

# BENEFITS OF PATENT EXAMINATION

Ms.Elvine Apiyo

Kenya Industrial Property Institute

[Info@kipi.go.ke](mailto:Info@kipi.go.ke) and [www.kipi.go.ke](http://www.kipi.go.ke)

# Introduction

- The Kenya Industrial Property Institute, body corporate established under the Industrial Property Act, 2001 .
- The Institute charged with Responsibility of administering the IP Act and the Trade Marks Act, CAP 506.
- The Institute is headed by a Managing Director who is responsible for the day to day management of the affairs of the Institute.
- The functions of the Institute are to:
  - 1. Administer industrial property rights;
  - 2. Provide technological information to the public;
  - 3. promote inventiveness and innovativeness in Kenya; and
  - 4. Provide training on Industrial property.

# Introduction

- Kenya being common law country 3 main divisions in administration of IPRs, Industrial Property, KIPI, Copyright, Kenya Copyright Board and Plant Breeders Rights, Kenya Health Plant Inspectorate Service.
- Upon being a member of WTO in 1995 Kenya obligated to implement TRIPS compliant Legislation and reviewed the 1989, Industrial Property Act.

# Definitions

- Patent describes an invention for which the inventor claims the exclusive right.
- An invention is therefore a new solution to a technical problem( product, process and new use).Section 21 of the IPA,2001.
- Exclusions are also listed inter alia,discoveries,scientific theories and methods of treatment of human and animal body.

# Patentability

- An invention must meet the following three requirements:
- It must be new-novelty
- Must have an inventive step
- Must be industrially applicable

# Patent Document

- Key elements
- Title
- Inventor
- Technical field
- Background.
- Summary
- Drawings –description
- Claims
- Abstract

# Substantive Examination

- Compliance with the law-Industrial Property Act,2001.
- Sufficent disclosure
- Identification of subject matter
- Novelty,inventive step and industrial application

# Benefits

- To the General public:
- Less costly and less rigorous.
- Accessibility and speedy and timeously receive feedback.
- Stronger protection and sense of control
- Clear enforcement
- More revenue and opportunity for enhancement of human resource base in the IP office.