

**THE TRADE MARKS (AMENDMENT) ACT, 1965****No. 11 of 1965***Date of Assent: 5th May 1965**Date of Commencement: 11th May 1965***An Act of Parliament to amend the Trade Marks Act**

ENACTED by the Parliament of Kenya, as follows:—

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| 1. This Act may be cited as the Trade Marks (Amendment) Act, 1965.  | Short title.                                     |
| 2. Section 12 (3) of the Trade Marks Act, hereinafter called the principal Act, is amended by deleting the proviso thereto.   | Amendment of section 12 of Cap. 506.             |
| 3. Section 13 (2) of the principal Act is amended by deleting the proviso thereto.  | Amendment of section 13 of principal Act.        |
| 4. Section 14 of the principal Act is amended by deleting subsection (2) thereof.   | Amendment of section 14 of principal Act.        |
| 5. The principal Act is amended by deleting sections 55 and 56 thereof.   | Deletion of sections 55 and 56 of principal Act. |
| 6. The principal Act is amended by deleting section 59 thereof.   | Deletion of section 59 of principal Act.         |
| 7. Section 65 of the principal Act is amended—  | Amendment of section 65 of principal Act.        |
| (a) by deleting the words “and Commonwealth”, which appear in the marginal note thereto;  |  |
| (b) by substituting for subsection (1) thereof the following new subsection—  |  |
| (1) Where any person has registered or has applied for protection for any trade mark in any foreign state with the Government of which the Government of Kenya has made arrangements for mutual protection of trade marks, such person or his legal representative or assignee shall be entitled to registration of his trade mark in priority to other applicants; and such registration shall have the same |  |

date as the date of application for protection in the foreign state if the application for registration is made within six months of the date of the application for protection in the foreign state:

Provided that nothing in this section shall entitle the proprietor to recover damages for infringements happening prior to the actual date on which his trade mark is registered in Kenya;

(c) by substituting for subsection (4) thereof the following new subsection—

(4) The provisions of this section shall apply only in the case of those foreign states in respect of which the Attorney-General may by notice in the Gazette declare them to be applicable and so long only as such notice continues in force with respect to such states.;

(d) by deleting subsection (5) thereof.

Substitution of  
Attorney-General  
for Minister in  
principal Act.

8. The principal Act is amended by substituting for the word "Minister" wherever it appears the word "Attorney-General".

Deletion of  
Second Schedule  
to principal Act.

9. The principal Act is amended by deleting the Second Schedule thereto.