

PRACTICE NOTE SEVEN (7)

NOTICE OF RENEWAL OF TRADE MARKS

1. Section 23 of the Trade Marks Act, Cap 506 of the Laws of Kenya and rules 64 to 70 of the Trade Mark Rules provide for renewal of trade marks upon expiry of ten (10) years from the effective date of registration or from the date of the last renewal. Renewal of a registered trade mark is effected on the Register of Trade Marks upon the registered proprietor of the trade mark duly submitting to the Registrar an application on Form TM 10 and payment of the prescribed fee. Rule 67 provides that where the renewal fee has not been received on the due date, the Registrar shall publish the removal of the trade mark from the Register for non-renewal. However, prior to the publication of a mark under rule 67, the legislation requires the Registrar to issue a notice for removal of the trade mark. Rule 65 provides that the Registrar ***shall*** issue a sixty-day notice to the registered proprietor of the trade mark. Rule 66 provides that the Registrar ***may*** issue a further thirty-day notice to the registered proprietor of the trade mark.
2. **It is hereby clarified** that in consideration of the discretion granted under rule 66, the Registrar has resolved to discontinue issuing of the thirty-day notice under the rule.
3. **Further, it is hereby clarified** that where an Examiner of Trade Marks provisionally refuses registration of a later mark on account of existence of an earlier trade mark that is due for renewal and whose sixty-day notice under rule 65 had not been duly issued, the Examiner shall ensure that the notice is immediately issued and shall, in the provisional refusal letter, notify the Applicant of the later trade mark of the actual date of the notice for purposes of determining the date when the sixty-day period under rule 65 expires.

Dated this 30th day of June 2017

**Mr. Sylvance A. Sange
Registrar of Trade Marks**