description of a proprietor or a registered user of a single trade mark where there has been no change in the proprietorship or in the identity of the user .. .. .	10	TM 20
10a. On application to change the name or description of a proprietor or a registered user of more than one trade mark standing in the same name, where there has been no change in the proprietorship or in the identity of the user, the change being the same in each case—		
for the first mark .. .. .	10	TM 20
and for every other mark of the series .. .. .	5	
11. For renewal of a registration of a trade mark at expiration of last registration .. .. .	100	TM 10
11a. For renewal of registration of a series of trade marks under section 24 (2) at expiration of last registration—		
for the first mark of the series .. .. .	100	TM 10
and for every other mark of the series .. .. .	5	
11b. For renewal of registrations of the same certification trade mark with the same date for goods in more than one class—		
in respect of every class .. .. .	100	TM 10
total fee in no case to exceed Sh. 1,000 for any number of classes.		
11c. Additional fee under rule 67 .. .. .	30	TM 11
11d. Restoration fee under rule 68 .. .. .	60	TM 12
12. On an application to the Registrar for leave to add to or alter a single registered trade mark .. .. .	50	TM 24
12a. On an application to the Registrar for leave to add to or alter more than one registered trade mark of the same proprietor, being identical marks, the addition or alteration to be made, in each case, being the same—		
for the first mark .. .. .	50	TM 24

## FEES—(Contd.)

Matter or Proceeding	Amount	Corresponding form
	<i>Sh.</i>	
and for every other mark .. .. .	20	
12b. On notice of opposition to application for leave to add to or alter registered trade marks, for each application opposed ..	50	TM 45
13. For altering one or more entries of the trade or business address of a registered proprietor or a registered user of a trade mark where the address in each case is the same and is altered in the same way (unless exempted from fee under rule 81)—		
for the first entry .. .. .	10	TM 17
and for every other entry .. .. .	2	
14. For every entry in the register of a rectification thereof or an alteration therein, not otherwise charged .. .. .	20	TM 46
15. For cancelling the entry or part of the entry of a trade mark upon the register on the application of the registered proprietor of the trade mark .. .. .	10	TM 21 or 22
16. On application under any of sections 29, 30, 35 and 36 for rectification of the register or removal of trade mark from the register .. .. .	60	TM 25
16a. On application for leave to intervene in proceedings under any of sections 29, 30, 35 and 36 for rectification of the register or removal of trade mark from the register .. .. .	40	TM 26
17. On request, not otherwise charged, for correction of clerical error or for permission to amend application .. .. .	10	TM 19
18. On request by registered proprietor of a trade mark for entry of disclaimer or memorandum in the register .. .. .	10	TM 23
19. On application to the court under rule 93 to expunge or vary the registration of a certification trade mark or to vary the deposited regulations of a certification trade mark or of certification trade marks of the same registered proprietor where the regulations are substantially the same .. .. .	60	TM 35
19a. On request to the Registrar by the registered proprietor of a certification trade mark to permit alteration of the deposited regulations thereof—		
for the regulations of one such registration .. .. .	30	TM 34
for the same or substantially the same regulations of each other registration proposed to be altered in the same way and included in the same request .. .. .	5	
20. On application by the registered proprietor under rule 6 for conversion of specification .. .. .	10	TM 43
20a. On notice of opposition to a conversion of the specification or specifications of a registered trade mark or registered trade marks—		
for one mark .. .. .	50	TM 44
for every other mark of the same proprietor having the same specification .. .. .	5	
21. For a search under rule 114 in respect of one class—		
without application for the Registrar's advice under rule 20 .. .. .	30	TM 27
with application for the Registrar's advice under rule 20 .. .. .	40	
22. On request for the Registrar's preliminary advice under rule		

Matter or Proceeding	Amount	Corresponding form
	<i>Sh.</i>	
20 for each trade mark submitted in respect of one class ..	20	TM 28
23. For certificate of the Registrar (other than certificate under section 22 (2)) of the registration of a trade mark ..	20	TM 30
23a. For certificate of the Registrar (other than certificate under section 22 (2)) of the registration of a series of trade marks under section 24 (2) ..	30	TM 30
24. For cancelling or making one or more entries of an address for service of a registered proprietor or a registered user of a trade mark where the address in each case is the same, on application made after the registration in each case—		
for the first entry ..	5	TM 32
and for every other entry ..	1	
total fee in no case to exceed Sh. 500 for any number of entries.		
24a. For certificate of the Registrar (other than certificate under section 22 (2)) of the registration of a series of trade marks under section 24 (2) ..	30	TM 30
25. For inspecting register or notice of opposition, counter-statement or decision in connection with any opposition or application for rectification of the register relating to any particular trade mark, for every quarter of an hour ..	5	—
26. For permission to search amongst the classified representations of trade marks, for every quarter of an hour ..	5	—
27. For office copy of documents, for every 100 words (but never less than Sh. 5) ..	1	—
28. For photographic copy of documents: cost according to agreement ..		—
29. For certifying office copies MS. or photographic or printed matter ..	10	—
30. On filing a bill of costs for taxation, for every ten folios or part thereof ..	20	—
31. On issue of a notice of taxation ..	10	—
32. On application for service of a notice of taxation together with a bill of costs ..	10	—
33. On application for a certificate of taxation ..	20	—



## SECOND SCHEDULE (rr. 5, 6 and 114)

## CLASSIFICATION OF GOODS

*Class 1*

Chemical substances used in manufactures, photography or philosophical research and anti-corrosives.

*Class 2*

Chemical substances used for agricultural, horticultural, veterinary and sanitary purposes.

*Class 3*

Chemical substances prepared for use in medicine and pharmacy.

*Class 4*

Raw, or partly prepared, vegetable, animal and mineral substances used in manufactures, not included in other classes.

*Class 5*

Unwrought and partly wrought metals used in manufacture.

*Class 6*

Machinery of all kinds, and parts of machinery, except agricultural and horticultural machines and their parts included in Class 7.

*Class 7*

Agricultural and horticultural machinery, and parts of such machinery.

*Class 8*

Philosophical instruments, scientific instruments and apparatus for useful purposes; instruments and apparatus for teaching.

*Class 9*

Musical instruments.

*Class 10*

Horological instruments.

*Class 11*

Instruments, apparatus and contrivances, not medicated, for surgical or curative purposes, or in relation to the health of men or animals.

*Class 12*

Cutlery and edge tools.

*Class 13*

Metal goods, not included in other classes.

*Class 14*

Goods of precious metals and jewellery, and imitations of such goods and jewellery.

*Class 15*

Glass.

CLASSIFICATION OF GOODS—(Contd.)

*Class 16*

Porcelain and earthenware.

*Class 17*

Manufactures from mineral and other substances for building or decoration.

*Class 18*

Engineering, architectural and building contrivances.

*Class 19*

Arms, ammunition and stores, not included in Class 20.

*Class 20*

Explosive substances.

*Class 21*

Naval architectural contrivances and naval equipments not included in other classes.

*Class 22*

Carriages.

*Class 23*

(a) Cotton yarn.

(b) Sewing cotton.

*Class 24*

Cotton piece goods.

*Class 25*

Cotton goods not included in other classes.

*Class 26*

Linen and hemp yarn and thread.

*Class 27*

Linen and hemp piece goods.

*Class 28*

Linen and hemp goods not included in other classes.

*Class 29*

Jute yarns and tissues, and other articles made of jute, not included in other classes.

*Class 30*

Silk, spun, thrown or sewing.

*Class 31*

Silk piece goods.

## CLASSIFICATION OF GOODS—(Contd.)

*Class 32*

Silk goods not included in other classes.

*Class 33*

Yarns of wool, worsted or hair.

*Class 34*

Cloths and stuffs of wool, worsted or hair.

*Class 35*

Woollen and worsted and hair goods, not included in other classes.

*Class 36*

Carpets, floor-cloth and oil-cloth.

*Class 37*

Leather, skins unwrought and wrought and articles made of leather-not included in other classes.

*Class 38*

Articles of clothing.

*Class 39*

Paper (except paper hangings), stationery and book-binding.

*Class 40*

Goods manufactured from indiarubber and gutta-percha not included in other classes.

*Class 41*

Furniture and upholstery.

*Class 42*

Substances used as food or as ingredients in food.

*Class 43*

Fermented liquors and spirits.

*Class 44*

Mineral and aerated waters, natural and artificial, including ginger beer.

CLASSIFICATION OF GOODS---(Contd.)

*Class 45*

Tobacco, whether manufactured or unmanufactured.

*Class 46*

Seeds for agricultural and horticultural purposes.

*Class 47*

Candles, common soap, detergents; illuminating, heating or lubricating oils; matches; starch blue, and other preparations for laundry purposes.

*Class 48*

Perfumery (including toilet articles, preparations for the teeth and hair and perfumed soap).

*Class 49*

Games of all kinds and sporting articles not included in other classes.

*Class 50*

*Miscellaneous:*

- (1) Goods manufactured from ivory, bone or wood, not included in other classes.
- (2) Goods manufactured from straw or grass; not included in other classes.
- (3) Goods manufactured from animal and vegetable substances, not included in other classes.
- (4) Tobacco pipes.
- (5) Umbrellas, walking sticks, brushes and combs for the hair.
- (6) Furniture cream, plate powder.
- (7) Tarpaulins, tents, rick-cloths, rope (jute or hemp), twine.
- (8) Buttons of all kinds, other than of precious metal or imitations thereof.
- (9) Packing and hose.
- (10) Other goods not included in the foregoing classes.

# THIRD SCHEDULE (rr. 5, 6, 20, 21, 114, 115 and 116)

## CLASSIFICATION OF GOODS

### *Names of the Classes*

*(Parts of an article or apparatus are, in general, classified with the actual article or apparatus, except where such parts constitute articles included in other classes)*

1. Chemical products used in industry, science, photography, agriculture, horticulture, forestry; manures (natural and artificial); fire extinguishing compositions; tempering substances and chemical preparations for soldering; chemical substances for preserving foodstuffs; tanning substances; adhesive substances used in industry.

2. Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colouring matters, dyestuffs; mordants; resins; metals in foil and powder form for painters and decorators.

3. Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

4. Industrial oils and greases (other than edible oils and fats and essential oils); lubricants; dust laying and absorbing compositions; fuels (including motor spirit) and illuminants; candles, tapers, night-lights and wicks.

5. Pharmaceutical, veterinary and sanitary substances; infants' and invalids' foods; plasters, materials for bandaging; materials for stopping teeth, dental wax; disinfectants; preparations for killing weeds and destroying vermin.

6. Unwrought and partly wrought common metals and their alloys; anchors, anvils, bells, rolled and cast building materials; rails and other metallic materials for railway tracks; chains (except driving chains for vehicles); cables and wires (non-electric); locksmith's work; metallic pipes and tubes; safes and cash boxes; steel balls; horseshoes; nails and screws; other goods in non-precious metal not included in other classes; ores.

7. Machines and machine tools; motors (except for vehicles); machine couplings and belting (except for vehicles); large size agricultural implements; incubators.

8. Hand tools and instruments; cutlery, forks and spoons; side arms.

9. Scientific, nautical, surveying and electrical apparatus and instruments (including wireless), photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; coin or counter-feed apparatus; talking machines, cash registers, calculating machines; fire-extinguishing apparatus.

10. Surgical, medical, dental and veterinary instruments and apparatus (including artificial limbs, eyes and teeth).
11. Installations for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.
12. Vehicles; apparatus for locomotion by land, air or water.
13. Firearms; ammunition and projectiles; explosive substances; fireworks.
14. Precious metals and their alloys and goods in precious metals or coated therewith (except cutlery, forks and spoons); jewellery, precious stones; horological and other chronometric instruments.
15. Musical instruments (other than talking machines and wireless apparatus).
16. Paper and paper articles, cardboard and cardboard articles; printed matter, newspapers and periodicals, books; book-binding material; photographs; stationery, adhesive materials (stationery); artists' materials; paint brushes, typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus); playing cards; (printers') type and clichés (stereotype).
17. Gutta-percha, indiarubber, balata and substitutes, articles made from these substances and not included in other classes; materials for packing, stopping and insulating; asbestos, mica and their products; hose pipes (non-metallic).
18. Leather and imitations of leather, and articles made from these materials, and not included in other classes; skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.
19. Building materials, natural and artificial stone, cement, lime, mortar, plaster and gravel; pipes of earthenware or cement; road-making materials; asphalt pitch and bitumen; portable buildings; stone monuments; chimney pots.
20. Furniture, mirrors, picture frames; articles (not included in other classes) of wood, cork, reeds, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum, celluloid and substitutes for all these materials.
21. Small domestic utensils and containers (not of precious metal, nor coated therewith); combs and sponges; brushes (other than paint brushes); brush-making materials; instruments and material for cleaning purposes; steelwool; glassware, porcelain and earthenware not included in other classes.

22. Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks; padding and stuffing materials (hair, kapok, feathers, seaweed, etc.); raw fibrous textile materials.

23. Yarns, threads.

24. Tissues (piece-goods); bed and table covers; textile articles not included in other classes.

25. Clothing, including boots, shoes and slippers.

26. Lace and embroidery, ribands and braid; buttons, press buttons, hooks and eyes, pins and needles; artificial flowers.

27. Carpets, rugs, mats and matting; linoleums and other materials for covering floors; wall hangings (non-textile).

28. Games and playthings; gymnastic and sporting articles (except clothing); ornaments and decorations for Christmas trees.

29. Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams; eggs, milk and other dairy products; edible oils and fats; preserves, pickles.

30. Coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes; flour and preparations made from cereals; bread, biscuits, cakes, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; pepper, vinegar, sauces; spices; ice.

31. Agricultural, horticultural and forestry products and grains not included in other classes; living animals; fresh fruits and vegetables; seeds; live plants and flowers; foodstuffs for animals, malt.

32. Beer, ale and porter; mineral and aerated waters and other non-alcoholic drinks; syrups and other preparations for making beverages.

33. Wines, spirits and liqueurs.

34. Tobacco, raw or manufactured; smokers' articles; matches.

#### NOTES—

(1) By virtue of paragraph 2 of the Second Schedule to the Act and rule 116 of these Rules, "metal goods" as there used means all goods in classes 6 to 14 (inclusive) and 21 of this Schedule that are composed wholly or principally of any metal.

(2) By virtue of paragraph 1 of the Second Schedule to the Act and rule 115 of these Rules, "textile goods" as there used means all goods in classes 23 and 24 of this Schedule and such goods in classes 22, 25 and 26 as are composed to a substantial extent of artificial or natural textile fibres or are complete articles of clothing.

## FORMS

Form TM 1

For stamp duty see Schedule to the Stamp Duty Act.
---

FORM OF AUTHORIZATION OF AGENT IN A MATTER OR PROCEEDING  
UNDER THE ACT

(Rule 14)

\* The full name of all partners in a firm must be inserted, and the kind and country of incorporation of bodies corporate stated.

(a) Here state name and address of agent.

(b) Here state the particular matter or proceeding for which the agent is appointed giving the reference number if known.

(c) Here state nationality.

(d) To be signed by the person appointing the agent.

(e) Here insert the full trade or business address of the person appointing the agent.

\*I [We] .....

have appointed (a) .....

of .....

to act as my [our] agent for (b) .....

..... No. ....

and request that all notices, requisitions and communications relating thereto may be sent to such agent at the above address.

I [We] hereby revoke all previous authorizations, if any, in respect of the same matter or proceeding.

I [We] hereby declare that I am [we are] a (c) .....

Dated this ..... day of ....., 19....

(d) .....

Address (e) .....

*(To be struck out if the person appointing the agent desires his own address to be treated as the address for service after registration.)*

I [We] also authorize the said (a) .....  
..... to complete form TM 32 requesting the entry of an address for service as part of any registration obtained under the above authorization.

Dated this ..... day of ....., 19....

(d) .....

Address (e) .....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.



APPLICATION FOR REGISTRATION OF TRADE MARK IN PART\*  
OF THE REGISTER

\* Write distinctly here "A" or "B" according to the registration desired.

One representation to be fixed within this space and four others to be sent on separate Forms TM 3.

Representations of a large size may be folded, but must then be mounted upon linen or other suitable material and affixed hereto.

Application is hereby made for Registration in Part\*

of the Register of the accompanying Trade Mark in Class ...

(a) Here specify the goods in respect of (a) .....  
Only goods included in one and the same class should be specified. A separate application form is required for each class. ....

(b) Here insert legibly in the name of (b) .....  
the full name, description and nationality of the individual, firm or body corporate making the application. The names of all partners in a firm must be given in full. If the applicant is a body corporate the kind and country of incorporation should be stated.

(c) Here insert the full trade or business address of the applicant. whose trade or business address is (c) .....  
.....

**[Subsidiary]**

(d) Here insert the trading style (if any).

(e) If the mark is already in use strike out the words: "proposed to be" and insert "being".

(f) For additional matter if required; otherwise to be left blank.

trading as (d) .....

by whom it is (e) proposed to be used and who claim[s] to be the proprietor[s] thereof.

(f) .....

.....

.....

Dated this ..... day of ..... 19....

(g) .....

(g) Signature.

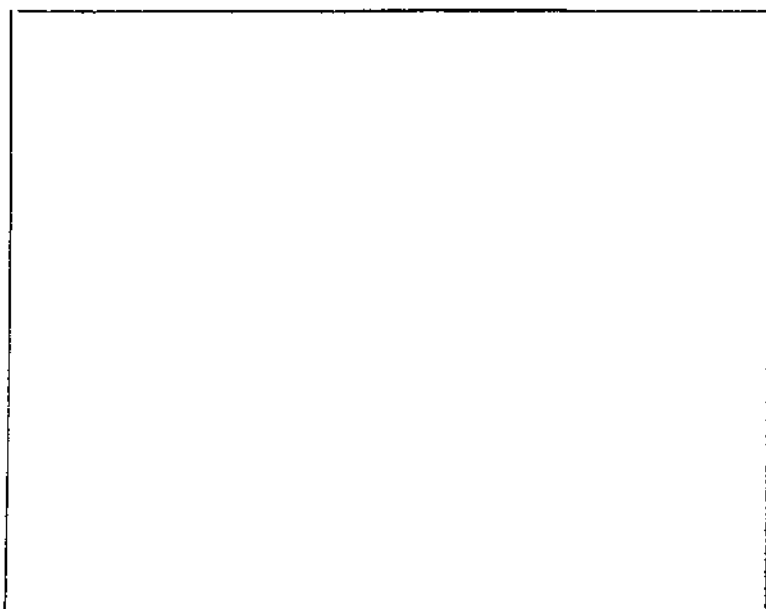
To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

**Form TM 3**

**ADDITIONAL REPRESENTATION OF TRADE MARK, TO ACCOMPANY  
APPLICATION FOR REGISTRATION**

One representation of the trade mark to be affixed within this space. It must correspond exactly in all respects with the representation affixed to the application form.

Any representation larger than the space provided may be folded but must then be mounted upon linen or other suitable material and affixed hereto.



Four of these Additional Representations of the Trade Mark must accompany *each* Form of Application.

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

Form TM 4

FEE Sh. 60
---------------

## REQUEST FOR STATEMENT OF GROUNDS OF DECISION

IN THE MATTER OF (a) .....

(a) Here insert words and number identifying the matter or proceeding.

The Registrar is hereby requested to state in writing the grounds of his decision, dated the ..... day of ....., 19...., and the materials used by him in arriving at the decision.

Dated this ..... day of ....., 19....

(b) .....

(b) Signature.

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

If the Registrar has made any requirement to which the Applicant does not object, the Applicant shall comply therewith before the Registrar issues the ground of his decision. (See rule 34.)

Form TM 5

FEE 1st Sch., Items 1c., 1d.
---------------------------------

## APPLICATION FOR REGISTRATION OF CERTIFICATION TRADE MARK

(Section 40)

(To be filed in triplicate)

--

One representation to be fixed within this space and six others to be sent on separate forms TM 3.

Representations of a larger size may be folded, but must then be mounted upon linen or other suitable material and affixed hereto.

[Subsidiary]

(a) Here specify the goods. Only goods included in one and the same class should be specified. A separate application form is required for each class.

(b) Here insert the full name, description and nationality of the applicant. If the applicant is a body corporate, the kind and country of incorporation should be stated.  
(c) Here insert the full address of the applicant.  
(d) Signature.

Application is hereby made for Registration in Part A of the Register of the accompanying Certification Trade Mark in Class

.....  
in respect of (a) .....

in the name of (b) .....

whose address is (c) .....

Dated this ..... day of ....., 19....

(d) .....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

Form TM 6

FEE Sh. 50
---------------

NOTICE OF OPPOSITION TO APPLICATION FOR REGISTRATION OF A  
TRADE MARK

*(To be accompanied by an unstamped duplicate)*

IN THE MATTER OF an Application No. ....

by .....  
of .....

I [We] (a) .....  
hereby give notice of my [our] intention to oppose the Registration of the Trade Mark advertised under the above number for Class ..... in the Gazette of the ..... day of ..... 19...., No. ...., page ..... The grounds of opposition are as follows: .....

(b) .....

Dated this ..... day of ....., 19 ....

(c) .....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

(a) Here state full name and address.

(b) If registration is opposed on the grounds that the mark resembles marks already on the Register, the numbers of those marks and of the Gazette in which they have been advertised are to be set out.

(c) Signature.

Form TM 7

FEE Sh. 30
---------------

## FORM OF COUNTER-STATEMENT

*(To be submitted in duplicate)*

IN THE MATTER OF an Opposition No. ....  
to Application No. ....

I [We] .....  
the applicant[s] for Registration of the above Trade Mark, hereby give  
notice that the following are the grounds on which I [we] rely as  
supporting my [our] application:

.....  
.....  
.....

I [We] admit the following allegations in the notice of opposition:

.....  
.....  
.....

Address for service in Kenya in these proceedings: .....

.....

Dated this ..... day of ....., 19 ....

(a) .....

(a) Signature:

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

Form TM 8

FEE Sh. 60
---------------

## NOTICE TO THE REGISTRAR OF ATTENDANCE AT HEARING

I [We] (a) .....  
of .....  
hereby give notice that the hearing of the arguments in the case of:

(b) (1) Opposition No. .... to Application for registration of a  
Trade Mark No. ....

(2) Application that the entry in the Register in respect of Trade Mark  
No. .... may be removed.

(3) ..... may be amended by alteration of or  
addition to the Trade Mark.

(4) ..... may be amended by a conversion of  
the specification of goods.

(5) ..... may be amended otherwise than by  
any change in the mark or of the  
specification on conversion.

(a) Here insert  
name and ad-  
dress.

(b) Strike out  
words here that  
are not applic-  
able, so as to  
state ONE of the  
cases (1) to (5)  
only.

[Subsidiary]

which, by the Registrar's Notice to me [us] dated the ..... day of ....., 19...., is fixed for ..... a.m. or p.m. at the Registrar's Office on the ..... day of ....., 19...., will be attended by me [us] or by some person on my [our] behalf.

Dated this ..... day of ....., 19 ....

(c) Signature. (c) .....

(d) Address. (d) .....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

Form TM 9

FEE 1st Sch., items 4, 4a, 4b, 4c, 4d, and 5
---

FEE FOR REGISTRATION OF A TRADE MARK

*(If the Applicant has furnished a printing block for advertisement, this Form must be accompanied by one unmounted representation of the Mark, exactly as shown on the Form of Application.)*

The prescribed fee for the registration of the Trade Mark No. .... in Class ..... is hereby transmitted.

Dated this ..... day of ....., 19 ....

(a) Signature. (a) .....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

Form TM 9A

NOTICE OF NON-COMPLETION OF REGISTRATION

No. ....

The Registrar, as required by section 22 (3) of the Trade Marks Act and rule 59 of the Trade Marks Rules (copies of which are printed on the back hereof), has to point out that the registration of the trade mark, in respect of which your application numbered as above was made on the ..... day of ....., 19...., has not been completed by reason of your default. Unless it is completed within fourteen days from this date the application will be treated as abandoned.

Dated this ..... day of ....., 19 ....

To .....  
 .....  
 .....

The Office of the Registrar of Trade Marks,  
 P.O. Box 30031,  
 Nairobi.

[P.T.O.]

[Back]

## Section 22 (3)

Where registration of a trade mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar may, after giving notice of the non-completion to the applicant in writing in the prescribed manner, treat the application as abandoned unless it is completed within the time specified in that behalf in the notice.

## Rule 59

(1) Where registration of a trade mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar shall in form TM 9A give notice in writing to the applicant at his trade or business address of the non-completion, but if the applicant has authorized an agent for the purpose of the application he shall instead send the notice to the agent and shall send a duplicate thereof to the applicant.

(2) If after fourteen days from the date when the notice was sent, or such further time as the Registrar may allow, the registration is not completed, the application shall be deemed to be abandoned.

Form TM 10

FEE 1st Sch., items 11, 11a, 11b
--

## RENEWAL OF REGISTRATION OF TRADE MARK

I [We] (a) ..... hereby  
 of ..... leave the prescribed fee of Sh. .... for Renewal  
 of Registration of the Trade Mark No. .... in Class .....  
 (b) which I am directed by the proprietor of the Trade Mark, that is  
 to say by (c) .....  
 to pay.

Dated this ..... day of ....., 19 .....

(d) .....

(e) .....

To: The Registrar of Trade Marks,  
 P.O. Box 30031,  
 Nairobi.

## Notes

1. The statement on the back of this form must be filled in and signed.

2. This form will be returned if it is filed more than *three months* before the expiration of the last registration.

(a) Insert here the name and address of the person leaving the fee.

(b) If the fee is left by the proprietor himself, this passage should be struck out.

(c) If the fee is not left by the proprietor himself, insert his name and address here.

(d) Signature of the person leaving the fee.

(e) Address of the person signing.

[P.T.O.]

(f) If the request is signed by the Registered Proprietor strike out here the words "The Registered Proprietor" and substitute the word "me".

The Registrar is requested to send notice of renewal of the registration to (f) the Registered Proprietor at the following address

.....  
 .....

Dated this ..... day of ....., 19....

(g) Signature.

(g) .....

Form TM 10A

# CERTIFICATE OF REGISTRATION OF TRADE MARK

[Trade Mark]

The Trade Mark shown above has been registered in Part A [B] of the Register in the name of ..... in Class ..... under No. .... as of the date ..... of 19...., in respect of .....

Sealed at my direction, this ..... day of ....., 19....

.....  
 Registrar.

The Office of the Registrar of Trade Marks,  
 P.O. Box 30031,  
 Nairobi.

Registration is for seven years from the date first above mentioned, and may then be renewed, and also at the expiration of each period of 14 years thereafter.

This certificate is not for use in legal proceedings or for obtaining registration abroad.

*Note.*—Upon any change of ownership of this Trade Mark, or change in address, application should *at once* be made to the Registrar to register the change.



Form TM 11

FEE Sh. 30
---------------

ADDITIONAL FEE OF SH. 30 TO ACCOMPANY RENEWAL FEE  
(FORM TM 10) WITHIN ONE MONTH AFTER  
ADVERTISEMENT OF NON-PAYMENT OF  
RENEWAL FEE

(To accompany form TM 10)

In pursuance of the notices issued by the Registrar, I [we] hereby  
leave the additional fee of Sh. 30, along with form TM 10, for the  
renewal of the Registration of the Trade Mark No. ....  
in Class .....

Dated this ..... day of ....., 19....

(a) ..... (a) Signature

(b) ..... (b) Address.

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

*N.B.*—This form must be signed by the person[s] signing the  
form TM 10 which accompanies it.

Form TM 12

FEE Sh. 60
---------------

RESTORATION OF TRADE MARK REMOVED FROM REGISTER FOR  
NON-PAYMENT OF FEE

(To accompany form TM 10)

In pursuance of the notices issued by the Registrar, I [we] hereby  
transmit the additional fee of Sh. 60, along with form TM 10, for the  
restoration to the Register of the Trade Mark No. ....  
in Class .....

Dated this ..... day of ....., 19....

(a) ..... (a) Signature.

(b) ..... (b) Address.

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

*N.B.*—This form must be signed by the person[s] signing the  
form TM 10 which accompanies it.

Form TM 13

FEE 1st Sch., item 7a
-----------------------------

APPLICATION UNDER RULE 76 FOR EXTENSION OF TIME, IN ACCORDANCE  
WITH SECTION 32 (4), FOR THE REGISTRATION OF THE NAME OF A  
CORPORATION AS SUBSEQUENT PROPRIETOR OF A TRADE MARK  
IN THE REGISTER

(a) Here insert  
the name and  
address of the  
applicant.

(b) Here insert  
"two" or "four"  
or "six".

(c) Additional  
numbers may be  
given in a  
signed schedule  
on the back of  
the form.

(d) Signature.

Application is hereby made by (a) .....

.....  
.....  
.....  
for an extension of time by (b) ..... months of the period of  
six months allowed by section 32 (4) and rule 76 for registering its  
name, by force of one assignment, as proprietor of the following  
Trade Mark(s) registered upon applications[s] conforming to para-  
graph (a) of section 32 (1):

(c) Registration Number	Class
.....	.....
.....	.....
.....	.....

Dated this ..... day of ....., 19....

(d) .....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

Form TM 14

FEE 1st Sch., items 9, 9a
---------------------------------

JOINT REQUEST TO THE REGISTRAR BY REGISTERED PROPRIETOR AND  
TRANSFeree TO REGISTER THE TRANSFeree AS SUBSEQUENT  
PROPRIETOR OF TRADE MARKS UPON THE SAME  
DEVOLUTION TO TITLE

(a) Name and  
address of regis-  
tered proprietor  
or other assignor  
or transmitter.

(b) Full name,  
trade address and  
nationality  
of transferee.

(c) Name of  
transferee.

(d) Description  
of transferee.

(e) Trade or  
business address  
of transferee.

\* Additional  
numbers may be  
given in a signed  
schedule on the  
back of the  
form.

We (a) .....

and (b) .....

hereby request, under rule 71, that the name of (c) .....

carrying on business as (d) .....

at (e) .....

may be entered in the Register of Trade Marks as proprietor of the  
Trade Mark[s] No.[s] .....\* in Class ..... as from the

(f) ..... by virtue of (g) .....  
 .....  
 .....  
 (h) The trade mark at the time of the assignment was (h) [not] used in a business in the goods in question, and the assignment took (h) [did not take] place on or after the appointed day otherwise than in connexion with the goodwill of a business in the goods, (h) and there is sent herewith a copy of the Registrar's direction to advertise the assignment, a copy of each of the advertisements complying therewith and a statement of the dates of issue of any publications containing them.

Dated this ..... day of ....., 19....

(i) .....

(j) .....

To: The Registrar of Trade Marks,  
 P.O. Box 30031  
 Nairobi.

*Note.*—The instrument under which the Transferee claims should preferably accompany this form.

Form TM 15

FEE  
 1st Sch., items  
 9, 9a

REQUEST TO THE REGISTRAR TO REGISTER A SUBSEQUENT PROPRIETOR  
 OF A TRADE MARK OR TRADE MARKS UPON THE SAME DEVOLUTION  
 OF TITLE

I [We] (a) .....  
 .....  
 hereby request that my [our] name may be entered in the Register of Trade Marks as proprietor ..... of Trade Mark[s] No.[s] .....\*  
 in Class ..... as from the (b) .....

I am [We are] entitled to the Trade Mark[s] by virtue of (c)  
 .....  
 .....

(d) The trade mark at the time of the assignment was (d) [not] used in a business in the goods in question, and the assignment took (d) [did not take] place on or after the appointed day otherwise than in connexion with the goodwill of a business in the goods, (d) and there is sent herewith a copy of the Registrar's direction to advertise the assignment, a copy of each of the advertisements complying therewith and a statement of the dates of issue of any publications containing them.

Dated this ..... day of ....., 19....

(e) .....

To: The Registrar of Trade Marks,  
 P.O. Box 30031,  
 Nairobi.

*Note.*—The instrument under which the Transferee claims should preferably accompany this form.

[Subsidiary]

(f) Date of acquisition of proprietorship.

(g) Full particulars of the instrument of assignment or transmission, if any, or statement of case.

(h) Strike out any words not applicable. (See rule 76.)

(i) Signature of assignor or transmitter.

(j) Signature of transferee.

(a) Here insert full name, trade or business address, nationality and description.

\* Additional numbers may be given in a signed schedule on the back of the form.

(b) Date of acquisition of proprietorship.

(c) Here insert full particulars of the instrument of assignment or transmission, if any, or statement of case.

(d) Strike out any words not applicable. (See rule 76.)

(e) Signature.

Form TM 16

DECLARATION (ONLY TO BE FURNISHED WHEN REQUESTED BY THE  
REGISTRAR) IN SUPPORT OF STATEMENT OF CASE ACCOMPANYING  
FORM TM 14 OR TM 15

I, .....  
of .....  
do solemnly and sincerely declare as follows:

The particulars set out in the Statement of Case, exhibit marked  
..... and left by me in connexion with my request to be  
registered as subsequent proprietor of the Trade Mark No. ....  
in Class ....., are true and comprise every material  
fact and document affecting the present proprietorship of the Trade  
Mark.

I make this declaration conscientiously believing the same to be  
true and according to the Oaths and Statutory Declarations Act.

(a) To be signed  
by the person  
making the de-  
claration.

Declared at ..... }  
this ..... day of ....., 19.... } ..... (a)

Before me,

(b) Signature  
and title of  
authority before  
whom declara-  
tion is made.

(b) .....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

Form TM 17

FEE 1st Sch., item 13
-----------------------------

REQUEST FOR ALTERATION OF TRADE OR BUSINESS ADDRESS IN  
REGISTER OF TRADE MARKS

IN THE MATTER OF the Trade Mark[s] No.[s] .....\*  
registered in Class .....

\* Additional numbers may be given in a signed schedule on the back of the form.

I [We] .....  
of .....

the Registered (a)  $\left. \begin{array}{l} \text{Proprietor[s]} \\ \text{User[s]} \end{array} \right\}$  . of the Trade Mark[s] numbered as

(a) Strike out one of these words.

above, request that my [our] trade address in the Register of Trade Marks be altered to .....

Dated this ..... day of ....., 19....

(b) .....

(b) Signature.

*Note.*—A Registered Proprietor or Registered User whose address has been altered by a public authority, so that the changed address designates the same premises as before, may make also the statement below in order to avoid payment of the fee; and if the statement is made, and a certificate of the alteration given by the named authority supplied, the Registrar, if satisfied as to the facts of the case, will not require form TM 17 to be fee paid. (See rule 81.)

*(For use only in case of an address changed by a public authority, without change of premises)*

The change of address, for the entry of which application is made above, was ordered by (a) .....

on the ..... day of ....., 19....

(b) .....

(a) Here insert the name of the public authority ordering the change, and the date thereof.

(b) Signature of the registered proprietor or user, as the case may be.

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.



Form TM 20

FEE 1st Sch., items 10, 10a
-----------------------------------

REQUEST TO ENTER CHANGE OF NAME OR DESCRIPTION OF REGISTERED  
PROPRIETOR (OR REGISTERED USER) OF TRADE MARK UPON  
THE REGISTER

I [We] (a) .....  
.....  
.....

(a) Here insert  
present name,  
address, and  
description of  
registered pro-  
prietor or regis-  
tered user.

hereby request that my {our} name[s] and description[s] may be entered  
in the Register of Trade Marks as proprietor[s] [or registered user[s]]  
of the Trade Mark[s] No.[s] ..... (b) registered in  
Class .....

(b) Additional  
numbers may be  
given on a  
signed schedule  
on the back of  
the form.

I am [We are] entitled to the said Trade Mark [or to use the said  
Trade Mark as registered user[s]].

There has been no change in the actual proprietorship [or the  
identity of the registered user[s]] of the said Trade Mark, but (c)  
.....  
.....

(c) Here, state  
the circum-  
stances under  
which the change  
of name took  
place.

The entry at present standing in the Register gives my [our]  
name[s] and description[s] all as follows:

.....  
.....

Dated this ..... day of ..... 19....

(d) .....

(d) Signature.

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

APPLICATION BY REGISTERED PROPRIETOR OF TRADE MARK FOR THE  
CANCELLATION OF ENTRY THEREOF IN REGISTER

(Paragraph (c) of section 37 (1) and rules 85 and 86)

IN THE MATTER OF Trade Mark No. ....

Class .....

Name of Registered Proprietor .....

.....

Trade or business address .....

Description .....

Application is hereby made by .....

of (a) ..... [or by

..... a member of the Firm of .....

..... of (a) .....

on behalf of my said Firm] .....

.....

that the entry in the Register of Trade Marks of the Trade Mark

No. .... in Class .....

may be cancelled.

Dated this ..... day of ....., 19....

(b) Signature.

(b) .....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

*Note.*—Rule 85 requires that an application in form TM 21 shall be signed by the Registered Proprietor of the Trade Mark, or other person entitled under that rule, unless in exceptional circumstances the Registrar otherwise allows.



Form TM 22

FEE Sh. 10
---------------

APPLICATION BY REGISTERED PROPRIETOR OF TRADE MARK TO THE  
REGISTRAR TO STRIKE OUT GOODS FROM THOSE FOR WHICH  
THE TRADE MARK IS REGISTERED

(Paragraph (d) of section 37 (1) and rules 85 and 86)

IN THE MATTER OF Trade Mark No. ....  
registered in Class .....  
Name of Registered Proprietor .....  
.....  
Trade or business address .....  
Description .....  
Application is hereby made by .....  
of (a) .....  
[or by ..... a member  
of the Firm of .....  
.....  
on behalf of my said Firm] .....  
.....  
for the striking out of (b) .....  
from the goods for which the Trade Mark No. ....  
is registered in Class .....

(a) Here insert  
the trade or  
business address  
and description  
of the appli-  
cant(s) or his  
(their) firm.

(b) Here desig-  
nate the goods  
to be struck out.

Dated this ..... day of ....., 19....

(c) .....

(c) Signature.

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

*Note.*—Rule 85 requires that an application on form TM 22 shall be signed by the Registered Proprietor of the Trade Mark, or other person entitled under that rule, unless in exceptional circumstances the Registrar otherwise allows.

Form TM 23

FEE Sh. 10
---------------

REQUEST BY REGISTERED PROPRIETOR OF A TRADE MARK THAT A  
DISCLAIMER OR MEMORANDUM RELATING THERETO MAY BE  
REGISTERED

(a) Here insert  
the name, trade  
or business ad-  
dress and des-  
cription of the  
registered pro-  
prietor.

Request is hereby made by (a) .....  
..... of .....  
.....  
for the addition to the entry in the Register in connexion with Trade  
Mark No. .... in Class ..... of the  
following .....  
.....  
.....

Dated this ..... day of ..... 19....

(b) Signature.

(b) .....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

Form TM 24

FEE 1st Sch., items 12, 12a
-----------------------------------

APPLICATION BY REGISTERED PROPRIETOR UNDER SECTION 38 FOR AN  
ADDITION TO OR ALTERATION OF A REGISTERED TRADE MARK

(Rules 89 to 92)

IN THE MATTER OF the Trade Mark No .....  
in Class .....

(a) Here insert  
name, trade or  
business address  
and description.

Application is hereby made by (a) .....  
..... of .....  
....., being the  
Registered Proprietor[s] of the registered Trade Mark numbered as  
above, that the Registrar shall add to it or alter it in the following  
particulars, that is to say (b) .....  
.....

(b) Here fill in  
full particulars.

Four copies of the mark as it will appear when so altered are  
filed herewith.

Dated this ..... day of ..... 19....

(c) Signature.

(c) .....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

Form TM 25

FEE Sh. 60
---------------

APPLICATION TO THE REGISTRAR FOR THE RECTIFICATION OF THE  
REGISTER OR THE REMOVAL OF A TRADE MARK FROM THE  
REGISTER

*(To be accompanied by a copy and a Statement of Case in duplicate)*

IN THE MATTER OF the Trade Mark No. ....  
registered in the name of .....  
in Class .....

I [We] (a) .....  
.....

(a) Here state  
full name and  
address.

hereby apply that the entry in the Register in respect of the above-  
mentioned Trade Mark may be removed (b) rectified in the following  
manner .....

(b) Strike out  
the word(s) not  
applicable.

.....  
.....

The grounds of my [our] application are as follows: .....  
.....  
.....

No action concerning the Trade Mark in question is pending in  
the Court.

Address for service in Kenya in these proceedings .....  
.....  
.....

Dated this ..... day of ..... 19....

(c) .....

(c) Signature

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

APPLICATION TO THE REGISTRAR FOR LEAVE TO INTERVENE IN  
PROCEEDINGS RELATING TO THE RECTIFICATION OF THE  
REGISTER OR THE REMOVAL OF A TRADE MARK  
FROM THE REGISTER

IN THE MATTER OF Trade Mark No. ....  
registered in the name of .....  
in Class .....

(a) Here state  
full name and  
address.

I [We] (a) .....  
.....

hereby apply for leave to intervene in the proceedings relating to the  
rectification or removal of the entry in the Register in respect of the  
above-mentioned Trade Mark.

My [our] interest in the Trade Mark is .....  
.....  
.....  
.....

Address for service in Kenya in these proceedings: .....  
.....  
.....

Dated this ..... day of ....., 19....

(b) Signature.

(b) .....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

Form TM

FEE Sh. 30 (Request I only) Sh. 40 (Both Requests)
--

## I—REQUEST FOR SEARCH UNDER RULE 114

The Registrar is hereby requested under rule 114 to search in Class (a) ..... in respect of (b) .....  
..... to ascertain whether any Trade Marks are on record which resemble the Trade Mark sent herewith in duplicate (each representation being mounted on a half-sheet of foolscap).

(a) The Registrar's direction should be obtained if the class is not known.

(b) Here specify the goods (in the class stated) in respect of which the search is to be made.

Dated this ..... day of ....., 19....

(c) .....

(c) Signature

(d) .....

(d) Address

II—REQUEST FOR REGISTRAR'S PRELIMINARY ADVICE AS TO  
DISTINCTIVENESS OR CAPABILITY OF DISTINGUISHING,  
BY A PERSON PROPOSING TO APPLY FOR THE  
REGISTRATION OF A TRADE MARK

(Section 43 and Rule 20)

I [We] (e) .....

(e) Here state name and address in full.

.....  
.....  
hereby request the Registrar to advise me [us] whether the Trade Mark referred to above appears to him prima facie to be inherently adapted to distinguish or inherently capable of distinguishing my [our] goods above mentioned so as to comply with the requirements of section 12 or section 13 respectively of the Act for registrability in Part A or Part B of the Register.

Dated this ..... day of ....., 19....

(f) .....

(f) Signature.

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

Note.—Request I must be completed in all cases.

REQUEST FOR REGISTRAR'S PRELIMINARY ADVICE AS TO DISTINCTIVE-  
NESS OR CAPABILITY OF DISTINGUISHING, BY A PERSON PROPOSING  
TO APPLY FOR THE REGISTRATION OF A TRADE MARK

(Section 43 and Rule 20)

(a) Here state name and address in full.

I [We] (a) .....

.....  
.....  
hereby request the Registrar to advise me [us] whether the Trade Mark shown on the accompanying foolscap sheet (b) appears to him *prima facie* to be inherently adapted to distinguish or inherently capable of distinguishing my [our] goods so as to comply with the requirements of section 12 or section 13 respectively of the Act for registrability in Part A or Part B of the Register.

(b) To be sent in duplicate.

The goods in respect of which I [we] propose to apply for registration of the said Trade Mark are (c) .....  
.....  
in Class (d) .....

(c) Here specify the goods. Only goods included in one and the same class should be specified. A separate form of request is required for each class.

(d) Here insert the number of the class (if known). In the case of doubt the Registrar's direction may be obtained.

Dated this ..... day of ....., 19....

(e) Signature.

(e) .....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
**Nairobi.**

*Note.*—If and when an application is made to register the trade mark, objection may arise if identical or resembling trade marks are found on the Register. A prior notification of any such relevant marks (if any are to be found) can be obtained by a request to the Registrar made on form TM 27 (Free Sh. 30).

Form TM 29

FEE 1st Sch., item 8a
-----------------------------

APPLICATION FOR THE APPROVAL BY THE REGISTRAR UNDER PARAGRAPH 1 OF THE THIRD SCHEDULE TO THE ORDINANCE AND RULE 79 OF AN ASSIGNMENT OR TRANSMISSION OF A REGISTERED TRADE MARK BEFORE THE APPOINTED DAY, RESULTING IN EXCLUSIVE RIGHTS IN DIFFERENT PERSONS FOR DIFFERENT PARTS OF KENYA

*(To be accompanied by a Statement of Case in duplicate and a Copy of the Instrument effecting the Assignment or Transmission)*

IN THE MATTER OF Trade Mark[s] No.[s] .....  
 registered in the name of .....  
 in Class .....

Application is hereby made by (a) .....  
 .....  
 of .....

who claims that the above-numbered registered Trade Mark[s] was  
 [were] on the (b) ..... day of ....., 19....

(c) assigned [transmitted] to him [to (d) .....  
 .....  
 of .....

who was his predecessor in title,] in respect of the following goods,  
 namely .....

by or from (e) .....  
 of .....

who was the registered proprietor of the said Trade Mark, in circumstances that are stated fully in the accompanying Statement of Case, for the approval by the Registrar of the aforesaid (c) assignment [transmission].

Dated this ..... day of ....., 19....

(f) .....

To: The Registrar of Trade Marks,  
 P.O. Box 30031,  
 Nairobi.

(a) Insert here the name and trade or business address of the transferee who claims.

(b) Insert here the date which must precede the appointed day.

(c) Strike out the words that are not applicable.

(d) Insert here the name and trade or business address of the predecessor in title, if any.

(e) Insert here the name and trade or business address of the registered proprietor who assigned or transmitted.

(f) Signature.

REQUEST FOR GENERAL CERTIFICATE OF THE REGISTRAR (INCLUDING  
 CERTIFICATE OF REGISTRATION OF A TRADE MARK)  
 (Rule 109)

\*....\* These words may be varied to suit other cases.

(a) Here set out the particulars which the Registrar is required to certify.

(b) Strike out words that are not applicable.

IN THE MATTER OF \*the Trade Mark No. ....  
 registered in

Class .....

I [We] ..... of .....

hereby request the Registrar to furnish me [us] with (b) his Certificate  
 that (a) .....

.....  
 .....  
 (b) a Certificate of Registration of the Trade Mark (b) for use in  
 obtaining registration abroad.

Dated this ..... day of ....., 19....

(c) Signature.

(c) .....

(d) Address.

(d) .....

To: The Registrar of Trade Marks,  
 P.O. Box 30031,  
 Nairobi.

Rule 111. (1) Where a certificate of registration of a trade mark is issued for use in obtaining registration abroad, the Registrar shall include in the certificate a copy of the mark, and may require the applicant for the certificate to furnish him with a copy of the mark suitable for the purpose, and if the applicant fails to do so may refuse to issue the certificate.

(2) The Registrar may state in the certificate such particulars concerning the registration of the mark as to him seem fit, and may omit therefrom reference to any disclaimers appearing in the register; but in the last-mentioned case the certificate shall be marked "For use in obtaining registration abroad only".



Form TM 31

FEE Sh. 60
---------------

APPLICATION UNDER SECTION 30 AND RULE 36 FOR REGISTRATION OF AN  
INVENTED WORD (OR WORDS) IN PART\* OF THE REGISTER  
AS A DEFENSIVE TRADE MARK

\* Write distinctly here "A" or "B" according to the registration desired.

One representation to be fixed within this space, and four others to be sent on separate forms TM3.

Application is hereby made for Registration in Part\* of the  
Register of the above word[s] as a Defensive Trade Mark in Class  
..... in respect of (a) .....

(a) Here specify the goods. Only goods included in one and the same class should be specified.

.....  
.....  
.....  
in the name of (b) .....

(b) Here insert legibly the full name, description and nationality of the individual, firm or body corporate making the application. The names of all partners must be given in full. If the applicant is a body corporate, the kind and country of origin should be stated.

of (c) .....

(c) Here insert the full trade or business address of the applicant.

trading as (d) .....

(d) Here insert the trading style (if any).

who is [are] the proprietor[s] of the same Trade Mark registered in  
Class (e) .....

(e) Here insert particulars of the applicant's registration of the trade mark.

in respect of ..... under No. ....

(f) To be furnished in duplicate.

According to my [our] information and belief the word[s] is [are]  
invented.

The particulars of the facts on which I [we] rely in support of  
this application are set forth in the accompanying Statement of Case  
(f).

Dated this ..... day of ....., 19....

(g) .....

(g) Signature.

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

Form TM 32

<p style="text-align: center;">FEE</p> <p>If left after registration, 1st Schedule, items 24, 24a</p> <p>If left at the time of registration, no fee*</p>
---

**FORM OF REQUEST TO THE REGISTRAR BY A REGISTERED PROPRIETOR  
OR A REGISTERED USER OF A TRADE MARK, OR A PERSON ABOUT TO  
BE SO REGISTERED, TO ENTER, ALTER OR SUBSTITUTE AN ADDRESS  
FOR SERVICE AS PART OF HIS REGISTRATION**

(Rules 13, 81)

(a) Here insert the full name and trade or business address of the person making the request.

(b) Additional numbers may be given in a signed schedule on the back of the form.

(c) State here the precise entry or changed entry desired.

(d) Signature.

Request is made by (a) .....

..... who is about to be registered as [or who is the Registered] Proprietor [User] of Trade Mark[s] No.[s] ..... (b) [registered] in Class ..... for the inclusion [or addition, or alteration, or substitution] of an address for service in Kenya in or to the entry thereof so that the address for service may read (c) .....

Dated this ..... day of ....., 19....

(d) .....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

*Notes.*—(1) A Registered Proprietor or Registered User whose address for service in Kenya has been altered by a public authority, so that the changed address designates the same premises as before, may make also the statement for which there is provision on the back of this form in order to avoid payment of the fee.

(2) By rules 13 and 81 an application in form TM 32 must be signed by the Applicant for registration or the Registered Proprietor or Registered User, as the case may be, or by an agent expressly authorized by him for the purpose of such an application, unless in exceptional circumstances the Registrar otherwise allows.

\*No fee will be payable on a request in form TM 32 to enter an initial address for service as part of a registration if it accompanies one of the forms TM 9, 14, 15 or 48.

[P.T.O.]

[Back]

*(For use only in case of an address for service changed by a public authority, without change of premises)*

The change of address for the entry of which application is made on the other side of this form, was ordered by (a) .....

..... on the ..... day of ....., 19....

Dated this ..... day of ....., 19....

(b) .....

*Note.*—If the above statement be made, and a certificate of the alteration given by the named authority be supplied, the Registrar, if satisfied as to the facts of the case, will not require a fee to be paid. (See rule 81.)

(a) Here insert the name of the public authority ordering the change and the date thereof.

(b) Signature of the registered proprietor or registered user as the case may be.

## Form TM 33

REGULATIONS FOR GOVERNING THE USE OF CERTIFICATION  
TRADE MARK

(Section 40 and First Schedule—Rule 39)

Regulations for governing the use of Certification Trade Mark  
No. .... in Class .....  
in respect of (a) .....  
.....

(a) Here specify  
the goods of  
the registration.

(For Official Use)

Advertized in the Gazette Vol. .... at page .....  
on the ..... day of ....., 19....  
Date of Application and Registration .....  
..... 19....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

## Form TM 34

FEE 1st Sch., item 19a
------------------------------

REQUEST FOR THE CONSENT OF THE REGISTRAR TO ALTERATION OF THE  
DEPOSITED REGULATIONS FOR USE OF A CERTIFICATION TRADE MARK

(Section 40 and First Schedule—Rule 94)

Application is hereby made by (a) .....  
.....  
.....  
who is [are] the Proprietor[s] of the Certification Trade Mark[s] No.[s]  
(b) .....  
registered in Class ..... (c) in respect of (d) .....  
.....  
that the deposited Regulations for governing the use of the Mark may  
be altered in the manner shown in red in the accompanying copies (e)  
of the Regulations as proposed to be altered, and for the consent of  
the Registrar to such alteration.

(a) Here insert  
name and ad-  
dress of the pro-  
prietor(s) as reg-  
istered.

(b) If the same  
regulations apply  
to more than  
one registration,  
state the num-  
bers of all the  
registration.

(c) Addi-  
tional numbers  
and specifica-  
tions may be  
given in a signed  
schedule on the  
back of the  
form.

(d) Here state  
the specifications  
of the respective  
registrations.

(e) Three  
copies should be  
furnished.

(f) Signature.

Dated this ..... day of ....., 19....

(f) .....

To: The Registrar of Trade Marks.  
P.O. Box 30031,  
Nairobi.

APPLICATION TO THE COURT FOR AN ORDER EXPUNGING OR VARYING  
AN ENTRY IN THE REGISTER RELATING TO A CERTIFICATION  
TRADE MARK OR VARYING THE DEPOSITED REGULATIONS

(Section 40 and First Schedule—Rule 93)

(To be accompanied by a copy and a Statement of Case in duplicate)

IN THE MATTER OF Certification Trade Mark No. ....  
registered in the name of .....  
in Class .....

(a) Here state  
full name and  
address.

I [We] (a) .....  
.....  
being [an] aggrieved person[s] hereby apply for an order of the court  
that:

(b) Strike out  
either paragraph  
that is not appli-  
cable.

(c) Strike out  
one of these  
lines.

1. (b) The Entry in the Register in respect of the above-mentioned  
Trade Mark may be (c) expunged [or varied in the following manner  
.....]

2. (b) The deposited Regulations governing the use of the above-  
mentioned Trade Mark may be varied in the following manner ....

.....  
.....

The grounds of my [our] application are as follows: .....  
.....  
.....

Address for service in Kenya in these proceedings: .....  
.....

Dated this ..... day of ....., 19....

(d) Signature.

(d) .....

To: The Registrar,  
The High Court,  
Nairobi.

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

FEE Sh. 50
---------------

NOTICE TO THE REGISTRAR UNDER PARAGRAPH 2 (1) OF THE FIRST  
SCHEDULE TO THE ACT AND RULE 58 OF OPPOSITION TO AN  
APPLICATION FOR REGISTRATION OF A CERTIFICATION TRADE  
MARK

*(To be filed in triplicate)*

IN THE MATTER OF an Application No. ....  
by .....  
of .....

I [We] (a) .....  
..... hereby give notice of my [our]  
intention to oppose the Registration of the Certification Trade Mark  
advertised under the above number for Class ..... in the  
Gazette of the ..... day of ....., 19....  
Vol. ...., page .....

(a) Here state  
full name and  
address.

The grounds of opposition are as follows:

(b) .....  
.....  
.....  
.....

(b) The grounds  
should be limited  
to matters  
referred to in  
paragraph 2 (1)  
of the First  
Schedule to the  
Ordinance.

Address for service in Kenya in these proceedings:  
.....

Dated this ..... day of ....., 19....

(c) .....

(c) Signature.

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

FORM OF COUNTER-STATEMENT IN REPLY TO NOTICE TO THE REGISTRAR  
UNDER PARAGRAPH 2 (1) OF THE FIRST SCHEDULE TO THE ACT  
AND RULE 58 OF OPPOSITION TO AN APPLICATION FOR  
REGISTRATION OF A CERTIFICATION TRADE MARK

*(To be filed in triplicate)*

IN THE MATTER OF an Opposition No. .... to Application  
for registration of a Certification Trade Mark No. ....

I [We] .....  
the applicant[s] for Registration of the above-numbered Certification  
Trade Mark hereby give notice that the following are the grounds on  
which I [we] rely as supporting my [our] application:

.....  
.....  
.....

I [We] admit the following allegations in the notice of Opposition:  
.....

Address for service in Kenya in these proceedings:  
.....

Dated this ..... day of ....., 19....

(a) Signature.

(a) .....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

Form TM 38

FEE Sh. 50
---------------

HEARING BY THE REGISTRAR OF AN OPPOSITION UNDER PARAGRAPH 2 (2)  
OF THE FIRST SCHEDULE TO THE ACT AND RULE 58 TO AN  
APPLICATION FOR REGISTRATION OF A CERTIFICATION TRADE  
MARK

NOTICE OF ATTENDANCE AT HEARING

I [We] (a) ..... (a) Here insert  
name and ad-  
dress.  
of .....  
hereby give notice that the Hearing by the Registrar of the arguments  
in the case of Opposition No. .... to Application No. ....  
for the registration of a Certification Trade Mark, which by the  
Registrar's Notice to me [us] dated the ..... day of .....  
19...., is fixed for ..... a.m. or p.m. at the Registrar's Office on  
the ..... day of ....., 19...., will be  
attended by me [us] or by some person on my [our] behalf.

Dated this ..... day of ....., 19....

(b) ..... (b) Signature.

(c) ..... (c) Address.

.....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

APPLICATION FOR THE CERTIFICATE OF THE REGISTRAR UNDER SECTION  
25 (5) AND RULE 79 WITH REFERENCE TO A PROPOSED ASSIGNMENT OF  
A REGISTERED TRADE MARK

*(To be accompanied by a Statement of Case in duplicate and a copy  
of the proposed assignment)*

IN THE MATTER OF Trade Marks[s] No.[s] .....

..... registered in the name of .....

.....

in Class[es] .....

.....

(a) Here insert  
the name and  
trade or business  
address of the  
registered pro-  
prietor.

Application is hereby made by (a) .....

.....

of .....

being the Registered Proprietor[s] of the above-numbered registered  
Trade Mark[s], for the Registrar's Certificate under section 25 (5) with  
reference to a proposed assignment of the registered Trade Mark[s]

(b) Here insert  
the name and  
trade or business  
address of the  
proposed assign-  
ee.

No.[s] ..... to (b) .....

.....

of .....

in circumstances that are stated fully in the accompanying Statement  
of Case.

Dated this ..... day of ....., 19....

(c) Signature.

(c) .....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.



Form TM 40

FEE 1st Sch., item 8a
-----------------------------

APPLICATION FOR THE APPROVAL BY THE REGISTRAR UNDER SECTION 25 (6) AND RULE 79 OF A PROPOSED ASSIGNMENT, OR OF A TRANSMISSION (ON OR AFTER THE APPOINTED DAY), OF A TRADE MARK RESULTING IN EXCLUSIVE RIGHTS IN DIFFERENT PERSONS FOR DIFFERENT PARTS OF KENYA

*(To be accompanied by a Statement of Case in duplicate and a Copy of the Instrument proposed for the Assignment or effecting the Transmission)*

IN THE MATTER OF [a] Trade Mark[s]

\* Registered under No.[s] .....

in Class[es] .....

the property of .....

.....

\*To be struck out in the case of unregistered trade marks.

†Strike out either paragraph (1) or paragraph (2).

Application is hereby made by:

† (1) (a) .....

of .....

(a) Insert here the name and trade or business address of the proprietor.

the Proprietor of the Trade Mark[s] shown in the accompanying

Statement of Case (b) [registered in his name] [and used by him] in

respect of the following goods .....

(b) Strike out either if not applicable.

for approval by the Registrar of a proposed assignment of the Trade

Mark[s] to (c) .....

(c) Insert here the names and trade or business addresses of the proposed assignee or assignees.

..... of .....

in respect of the following goods .....

to be sold or otherwise traded in in (d) .....

(d) Insert the name of the place in Kenya.

..... [and to (c) .....

.....

of .....

in respect of the following goods .....

[Subsidiary]

to be sold or otherwise traded in in (d) .....]  
in circumstances that are stated fully in the accompanying Statement  
of Case.

(e) Here insert  
the name and  
trade or business  
address of the  
person who  
claims a trans-  
mission to him.

† (2) (e) .....  
of .....  
.....

who claims that the Trade Mark[s] shown in the accompanying State-  
ment of Case was [were], in respect of the following goods, namely:

.....  
.....

(f) Insert here  
the date of the  
transmission  
which must not  
precede the ap-  
pointed day.

and on the (f) ..... day of ....., 19....

transmitted to (g) him [or to (h) .....]

of .....

(g) Strike out  
the words that  
are not applic-  
able.

(who was his predecessor in title)] by or from (i) .....

(h) Insert here  
the name and  
trade or business  
address of the  
predecessor in  
title, if any.

.....

of .....

(i) Insert here  
the name and  
address of the  
person who  
transmitted.

by whom the Trade Mark was then used in respect of the following

goods, namely .....

all in circumstances that are stated fully in the accompanying State-  
ment of Case, for approval by the Registrar of the aforesaid trans-  
mission.

Dated this ..... day of ....., 19....

(j) Signature.

(j) .....

To: The Registrar of Trade Marks.

P.O. Box 30031,

Nairobi.

Form TM 41

FEE 1st Sch., item 8b
-----------------------------

APPLICATION TO THE REGISTRAR UNDER SECTION 25 (7) AND RULE 80  
FOR DIRECTIONS FOR THE ADVERTISEMENT OF AN ASSIGNMENT  
OF TRADE MARKS OTHERWISE THAN IN CONNEXION WITH THE  
GOODWILL OF THE BUSINESS

(To be accompanied by a duplicate)

Application is hereby made by (a) .....  
.....  
of .....  
for the Registrar's Directions with respect to the advertisement of an  
assignment to him [them] of the following Trade Marks otherwise than  
in connexion with the goodwill of the business in which they were used  
at the time of assignment, namely--

(1) Registered Trade Marks:	Goods in respect of which the
Registration Number      Class	Mark has been used and is
(b)	assigned

all of which are or were registered in the name of (c) .....  
..... of .....  
..... who is the assignor.

(2) Unregistered Trade Marks (d), all being Marks used in his  
business at the time of the assignment in respect of the goods stated  
below by (c) .....  
of .....  
who is the assignor:

Representation of Mark	Goods in respect of which the Mark
(b)	has been used and is assigned

The date of assignment was the ..... day of  
....., 19....

The instrument effecting the assignment is sent herewith, together  
with a copy thereof.

It is suggested that advertisement shall be directed as follows,  
namely, in .....

Dated this ..... day of ....., 19....

(e) .....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

(a) Here insert  
the name and  
trade or business  
address of the  
assignee (appli-  
cant).

(b) Additional  
Marks and num-  
bers may be  
given in a signed  
schedule on the  
back of the  
form.

(c) Here insert  
the name and  
trade or business  
address of the  
proprietor (as-  
signor).

(d) Only those  
unregistered  
trade marks  
passing by the  
one assignment  
and used in the  
same business  
and for the same  
goods as those  
for which one  
or more of the  
registered marks  
are registered  
may be stated  
here.

(e) Signature.

APPLICATION FOR EXTENSION OF TIME IN WHICH TO APPLY FOR THE  
 REGISTRAR'S DIRECTIONS FOR THE ADVERTISEMENT OF AN ASSIGN-  
 MENT OF TRADE MARKS OTHERWISE THAN IN CONNEXION WITH THE  
 GOODWILL OF THE BUSINESS

(Section 25 (7) and Rule 80)\*

(a) Here insert the names and trade or business addresses of the assignee (applicant).

(b) Here insert "one" or "two" or "three".

(c) Additional Marks and numbers may be given in a signed schedule on the back of the form.

(d) Here insert the name and trade or business address of the proprietor (assignor).

Application is hereby made by (a) .....  
 .....  
 of .....  
 for extension of time of (b) ..... month[s] in which to apply  
 for the Registrar's Directions for the advertisement of an assignment  
 to him [them] of the following Trade Marks otherwise than in con-  
 nexion with the goodwill of the business in which they were used at  
 the time of assignment, namely—

(1) Registered Trade Marks:	Goods in respect of which the
Registration Number      Class	Mark has been used and is
(c)	assigned

all of which are or were registered in the name of (d) .....  
 ..... of .....  
 ..... who is the assignor.

(2) Unregistered Trade Marks, all being marks used in his busi-  
 ness at the time of assignment and in respect of the goods stated below  
 by (d) ..... of .....  
 .....

who is the assignor:

Representation of Mark	Goods in respect of which the Mark
(c)	has been used and is assigned

The date of assignment was the ..... day of  
 ..... 19....

Dated this ..... day of ..... 19....

(e) Signature.

(e) .....

To: The Registrar of Trade Marks,  
 P.O. Box 30031,  
 Nairobi.

Form TM 43

FEE Sh. 10
---------------

APPLICATION TO THE REGISTRAR UNDER RULE 6 BY THE PROPRIETOR OF  
A REGISTERED TRADE MARK FOR THE CONVERSION OF THE  
SPECIFICATION FROM SECOND SCHEDULE TO THIRD  
SCHEDULE

IN THE MATTER OF the Trade Mark No. .... registered in the  
name of .....  
.....  
in Class ..... of the Second Schedule.

Application is hereby made by (a) .....  
.....  
the Registered Proprietor of the above-mentioned Trade Mark, for the  
conversion of the specification of the above-mentioned registration (b)  
[and the specification[s] of the Registered User[s] thereunder] from  
the Second Schedule to the Third Schedule of the Trade Marks Rules.

(a) Here insert  
the name and  
trade or business  
address of the  
registered pro-  
prietor (appli-  
cant).

(b) Delete the  
words in brac-  
kets if there  
are no registered  
users.

The specification[s] entered in the Register in accordance with  
the Second Schedule is [are] .....  
.....

Application is made that the Registrar should propose the  
following specification[s] in accordance with the Third Schedule, upon  
conversion:

Class .....

Class .....

Dated this ..... day of ....., 19....

(c) .....

(c) Signature.

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

NOTICE OF OPPOSITION TO PROPOSAL FOR CONVERSION OF  
SPECIFICATION

(Section 39 and Rule 7)

*(To be accompanied by a duplicate and a statement, in duplicate,  
showing how the proposed conversion would be contrary to  
section 39 (2))*

(a) The numbers of more than one Trade Mark dealt with by the same proposal may be given, provided the specifications are the same.

(b) Here state full name and address.

IN THE MATTER OF (a) Trade Mark[s] No.[s] ..... registered  
in the name of .....  
in Class ..... of the Second Schedule to the Rules.

I [We] (b) ..... hereby  
give notice of my [our] intention to oppose the proposal for the  
conversion of the specification[s] of the Trade Mark[s] advertised in the  
Gazette of the ..... day of ....., 19....,  
Vol. ...., page .....

The grounds of opposition are as follows:

.....  
.....  
.....

My [our] address for service in Kenya in these proceedings is:

.....  
.....

Dated this ..... day of ....., 19....

(c) Signature.

(c) .....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

Form TM 45

FEE  
Sh. 50

NOTICE OF OPPOSITION TO APPLICATION UNDER SECTION 38 FOR  
ADDITION TO OR ALTERATION OF A REGISTERED TRADE MARK  
(Rule 90)

*(To be accompanied by a duplicate)*

IN THE MATTER OF the Trade Mark No. .... registered in the  
name of .....  
in Class .....

I [We] (a) .....  
.....

(a) Here state  
full name and  
address.

hereby give notice of my [our] intention to oppose the addition to or  
alteration of the Trade Mark numbered and registered as above so  
that it shall be in the form shown in the application advertised in the  
Gazette of the ..... day of ....., 19....  
Vol. .... page .....

The grounds of opposition are as follows:

.....  
.....  
.....  
.....

Address for service in Kenya in these proceedings:

.....  
.....

Dated this ..... day of ....., 19....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

Form TM 46

FEE  
Sh. 20

NOTICE OF ORDER OF COURT FOR ALTERATION OR RECTIFICATION OF  
REGISTER OF TRADE MARKS  
(Rule 119)

IN THE MATTER OF the Trade Mark No. ....  
registered in Class ..... in the name of .....

Notice is hereby given to the Registrar that, by an Order of the  
Court made on the ..... day of ....., 19....,  
it was directed that .....

An office copy of the Order of the Court is enclosed herewith.  
Dated this ..... day of ....., 19....

(a) .....

(a) To be signed  
by the person  
interested or his  
agent.

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

Form TM 47

FEE  
1st Sch.,  
item 7

REQUEST TO THE REGISTRAR FOR ENTRY ON THE REGISTER AND  
ADVERTISEMENT OF A NOTE OF A CERTIFICATE OF VALIDITY  
BY THE COURT UNDER SECTION 47  
(Rule 88)

IN THE MATTER OF Trade Mark[s] No.[s] .....  
registered in Class ..... in the name of .....

I [We] (a) .....

(a) Here state  
the name and  
address of the  
registered pro-  
prietor.

hereby request the Registrar to add to the above-numbered entry  
[entries] of a Trade Mark in the Register, and to advertise in the  
Gazette a note that in (b) .....  
the Court certified that the validity of the said registration[s] came  
into question and was decided in favour of the proprietor of the  
Trade Mark in the terms of the accompanying office copy of the  
certificate of validity.

(b) Here state  
the nature of  
the proceedings  
with the names  
of the parties to  
them, in which  
the certificate  
was given.

Dated this ..... day of ....., 19....

(c) .....

(c) Signature.

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.



Form TM 48

FEE  
1st Sch.,  
items 6, 6a

## APPLICATION FOR REGISTRATION OF REGISTERED USER

*(To be accompanied by a Statement of Case giving particulars and stating as required by section 31 (4), verified by a Statutory Declaration made by the Proprietor, or by some person authorized to act on his behalf and approved by the Registrar)*

Application is hereby made by (a) .....

.....

.....

who is [are] the registered proprietor[s] of Trade Mark[s] No.[s]

..... (b) registered in Class ..... in respect of

(c) ..... that (d) .....

.....

of (e) .....

..... trading as (f) .....

.....,

who hereby joins in the application, may be registered as a registered

user of the above-numbered registered Trade Mark[s] in respect of (g)

.....

subject to the following conditions or restrictions: (h) .....

.....

(i) The proposed permitted use is to end on the .....

day of ....., 19....

The proposed permitted use is without limit of period.

(j) .....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

*Note.*—A request for the entry of an address for service of the registered user may be made free in form TM 32 if it accompanies this form.

(a) Here insert full name, trade or business address and description of the registered proprietor(s).

(b) Additional numbers may be given in a signed schedule on the back of the form.

(c) Here insert the specification in the Register.

(d) Here insert the full name, description and nationality of the individual, firm or body corporate proposed as registered user. The names of all partners in a firm must be given in full. In the case of a body corporate brief particulars of the kind and country of incorporation should be stated.

(e) Here insert the full trade or business address of the proposed registered user.

(f) Here insert trading style, if any.

(g) Here insert designation of goods (which must be comprised within the specification).

(h) Write "none" if there are no conditions or restrictions.

(i) Strike out the words that are not applicable.

(j) Signature.

APPLICATION BY THE REGISTERED PROPRIETOR OF A TRADE MARK FOR  
VARIATION OF THE REGISTRATION OF A REGISTERED USER THEREOF  
WITH REGARD TO THE GOODS OR THE CONDITIONS OR RESTRICTIONS  
(Section 31 (8) (a) and Rule 97)

*(To be accompanied by a Statement of the Grounds for the application  
and the written consent (if given) of the Registered User)*

(a) Here insert  
the full name,  
description and  
trade or business  
address of the  
registered pro-  
prietor.

Application is hereby made by (a) .....

(b) Additional  
numbers may be  
given in a signed  
schedule on the  
back of the  
form.

the proprietor of Trade Mark[s] No.[s] (b) .....

registered in Class ..... in respect of (c) .....

(c) Here insert  
the specifications  
in the Register.

(d) Here insert  
the full name,  
description and  
trade or business  
address of the  
registered user.

that the registration of (d) .....

as a registered user of the above-numbered Trade Mark[s] in respect

(e) Here insert  
the goods in  
respect of which  
the user is reg-  
istered.

of (e) .....

(f) Here state  
in terms the  
manner in which  
it is requested  
that the entry  
should be varied.

may be varied in the following manner: (f) .....

Dated this ..... day of ....., 19....

(g) Signature.

(g) .....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

Form TM 50

FEE 1st Sch., items 6d, 6e
----------------------------------

APPLICATION BY THE REGISTERED PROPRIETOR OF A TRADE MARK OR  
BY ANY OF THE REGISTERED USERS OF THE TRADE MARK FOR THE  
CANCELLATION OF ENTRY OF A REGISTERED USER THEREOF

(Section 31 (8) (b) and Rule 98)

*(To be accompanied by a Statement of the Grounds  
for the application)*

Application is hereby made by (a) .....

.....

.....

(a) Here insert the full name, description and trade or business address of the applicant(s).

being (b) the Registered Proprietor [a Registered User] of Trade  
Mark[s] No.[s] ..... (c) registered in Class .....

(b) Strike out the words that are not applicable.

in respect of (d) .....

(c) Additional numbers may be given in a signed schedule on the back of the form.

for the cancellation of the entry under the above-mentioned registra-  
tion[s] of (e) .....

(d) Here insert the specification in the Register.

.....

as a registered user of the Trade Mark[s] in respect of (f) .....

(e) Here insert the full name, description and trade or business address of the registered user whose entry is sought to be cancelled.

.....

(f) Here insert goods in respect of which that registered user is entered.

Dated this ..... day of ....., 19....

(g) .....

(g) Signature.

.....

.....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

Form TM 51

FEE 1st Sch., items 6f, 6g
----------------------------------

APPLICATION FOR CANCELLATION OF ENTRY OF A REGISTERED USER OF  
A TRADE MARK

(Section 31 (8) (c) and Rule 99)

*(To be accompanied by a Statement of the Grounds for the application)*

(a) Additional numbers may be given on a signed schedule on the back of this form.

(b) Here insert the name, trade or business address and description of the registered proprietor as entered in the Register.

(c) Here insert the name and address of the applicant for cancellation.

(d) Here insert the name, trade or business address and description of the registered user as entered in the Register.

(e) Here insert the goods in respect of which the registered user is entered.

(f) Here insert one or more of the sub-paragraphs of paragraph (c) of section 31 (8) numbered (i), (ii), (iii).

IN THE MATTER OF Trade Mark[s] No.[s] ..... (a)  
registered in Class ..... in the name of (b) .....  
.....

Application is hereby made by (c) .....  
.....  
whose address for service in Kenya in these proceedings is .....

.....  
for the cancellation of the entry under the above-mentioned registration[s] of (d) .....  
.....

as the registered user thereof in respect of (e) .....  
.....  
.....

The grounds of this application, particulars of which are given  
in detail in the accompanying statement of case, are (f) .....  
.....  
.....

Dated this ..... day of ....., 19....

(g) Signature.

(g) .....

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

Form TM 52

FEE Sh. 10
---------------

NOTICE TO THE REGISTRAR UNDER SECTION 31 (9) AND RULE 100 OF  
INTENTION TO INTERVENE IN PROCEEDINGS FOR THE VARIATION OR  
CANCELLATION OF AN ENTRY OF A REGISTERED USER OF A TRADE  
MARK

*(To be accompanied by a Statement of the Grounds for Intervention)*

IN THE MATTER OF a Trade Mark No. ....  
registered in Class ..... in the name of (a) .....  
.....

(a) Insert here  
the name of the  
registered pro-  
prietor.

and

IN THE MATTER OF a registration of (b) .....  
.....

(b) Insert here  
the name and  
trade or business  
address of the  
registered  
user.

thereunder as a Registered User of the Mark.

In reply to the Registrar's Notification, dated the .....  
day of ....., 19...., notice is hereby given of my  
intention to intervene in the proceedings in the above matter.

My address for service in Kenya for the purpose of these  
proceedings is:

.....  
.....

Dated this ..... day of ....., 19....

(c) .....

(c) Signature.

To: The Registrar of Trade Marks,  
P.O. Box 30031,  
Nairobi.

Application of section 65 to Foreign States under subsection (4) of  
 that section

Algeria	Madagascar
Argentina	Malawi
Australia	Malta
Austria	Mauritania
Belgium	Mexico
Brazil	Monaco
Bulgaria	Morocco
Cameroon	Netherlands
Canada	New Zealand
Central African Republic	Niger
Chad	Nigeria
Congo (Brazzaville)	Norway
Cuba	Philippines
Cyprus	Poland
Czechoslovakia	Portugal
Dahomey	Rumania
Denmark	San Marino
Dominican Republic	Senegal
Egypt	South Africa
Finland	Spain
France	Sri Lanka
Gabon	Sweden
Germany (Democratic Republic of)	Switzerland
Germany (Federal Republic of)	Syria
Greece	Tanzania
Haiti	Togo
Holy See	Trinidad and Tobago
Hungary	Tunisia
Iceland	Turkey
Indonesia	Uganda
Iran	Union of Soviet Socialist Republics
Ireland	United Kingdom of Great Britain and Northern Ireland
Israel	United States of America
Italy	Upper Volta
Ivory Coast	Uruguay
Japan	Vietnam
Jordan	Yugoslavia
Laos	Zaire
Lebanon	Zambia.
Liechtenstein	
Luxembourg	