KENYA INDUSTRIAL PROPERTY INSTITUTE

AS

DESIGNATED (OR ELECTED) OFFICE

CONTENTS

THE ENTRY INTO THE NATIONAL PHASE—SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees .............................................................................................................. Annex KE.I

National processing request form ............................................................. Annex KE II

List of abbreviations:

Office:  Kenya Industrial Property Institute

KPL:   Industrial Property Act of Kenya

KR:    Regulations under the Industrial Property Act of Kenya
### SUMMARY

**KE KENYA INDUSTRIAL PROPERTY INSTITUTE**

**KE**

Summary of requirements for entry into the national phase

| Time limits applicable for entry into the national phase: | Under PCT Article 22(1): 30 months from the priority date  
Under PCT Article 39(1)(a): 30 months from the priority date |
| Translation of international application required into: | English |
| Required contents of the translation for entry into the national phase: | Under PCT Article 22: Description, claims (if amended, as amended only, together with any statement under PCT Article 19), any text matter of drawings, abstract  
Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, only as amended by the annexes to the international preliminary examination report) |
| Is a copy of the international application required? | The applicant should only send a copy of the international application if he has not received Form PCT/IB/308 and the Office has not received a copy of the international application from the International Bureau under PCT Article 20. This may be the case where the applicant expressly requests an earlier start of the national phase under PCT Article 23(2). |
| National fee: | Currency: Kenyan shilling (KES) and US dollar (USD)  
For patent:  
National processing fee: KES 3,000 or USD 150  
Annual fee for the second year: KES 2,000 or USD 300  
For utility model:  
National processing fee: KES 1,000 or USD 50 |
| Exemptions, reductions or refunds of the national fee: | None |
| Special requirements of the Office (PCT Rule 51bis): | Appointment of an agent if the applicant is not resident in Kenya  
Furnishing, where applicable, of a nucleotide and/or amino acid sequence listing in electronic form |
| Who can act as agent? | Any person registered to practice before the Office. A list of registered agents may be obtained from the Office. |
| Does the Office accept requests for restoration of the right of priority (PCT Rule 49ter.2)? | Yes, the Office applies the “unintentional” criterion to such requests |

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1 Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).
2 This fee is payable in USD if the person paying the fee or on whose behalf the fee is being paid does not reside in Kenya and does not have a principal place of business in Kenya.
3 Late payment of annual fees is permitted in certain circumstances subject to the payment of a surcharge.
4 If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.
THE PROCEDURE IN THE NATIONAL PHASE

KE.01 FORM FOR ENTERING THE NATIONAL PHASE. The Office has available a special form for entering the national phase (see Annex KE.II). This form should preferably (but need not) be used.

KE.02 TRANSLATION (CORRECTION). Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).

KE.03 FEES (MANNER OF PAYMENT). The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex KE.I.

KE.04 EXAMINATION. The Office may subject the application to search and/or examination by competent authorities upon the request of the applicant and upon payment of a fee, the amount of which is indicated in Annex KE.I.

KE.05 REPRESENTATION. Where the ordinary residence or principal place of business of the applicant is outside Kenya, the appointment of an agent who is a citizen of Kenya and is registered to practice before the Office must be indicated for the purposes of national processing. This may be done on the form, a model of which is given in Annex KE.II.

KE.06 AMENDMENT OF THE APPLICATION; TIME LIMITS. The applicant may amend or correct the claims, description, and drawings in the international application at any time before the grant of the patent, provided that the scope of the subject matter of the application is not broadened thereby.

KE.07 ANNUAL FEES. For the due date of the first annual fee, see the Summary. A grace period of six months is granted for the payment of the annual fee upon payment of a surcharge. Where the applicant fails to pay the annual fee, the surcharge or both within the six month grace period he may, within a period of six months from the expiration of that grace period, apply to the Managing Director of the Office for the restoration of the patent or the application upon payment of the prescribed fee. The amounts of the annual fees and of the restoration fee are indicated in Annex KE.I.

KE.08 PATENT TERM. The patent term expires at the end of 20 years from the filing date.

KE.09 EXCUSE OF DELAYS IN MEETING TIME LIMITS. Reference is made to paragraphs 6.022 to 6.027 of the National Phase. The Managing Director of the Office may, in his discretion, excuse the delay in meeting any time limit subject to such terms and conditions as he considers appropriate.

KE.10 REVIEW UNDER ARTICLE 25 OF THE PCT. The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. Where an international application designating Kenya is considered withdrawn or alleged to have been refused a filing date on account of an error or omission by the receiving Office or the International Bureau, the applicant may request the Managing Director of the Office to treat the international application as a national application. Such request should be accompanied by a statement of facts.

KE.11 APPEALS. If, upon review under PCT Article 25, the Office denied an error or omission on the part of the receiving Office or the International Bureau, an appeal against this decision may be lodged with the Office. Appeals against a decision of the Managing Director are made to the Industrial Property Tribunal. Decisions of the Tribunal may be appealed to the High Court of Kenya and from there to the Court of Appeal.
KE.12  **UTILITY MODEL.**  If the applicant wishes to obtain a utility model instead of a patent in Kenya on the basis of an international application, it must be indicated in the international application (in Box V of the request) when filed. The fees relating to utility models are indicated in Annex KE.I.

KE.13  **CONVERSION.**  The applicant may at any time before grant or refusal of a patent convert an application for a patent into an application for a utility model and vice versa.
FEES

(Currency: Kenyan shilling (KES) and US dollar)\(^1\)

### Patents

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>KES</th>
<th>USD</th>
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<tbody>
<tr>
<td>National processing fee</td>
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<td>150</td>
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<tr>
<td>Request for substantive examination</td>
<td>5,000</td>
<td>250</td>
</tr>
<tr>
<td>Fee for amendment or division of an application</td>
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<td>100</td>
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<tr>
<td>Fee for amendment of application (change in name, address or other contact info)</td>
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<td>50</td>
</tr>
<tr>
<td>Fee for request for extension of time</td>
<td>1,000</td>
<td>50</td>
</tr>
<tr>
<td>Fee for publication</td>
<td>3,000</td>
<td>150</td>
</tr>
</tbody>
</table>

### Annual fees:

- for the 2\(^{nd}\) year: 2,000, 300
- for the 3\(^{rd}\) year: 2,000, 300
- for the 4\(^{th}\) year: 2,000, 300
- for the 5\(^{th}\) year: 2,000, 300
- for the 6\(^{th}\) year: 2,000, 300
- for the 7\(^{th}\) year: 2,000, 300
- for the 8\(^{th}\) year: 6,000, 300
- for the 9\(^{th}\) year: 7,000, 350
- for the 10\(^{th}\) year: 8,000, 400
- for the 11\(^{th}\) year: 10,000, 500
- for the 12\(^{th}\) year: 12,000, 600
- for the 13\(^{th}\) year: 14,000, 700
- for the 14\(^{th}\) year: 16,000, 800
- for the 15\(^{th}\) year: 18,000, 900
- for the 16\(^{th}\) year: 20,000, 1,000
- for the 17\(^{th}\) year: 30,000, 1,500
- for the 18\(^{th}\) year: 35,000, 1,750
- for the 19\(^{th}\) year: 40,000, 2,000
- for the 20\(^{th}\) year: 50,000, 2,500

Surcharge for late payment of annual fees: 3,000, 150

### Utility models

<table>
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<tr>
<th>Fee Description</th>
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<th>USD</th>
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</thead>
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<td>50</td>
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<tr>
<td>Fee for amendment or division of an application</td>
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<td>Fee for request for extension of time</td>
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<tr>
<td>Fee for publication</td>
<td>3,000</td>
<td>150</td>
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\(^1\) Fees are payable in USD if the person paying the fees or on whose behalf the fees are being paid does not reside in Kenya and does not have a principal place of business in Kenya.

(17 June 2019)
### Annex KE.I, page 2

#### PCT Applicant’s Guide – National Phase – National Chapter – KE

**Annual fees for a utility model certificate:**

- for the 2<sup>nd</sup> year .......................................................... 1,500 75
- for the 3<sup>rd</sup> year .......................................................... 2,000 100
- for the 4<sup>th</sup> year .......................................................... 2,500 125
- for the 5<sup>th</sup> year .......................................................... 3,000 150
- for the 6<sup>th</sup> year .......................................................... 3,500 175
- for the 7<sup>th</sup> year .......................................................... 4,000 200
- for the 8<sup>th</sup> year .......................................................... 4,500 225
- for the 9<sup>th</sup> year .......................................................... 5,000 250
- for the 10<sup>th</sup> year .......................................................... 5,500 275

**Surcharge for late payment of annual fees** .......................................................... 3,000 150

**Fee for restoration of a utility model application or registration** .......................................................... 2,000 100

**Fee for restoration of the right of priority** .......................................................... 500 50

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#### How can payment of fees be effected?

The payment of fees to the Office must be effected in **Kenyan shilling or US dollars**. Payment of fees can be made by cash payment, bank deposit or check (clearing in Kenya). All payments must give the application number (national if already known; international if the national number is not yet known).

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<sup>2</sup> See footnote 1.
THE INDUSTRIAL PROPERTY ACT, 2001

The Managing Director,
Kenya Industrial Property Institute.

REQUEST FOR NATIONAL PROCESSING OF AN INTERNATIONAL APPLICATION FOR A PATENT

I/We, the applicants named below, request that our international application identified below be treated as an application under the Act.

<table>
<thead>
<tr>
<th>Name and address of applicants(s)</th>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>International Application number</strong></td>
<td></td>
</tr>
<tr>
<td>Name and address of agent (if any)</td>
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<tr>
<td>This application is made by virtue of the fact that the Institute is</td>
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<tr>
<td>☐ A designated office under chapter 1 of the Patent Cooperation Treaty</td>
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<tr>
<td>☐ An elected office under chapter 11 of the Patent Cooperation Treaty</td>
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<tr>
<td>Documents accompanying the application</td>
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<tr>
<td>☐ Search report</td>
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<td>☐ International Preliminary Examination report</td>
<td></td>
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<tr>
<td>☐ Cited Documents</td>
<td></td>
</tr>
<tr>
<td>☐ FORM IP 4 (statement justifying applicants right to Patent/utility model certificate)</td>
<td></td>
</tr>
<tr>
<td>☐ FORM IP 39 (appointment of Agent)</td>
<td></td>
</tr>
<tr>
<td>☐ Any other (specify)</td>
<td></td>
</tr>
</tbody>
</table>

Dated at ....................................this.....................................day of ................................., 20.......  

__________________________________________________________

Signature........................................................................

(1 July 2002)