

THE GEOGRAPHICAL INDICATIONS BILL, 2026
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THE GEOGRAPHICAL INDICATIONS BILL, 2026

A Bill for

AN ACT of Parliament to make provision for regulation of geographical indications; to provide for protection and registration of geographical indications; and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I — PRELIMINARY	
Short title.	1. This Act may be cited as the Geographical Indications Act.
Interpretation.	2. In this Act, unless the context otherwise requires—
Cap.509.	“Board” means the Board of Directors of the Kenya Industrial Property Institute constituted under section 6 of the Industrial Property Act;
	“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to industrial property;
	“Court” means the High Court of Kenya;
	“Competent Authority” includes a public authority, agency or other body having responsibility for a geographical indication;
	“Examiner” means Examiners of Geographical Indications appointed under section 3(2);
	“geographical indication” means an indication which identifies a product as originating from a territory, or a region or locality where a given quality, reputation or other characteristics of the product are exclusively or essentially attributable to its geographical origin;
	“homonymous geographical indication” means an indication that, in part or in whole, has the same spelling as, or sounds the same as, an indication for any goods having a different geographical origin;
	“indication” includes a name, traditional designation, geographical, figurative representation or any combination conveying or suggesting the geographical origin of goods to which it applies;
Cap.509.	“Industrial Property Journal” means a journal published by the Institute mainly for the purpose of advertising industrial property applications and for publishing other matters required to be published under the Industrial Property Act;
Cap.509.	“Institute” means the Kenya Industrial Property Institute established under

	section 3 of the Industrial Property Act;
	“producer” means—
	(a) in relation to agricultural products, a person who produces agricultural products for sale or other commercial purposes;
	(b) in relation to natural products, a person who exploits natural products for sale or other commercial purposes; or
	(c) in relation to products of handicraft or industry, a person who manufactures products of handicraft or industry for sale or for other commercial purposes;
Cap.509.	“Managing Director” means the Managing Director of the Institute appointed under section 11 of the Industrial Property Act;
	person” includes an association, other body of persons or a group of representative producers;
	“products” includes natural, agricultural, food, handicraft or industrial products;
	“Registrar” means the Registrar of Geographical Indications appointed under section 7;
	Rules governing the management of the geographical indication” means specifications outlining the name of the geographical indication, the geographical area, the quality, reputation and other unique characteristics, the production methods, labeling and packaging, and internal and external quality controls related to the geographical indication;
	“use of a geographical indication” includes, use as part of, or in connection with—
	(a) any transaction, including a purchase, stocking, sale or exchange;
	(b) any importation or exportation;
	(c) any advertisement;
	(d) any internet domain name; or
	(e) any invoice, wine list, catalogue, business, letter, business paper, price list or other commercial document;
	“user of a geographical indication” means any producer or trader using a geographical indication in compliance with this Act in relation to products

	sold in the retail or wholesale market.
Object and purpose of the Act.	3. The object and purpose of this Act is to—
	(a) provide for a legal and institutional mechanism for the protection of geographical indications;
	(b) prevent usurpation and misappropriation of Kenya’s unique products; and
	(c) protect consumers from deception.
Application.	4. This Act applies to—
	(a) producers;
	(b) users of geographical indications;
	(c) administrators of geographical indications;
	(d) competent authorities;
	(e) the National Government;
	(f) county governments;
	(g) Cabinet Secretary;
	(h) Registrar of Geographical Indications;
	(i) Registrar of Trade Marks; and
	(j) enforcement agencies.
	PART II—COORDINATION AND OVERSIGHT OF GEOGRAPHICAL INDICATIONS MATTERS
Role of the Cabinet Secretary.	5. The Cabinet Secretary shall have the following roles under this Act—
	(a) providing policy direction on matters related to geographical indications;
	(b) overseeing the administration of this Act;
	(c) coordinating the adherence to national, regional and international obligations relating to geographical indications; and
	(d) formulating the National Geographical Indications Strategy.
Role of county governments.	6. For purposes of geographical indications, the county governments shall—
	(a) develop county policies on geographical indications;

	<ul style="list-style-type: none"> (b) implement policy on geographical indications at county level; (c) mobilize producers in the county to form cooperative societies or associations; (d) provide support for the registration of cooperative societies and associations as legal persons to facilitate applications for registration of geographical indications; (e) confirm to the Registrar the delimitation of the geographical area in respect of the geographical indication being applied for; (f) ensure that environmental conservation measures are undertaken by the applicant for registration of a geographical indication to curb environmental degradation; and (g) create and maintain a repository of registered geographical indications.
Registrar. Cap.506.	7. The Managing Director shall be the Registrar of Geographical Indications for the purposes of this Act.
Functions of the Registrar.	8. For purposes of this Act, the Registrar shall—
	(a) be responsible for the implementation of this Act;
	(b) implement the national Geographical Indications Strategy;
	(c) promote international cooperation in matters relating to geographical indications to ensure the Country’s compliance on geographical indications under international treaties that Kenya is part of;
	(d) consider applications for registration of geographical indications;
	(e) hear and determine opposition proceedings with respect to applications for registration of geographical indications;
	(f) register geographical indications and keep, maintain an up-to-date Register of Geographical Indications;
	(g) hear and determine expungement proceedings with respect to registered geographical indications;
	(h) participate in geographical indications enforcement proceedings as an expert witness; and

	(i) perform any other function as may be necessary for necessary for the promotion of the object of this Act.
Powers of the Registrar.	9. The Registrar shall have all powers necessary for the effective discharge of his functions under this Act.
Appointment of officers.	10. (1) The Deputy Registrars, Assistant Registrars, Examiners and such other Officers performing the respective duties under the provisions of the Trade Marks Act, shall perform the same duties under this Act
	(2) The Registrar may delegate to an examiner the exercise of any performance of any of the functions or duties conferred to him under this Act.
	PART III- PROTECTION OF GEOGRAPHICAL INDICATIONS
Availability of protection regardless of registration.	11. (1) Protection of geographical indications under this Act shall be available regardless of whether a geographical indication has been registered or not.
	(2) Where a geographical indication is registered under this Act, the registration shall be sufficient proof that, that indication is a geographical indication within the meaning of section 2.
	(3) The protection under subsection (1) shall be available against a geographical indication which, although true as to the territory, region or locality in which the products originate, falsely represents to the public that the products originate in another territory, region or locality.
Homonymous geographical indications.	12. (1) In the case of homonymous geographical indications, protection shall be accorded to each indication subject to subsection (2).
	(2) The Registrar shall, for the purposes of subsection (1), determine the practical conditions under which the homonymous indications shall be differentiated from each other, taking into account the need to ensure equitable treatment of the producers concerned and that consumers are not confused or deceived.
	(3) The Cabinet Secretary may prescribe Regulations to give effect to this section.

Exclusion from protection.	13. The following indications shall not be protected as geographical indications—
	(a) indications which are contrary to any written law, offensive or undesirable;
	(b) indications which are contrary to public interest, in particular national security, nutrition, health, environmental conservation, or the development of other vital sectors of the national economy;
	(c) indications which are not protected or cease to be protected in their country of origin, or which have fallen into disuse in that country;
	(d) indications which confuse or deceive the public as to the characteristics, nature, quality, place of origin, process of production or the use of the product;
	(e) indications which have become generic;
	(f) indications which are similar or identical to known-marks; or
	(g) indications which conflict with the name of a plant variety or an animal breed and which are likely to deceive or cause confusion.
	(2) For the purposes of subsection 1(b), the applicant shall ensure that the rules governing the use of the geographical indication include environmental conservation measures to curb environmental degradation.
	(3) For the purposes of subsection 1(e), a generic indication means an indication which, although relating to the territory, region or locality where the products were originally produced, has lost its original meaning and has become the common name of such products and serves as a designation for or indication of the kind, nature, type or other property or characteristic of the product.
	PART IV—REGISTRATION OF GEOGRAPHICAL INDICATIONS
Application for registration and right to file an application	14. (1) An application for registration of a geographical indication shall be lodged with the Registrar.
	(2) The following persons shall have a right to lodge an application for registration of a geographical indication—

	(a) persons carrying on activities as producers in the geographical area specified in the application, with respect to the products specified in the application; or
	(b) any competent authority.
	(3) An applicant for a geographical indication may be represented by an agent.
	(4) Where the applicant's ordinary residence or principal place of business is outside Kenya, the applicant shall be represented by an agent who shall be a citizen of Kenya admitted to practise before the Institute.
	(5) The Cabinet Secretary may make Regulations for the better implementation of this section.
Particulars of application.	15. (1) The application for registration shall specify such particulars as maybe prescribed including the—
	(a) particulars of the applicant;
	(b) geographical indication for which registration is sought;
	(c) products for which the geographical indication is used;
	(d) delimitation of the geographical area to which the geographical indication applies;
	(e) quality, reputation or other characteristic of the product attributable to its geographical origin;
	(f) authorities or entities verifying compliance with the provisions of the requirements under this Act and the Regulations made thereunder; and
	(g) where applicable, any trade mark to be used alongside the indication.
	(2) The application under subsection (1) shall be accompanied by—
	(a) the rules governing the management of the geographical indication;
	(b) recommendation by the respective county government in support of the application; and
	(c) prescribed fees.
	(3) The details of the requirements with which the application shall comply

	shall be prescribed in the Regulations.
Guidelines on the creation of rules governing the use of geographical indications	16. The Registrar shall develop guidelines on the creation of the rules governing the use of geographical indications.
Examination, of geographical indications.	17. (1) The Registrar shall examine an application for registration of a geographical indication.
	(2) Where the application complies with the provisions of this Act, the Registrar shall publish admit and publish the application in such manner as may be prescribed by the Regulations.
	(3) Any interested person may within the prescribed period and in the prescribed manner, give a notice of opposition to the registration of a geographical indication.
	(4) Upon publication of the application and upon expiry of the prescribed period for giving the notice of opposition, and the—
	(a) registration of the geographical indication has not been opposed within the prescribed time limit; or
	(b) registration of the geographical indication has been opposed and the opposition has been decided in the applicant's favour,
	the Registrar shall:
	(i) register the geographical indication;
	(ii) issue a certificate to the applicant;
	(iii) cause the fact of the registration to be published in the Industrial Property Journal; and
	(iv) notify the respective County Government of such registration.
	(5) Where the provisions of subsection (1) are not fulfilled, the Registrar may—
	(a) (a) invite the applicant to correct any error or amend the application, within a specified period and, if the applicant fails to comply with such invitation, the application shall be deemed to be abandoned; or

	(b) refuse the application and notify the applicant of the refusal together with reasons for refusal.
	(6) The applicant may, any time before the registration of the geographical indication, withdraw the application.
	(7) Where registration of a geographical indication 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, treat the application as abandoned unless it is completed within the time specified.
	(8) The Cabinet Secretary may make regulations to give effect to this section.
Administration of geographical indication.	18. The applicant shall be the administrator of the geographical indication upon the registration thereof.
Prohibition of assignment.	19. The right to a registered geographical indication shall not be the subject matter of assignment, pledge or mortgage.
Transfer of the administration of a geographical indication by a competent authority.	20. Notwithstanding the provisions of section 19, a competent authority may apply to the Registrar for the transfer of administration of a registered geographical indication to another competent authority.
Term of a geographical indication.	21. A registered geographical indication shall be protected under this Act as long as the specific characteristics, quality or reputation which are the basis of the grant of the registration exist.
Maintenance of registration.	22. (1) In order to maintain the registration of a geographical indication, a maintenance fee shall be paid every ten years to the Institute in the manner prescribed in the Regulations under this Act.
	(2) An application lodged under subsection (1) above shall be accompanied by proof that the conditions which were the basis of the grant of registration still subsist.
	(3) Notwithstanding that registration of the geographical indication has lapsed under this section for non-payment of maintenance fee, the geographical indication shall continue to be protected in accordance with the provisions of sections 11(1) and 30(7) of this Act.

	(4) If a maintenance fee is not paid in accordance with the provisions of this section, the registration of the geographical indication shall lapse.
	(5) Upon lapse of the registration of a geographical indication, an administrator may request the Registrar to restore the registration.
	(6) The Cabinet Secretary may make Regulations for the implementation of this section.
Right of use.	23. (1) Only producers carrying out their activities in the geographical area specified in the Register shall have the right to use a registered geographical indication, in the course of trade, with respect to the products specified in the Register, provided that such products possess the quality, reputation or other characteristic specified in the Register.
	(2) Notwithstanding the provisions of subsection (1), the administrator may authorize any other person in the value-chain of the product to use such geographical indication in the course of trade.
	(3) Upon application in the prescribed manner, the Registrar may direct an administrator to admit any producer complying with the requirements of the geographical indication.
Labelling.	24. Upon registration of a geographical indication, the products produced under the registered geographical indication shall be labelled by the administrator in accordance with the prescribed requirements.
Change of particulars.	25. Any change of particulars provided for under section 15 shall be recorded in the Register upon payment of the prescribed fee in the manner prescribed in the Regulations.
Cancellation of Registration.	26. (1) The Registrar may cancel or rectify the Register of Geographical Indications.
	(2) Any person aggrieved by the decision of the Registrar of Geographical Indications to register the geographical indication under section 10(3) may request the Registrar to order—
	(a) the cancellation of a registration of a geographical indication on the ground that—

	(i) the indication does not qualify for protection as provided for under this Act;
	(ii) the indication was registered without any <i>bona fide</i> intention on the part of the administrator that it should be used in relation to those products by the administrator, and that there has in fact been no <i>bona fide</i> use of the geographical indication in relation to those products by any person thereof for the time being up to the date one month before the date of the application; or
	(iii) up to the date one month before the date of application, a continuous period of five years or longer elapsed during which the geographical indication was registered and during which there was no <i>bona fide</i> use thereof in relation to those products by any person thereof for the time being; or
	(b) the rectification of a registration of geographical indication on the ground that the geographical area specified in the registration does not correspond to the geographical indication.
	(3) Where the Registrar has made a decision to rectify or cancel the Register, the Registrar shall publish the rectification or cancellation in the Industrial Property Journal
	(4) The Cabinet Secretary may make regulations to give effect to this section.
Register of Geographical Indications.	27. (1) The Registrar shall keep maintain and update a Register in which all geographical indications registered under this Act shall be recorded and numbered in the order of registration
	(2) Any person may search, inspect, obtain extracts or apply for copies of the records maintained by the Registrar upon fulfillment of the conditions and payment of the prescribed fees.
Correction of Register.	28. The Registrar may, on his own motion or upon request by the administrator of a geographical indication make corrections in the Register.
	PART V—APPEALS, CIVIL PROCEEDINGS AND OFFENCES
Appeals.	29. Any decision taken by the Registrar under this Act may be the subject of an appeal by any interested party before the Court , and the appeal shall be filed within sixty days from the date of the decision of the

	Registrar.
Civil proceedings.	30. (1) Any interested party may institute proceedings to the Court to prevent the use of the geographical indication in respect of—
	(a) identical or similar products not originating in the place indicated by the designation in question;
	(b) identical or similar products in non-compliance with the requirements of a registered geographical indication; or
	(c) other products not originating in the place indicated by the designation in question, in a manner which is likely to deceive or cause confusion as to the geographical origin of the product or exploits the reputation of a geographical indication.
	(2) The protection afforded by subsection (1) shall also apply where the true origin of the product is indicated or where the geographical indication is used in translation or is accompanied by terms such as ‘kind’, ‘type’ ‘style’, ‘way’, ‘imitation’, ‘method’ or other analogous expressions, and the use or evocation of graphic symbols which may lead to deception or confusion.
	(3) Geographical indications shall be protected against any other practice liable to deceive or cause confusion to the consumer as to the true geographical origin of the product.
	(4) Any interested party may institute proceedings to the Court to prevent the use of—
	(a) incorrect indications of source of a product, or designations which may be confused with incorrect indications of the source;
	(b) names, addresses or trademarks in relation to trademarks or services of a different origin where there could be deception or confusing; or
	(c) any other practice liable to confuse or deceive the consumer as to the true geographical origin of the products.
	(5) The Court may grant the following relief—
	(a) an injunction to prevent infringement where infringement is imminent or to prohibit the continuation of the infringement, once infringement has started;
	(b) damages; or

	(c) any other remedy provided for in law.
	(6) No proceedings shall be instituted, to prevent, or to recover damages for, the infringement of an unregistered geographical indication.
	(7) Notwithstanding subsection 6, nothing in this Act shall be deemed to affect the rights of action against any person for passing off the geographical indications products of another person or the remedies in respect thereof.
Offences.	31. (1) A person who intentionally performs any of the acts referred to in section 30 in regard to a registered geographical commits an offence.
	(2) A person who makes a representation—
	(a) with respect to an indication which is not a registered geographical indication, to the effect that it is a registered geographical indication;
	(b) that a geographical indication is registered whether in whole or in part, knowing the same to be false;
	(c) to the effect that a registered geographical indication is registered in respect of any product in respect of which it is not registered;
	(d) to the effect that a geographical indication relates to a product other than that in respect of which it is registered; or
	(e) to the effect that the registration of a geographical indication gives an exclusive right to the use thereof in any circumstances in which, having regard to conditions entered on the Register, the registration does not give that right;
	commits an offence.
	(3) For the purposes of this section, the use in Kenya in relation to a geographical indication of the word "registered", or of any other word referring whether expressly or impliedly to registration, shall be deemed to import a reference to registration in the Register, except—
	(a) where that indication is used in physical association with other words delineated in characters at least as large as those in which that word is delineated and indicating that the reference is to registration as a geographical indication under the law of a country outside Kenya, being a country under the law of which the registration referred to is in fact in force;

	(b) where that indication, being a word other than the word "registered" is of itself such as to indicate that the reference is to the last-mentioned registration; or
	(c) where that indication is used in relation to a registered geographical indication under the law of a country outside Kenya and in relation to products to be exported to that country.
	(4) A person who is convicted of an offence under this section shall be liable to a fine of not exceeding five million shillings or imprisonment for a term of not less two years or both.
	PART VI—SPECIAL PROVISIONS CONCERNING MARKS AND NAMES
Deceptive or confusing marks.	32. (1) The Registrar of Trade Marks may at the request of any interested party, after hearing all the parties concerned, refuse or invalidate the registration of a trade mark which contains or consists of a geographical indication with respect to goods not originating in the territory, region or locality indicated, if use of the indication in the trade mark for such goods in Kenya is of such a nature as to be likely to deceive or cause confusion as to the true place of origin.
	(2) The Cabinet Secretary may make regulations to give effect to this section.
Exception regarding prior users.	33. Notwithstanding any other provision of this Act, the use, in good faith, of a trade mark which is identical or similar to a geographical indication which is registered under this Act may continue.
Use of names in the course of trade.	34. Notwithstanding the provisions of this Act, this Act shall in no way prejudice the right of any person to use, in good faith in the course of trade, that person's name or the name of that person's predecessor in business, except where the name is used in a manner likely to deceive or cause confusion.
	PART VII—GENERAL PROVISIONS
Exercise of discretionary powers.	35. Where any discretionary or other power is given to the Registrar by this Act or the Regulations, the Registrar shall not exercise that power adversely towards any party without giving the party an opportunity of being heard.

Extension of time.	36. (1) Upon request in the prescribed manner, any person may apply to the Registrar for extension of time for doing any act or taking any proceedings under this Act or Regulations made thereunder.
	(2) The extension may be granted, though the time for doing the act or taking the proceedings has expired.
Publication.	37. Where a matter is required to be published under this Act, it shall be published in the Industrial Property Journal.
Waiver of fees.	38. The Board may waive in whole or in part, any fee payable under this Act.
Expert opinion.	39. The Registrar may, in exercising the power conferred by this Act, seek opinion from any person, who has knowledge and experience in the field or expertise within which the subject of the geographical indications lies.
Personal data protection. Cap. 411C.	40. Processing of personal data in this Act shall be in compliance with the Data Protection Act.
Excluded days	41. When the last day for doing any act or taking any proceedings falls on a day when the Institute is not open to the public, it shall be lawful to do the act or take the proceeding on the day the Institute is next open for business.
Regulations.	42. (1) The Cabinet Secretary may, make Regulations generally for giving effect to this Act, and for prescribing anything required or necessary to be prescribed by or under this Act.
	(2) Without prejudice to the generality of subsection (1), Regulations made under subsection (1) may provide for—
	(a) fees;
	(b) procedure for making applications under the Act including electronic submission of applications and pleadings, and issuance of certificates;
	(c) procedures to determine the practical conditions for differentiation of homonymous geographical indications;

	(d) formality and substantive examination of an application;
	(e) publication of the application and registration of a geographical indication;
	(f) procedure for withdrawal of applications for registration of a geographical indication;
	(g) procedure for abandonment of applications for registration of a geographical indication;
	(h) service of pleadings, rulings and other documents;
	(i) appointment and admission of agents;
	(j) management of the geographical indication;
	(k) maintenance and restoration of a registered geographical indication and to require proof that the conditions which were the basis of the grant of registration subsist;
	(l) requirements for labelling geographical indication products;
	(m) correction of an application or Register of Geographical Indications;
	(n) change of particulars;
	(o) modification of rules governing the use of the geographical indication;
	(p) correction of any other document in respect of the geographical indication;
	(q) timelines for response to office actions, opposition, cancellation, rectification proceedings or appeals
	(r) extension of time for doing an act or taking any proceedings;
	(s) opposition proceedings;
	(t) cancellation or rectification proceedings;
	(u) request for hearing;

	(v) security for costs;
	(w) transfer of administration of a registered geographical indication to another competent authority;
	(x) request for search and preliminary advice;
	(y) admitting producers;
	(z) refusal or invalidation of registration of misleading marks; and
	(aa) translation and transliteration.