

## **The Trade Marks (Amendment) Act, 1984 No. 1 of 1984**

*Date of Assent: 11th May, 1984*

*Date of Commencement: 18th May, 1984*

*An Act of Parliament to amend the Trade Marks Act to provide for protection of the Olympic symbol and for matters connected therewith*

Enacted by the Parliament of Kenya as follows:—

*Short Title*

1. This Act may be cited as the Trade Marks (Amendment) Act, 1984.

*Insertion of New Heading in Cap. 506*

2. The Trade Marks Act is amended by deleting the heading to Part XI and inserting the following:—

### **Part XI Offences, and Restraint of Registration and Use of Certain Marks**

*Insertion of New Section 59 in Cap. 506*

3. The Trade Marks Act is amended by inserting the following new section—

*Restraint of Registration and Use of Olympic Symbol*

**59.**—(1) Subject to an authorization by or on behalf of the International Olympic Committee, no sign consisting of or containing the Olympic symbol, as defined in the Charter of the International Olympic Committee and consisting of five interlaced rings, whether delineated in a single colour or in different colours, shall be registered as a mark, or used for commercial purposes as a mark or other sign; and where such a sign has been registered as a mark that registration shall be void.

(2) Nothing in subsection (1) shall prevent the use of the sign or design where it is made by the mass media for the purposes of informing the public about the Olympic movement.

(3) The Minister may, by notice in the Gazette, suspend the operation of subsection (1) during any period during which there is no agreement in force between the International Olympic Committee and the Kenya Olympic Association concerning the conditions under which authorization for the use of the Olympic symbol may be made.

(4) Notwithstanding the provisions of section 5, an interested party may institute proceedings to—

(a) prevent the use or registration of a sign referred to in subsection (1) contrary to the provisions of that subsection;

(b) obtain the removal from the register of a sign registered as a mark contrary to the provisions of subsection (1);

(c) claim damages or other available civil remedy arising out of the matters referred to in paragraph (a)

or (b).