

CHAPTER 402

THE REGISTERED DESIGNS ACT

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CHAPTER 402

REGISTERED DESIGNS

*Federal Act
12 of 1958
Government
Notices
187 of 1964
497 of 1964
Statutory
Instrument
175 of 1965
Acts No.
16 of 1980
25 of 1987
13 of 1994*

An Act to make provision relating to the registration of designs and for other purposes incidental thereto.

[1st December, 1958]

PART I

PRELIMINARY

1. This Act may be cited as the Registered Designs Act. Short title
2. (1) In this Act, unless the context otherwise requires-
- "article" means any article of manufacture and includes any part of an article if that part is made and sold separately; Interpretation
Cap. 400
Cap. 400
Cap. 30
Cap. 400
- "artistic work" means a work of any of the following descriptions, that is to say:
- (a) the following, irrespective of artistic quality, namely, paintings, sculptures, drawings, engravings and photographs;
- (b) works of architecture, being either buildings or models for buildings;
- (c) works of artistic craftsmanship, not falling within paragraph (a) or (b);
- "assignee" means-
- (a) the person who has derived his title to the design for Zambia directly or indirectly from the proprietor thereof or from the latter's assignee; or
- (b) the legal representative of such person;
- "Convention" means the Union Convention of Paris, dated the 20th March, 1883, for the Protection of Industrial Property, revised at Brussels on the 14th December, 1900, at Washington on the 2nd June, 1911, at The Hague on the 6th November, 1925, and at London on the 2nd June, 1934, and any revision thereof to which the *former Federation of Rhodesia and Nyasaland or the former Protectorate of Northern Rhodesia may have acceded or to which the **Republic may accede in terms of section *seven* of the Patents Act;
- * Acceded with effect from 1st April, 1958. (F.G.N. No. 39 of 1958.)
- ** Acceded with effect from 24th October, 1964. (G.N. No. 1751 of 1965.)
- "convention country" means a country (including any colony,

protectorate or territory subject to the authority or under the suzerainty of that country, or any territory over which a mandate or trusteeship is exercised) which has been declared to be a convention country in terms of the Patents Act;

"copyright", in relation to a registered design, has the meaning assigned to it by subsection (1) of section *fourteen*;

"corresponding design", in relation to an artistic work, means a design which, when applied to an article, results in a reproduction of that work;

"design" means features of shape, configuration, pattern or ornament applied to an article by any industrial process or means, being features which in the finished article appeal to and are judged solely by the eye, but does not include a method or principle of construction or features of shape or configuration which are dictated solely by the function which the article to be made in that shape or configuration has to perform;

"Designs Office" means the Designs Office established under section *three*;

"legal practitioner" means a person admitted or otherwise entitled to practise as a barrister and solicitor in terms of the Legal Practitioners Act;

"legal representative" means-

- (a) the liquidator or receiver of a company;
- (b) the representative recognised by law of any person who has died, become bankrupt, assigned his estate, is an infant or a minor, or of unsound mind, or is otherwise under a disability;

"Patent Journal" means the journal for which provision is made in section *ninety-five* of the Patents Act;

"proprietor" has the meaning assigned to it by section *eight*;

"register" means the register of designs kept under the provisions of this Act;

"registered proprietor" means the person or persons for the time being entered in the register as the proprietor of the design;

"Registrar" means the Registrar of Designs appointed under section *four*;

"set of articles" means a number of articles of the same general character ordinarily on sale or intended to be used together, to each of which the same design, or the same design with modifications or variations not sufficient to alter the character or substantially to affect the identity thereof, is applied;

(2) Any reference in this Act to an article in respect of which a design is registered shall, in the case of a design registered in respect of a set of articles, be construed as a reference to any article of that set.

(3) Any question arising under this Act whether a number of articles constitutes a set of articles shall be determined by the Registrar; and notwithstanding anything in this Act any determination of the Registrar under this subsection shall be final.

*(As amended by G.N. No. 187 of 1964,
S.I. No. 175 of 1965 and No. 16 of 1980)*

PART II

ADMINISTRATION

3. There shall be established under the direction of the Minister an office to be called the Designs Office. Establishment of Designs Office

4. There shall be-

(a) a Registrar of Designs who shall exercise the powers and perform the duties assigned to the Registrar by this Act and shall be responsible for its administration; and

(b) one or more Deputy Registrars of Designs who shall, subject to the control of the Registrar, have all the powers conferred by this Act upon the Registrar; and

(c) such examiners and other officers as may be necessary for carrying out the provisions of this Act.

Appointment of officers

5. The seal of the Patent Office kept in terms of the Patents Act shall also be the seal of the Designs Office, and impressions thereof made for the purposes of this Act shall be judicially noticed. Seal. Cap. 400

6. (1) There shall be kept at the Designs Office for the purposes of this Act a register of designs wherein shall be entered all registered designs with the names and addresses of their proprietors, notifications of assignments and transmissions, and such other matters relating to registered designs as may be prescribed or as the Registrar may think fit. Register of designs

(2) Subject to the provisions of this Act, the register of designs shall, at all convenient times, be open to inspection by the public, and certified copies, sealed with the seal of the Patent Office, of any entry in the register shall be given to any person requiring them on payment of the prescribed fee.

(3) The register of designs shall be *prima facie* evidence of any matters required or authorised by or under this Act to be entered therein.

(4) No notice of any trust, whether expressed, implied or constructive, shall be entered in the register, and the Registrar shall not be affected by any such notice.

PART III

REGISTRABLE DESIGNS AND PROCEEDINGS FOR REGISTRATION

7. (1) Subject to the following provisions of this section, a design may, upon application made by the person claiming to be the proprietor, his assignee or legal representative, be registered under this Act in respect of any article or set of articles specified in the application. Designs registrable under Act

(2) Subject to the provisions of this Act, a design shall not be registered thereunder unless it is new or original and in particular shall not be so registered in respect of any article if it is the same as a design which before the date of the application for registration appears on the register or has been published in the former Federation of Rhodesia and Nyasaland or, after the 1st January, 1964, the former Protectorate of Northern Rhodesia or the Republic in respect of the same or any other article or differs from such a design only in immaterial details or in features which are variants commonly used in trade.

(3) Regulations made by the Minister under this Act may provide for excluding from registration thereunder designs for such articles, being articles which are primarily literary or artistic in character, as the Minister thinks fit.

(As amended by G.N. No. 187 of 1964)

and S.I. No. 175 of 1965)

8. (1) Subject to the provisions of this section, the author of a design shall be treated for the purposes of this Act as the proprietor of the design: **Proprietorship of designs**

Provided that where the design is executed by the author for another person for valuable consideration, that other person shall be treated for the purposes of this Act as the proprietor.

(2) Where a design, or the right to apply a design to any article, becomes vested, whether by assignment, transmission or operation of law, in any person other than the original proprietor, either alone or jointly with the original proprietor, that other person, or, as the case may be, the original proprietor and that other person, shall be treated for the purposes of this Act as the proprietor of the design or as the proprietor of the design in relation to that article.

9. (1) An application for the registration of a design shall be made in the prescribed form and shall be lodged at the Designs Office in the prescribed manner: **Proceedings for registration**

(2) For the purpose of deciding whether a design is new or original, the Registrar may make such searches, if any, as he thinks fit.

(3) The Registrar may refuse any application for the registration of a design or may register the design in pursuance of the application subject to such modifications, if any, as he thinks fit.

(4) An application which, owing to any default or neglect on the part of the applicant, has not been completed so as to enable registration to be effected within such time as may be prescribed shall be deemed to be abandoned.

(5) Except as otherwise expressly provided by this Act, a design when registered shall be registered as of the date on which the application for registration was made, or such other date (whether earlier or later than that date) as the Registrar may in any particular case direct:

Provided that no proceedings shall be taken in respect of any infringement of copyright in that design committed before the date on which the certificate of registration thereof under this Act is issued.

(6) An appeal shall lie from any decision of the Registrar under subsection (3).

10. (1) Where the registered proprietor of a design registered in respect of any article makes an application-

Registration of same design in respect of other articles, etc.

(a) for registration in respect of one or more other articles, of the registered design; or

(b) for registration in respect of the same or one or more other articles, of a design consisting of the registered design with modifications or variations not sufficient to alter the character or substantially to affect the identity thereof;

the application shall not be refused and the registration made on that application shall not be invalidated by reason only of the previous registration or publication of the registered design:

Provided that the period of copyright in a design registered by virtue of this section shall not extend beyond the expiration of the original and any extended period of copyright in the original registered design.

(2) Where any person makes an application for the registration of a design in respect of any article and either-

(a) that design has been previously registered by another person in respect of some other article; or

(b) the design to which the application relates consists of a design previously registered by another person in respect of the same or some other article with modifications or variations not sufficient to alter the character or substantially to affect the identity thereof;

then, if at any time while the application is pending the applicant becomes the registered proprietor of the design previously registered,

the provisions of subsection (1) shall apply as if at the time of making the application the applicant had been the registered proprietor of that design.

11. (1) In this section, "competent authority" means the President or the Minister or Junior Minister, if any, to whom the President may assign special responsibilities for defence matters. Provisions for secrecy of certain designs

(2) Where an application for the registration of a design has been made, and it appears to the Registrar that the design is one of a class notified to him by the competent authority as relevant for defence purposes, he may give directions for prohibiting or restricting the publication of information with respect to the design, or the communication of such information to any person or class of persons specified in the directions.

(3) Regulations shall be made by the Minister under this Act for securing that the representation or specimen of a design, in the case of which directions are given under this section, shall not be open to inspection at the Designs Office during the continuance in force of the directions.

(4) Where the Registrar gives any such directions as aforesaid, he shall give notice of the application and of the directions to the competent authority, and thereupon the following provisions shall have effect, that is to say:

(a) the competent authority shall, upon receipt of such notice, consider whether the publication of the design would be prejudicial to the defence of the Republic and unless a notice under paragraph (c) has previously been given by that authority to the Registrar, shall reconsider that question before the expiration of nine months from the date of lodging of the application for registration of the design and at least once in every subsequent year;

(b) for the purpose aforesaid, the competent authority may, at any time after the design has been registered or with the consent of the applicant, at any time before the design has been registered, inspect the representation or specimen of the design lodged in pursuance of the application;

(c) if upon consideration of the design at any time it appears to the competent authority that the publication of the design would not, or would no longer, be prejudicial to the defence of the Republic, that authority shall give notice to the Registrar to that effect;

(d) on the receipt of any such notice, the Registrar shall revoke the directions and may, subject to such conditions, if any, as he thinks fit, extend the time for doing anything required or authorised to be done by or under this Act in connection with the application or registration, whether or not that time has previously expired.

(5) No person ordinarily resident or domiciled in Zambia shall, while in Zambia, except under the authority of a written permit granted by or on behalf of the Registrar, make or cause to be made any application outside Zambia for the registration of a design of any class prescribed for the purposes of this subsection unless-

(a) an application for registration of the same design has been made in Zambia not less than six weeks before the application outside Zambia; and

(b) either no directions have been given under subsection (2) in relation to the application in Zambia or all such directions have been revoked.

(6) If any person fails to comply with any direction given under this section or makes or causes to be made an application for the registration of a design in contravention of this section, he shall be guilty of an offence.

(7) Where an offence under this section is committed by a body corporate, every person who at the time of the commission of the offence is a director, general manager, secretary or other similar officer of the body corporate, or is purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

*(As amended by G.N. No. 187 of 1964
and S.I. No. 175 of 1965)*

12. (1) An application for the registration of a design shall not be refused, and the registration of a design shall not be invalidated, by reason only of-

Provisions as to confidential disclosure, etc.

(a) the disclosure of the design by the proprietor to any other person in such circumstances as would make it contrary to good faith for that other person to use or publish the design;

(b) the disclosure of the design in breach of good faith by any person other than the proprietor of the design;

(c) in the case of a new or original textile design intended for registration, the acceptance of a first and confidential order for goods bearing the design; or

(d) the communication of the design by the proprietor thereof to a Government department or to any person authorised by the Minister to consider the merits of the design, or of anything done in consequence of such a communication.

(2) Where copyright subsists in an artistic work, and an application is made by, or with the consent of, the owner of that copyright for the registration of a corresponding design, that design shall not be treated for the purposes of this Act as being other than new or original by reason only of any use previously made of the artistic work, unless-

(a) the previous use consisted of or included the sale, letting for hire, or offer for sale or hire of articles to which the design in question (or a design differing from it only as mentioned in subsection (2) of section *seven*) had been applied industrially, other than articles of a description specified in regulations made under subsection (3) of section *seven*; and

(b) that previous use was made by, or with the consent of, the owner of the copyright in the artistic work.

(As amended by G.N. No. 187 of 1964)

13. (1) Any person who qualifies under Article 2 or 3 of the Convention and who has applied for protection for any design in a convention country, or his legal representative or assignee (if such assignee is also so qualified), may make an application for registration

Convention arrangements

of that design in priority to other applicants; and the registration shall have the same date as the date of the application in the convention country or, where more than one such application for protection has been made, the date of the first such application:

Provided that-

(i) the application for registration is made within six months from the date of the application for protection in the convention country or, where more than one such application for protection has been made, from the date of the first application;

(ii) no proceedings shall be taken in respect of any infringement of copyright in that design committed before the date on which the certificate of registration thereof under this Act is issued.

(2) An application for the registration of a design made by virtue of this section shall not be refused, and the registration of a design on such an application shall not be invalidated, by reason only of the registration or publication of the design in the former Federation of Rhodesia and Nyasaland or after the 1st January, 1964, the former Protectorate of Northern Rhodesia or the Republic during the period specified in proviso (i) to subsection (1) as that within which the application for registration may be made.

(3) Where an applicant referred to in subsection (1) has applied for protection for any design by an application which, in accordance with the law of any convention country, is equivalent to an application duly made in that convention country, he shall be deemed for the purposes of this section to have applied in that convention country.

*(As amended by G.N. No. 187 of 1964
and S.I. No. 175 of 1965)*

13A. (1) In this section-

ARIPO industrial
designs

(a) "ARIPO" means the African Regional Industrial Property Organisation, formerly known as the Industrial Property Organisation for English-Speaking Africa (ESARIPO), which was established, under the former name, by an agreement adopted at Lusaka on 9th December, 1976; and

(b) "ARIPO Protocol" means the Protocol on Patents and Industrial Designs within the Framework of ARIPO, adopted at Harare on 10th December, 1982.

(2) Where an industrial design has been registered by ARIPO under section 4 (7) of the ARIPO Protocol and the Registrar has not objected, under section 4 (3) of the Protocol, to the industrial design having effect in Zambia, the design shall for all purposes be deemed to have been registered under this Act.

(3) An industrial design shall not be deemed to have been registered under this section if, under section 4 (3) of the ARIPO Protocol, the Registrar objects to its having effect in Zambia.

(As amended by Act No. 25 of 1987)

PART IV

EFFECT OF REGISTRATION, ETC.

14. (1) The registration of a design under this Act shall give to the registered proprietor the copyright in the registered design, that is to say, the exclusive right in Zambia to make or import for sale or for use for the purposes of any trade or business, or to sell, hire or offer for sale or hire, any article in respect of which the design is registered, being an article to which the registered design or a design not substantially different from the registered design has been applied, and to make anything for enabling any such article to be made as aforesaid. Right given by registration

(2) Subject to the provisions of this Act, the registration of a design shall have the same effect against the State as it has against a subject.

(As amended by G.N. No. 187 of 1964 and S.I. No. 175 of 1965)

15. (1) Copyright in a registered design shall, subject to the provisions of this Act, subsist for a period of five years from the date of copyright registration. Period of registration

(2) The Registrar shall extend the period of copyright for a second

period of five years from the expiration of the original period and for a third period of five years from the expiration of the second period if an application for extension of the period of copyright for the second or third period is made in the prescribed form before the expiration of the original period or the second period, as the case may be, and if the prescribed fee is paid before the expiration of the relevant period or within such further period (not exceeding three months) as may be specified in a request made to the Registrar and accompanied by the prescribed additional fee.

(3) Where in the case of a registered design it is shown-

(a) that the design, at the time when it was registered, was a corresponding design in relation to an artistic work in which copyright subsisted under the written law relating to copyright.

(b) that, by reason of a previous use of that artistic work, the design would not have been registrable under this Act but for subsection (2) of section *twelve*; and

(c) that the copyright in that work under the written law relating to copyright expired before the date of expiry of the copyright in the design;

the copyright in the design shall, notwithstanding anything in this section, be deemed to have expired at the same time as the copyright in the artistic work, and shall not be renewable after that time.

(As amended by G.N. No. 187 of 1964)

16. (1) In proceedings for the infringement of copyright in a registered design, damages shall not be awarded against a defendant who proves that at the date of the infringement he was not aware, and had no reasonable ground for supposing, that the design was registered; and a person shall not be deemed to have been aware or to have had reasonable ground for supposing as aforesaid by reason only of the marking of an article with the word "registered" or any abbreviation thereof, or any word or words expressing or implying that the design applied to the article has been registered, unless the number of the design accompanied the word or words or the abbreviation in question.

Exemption of innocent infringer from liability for damages

(2) Nothing in this section shall affect the power of the High Court to grant an injunction or interdict in any proceedings for infringement of copyright in a registered design.

(As amended by Act No. 16 of 1980)

17. (1) At any time after a design has been registered, any person interested may apply to the Registrar for the grant of a compulsory licence in respect of the design on the ground that the design is not applied in Zambia by any industrial process or means to the article in respect of which it is registered to such an extent as is reasonable in the circumstances of the case; and the Registrar may make such order on the application as he thinks fit. Compulsory licence in respect of registered design

(2) An order for the grant of a licence shall, without prejudice to any other method of enforcement, have effect as if it were a deed executed by the registered proprietor and all other necessary parties, granting a licence in accordance with the order.

(3) No order shall be made under this section which would be at variance with any of the provisions of the Convention.

(4) An appeal shall lie from any order of the Registrar under this section.

(As amended by G.N. No. 187 of 1964)

PART V

USE OF REGISTERED DESIGNS FOR SERVICES OF THE STATE

18. (1) Notwithstanding anything in this Act, any Government department or any person authorised in writing by the Minister may use any registered design for the services of the State in accordance with the provisions of this section. Use of registered designs for services of the State

(2) If and so far as the design has before the date of registration thereof been duly recorded by or applied by or on behalf of a Government department, otherwise than in consequence of the communication thereof directly or indirectly by the registered proprietor or any person from whom he derives title, any use of the design by virtue of this section may be made free of any royalty or other payment to the registered proprietor.

(3) If and so far as the design has not been so recorded or applied as aforesaid, any use of the design made by virtue of this section at any time after the date of registration thereof, or in consequence of any such communication as aforesaid, shall be made upon such terms as may be agreed upon, either before or after the use, between the Minister and the registered proprietor with the approval of the Minister responsible for finance, or as may in default of agreement be determined by the High Court on a reference under subsection (1) of section *twenty-one*.

(4) The authority of the Minister in respect of a design may be given under this section either before or after the design is registered and either before or after the acts in respect of which the authority is given are done, and may be given to any person, whether or not he is authorised directly or indirectly by the registered proprietor to use the design.

(5) Where any use of a design is made by a Government department or any person authorised by the Minister under this section, then, unless it appears to the Minister that it would be contrary to the public interest so to do, the Minister shall notify the registered proprietor as soon as practicable after the use is begun, and furnish him with such information as to the extent of the use as he may from time to time require.

(6) For the purposes of this Part, any use of a design for the supply to the government of any country outside Zambia, in pursuance of any agreement or arrangement between the Government and the government of that country, of articles required for the defence of that country shall be deemed to be a use of the design for the services of the State, and the power of a Government department or a person authorised by the Minister under this section to use a design shall include power-

(a) to sell such articles to the government of any country in pursuance of any such agreement or arrangement as aforesaid; and

(b) to sell to any person any articles made in the exercise of the powers conferred by this section which are no longer required for the purpose for which they were made.

(7) The purchaser of any articles sold in the exercise of powers conferred by this section, and any person claiming through him, shall have power to deal with them in the same manner as if the rights in the registered design were held on behalf of the State.

(As amended by G.N. No. 187 of 1964 ,
S.I. No. 175 of 1965 and Act No. 16 of 1980)

19. (1) In this section, "exclusive licence" means a licence from a registered proprietor which confers on the licensee or on the licensee and persons authorised by him, to the exclusion of all other persons (including the registered proprietor), any right in respect of the registered design.

Rights of third parties in respect of State use

(2) In relation to any use of a registered design, or a design in respect of which an application for registration is pending, made for the services of the State-

(a) by a Government department or a person authorised by the Minister under section *eighteen*; or

(b) by the registered proprietor or applicant for registration to the order of a Government department;

the provisions of any licence, assignment or agreement made, whether before or after the commencement of this Act, between the registered proprietor or applicant for registration or any person who derives title from him or from whom he derives title and any person other than a Government department, shall be of no effect so far as those provisions restrict or regulate the use of the design, or any model, document or information relating thereto, or provide for the making of payments in respect of any such use, or calculated by reference thereto; and the reproduction or publication of any model or document in connection with the said use shall not be deemed to be an infringement of any copyright subsisting in the model or document.

(3) Where an exclusive licence granted otherwise than for royalties or other benefits determined by reference to the use of the design is in force under the registered design, then-

(a) in relation to any use of the design which, but for the provisions of this section and section *eighteen*, would constitute an infringement of the rights of the licensee, subsection (3) of section *eighteen* shall

have effect as if for the reference to the registered proprietor there were substituted a reference to the licensee; and

(b) in relation to any use of the design by the licensee by virtue of an authority given under section *eighteen*, that section shall have effect as if subsection (3) thereof were omitted.

(4) Subject to the provisions of subsection (3), where the registered design or the right to apply for or obtain registration of the design has been assigned to the registered proprietor in consideration of royalties or other benefits determined by reference to the use of the design, then-

(a) in relation to any use of the design by virtue of section *eighteen*, subsection (3) of that section shall have effect as if the reference to the registered proprietor included a reference to the assignor, and any sum payable by virtue of that subsection shall be divided between the registered proprietor and the assignor in such proportion as may be agreed upon between them or as may in default of agreement be determined by the High Court on a reference under section *twenty-one*; and

(b) in relation to any use of the design made for the services of the State by the registered proprietor to the order of a Government department, subsection (3) of section *eighteen* shall have effect as if that use were made by virtue of an authority given under that section.

(5) Where, under subsection (3) of section *eighteen*, payments are required to be made by a Government department to a registered proprietor in respect of any use of a design, any person being the holder of an exclusive licence under the registered design (not being such a licence as is mentioned in subsection (3) of this section) authorising him to make that use of the design shall be entitled to recover from the registered proprietor such part, if any, of those payments as may be agreed upon between that person and the registered proprietor, or as may in default of agreement be determined by the High Court under section *twenty-one* to be just having regard to any expenditure incurred by that person-

(a) in developing the said design; or

(b) in making payments to the registered proprietor, other than royalties or other payments determined by reference to the use of the design, in consideration of the licence;

and if, at any time before the amount of any such payment has been agreed upon between the Government department and the registered proprietor, that person gives notice in writing of his interest to the department, any agreement as to the amount of that payment shall be of no effect unless it is made with his consent.

(As amended by S.I. No. 175 of 1965
and Act No. 16 of 1980)

20. (1) In this section, "period of emergency" means any period beginning on such date as may be declared by the Minister by statutory notice to be the commencement, and ending on such date as may be so declared to be the termination, of a period of emergency. Special provisions as to State use during emergency

(2) During any period of emergency the powers exercisable in relation to a design by a Government department or a person authorised by the Minister under section *eighteen*, shall include power to use the design for any purpose which appears to the Minister necessary or expedient-

- (a) for the efficient prosecution of any war in which the Republic may be engaged;
- (b) for the maintenance of supplies and services essential to the life of the community;
- (c) for securing a sufficiency of supplies and services essential to the well-being of the community;
- (d) for promoting the productivity of industry, commerce and agriculture;
- (e) for fostering and directing exports and reducing imports or imports of any classes, from all or any countries and for redressing the balance of trade;
- (f) generally for ensuring that the whole resources of the community are available for use, and are used, in a manner best calculated to serve the interests of the community; or
- (g) for assisting the relief of suffering and the restoration and distribution of essential supplies and services in Zambia or any foreign countries that are in grave distress as the result of war;

and any reference in this Part to the services of the State shall be construed as including a reference to the purposes aforesaid.

(As amended by G.N. No. 187 of 1964
and S.I. No. 175 of 1965)

21. (1) Any dispute as to-

Reference of
disputes as to
State use

(a) the exercise by a Government department or a person authorised by the Minister of the powers conferred by section *eighteen*;

(b) the terms for the use of a design for the services of the State thereunder; or

(c) the right of any person to receive any part of a payment made in pursuance of subsection (3) of section *eighteen*; may be referred to the High Court by any party to the dispute in such manner as may be prescribed.

(2) In any proceedings under this section to which a Government department is a party, the Government department may-

(a) if the registered proprietor is a party to the proceedings, apply for cancellation of the registration of the design upon any ground upon which the deletion of a design may be ordered by the High Court under section *twenty-four*;

(b) in any case, put in issue the validity of the registration of the design without applying for its cancellation.

(3) If in such proceedings as aforesaid any question arises whether a design has been recorded or applied as mentioned in section *eighteen* and the disclosure of any document recording the design, or of any evidence of the application thereof, would, in the opinion of the Government department, be prejudicial to the public interest, the disclosure may be made confidentially to counsel appearing for the other party or to an independent expert agreed upon by the parties.

(4) In determining under this section any dispute between a

Government department and any person as to terms for the use of a design for the services of the State, the High Court shall have regard to any benefit or compensation which that person or any person from whom he derives title may have received, or may be entitled to receive, directly or indirectly from any Government department in respect of the design in question.

*(As amended by S.I. No. 175 of 1965
and Act No. 16 of 1980)*

PART VI

ASSIGNMENTS. CORRECTIONS AND CANCELLATION

22. (1) Where any person becomes entitled by assignment, Registration of
transmission or operation of law to a registered design or to a share in a assignments, etc.
registered design, or becomes entitled as mortgagee, licensee or
otherwise to any other interest in a registered design, he may apply to
the Registrar in the prescribed manner for the registration of his title as
proprietor or co-proprietor or, as the case may be, of notice of his
interest, in the register.

(2) Without prejudice to the provisions of subsection (1), an
application for the registration of the title of any person becoming
entitled by assignment to a registered design or a share in a registered
design, or becoming entitled by virtue of a mortgage, licence or other
instrument to any other interest in a registered design, may be made in
the prescribed manner by the assignor, mortgagor, licensor or other
party to that instrument, as the case may be.

(3) Where application is made under this section for the registration of
title of any person, the Registrar shall, upon proof of title to his
satisfaction-

(a) where that person is entitled to a registered design or a share in
a registered design, register him in the register as proprietor or
co-proprietor of the design, and enter in that register particulars of the
instrument or event by which he derives title; or

(b) where that person is entitled to any other interest in the
registered design, enter in that register notice of his interest, with
particulars of the instrument, if any, creating it.

(4) Subject to any rights vested in any other person of which notice is entered in the register of designs, the person or persons registered as proprietor of a registered design shall have power to assign, grant licences under, or otherwise deal with the design, and to give effectual receipts for any consideration for any such assignment, licence or dealing.

(5) Except for the purposes of an application to rectify the register under the provisions of this Act, a document in respect of which no entry has been made in the register under subsection (3) shall not be admitted in any proceedings as evidence of the title of any person to a registered design or share of or interest in a registered design unless the High Court or the Supreme Court otherwise directs.

*(As amended by G.N. No. 187 of 1964
and Act No. 16 of 1980)*

23. (1) The Registrar may authorise the correction of any clerical error or omission or error in translation in any application for the registration or in the representation of a design, or any error in the register.

Power of
Registrar to
authorise
corrections

(2) A correction may be made in pursuance of this section, either upon a request in writing made by any person interested and accompanied by the prescribed fee, or without such a request.

(3) Where it is proposed to make a correction otherwise than upon such a request, the Registrar shall give notice of the proposal to the registered proprietor or the applicant for registration of the design, as the case may be, and to any other person who appears to him to be concerned, and shall give any such person an opportunity of being heard before the correction is made.

24. (1) The High Court may, on the application of any person aggrieved, order the register to be rectified by the making of any entry therein or the variation or deletion of any entry therein.

Rectification of
register

(2) The High Court may determine any question which it may be necessary or expedient to decide in connection with the rectification of

the register.

(3) *Repealed by Act No. 16 of 1980.*

(4) A notice of any order made by the High Court under this section shall be served on the Registrar in the prescribed manner, and the Registrar shall, on receipt of the notice, rectify the register accordingly.

(As amended by Act No 16 of 1980)

25. (1) The Registrar may, upon a request made in the prescribed manner by the registered proprietor, cancel the registration of a design. Cancellation of registration

(2) At any time after a design has been registered, any person interested may apply to the Registrar for the cancellation of the registration of the design on the ground that-

(a) the design was not, at the date of the registration thereof, new or original;

(b) the design, at the time when it was registered, was a corresponding design in relation to an artistic work in which copyright subsisted under the written law relating to copyright;

(c) by reason of a previous use of that artistic work, the design would not have been registrable under this Act but for subsection (2) of section *twelve*; or

(d) the copyright in that work under the written law relating to copyright has expired;

or on any other ground on which the Registrar could have refused to register the design; and the Registrar may make such order on the application as he thinks fit.

(3) An appeal shall lie from any order of the Registrar under subsection (2).

(As amended by G.N. No. 187 of 1964)

PART VII

Evidence of certain

FUNCTIONS OF REGISTRAR IN RELATION TO CERTAIN EVIDENCE, DOCUMENTS AND POWERS

entries and documents

26. (1) A certificate purporting to be signed by the Registrar and certifying that any entry which he is authorised by or under this Act to make has or has not been made, or that any other thing which he is so authorised to do has or has not been done, shall be *prima facie* evidence of the matters so certified.

(2) A copy of any entry in the register or of any representation, specimen or document kept in the Designs Office or an extract from the register or any such document, purporting to be certified by the Registrar and to be sealed with the seal of the Patent Office, shall be admitted in evidence without further proof and without production of the original.

27. (1) Subject to the provisions of this section and to any regulation made by the Minister in pursuance of subsection (3) of section *eleven*, the representation or specimen of a design registered under this Act shall be open to inspection at the Designs Office on and after the day on which the certificate of registration is issued.

(2) In the case of a design registered in respect of an article of any class prescribed for the purposes of this subsection, no representation or specimen of the design lodged in pursuance of the application shall, until the expiration of such period after the day on which the certificate of registration is issued as may be prescribed in relation to articles of that class, be open to inspection at the Designs Office except by the registered proprietor, a person authorised in writing by the registered proprietor, or a person authorised by the Registrar, the High Court or Supreme Court:

Provided that where the Registrar proposes to refuse an application for the registration of any other design on the ground that it is the same as the first-mentioned design or differs from that design only in immaterial details or in features which are variants commonly used in the trade, the applicant shall be entitled to inspect the representation or specimen of the first-mentioned design lodged in pursuance of the application for registration of that design.

(3) In the case of a design registered in respect of an article of any class prescribed for the purposes of subsection (2), the representation or specimen of the design shall not, during the period prescribed as aforesaid, be inspected by any person by virtue of this section except in the presence of the Registrar or of an officer acting under him; and except in the case of an inspection authorised by the proviso to that subsection, the person making the inspection shall not be entitled to take a copy of the representation or specimen of the design or any part thereof.

(4) Where an application for the registration of a design has been abandoned or refused, neither the application for registration nor any representation or specimen of the design lodged in pursuance thereof shall at any time be open to inspection at the Designs Office or be published by the Registrar.

(As amended by Act No. 16 of 1980).

28. On the request of any person furnishing such information as may enable the Registrar to identify the design and on payment of the prescribed fee, the Registrar shall inform him whether the design is registered, and, if so, in respect of what articles, and whether any extension of the period of copyright in relation to that design has been granted and shall state the date of registration and the name and address of the registered proprietor. Information as to existence of copyright

29. The Registrar shall grant a certificate of registration in the prescribed form to the registered proprietor of a design when the design is registered. Certificate of design registration

30. The Registrar may, in a case where he is satisfied that the certificate of registration referred to in section *twenty-nine* has been lost or destroyed, or in any other case in which he thinks it expedient, furnish one or more copies of the certificate. Copies of lost certificates of registration

31. Without prejudice to any provisions of this Act requiring the Registrar to hear any party to proceedings thereunder, or, to give to any such party an opportunity to be heard, the Registrar shall give to any applicant for registration of a design an opportunity to be heard before exercising adversely to this Act. the applicant any discretion vested in the Registrar by or under this Act. Exercise of discretionary powers of Registrar

32. (1) Subject to the provisions of section *fifty-five*, evidence in any proceedings before the Registrar under this Act shall be given by affidavit, so, however, that the Registrar may, if he thinks fit in any particular case, take oral evidence on oath in lieu of or in addition to such evidence as aforesaid and may allow any witness to be cross-examined on his affidavit or oral evidence. Proceedings before Registrar

(2) The powers, rights and privileges of the Registrar in proceedings before him under this Act shall be the same as those conferred upon commissioners by the Inquiries Act and the provisions of that Act shall, *mutatis mutandis*, apply in relation to the hearing and determination of any matter before the Registrar under this Act and to any person summoned to give evidence or giving evidence before him. Cap. 41

(As amended by G.N. No. 187 of 1964)

33. In all proceedings before the Registrar under this Act, the Registrar shall have power to award to any party such costs as he may consider reasonable and to direct how and by what parties they are to be paid, and any costs so awarded shall be taxed by the High Court and payment thereof may be enforced in the same manner as if they were costs allowed by the High Court. Power of Registrar to award costs

(As amended by Act No. 16 of 1980)

34. The Registrar may in any proceeding held before him decide the hours, times and places at which he will sit and he may adjourn any proceedings for such time and to such place as he may think fit. Power of Registrar to fix time and place of sitting, etc.

PART VIII

APPEALS AND LEGAL PROCEEDINGS

35. Where this Act provides for an appeal from a decision of the Registrar, such appeal shall be made to the High Court. High Court to hear appeals

(As amended by Act No. 16 of 1980)

36. *Repealed by Act No. 16 of 1980.*

37. *Repealed by Act No. 16 of 1980.*

38. The Chief Justice may, by statutory instrument, make rules regulating the practice and procedure relating to appeals or references to the High Court or the Supreme Court, as the case may be, as to

Rules of court

- (a) the time within which any requirement of the rules is to be complied with;
- (b) the costs and expenses of an incidental to any proceedings;
- (c) the fees to be charged in respect of such proceedings;
- (d) the summary determination of any appeal which appears to the High Court or the Supreme Court, as the case may be, to be frivolous or vexatious or to be brought for the purpose of delay.

(As amended by Act No. 16 of 1980)

39. Appeals under this Part, whether from decisions of the Registrar or orders or decisions of the High Court, shall be brought within three months after the date of the decision or order in question, or within such further time as the High Court or Supreme Court may allow upon application by the appellant concerned.

Time for appeals

40. When any matter to be decided by the Registrar under this Act appears to him to involve a point of law or to be of unusual importance or complexity, he may, after giving notice to the parties, refer such matter to the High Court for a decision and shall thereafter, in relation to such matter, act in accordance with the decision of the High Court or any decision substituted therefor on appeal to the Supreme Court.

References to High Court by Registrar

(As amended by Act No. 16 of 1980)

41. In any legal proceeding in which the validity of the registration of a design is contested and is decided in favour of the registered proprietor of the design, the High Court or Supreme Court may certify to that effect and, if it is so certifies, then, in any subsequent legal proceeding in which the validity of the registration comes into question, the registered proprietor of the design, on obtaining a final order or judgment in his favour, shall have his full costs, charges and expenses as between solicitor and client, unless in that subsequent proceeding the High Court or Supreme Court directs that he ought not to have them.

Certification of validity

(As amended by G.N. No. 187 of 1964 and Act No. 16 of 1980)

42. Any action or legal proceeding relating to the infringement of copyright in a registered design shall be brought in the High Court. Infringement action to be heard in High Court
(As amended by G.N. No. 187 of 1964)

43. (1) Where any person (whether entitled to or interested in a registered design or an application for registration of a design or not) by circulars, advertisements or otherwise threatens any other person with proceedings for infringement of the copyright in a registered design, any person aggrieved thereby may bring an action against him in the High Court for any such relief as is mentioned in subsection (2). Remedy for groundless threats of infringement proceedings

(2) Unless in any action brought by virtue of this section the defendant proves that the acts in respect of which proceedings were threatened constitute or, if done, would constitute, an infringement of the copyright in a registered design, the registration of which is not shown by the plaintiff to be invalid, the plaintiff shall be entitled to the following relief, that is to say:

- (a) a declaration to the effect that the threats are unjustifiable;
- (b) an injunction or interdict against the continuance of the threats; and
- (c) such damages, if any, as he has sustained thereby.

(3) For the avoidance of doubt, it is hereby declared that a mere notification that a design is registered does not constitute a threat of proceedings within the meaning of this section.

(4) The defendant in any such action as aforesaid may apply, by way of counter-claim in the action, for any relief to which he would be entitled in a separate action in respect of any infringement by the plaintiff of the design to which the threats relate.

(As amended by G.N. No. 187 of 1964)

44. (1) When a party to proceedings before the Registrar is resident outside Zambia, the Registrar may order such party to give security, within such time as may be directed, for the costs of the proceedings. Security for costs and taxation of costs

(2) If the party ordered to give security for costs fails to do so within the time directed, the Registrar may treat the proceedings as abandoned.

(3) Where a bond is to be given as security for costs, it shall, unless the Registrar otherwise directs, be given to the party requiring the security.

(As amended by Act No. 16 of 1980)

45. In all proceedings before the High Court under this Act, the costs of the Registrar shall be in the discretion of the High Court, but the Registrar shall not be ordered to pay the costs of any of the other parties. Costs of Registrar

(As amended by Act No. 16 of 1980)

46. Any party to any proceedings before the High Court may appeal in accordance with rules made under this Part from any order or decision of that Court to the Supreme Court. Appeals to Supreme Court

(As amended by Act No. 16 of 1980)

PART IX

OFFENCES AND PENALTIES

47. Any person who makes or causes to be made a false entry in the register, or a writing falsely purporting to be a copy of an entry in the register, or who produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, shall be guilty of an offence. Falsification of entries in register

48. (1) Any person who- Penalty for falsely representing a design as registered

(a) falsely represents that a design applied to any article sold by him is registered in respect of that article; or

(b) after the copyright in a registered design has expired, marks any article to which the design has been applied with the word "registered", or any word or words implying that there is a subsisting copyright in the design, or causes any such article to be so marked;

shall be guilty of an offence and liable to a fine of one thousand five hundred penalty units or, in default of payment, to imprisonment for a period not exceeding six months, or to both.

(2) For the purposes of this section, a person who sells an article on which he has, or has caused to have, stamped, engraved or impressed or to which he has, or has caused to have, otherwise applied the word "registered", or any other word expressing or implying that the design is registered, shall be deemed to represent that the design applied to the article is registered in respect of that article.

(As amended by Act No. 13 of 1994)

49. (1) Any person who-

Deceiving or
influencing the
Registrar or an
officer

(a) for the purpose of deceiving the Registrar or any other officer of the Designs Office in the execution of the provisions of this Act; or

(b) for the purpose of procuring or influencing the doing or omission of anything in relation to this Act or any other matter thereunder;

makes or submits a false statement or representation, whether orally or in writing, knowing the same to be false, shall be guilty of an offence.

(2) Any person who, having innocently made a false statement or representation, whether orally or in writing, for the purpose of procuring or influencing the doing or omission of anything in relation to this Act or any matter thereunder and who on becoming aware that such statement or representation was false fails to advise the Registrar forthwith of such falsity, shall be guilty of an offence.

50. Any person who, after having been sworn or having in lieu thereof made an affirmation or declaration, wilfully gives false evidence before the Registrar concerning the subject-matter of the proceeding in question, knowing such evidence to be false or not knowing or believing it to be true, shall be guilty of an offence.

Witness giving false evidence

51. Save where otherwise provided in this Act, any person who is guilty of an offence under this Act shall be liable to a fine not exceeding fifteen thousand penalty units or to imprisonment for a period not exceeding three years, or to both.

Penalties

(As amended by Act No. 13 of 1994)

PART X

MISCELLANEOUS

52. Where by this Act any act has to be done by or to any person in connection with a design or any procedure relating thereto, the act may under and in accordance with the regulations or, in particular cases, by special leave of the Registrar, be done by or to an agent of that person duly authorised in the prescribed manner.

Recognition of agents

53. (1) Any application, notice or document authorised or required under this Act to be lodged, made or given at the Designs Office or to the Registrar or to any other person may be delivered by hand or sent by registered post.

Lodging and authentication of documents

(2) No authentication shall be required in respect of any document lodged in the Designs Office under the provisions of this Act.

(As amended by Act No. 16 of 1980)

54. (1) Where under the provisions of this Act-

Provisions as to fees

(a) a fee is payable in respect of the performance of any act by the Registrar, the Registrar shall not perform that act until the fee has been paid;

(b) a fee is payable in respect of the doing of any act by any person other than the Registrar, the act shall be deemed not to have been done until the fee has been paid; or

(c) a fee is payable in respect of the lodging of a document, the document shall be deemed not to have been lodged until the fee has been paid.

(2) All fees shall be paid at the Designs Office in such manner as the Registrar, with the approval of the Minister, may accept.

55. Any person who is required under the provisions of this Act to take any oath or swear to the truth of any affidavit may, in lieu thereof, make an affirmation or declaration in accordance with the written law relating to affirmations or declarations.

(As amended by G.N. No. 187 of 1964)

56. The Minister may direct the publication by the Registrar in the Patent Journal of any reports of cases on designs and other relevant matters as the Minister may deem fit.

57. (1) Nothing in this Act shall be construed as authorising or requiring the Registrar to register a design the use of which would, in his opinion, be contrary to law or morality.

(2) Nothing in this Act shall affect the right of the Government or of any person deriving title directly or indirectly from the Government to sell or use articles forfeited to the President under the provisions of any written law.

*(As amended by G.N. No. 187 of 1964
and S.I. No. 175 of 1965)*

58. (1) The Minister may, by statutory instrument, make regulations prescribing anything which under this Act is to be prescribed and generally for the better carrying out of the objects and purposes of this Act or to give force or effect to its provisions or for its better administration.

(2) Without derogation from the generality of the provisions of

subsection (1), regulations made by the Minister may provide for-

- (a) the form of applications for registration of designs and of any representations or specimens of designs or other documents which may be lodged at the Designs Office, and for requiring copies to be furnished of any such representations, specimens or documents;
- (b) the procedure to be followed in connection with any application or request to the Registrar, or any proceeding before him, and the authorising of the rectification of irregularities of procedure;
- (c) the service of notices and other documents required to be served in connection with proceedings under this Act;
- (d) the conduct of the business of the Designs Office;
- (e) authorising the publication and the sale of copies of representations of designs and other documents in the Designs Office.

(3) The Minister may prescribe a tariff of the fees which shall be payable in respect of any application, registration or other matter under this Act and the fees shall be payable as so prescribed.

PART XI

APPLICATION AND TRANSITIONAL PROVISIONS

59. Any design which immediately before the commencement of this Act was registered in the United Kingdom under any enactment relating to registered designs and was protected in the former Protectorate of Northern Rhodesia under the United Kingdom Designs (Protection) Act, Chapter 206 of the 1948 Edition of the Laws, shall be deemed to be registered under this Act and the copyright in that design shall subsist in Zambia while copyright therein subsists in the United Kingdom.

Application of
Act and
transitional
provisions

*(As amended by G.N. No. 187 of 1964
and S.I. No. 175 of 1965)*

60. *Repealed by Act No. 16 of 1980.*

SUBSIDIARY LEGISLATION

REGISTERED DESIGNS

**SECTION 3-THE DESIGNS OFFICE
(ESTABLISHMENT) ORDER**

Order by the Minister

*Statutory
Instrument
327 of 1968*

1. This Order may be cited as the Designs Office (Establishment) Title
Order.
2. The Designs Office is hereby established at the place described in Establishment of
the Schedule. Designs Office

SCHEDULE
(Paragraph 2)

That part of the building known as "Kwacha House", Cairo Road, Lusaka, set apart for the Designs Office.

THE REGISTERED DESIGNS REGULATIONS

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Act No.
13 of 1994*

PART I

PRELIMINARY

1. These Regulations may be cited as the Registered Designs Regulations. Title
2. In these Regulations, unless the context otherwise requires- Interpretation

"agent" means an agent duly authorised to the satisfaction of the Registrar;

"Office" means the Designs Office;

"section" means a section of the Act;

"specimen" means an article with the design applied to it;

"textile article" means textile piece goods, handkerchiefs and shawls, and includes such other classes of articles of a similar character as the Registrar may from time to time decide.

PART II

APPLICATION FOR REGISTRATION OF DESIGNS

3. (1) An application for the registration of a design shall be signed by the applicant or his agent. The application shall be in Form No. 1 or No. 2 or, in the case of a design to be applied to a set of articles, in Form No. 3 or No. 4, as the case may be. Form of application

(2) Where it is desired to register the same design in respect of more than one article, a separate application shall be made in respect of each article. In that case each application shall be numbered separately and shall be treated as a separate and distinct application.

(3) Every application shall state the article to which the design is to be applied and that the applicant claims to be the proprietor thereof.

(4) Except in the case of an application to register a design to be applied to a textile article, to wallpaper or to lace, the application shall further be accompanied by a statement of the features of the design for which novelty is claimed.

4. The applicant shall, if required by the Registrar in any case so to do, endorse on each of the representations or specimens a statement satisfactory to the Registrar of the novelty claimed for the design. Endorsement as to novelty

5. If the application is for the registration of a design which has already been registered in respect of one or more articles, or consists of a registered design with modifications or variations not sufficient to alter the character or substantially to affect the identity thereof, and it is desired to claim the protection of section *ten* for such application, it shall contain the number or numbers of the registration or registrations already effected. Application for registration under section 10

6. (1) There shall be furnished in connection with an application to register a design four identical representations of the design, in a form satisfactory to the Registrar, or four specimens. Where representations are supplied, the Registrar may at any time before registration require specimens or additional representations. Representations or specimens to be furnished with application

(2) There shall be furnished in connection with an application for the registration of a design to be applied to a set of articles four identical representations of the design, in a form satisfactory to the Registrar, or four specimens.

(3) The representations of the design to be applied to a set of articles shall show the design as applied to each different article included in the set.

7. (1) Each representation of the design, whether to be applied to a single article or to a set of articles, shall be upon paper of the size prescribed by regulation 35 and not on cardboard and shall appear on one side only of the paper. The figure or figures shall be placed in an upright position on the sheet. When more figures than one are shown, these shall where possible be on one and the same sheet, and each shall be designated perspective view, front view, side view, plan or otherwise, as the case may be. Preparation of representations

(2) When the representations furnished are drawings or tracings, they shall be in ink, and if on tracing cloth or tracing paper shall be mounted on paper of the size prescribed by regulation 35.

(3) Where words, letters or numerals appear in the design but are not of the essence of the design, they shall be removed from the representations or specimens; where they are of the essence of the design, the Registrar may require the insertion of a disclaimer of any right to their exclusive use.

(4) Each representation of a design which consists of a repeating surface pattern shall show the complete pattern and a sufficient portion of the repeat in length and width, and shall not be of less size than 7 inches by 5 inches.

8. When specimens are furnished and are not, in the Registrar's opinion, of a kind which can be conveniently mounted in a flat position by means of an adhesive upon paper, or by stitching on linen-backed sheets of paper of the size prescribed by regulation 35 and stored without damage to other documents, representations shall be furnished in place of specimens. In certain cases representations to be furnished in place of specimens

9. (1) Where a portrait of H.E. the President or Her Britannic Majesty or of any member of the British Royal Family, or a reproduction of the armorial bearings, insignia, orders of chivalry, decorations or flags of any country, city, borough, town, place, society, body corporate, institution or person appears on a design, the Registrar, before proceeding to register the design, shall, if he so requires, be furnished with a consent to the registration and use of such portrait or reproduction from such official or other person as appears to the Registrar to be entitled to give consent, and in default of such consent he may refuse to register the design. Portraits, armorial bearings, etc.

(2) Where the name or portrait of a living person appears on a design, the Registrar shall be furnished, if he so requires, with consent from such person before proceeding to register the design. In the case of a person recently dead, the Registrar may call for consent from his legal representative before proceeding with the registration of a design on which the name or portrait of the deceased person appears.

10. There shall be excluded from registration under the Act designs to be applied to any of the following articles, namely:

Designs excluded from registration under section 7 (3)

- (a) works of sculpture other than casts or models used or intended to be used as models or patterns to be multiplied by any industrial process;
- (b) wall plaques and medals; and
- (c) printed matter primarily of a literary or artistic character, including bookjackets, calendars, certificates, coupons, dressmaking patterns, greetings cards, leaflets, maps, plans, postcards, stamps, trade advertisements, trade forms, and cards, transfers and the like.

11. (1) An application for registration under section *thirteen* shall contain a declaration that the application in a convention country upon which the applicant relies is the first application made in a convention country in respect of the design, whether by the applicant or by any person of whom he claims to be the legal representative or assignee, and shall specify the convention country in which such foreign application was made, or is to be deemed under subsection (3) of section *thirteen* to have been made, and the official date thereof.

Convention applications

(2) In addition to the representations or specimens lodged with every convention application, there shall be lodged with the application or within three months thereafter a copy of the representation of the design filed or deposited in respect of the first application in a convention country, duly certified by the official chief or head of the Designs Office of the convention country, or otherwise verified to the satisfaction of the Registrar.

(3) If any certificate or other document relating to the application is in a foreign language, it shall be accompanied by a translation thereof in the English language verified to the satisfaction of the Registrar.

(4) Save as provided by the provisions of this regulation, all proceedings in connection with a convention application shall be taken within the times and in the manner prescribed by these Regulations.

PART III

PROCEDURE ON RECEIPT OF APPLICATION FOR REGISTRATION

OF A DESIGN AND EXTENSION OF PERIOD OF COPYRIGHT

- 12.** If the Registrar objects to an application for the registration of a design, he shall inform the applicant of his objections in writing and, unless within two months the applicant applies for a hearing or makes a considered reply in writing to those objections, he shall be deemed to have withdrawn his application. Registrar's objections
- 13.** If the applicant applies for a hearing, the decision of the Registrar at such hearing shall be communicated to the applicant in writing. Decision of Registrar
- 14.** If the applicant desires to appeal from the Registrar's decision, he shall within one month from the date of the decision apply to the Registrar in Form No. 5, requesting him to state in writing the grounds of, and the materials used by him in arriving at, his decision. Upon receipt of such application, the Registrar shall send to the applicant such statement as aforesaid in writing, and the date when such statement is sent shall be deemed to be the date of the Registrar's decision for the purpose of an appeal. Procedure on appeal from decision of Registrar
- 15.** The certificate of registration of a design shall be in Form No. 6, Certificate of No. 7, No. 8 or No. 9, whichever is applicable, and may be modified as directed by the Registrar. registration
- 16.** The time prescribed for the purposes of subsection (4) of section *Non-completion nine*, which relates to non-completion of an application, shall be twelve months from the date of the application:
- Provided that the application may be completed at any time after twelve months but within fifteen months of the date aforesaid, if a request for an extension of time is made in Form No. 10 bearing the prescribed fee.
- 17.** In case of the death of any applicant for the registration of a design after the date of his application, and before registration of the design has been effected, the Registrar may, on being satisfied of the applicant's death, enter in the register, in place of the name, address and nationality of such deceased applicant, the name, address and nationality of the person owning the design on such ownership being Death of applicant

proved to the satisfaction of the Registrar.

18. (1) An application for extension of the period of copyright for a second period of five years shall be made in Form No. 11, and an application for extension of the period of copyright for a third period of five years shall be made in Form No. 12.

(2) An application for extension of the period of copyright in a design registered by virtue of section *ten* shall be made before the expiration of the period of copyright in the original registered design current at the date of lodging the application under section *ten*.

(3) Where an application is made for registration of a design by virtue of section *ten* and the period of copyright in the original registered design, current at the date of lodging the said application, expires before the completion of that application, registration shall not be effected until the copyright in the original registered design has been extended for a further period and an application has been lodged for the extension of the period of copyright in the design to be registered.

(4) A request for an enlargement of time for payment of any fee payable for an extension of the period of copyright shall be made in Form No. 13.

PART IV

ASSIGNMENTS AND COMPULSORY LICENCES

19. (1) An application for the registration of the title of any person becoming entitled by assignment, transmission or operation of law to a registered design or to a share in a registered design, or becoming entitled as mortgagee, licensee or otherwise to any interest in a registered design, shall be made-

(a) in the case of an application under subsection (1) of section *twenty-two* by the person becoming so entitled in Form No. 14; and

(b) in the case of an application under subsection (2) of section *twenty-two* by the assignor, mortgagor, licensor or other party conferring the interest in Form No. 15.

Application for
registration of
title under section
22

(2) Application may be made in Form No. 16 for entry in the register of notification of any other document purporting to affect the proprietorship of a registered design.

20. (1) A copy of any document which is referred to in an application under regulation 19, duly certified to the satisfaction of the Registrar, shall be produced to the Registrar with the application. Copies of documents

(2) Unless the Registrar otherwise directs, the original of any other document so referred to shall be produced to him with the application, and a certified copy of any such document shall be lodged therewith, and such original document shall be returned to the person who produced it.

21. (1) An application under regulation 19 (1) shall contain the name, address and nationality of the person claiming or stated to be entitled together with full particulars of the instrument, if any, under which title is claimed or given. Particulars to be stated in application

(2) Where the name of a person is entered in the register as mortgagee or licensee, such person may, on making an application for the purpose in Form No. 17, have a note entered in the register that he no longer claims to be mortgagee or licensee, as the case may be.

22. An application for the grant of a compulsory licence under section *seventeen* shall be made in Form No. 18. Such application shall be in duplicate and accompanied by a statement in duplicate setting out fully the nature of the applicant's interest and the facts upon which he bases his case. Copies of the application and the statement of case shall be transmitted by the Registrar to the registered proprietor. Application for compulsory licence

23. (1) If the registered proprietor desires to oppose the application he shall, within such time as the Registrar may allow, file a statement fully setting out the grounds on which the application is to be opposed and shall deliver to the applicant a copy thereof. Opposition

(2) The applicant shall, within such time as the Registrar may allow, file evidence in support of his case and shall deliver to the registered

proprietor a copy thereof.

(3) Within such time as the Registrar may allow, the proprietor may file evidence in answer and shall deliver to the applicant a copy thereof; and within such time as the Registrar may allow, the applicant may file evidence confined to matters strictly in reply and shall deliver to the proprietor a copy thereof.

(4) No further evidence shall be filed by either party except by leave or on direction of the Registrar.

(5) If any person fails to file in terms of this regulation any statement or evidence within the time allowed by the Registrar for the purpose, he shall be deemed to have abandoned his right to file such statement or evidence.

24. (1) On completion of the evidence, or at such other time as he may see fit, the Registrar shall appoint a time for the hearing of the case and shall give the parties at least fourteen days' notice of the appointment. Hearing

(2) After hearing the party or parties desiring to be heard or, if none of the parties desires to be heard, then without a hearing, the Registrar shall decide the matter and notify his decision to the parties.

PART V

REGISTER OF DESIGNS

25. (1) A request by the registered proprietor of a design for the alteration of a name, nationality, address or address for service entered in the register in respect of his design shall be made in Form No. 19 or No. 20, as the case may be. Alteration of entries in register

(2) Before acting on a request to alter a name or nationality, the Registrar may require such proof of the alteration as he may think fit.

(3) If the Registrar is satisfied that the request may be allowed, he

shall cause the register to be altered accordingly.

26. Where an applicant for registration or the registered proprietor of a design desires, under the provisions of section *twenty-three*, to correct an error, he shall make the application in Form No. 21. Correction of errors

27. (1) Where the registered proprietor of a design desires to cancel his registration under subsection (1) of section *twenty-five*, he shall make application in Form No. 22. Cancellation of registration

(2) An application for the cancellation of the registration of a design under subsection (2) of section *twenty-five* shall be made in Form No. 23, and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the nature of the applicant's interest and the facts on which he relies. A copy of the application shall be sent by the Registrar to the registered proprietor and thereupon the provisions of regulations 23 and 24 shall apply.

28. In the event of an application for the grant of a compulsory licence or for the cancellation of the registration of a design being uncontested by the proprietor, the Registrar, in deciding whether costs should be awarded to the applicant, shall consider whether proceedings might have been avoided if reasonable notice had been given by the applicant to the registered proprietor before the application was lodged. Costs

29. (1) Where any person desires to obtain the information which he is entitled to obtain under section *twenty-eight* and can furnish the registration number of the design, he shall apply in Form No. 24 and the Registrar shall thereafter furnish him with the information aforesaid. Searches

(2) Where the applicant is unable to furnish the registration number of a design, he shall apply in Form No. 25 and furnish in duplicate to the Registrar a representation or specimen of the design applied to an article and the Registrar shall thereupon make such search among designs applied to such articles as may be possible, and shall furnish such information as can properly be given.

(3) The Registrar shall, upon application for the purpose made in Form No. 26, accompanied in duplicate by a representation or

specimen of a design applied to an article, cause a search to be made among registered designs and state whether the design as applied to that article appears to be identical with, or closely to resemble, any registered design applied to such article of which the copyright is still existing.

30. Copies of any entry in the register, or copies of, or extracts from, designs, representations, specimens and other public documents in the Office, or of or from registers and other records kept there, certified by the Registrar, may be furnished by the Registrar upon receipt of a request therefor in Form No. 27 from any person who, if the Registrar thinks fit so to require, can show an interest in the entry, matter or thing to his satisfaction. The Registrar shall not be obliged to include in the certificate a copy of any representation or specimen, unless he is furnished by the applicant with a copy thereof suitable for the purpose. Certified copies of entries, etc.

31. An application under section *thirty* for a copy of a certificate of registration shall be made in Form No. 28 and shall be accompanied by evidence setting out fully and verifying the circumstances in which the original certificate of registration was lost or destroyed or cannot be produced. Copy of certificate of registration

32. (1) Where the Registrar has given a direction under subsection (2) of section *eleven* prohibiting or restricting the publication of a design, the representation or specimen of the design shall not be open to public inspection while such direction remains in force. Designs not open to public inspection

(2) The period under subsection (2) of section *twenty-seven* during which a design shall not be open to inspection, except as provided in that section, shall be, as regards designs to be applied to textile articles, three years and as regards designs to be applied to wallpaper and lace, two years from the date of the registration thereof.

PART VI

MISCELLANEOUS

33. The fees to be paid in respect of the registration of designs and applications therefor, and in respect of other matters relating to designs arising under the Act, shall be those prescribed in the First Schedule. Prescribed fees

34. The forms set out in the Second Schedule shall be used in all Prescribed forms cases to which they are applicable and may be modified as directed by the Registrar.

35. Subject to any directions that may be given by the Registrar, all Size, etc., of applications, notices, statements, papers having representations affixed, documents or other documents authorised or required by the Act to be made, left or sent at or to the Office, shall be written, typewritten, lithographed or printed in the English language upon strong paper, in dark, indelible ink and, except where otherwise required, on one side only, of a size approximately 13 inches by 8 inches, and shall have on the left-hand part thereof a margin of not less than 1 1/2 inches.

36. Every person concerned in any proceedings to which these Address for Regulations relate, and every registered proprietor, shall furnish to the service Registrar an address for service in Zambia and that address may be treated for all purposes connected with such proceedings or design as the address of the person concerned in the proceedings or the registered proprietor.

37. (1) Where any notice, application or other document is required Method and to be served on any person under the provisions of the Act, such serviceproof of service may be effected by the delivery of a copy thereof-

(a) at the address for service furnished to the Registrar in terms of these Regulations; or

(b) to such person personally, or to his duly authorised agent; or

(c) at his residence or place of business or employment, to some responsible person there residing or employed.

(2) Service effected by any person in accordance with the provisions of this regulation shall be proved by a certificate made in Form No. 29 and such certificate shall be filed with the Registrar.

38. Any notice, application or other document sent to the Office by Lodging of post shall not be deemed to have been given, made or lodged until it is documents actually received in the Office.

39. The Registrar may in any proceedings held before him decide the hours, times and places at which he will sit and he may adjourn any proceedings for such time and to such place as he may think fit. Power of Registrar to fix time and place of proceedings

40. (1) Any application, request or notice which is required or permitted by the Act or these Regulations to be made or given to the Registrar, and all other communications between an applicant or a person making such request or giving such notice and the Registrar, and between the registered proprietor of a design and the Registrar or any other person, may be signed, made or given by or through an agent. Agency

(2) Any such applicant, person making request or giving notice, or proprietor may appoint an agent to act for him in any proceedings or matter before or affecting the Registrar under the Act and these Regulations by signing and sending to the Registrar an authority to that effect in Form No. 30 or in such other written form as the Registrar may deem sufficient. In case of such appointment, service upon the agent of any document relating to the proceedings or matter shall be deemed to be service upon the person so appointing him, all communications directed to be made to such person in respect of the proceedings or matter may be addressed to such agent, and all attendances upon the Registrar relating thereto may be made by or through such agent. In any particular case the Registrar may require the personal signature or presence of an applicant, opponent, proprietor or other person.

(3) The Registrar shall not be bound to recognise as such agent any person-

(a) who has been proved to him to have been guilty of conduct discreditable to an agent; or

(b) who has been convicted of a criminal offence and sentenced to imprisonment without the option of a fine; or

(c) who has been suspended from practice as a legal practitioner or whose name has been struck off the roll of legal practitioners; or

(d) who has been adjudged guilty of conduct discreditable to a

patent agent; or

(e) who has been suspended from practice as a patent agent, or whose name has been erased from the register of patent agents kept under the provisions of the Patents Act, and not subsequently restored. Cap. 400

41. (1) A document purporting to be signed for or on behalf of a partnership shall contain the names of all the partners in full and may be signed by a partner or by any other person who satisfies the Registrar that he is authorised to sign the document. Signature of documents

(2) A document purporting to be signed for or on behalf of a body corporate shall be signed by a director or by the secretary or other principal officer of the body corporate, or by any other person who satisfies the Registrar that he is authorised to sign the document.

42. Any document lodged in any proceedings before the Registrar may, if the Registrar thinks fit, be amended, and any irregularity in procedure may be rectified on such terms as he may direct. Amendment of documents

43. (1) Where, under these Regulations, any person is required to do any act or thing, or any document or evidence is required to be produced or lodged, the Registrar may, upon the production of such evidence and subject to such terms and conditions as he may think fit, modify or dispense with the doing of the act or thing or the production or lodging of the document or evidence if he is satisfied that it is reasonable so to do. Power of Registrar to waive requirements

(2) The Registrar may allow an application for a design, although not in accordance with these Regulations, to be left on such terms and conditions as he may think fit. In any such case the Registrar shall require the applicant to comply with these Regulations within the time specified by him. Until the prescribed requirements are complied with, no further action shall be taken by the Registrar in respect of the application.

44. (1) If in any particular case the Registrar is satisfied that the circumstances are such as to justify an extension of the time for doing any act or taking any proceedings under these Regulations, not being a time expressly provided in the Act or prescribed by regulation 11 (2), Extension of time

he may extend the time upon such notice to other parties, and proceedings thereon, and upon such terms as he may direct, and the extension may be granted though the time has expired for doing the act or taking the proceeding.

(2) At any stage of any proceedings before the Registrar, he may direct that such documents, information or evidence as he may require shall be lodged, and may fix the period for the lodging thereof.

45. Whenever the last day fixed by these Regulations for doing any act or thing at the Office shall fall on a day when the Office is not open, such day shall be an excluded day for the purpose of these Regulations, and it shall be lawful to do the act or thing on the first day following such excluded day which is not an excluded day. Excluded days

46. The Office shall be open to the public and the register shall be open to inspection on payment of the fee specified in the First Schedule every weekday, except Saturday, between the hours of nine and one, and two and half-past three; except on public holidays. Days and hours of business

47. A copy of every application made to the High Court under the Act shall be served on the Registrar. Copy of application to High Court to be served on Registrar

48. (1) Where an order relating to a design has been made by High Court or Supreme Court the person in whose favour such order has been made shall forthwith file at the Office a certified copy of such order together with an application in Form No. 31. Order of The Supreme Court to the High Court

(2) The specimen or representation of a design shall thereupon be amended or the register rectified or the purport of such order shall otherwise be duly entered in the register, as the case may be.

49. Whenever an order is made by the High Court or by the Supreme Court under the Act, the Registrar may, if he thinks fit that the order should be made public, require the applicant or the appellant, as the case may be, to publish it in the *Patent Journal*. Publication of order of Court or Tribunal

(As amended by F.G.N. No. 58 of 1960)

FIRST SCHEDULE
(Regulation 33)

**TARIFF OF FEES PAYABLE TO THE REGISTRAR OF REGISTERED DESIGNS
WITH EFFECT FROM 1ST MAY 1995**

The following fees shall be paid in respect of applications, registrations and other matters under the Act. Such fees must in all cases be paid before or at the time of doing the matter in respect of which they are to be paid.

<i>Item</i>	<i>Matter or Proceeding</i>	<i>Amount Payable by</i>		<i>Corresponding Form No.</i>
		<i>Local Firms, Corporations and Individuals</i>	<i>Foreign Firms, Corporations and Individuals</i>	
		<i>Fee units</i>	<i>US\$</i>	
1.	(a) On application to register one design to be applied to a single article-			
	(i) not being textile articles	150	50.00	1 or 2
	(ii) if made of lace	120	50.00	1 or 2
	(b) On application to register one design to be applied to a set of articles-			
	(i) not being textile articles	185	70.00	3 or 4
	(ii) if made of lace	155	50.00	3 or 4
	(c) On application to register one design to be applied to a textile article	150	50.00	1 or 2
2.	On application to Registrar to state grounds of decision and materials used under regulation 14	205	90.00	
3.	On request for extension of time within which an application, for registration of a design may be completed, where the extension requested-			
	(i) does not exceed one month	20	10.00	10
	(ii) exceeds one month but			

does not exceed two months	40	15.00	10	
(iii) exceeds two months	70	20.00	10	
4. On application for extension of copyright under section 15 (2)	150	50.00	11 or 12	
For the second period of five years		200	100.00	12
For the third period of five years		250	150.00	12
5. On request for enlargement of time for payment of fee for extension of copyright, where the enlargement-				
(i) does not exceed one month		20	10.00	13
(ii) exceeds one month but does not exceed two months	40	15.00	13	
(iii) exceeds two months	70	20.00	13	
6. On request to enter subsequent proprietorship, etc., under regulation 19-				
(i) if made within six months from date of acquisition of proprietorship, etc., in respect of one design	100	35.00	14 or 15	
(ii) if made after six but within twelve months from date of acquisition of proprietorship, etc., in respect of one design	50	15.00	14 or 15	
(iii) if made after expiration of twelve months from date of acquisition of proprietorship, etc., in respect of one design	70	20.00	14 or 15	
AND on application covering more than one design, for each additional design similarly acquired	20	10.00	14 or 15	
7. On application for entry of notification of document in the Register-				
(i) if made within six months from date of document, in				

respect of one design	70	15.00	16
(ii) if made after six but within twelve months from date of document, in respect of one design	100	25.00	16
(iii) if made after expiration of twelve months from date of document, in respect of one design	80	15.00	16
AND on application covering more than one design, for each additional design referred to in the same document as first design		20	10.00 16
8. On application by mortgagee, licensee or other person for entry that he no longer claims an interest, in respect of one design	20	10.00	17
AND for each additional design referred to in the application	20	10.00	17
9. On application for compulsory licence under section 17	60	15.00	18
10. On application to enter change of name or nationality of registered proprietor in the Register, in respect of one design	20	20.00	19
AND for each additional design referred to in the application	20	15.00	19
11. On application for alteration of address for service in the Register, in respect of one design	20	15.00	20
AND for each additional design referred to in the application	20	15.00	20
12. On application under section 23 to correct error		100	30.00 21
13. On application by proprietor for cancellation under section 25 (1)		40	10.00 22
14. On application for cancellation			

of registration under section 25 (2)		40	10.00	23
15. On application for search under section 28 when the registration number is supplied	50	25.00	24	
16. On application for search under section 28 when the registration number is not supplied	70	35.00	25	
17. On application for search under regulation 29 (3)		60	30.00	26
18. On application for certified copy of entries, etc., under regulation 30	35	15.00	27	
19. On application for copy of certificate of registration under regulation 31	35	15.00	28	
20. On every authorisation of an agent		20	10.00	30
21. On application for entry of court or tribunal order		20	10.00	31
22. For inspection of the Register	40	15.00		
23. For certifying office copies, MSS., or photographic or printed matter-				
(i) under seal	70	25.00		
(ii) other		60	15.00	
24. For inspecting and making copies of documents, in respect of each application or design	20	10.00		
25. For typewritten copy of any document, for every 100 words	50	16.00		
26. For photographic copy of any document or drawing, per sheet				

(Price as fixed by the
Minister from time to time)

(As amended by S.I. No. 55 of 1995
and Act No. 13 of 1994)

SECOND SCHEDULE (Regulation 34)

PRESCRIBED FORMS

<i>Form</i>	<i>Matter</i>	<i>Corresponding Fee Item No.</i>
1.	Application for registration of design (non-Convention)	1 (a) or (c)
2.	Application under section 13 of the Act for registration of design (Convention)	1 (a) or (c)
3.	Application for registration of design to be applied to a set of articles (non-Convention) .. .. .	..1 (b)
4.	Application under section 13 of the Act for registration of design to be applied to a set of articles (Convention)	1 (b)
5.	Application for statement of grounds of decision under regulation 14	2
6.	Certificate of registration of design-
7.	Certificate of registration of design-
8.	Certificate of registration of design-
9.	Certificate of registration of design-
10.	Request for extension of time within which an application for the registration of a design may be completed	3
11.	Application for extension of copyright in design for a second period of five years	4
12.	Application for extension of copyright in design for a third period of five years	4
13.	Request for enlargement of time for payment of fee for extension of copyright in design .. .. .	..5
14.	Application under regulation 19 by assignee, mortgagee or licensee to enter subsequent proprietorship or interest in design in the register .. .. .	..6
15.	Application under regulation 19 by assignor, mortgagor, licensor, etc., to enter subsequent proprietorship or interest in design in the register .. .. .	..6
16.	Application for entry of notification of document in register.. .. .	7
17.	Application by mortgagee or licensee under regulation 21 (2) for entry in register of note that he no longer	

claims such interest	8	
18. Application for the grant of a compulsory licence under section 17 of the Act.. .. .	9	
19. Application to enter alteration of name or nationality of registered proprietor of design in register ..	..10	
20. Application for alteration of address or address for service in register	11	
21. Request under section 23 of the Act for correction of error	12	
22. Application by registered proprietor of design to cancel registration	13	
23. Application for cancellation of registration under section 25 (2) of the Act	14	
24. Request for information under section 28 of the Act when registration number is supplied	15	
25. Request for search under section 28 of the Act when registration number is not supplied .. ..	..16	
26. Request for search under regulation 29 (3)	....	17
27. Request for general certificate of the Registrar (including certificate of registration of a design) ..	..18	
28. Application for copy of certificate of registration of design	19	
29. Certificate of service	-	
30. Form of authorisation of agent .. ..	..20	
31. Application for entry of order of Court or Tribunal	..21	

REPUBLIC OF ZAMBIA
Designs Form No. 1
Section 9
Regulation 3

THE REGISTERED DESIGNS ACT

Fee: 1 (a) or (c)

APPLICATION FOR REGISTRATION OF DESIGN (NON-CONVENTION)

Application is hereby made for registration of the accompanying design in the name of

(1)

of

who claim(s) to be the proprietor(s) thereof.

The design is to be applied to (2)

(1) State full name and address of applicant(s)

(2) Here state the article to which the design is to be applied as shown in the representations

(3) The design has been previously registered for one or more other articles under (3) and (4) No. -----

(4) The design consists of the design previously registered under No. with modifications or variations not sufficient to alter the character or substantially to affect the identity thereof.

Dated this day of, 19

Delete one or both paragraphs, if inapplicable

(5)

My/Our address for service in Zambia:

(5) To be signed by the applicant(s) or his/their agent

The Registrar,
The Designs Office,
Lusaka,
Zambia.

NOTE.-Four identical representations or specimens of the design should accompany this form, and, except in the case of an application in respect of a design to be applied to a textile article, to wallpaper or to lace, it should further be accompanied by a statement of the features of the design for which novelty is claimed.

REPUBLIC OF ZAMBIA

Designs Form No. 2

**Sections 9 and 13
Regulations 3 and 11**

THE REGISTERED DESIGNS ACT

Fee: 1 (a) or (c)

**APPLICATION UNDER SECTION 13 OF THE ACT FOR REGISTRATION OF
DESIGN (CONVENTION)**

Application is hereby made for the registration of the accompanying design in the name of (1)

of

being a national/nationals of

who claim(s) to be the proprietor(s) thereof (2)

(1) State full name and address of applicant(s)

(2) If the applicant is not the person whom made the application in the convention country, the words "by virtue of" followed by particulars of the instrument under which he claims, should be inserted

The design is to be applied to a (3)

(3) Here state the article to

(4) The design has been previously registered for one or more other articles underwhich the

No

design is to be applied as shown in the representations

(5) The design consists of the design previously registered under No. with modifications or variations not sufficient to alter the character or substantially to affect the identity thereof.

(4) and (5) Delete one or both paragraphs, if inapplicable

Application for protection of the design has been made in the following country

(6) on the following official date (7) numbered (8) Such application was the first application made in a convention country in respect of the relevant design, whether by the applicant(s) or by any person of whom he/they claim(s) to be the legal representative(s) or assignee(s), and the applicant(s) in the above-mentioned country qualify/qualifies under (9) Article 2/3 of the Convention by reason of being (9) a national(s) of/domiciled in/having a place of business in a member state, namely

(6) Here insert the name of the convention country in which the first application was made (7) Here insert the official date of the first application in a convention country (8) Here insert official number of first application in convention country

This application is made on the ground that I/we qualify under the said (9) Article 2/3 by reason of being (9) a national(s) of/domiciled in/having a place of business in a member state, namely

(9) Delete whichever does not

and that to the best of my/our knowledge and belief there is no lawful ground of objection to apply the registration of the design and that I/we request that the design may be registered as of the date (7)

Dated this day of, 19

(10)

My/Our address for service in Zambia:

(10) To be
signed by the
applicant(s)
or his/their
agent

The Registrar,
The Designs Office,
Lusaka,
Zambia.

NOTE.-Four identical representations or specimens of the design should accompany this form, and, except in the case of an application in respect of a design to be applied to a textile article, to wallpaper or to lace, it should further be accompanied by a statement of the features of the design for which novelty is claimed.

REPUBLIC OF ZAMBIA
Designs Form No. 3
Section 9
Regulation 3

THE REGISTERED DESIGNS ACT

Fee: 1 (b)

APPLICATION FOR REGISTRATION OF DESIGN TO BE APPLIED TO A
SET OF ARTICLES (NON-CONVENTION)

Application is hereby made for registration of the accompanying design for a set of

articles in the name of (1)

of

who claim(s) to be the proprietor(s) thereof.

The design is to be applied to (2)

(1) State full names and addresses of applicant(s)

(2) Here state the set of articles, and also the trade description of each of the articles comprised in the set to which the design is to be applied as shown in the representations

(3) The design has been previously registered for one or more other articles under No. (3) and (4)

.....Delete one or both

(4) The design consists of the design previously registered under No. with modifications of variations not sufficient to alter the character or substantially to affect the identity thereof.

paragraphs, if inapplicable

Dated this day of, 19

(5)

My/Our address for service in Zambia:

(5) To be
signed by the
applicant(s)
or his/their
agent

The Registrar,
The Designs Office,
Lusaka,
Zambia.

NOTE.-Four identical representations or specimens of the design should accompany this form, and, except in the case of an application in respect of a design to be applied to a textile article, to wallpaper or to lace, it should further be accompanied by a statement of the features of the design for which novelty is claimed.

REPUBLIC OF ZAMBIA

Designs Form No. 4

**Sections 9 and 13
Regulations 3 and 11**

THE REGISTERED DESIGNS ACT

Fee: 1 (b)

**APPLICATION UNDER SECTION 13 OF THE ACT FOR REGISTRATION OF
DESIGN TO BE APPLIED TO A SET OF ARTICLES (CONVENTION)**

Application is hereby made for the registration of the accompanying design in the name

of (1)

(1) State full name and address of applicant(s)

of

being a national/nationals of

who claim(s) to be the proprietor(s) thereof (2)

(2) If the applicant is not the person who made the application in the convention country, the words "by virtue of", followed by particulars of the instrument under which he claims, should be inserted here

The design is to be applied to a (3)

(4) The design has been previously registered for one or more other articles under

(3) Here state the set of articles, and also the trade description

No.

(5) The design consists of the design previously registered under No. with modifications or variations not sufficient to alter the character or substantially to affect the identity thereof.

Application for protection of the design has been made in the following country

(6)

on the following official date (7)

numbered (8) Such application was the first application

made in a convention country in respect of the relevant design, whether by the applicant(s) or by any person of whom he/they claim(s) to be the legal representative(s) or assignee(s), and the applicant(s) in the above mentioned country qualify/qualifies under (9) Article 2/3 of the Convention by reason of being (9) a national(s) of/domiciled in/having a place of

business in a member state, namely

of each of the articles comprised in the set, to which the design is to be applied as shown in the representations

This application is made on the ground that I/we qualify under the said (9) Article 2/3 by reason of being (9) a national(s) of/domiciled in/having a place of business in a member state, namely

and that to the best of my/our knowledge and belief there is no lawful ground of objection to the registration of the design and that I/we request that the design may be registered as of the date (7)

Dated this day of, 19

(4) and (5) Delete one or both paragraphs, if inapplicable

(10)

My/Our address for service in Zambia:

The Registrar,
The Designs Office,
Lusaka,
Zambia.

(6) Here insert the name of the convention country in which the first application was made (7) Here insert the official date of the first

NOTE.-Four identical representations or specimens of the design should accompany this application form, and, except in the case of an application in respect of a design to be applied to a textile article, to wallpaper or to lace, it should further be accompanied by a statement of the features of the design for which novelty is claimed.

application in a convention country (8) Here insert official number of first application in convention country

(9) Delete
whichever
does not
apply
(10) To be
signed by the
applicant(s)
or his/their
agent

REPUBLIC OF ZAMBIA
Designs Form No. 5
Section 9
Regulation 14

THE REGISTERED DESIGNS ACT

Fee unit: 1

APPLICATION FOR STATEMENT OF GROUNDS OF DECISION UNDER
REGULATION 14

Application for Design No

Application is hereby made under regulation 14 of the Registered Designs Regulations for a statement in writing of the grounds of the decision dated the day of , 19 after the hearing on the day of , 19 and the materials used in arriving at such decision.

Dated this day of, 19

(1)

My/Our address for service in Zambia:

(1) To be signed by the applicant(s) or his/their agent

The Registrar,
The Designs Office,
Lusaka,
Zambia.

REPUBLIC OF ZAMBIA
Designs Form No. 6
Regulation 15

THE REGISTERED DESIGNS ACT
CERTIFICATE OF REGISTRATION OF DESIGN

Number of Registration

This is to certify that, in pursuance of and subject to the provisions of the Registered Designs Act, the design, of which a representation is annexed, has been registered in the name of

as of the day of, 19,
in respect of the application of such design to

Sealed at my direction, this day of,
19

Registrar
The Designs Office,
Lusaka,
Zambia.

NOTE.-Subject to the provisions of the Act, copyright in this design will subsist for five years from the first above-mentioned date, and may be extended for two further periods, each of five years.

REPUBLIC OF ZAMBIA

Designs Form No. 7

Regulation 15

THE REGISTERED DESIGNS ACT

CERTIFICATE OF REGISTRATION OF DESIGN

Number of Registration

This is to certify that, in pursuance of and subject to the provisions of the Registered Designs Act, the design, of which a representation is annexed, has been registered in the name of

as of the

day of , 19, in respect of the application of such

design to

The period of copyright conferred by the registration of this design does not extend beyond the expiration of the original and any extended period of copyright in registered

design No

Sealed at my direction, this day of

....., 19

Registrar

The Designs Office,
Lusaka,
Zambia.

NOTE.-Copyright in this design will normally expire on the

but may, on application made in the prescribed manner, be extended for two further periods, each of five years, provided that the period of copyright in design No. be similarly extended.

REPUBLIC OF ZAMBIA

Designs Form No. 8

Regulation 15

THE REGISTERED DESIGNS ACT

CERTIFICATE OF REGISTRATION OF DESIGN

Number of Registration

This is to certify that, in pursuance of and subject to the provisions of the Registered Designs Act, the design, of which a representation is annexed, has been registered in the name of

as of the day of, 19
being the date on which application was made for protection of the design in a convention country, viz

in respect of the application of such design to

Sealed at my direction, this day of,

19

Registrar

The Designs Office,
Lusaka,
Zambia.

NOTE.-Subject to the provisions of the Act, copyright in this design will subsist for five years from the first above-mentioned date, and may be extended for two further periods, each of five years.

REPUBLIC OF ZAMBIA

Designs Form No. 9

Regulation 15

THE REGISTERED DESIGNS ACT

CERTIFICATE OF REGISTRATION OF DESIGN

Number of Registration

This is to certify that, in pursuance of and subject to the provisions of the Registered Designs Act, the design, of which a representation is annexed, has been registered in the name of

as of the day of, 19
being the date on which application was made for protection of the design in a convention country, viz.

in respect of the application of such design to

The period of copyright conferred by the registration of this design does not extend beyond the expiration of the original and any extended period of copyright in registered design No.

Sealed at my direction, this day of,
19

Registrar

The Designs Office,
Lusaka,
Zambia.

NOTE.-Copyright in this design will normally expire on the ,
but may, on application made
in the prescribed manner, be extended for two further periods, each of five years, provided
that the period of copyright in design No. be
similarly extended.

REPUBLIC OF ZAMBIA

Designs Form No. 10

**Section 9 (4)
Regulation 16**

THE REGISTERED DESIGNS ACT

Fee: 3

**REQUEST FOR EXTENSION OF TIME WITHIN WHICH AN APPLICATION
FOR THE REGISTRATION OF A DESIGN MAY BE COMPLETED**

I/We hereby apply for _____, month's extension of time
within which the application No. _____ for the registration of a
design may be completed.

Dated this _____ day of _____, 19 _____

(1)

The Registrar,
The Designs Office,
Lusaka,
Zambia.

(1) State
name and
full address
to which
receipt is to
be sent

REPUBLIC OF ZAMBIA
Designs Form No. 11
Section 15 (2)
Regulation 18

THE REGISTERED DESIGNS ACT

Fee unit: 1

APPLICATION FOR EXTENSION OF COPYRIGHT IN DESIGN
FOR A SECOND PERIOD OF FIVE YEARS

I/We hereby apply for the extension of the period of copyright in design No.
for a second period of five years.

Dated this day of, 19

(1)

The Registrar,
The Designs Office,
Lusaka,
Zambia.

(1) State
name and
full address
to which
certificate is
to be sent

(This part of the form to be filled in at the Designs Office)

CERTIFICATE OF EXTENSION OF COPYRIGHT IN DESIGN FOR
THE SECOND PERIOD OF FIVE YEARS

This is to certify that

did on the day of, 19
make application and pay the prescribed fee for the extension of copyright in design
No. and that the copyright is hereby extended
for a second period of five years until the day of
..... 19

Sealed at my direction, this day of,

19

Registrar
The Designs Office,
Lusaka,
Zambia.

REPUBLIC OF ZAMBIA

Designs Form No. 12

Section 15 (2)

Regulation 18

THE REGISTERED DESIGNS ACT

Fee unit: 1

**APPLICATION FOR EXTENSION OF COPYRIGHT IN DESIGN
FOR A THIRD PERIOD OF FIVE YEARS**

I/We hereby apply for the extension of the period of copyright in design No.
for a third period of five years.

Dated this day of, 19

(1)

The Registrar,
The Designs Office,
Lusaka,
Zambia.

(1) State
name and
full address
to which
certificate is
to be sent

(This part of the form to be filled in at the Designs Office)

**CERTIFICATE OF EXTENSION OF COPYRIGHT IN DESIGN FOR
THE THIRD PERIOD OF FIVE YEARS**

This is to certify that
did on the day of, 19,
make application and pay the prescribed fee for the extension of copyright in design
No. and that the copyright is hereby extended for
a third period of five years until the day of
....., 19

Sealed at my direction, this day of,

19

Registrar
The Designs Office,
Lusaka,
Zambia.

REPUBLIC OF ZAMBIA
Designs Form No. 13
Section 15 (2)
Regulation 18 (4)

THE REGISTERED DESIGNS ACT
Fee

REQUEST FOR ENLARGEMENT OF TIME FOR PAYMENT OF
FEE FOR EXTENSION OF COPYRIGHT IN DESIGN

I/We hereby request months's enlargement of time
within which payment of the fee of K for the extension of
the copyright in design No. may be made.

Dated this day of, 19.....

(1)

The Registrar,
The Designs Office,
Lusaka,
Zambia.

(1) State
name and
full address
to which
receipt is to
be sent

REPUBLIC OF ZAMBIA

Designs Form No. 14

Section 22 (1)

Regulation 19 (1) (a)

THE REGISTERED DESIGNS ACT

Fee

**APPLICATION UNDER REGULATION 19 BY ASSIGNEE, MORTGAGEE OR
LICENSEE
TO ENTER SUBSEQUENT PROPRIETORSHIP OR INTEREST IN DESIGN IN THE
REGISTER**

I/We (1)

(1) State full name and address

hereby request that you will enter my/our name(s) in the register as proprietor(s)/ mortgagee(s)/licensee(s) of the design No.

I am/We are entitled to the said design (or to a share or an interest in the said design) in

pursuance of (2)

(2) Insert full particulars of the instrument, if any

Dated this day of, 19

(3)

(3) To be signed by the applicant(s) or his/their agent

My/Our address for service in Zambia:

The Registrar,
The Designs Office,
Lusaka,
Zambia.

NOTE.-The instrument under which the applicant claims should accompany this form.

REPUBLIC OF ZAMBIA

Designs Form No. 15

**Section 22 (2)
Regulation 19 (1) (b)**

**THE REGISTERED DESIGNS ACT
Fee unit: 1**

**APPLICATION UNDER REGULATION 19 BY ASSIGNOR, MORTGAGOR,
LICENSOR, ETC.,
TO ENTER SUBSEQUENT PROPRIETORSHIP OR INTEREST IN DESIGN IN THE
REGISTER**

I/We (1)

(1) State full name and address

hereby request that you will enter the name(s) of (2)

(2) Here insert name, address and nationality of assignee, etc.

in the register as subsequent proprietor(s)/mortgagee(s)/licensee(s) of the design
No

He is/They are entitled to the said design (or to a share or interest in the said design) by

virtue of (3)

(3) Insert full particulars of the instrument, if any

The address for service in Zambia of the subsequent proprietor, mortgagee or licensee,

etc., is (4)

(4) Here insert the address for service in Zambia of the subsequent proprietor, mortgagee, licensee, etc.

Dated this day of, 19

(5)

(5) To be signed by the

The Registrar,
The Designs Office,
Lusaka,
Zambia.

applicant(s)
or his/their
agents

REPUBLIC OF ZAMBIA

Designs Form No. 16

**Section 6 or 22
Regulation 19 (2)**

**THE REGISTERED DESIGNS ACT
Fee unit: 1**

APPLICATION FOR ENTRY OF NOTIFICATION OF DOCUMENT IN REGISTER

I/We transmit herewith an attested copy of (1)

relative to design No as well as the original document for
verification, and I/we apply that a notification thereof may be entered in the register.

Dated this day of, 19

(1) Here
insert a
description
of the nature
of the
document,
giving its
date and the
names and
address of
the parties
thereto

(2)

(2) Signature

(3)

(3) Here
insert full
address of
the party
benefiting
under the
document

The Registrar,
The Designs Office,
Lusaka,
Zambia.

REPUBLIC OF ZAMBIA

Designs Form No. 17

**Section 22
Regulation 21 (2)**

THE REGISTERED DESIGNS ACT

Fee unit: 1

APPLICATION BY MORTGAGEE OR LICENSEE UNDER REGULATION 21 (2) FOR
ENTRY IN REGISTER OF NOTE THAT HE NO LONGER CLAIMS SUCH INTEREST

Design No.

Name of registered proprietor

Place of business

I/We, the undersigned,
of

apply for entry in the register that I/we no longer claim to be mortgagee(s) or licensee(s)
in respect of design No.

Dated this day of, 19

(1)

The Registrar,
The Designs Office,
Lusaka,
Zambia.

(1) To be
signed by the
applicant(s)
or his/their
agent

REPUBLIC OF ZAMBIA

Designs Form No. 18

**Section 17
Regulation 22**

THE REGISTERED DESIGNS ACT

Fee unit: 1

APPLICATION FOR THE GRANT OF A COMPULSORY LICENCE UNDER
SECTION 17 OF THE ACT

Design No.

I/We

of

hereby apply for the grant of a compulsory licence in respect of design No.
on the ground that the design is not applied in Zambia by any industrial process or means to
the article in respect of which it is registered to such an extent as is reasonable in the
circumstances of the case.

Dated this day of, 19

(1)

My/Our address for service in Zambia:

(1) To be
signed by the
applicant(s)
or his/their
agent

The Registrar,
The Designs Office,
Lusaka,
Zambia.

NOTE.-The application must be accompanied by a copy thereof and a statement of case
in duplicate.

REPUBLIC OF ZAMBIA
Designs Form No. 19
Section 6
Regulation 25

THE REGISTERED DESIGNS ACT

Fee: 10

APPLICATION TO ENTER ALTERATION OF NAME OR NATIONALITY OF
REGISTERED PROPRIETOR OF DESIGN IN REGISTER

I/We

hereby apply, in respect of design No _____, that my/our name(s)
or nationality in the register may be altered to (1)

(1) Here
insert
particulars of
alteration

There has been no change in the actual proprietorship of the said design.

Dated this _____ day of, 19

(2)

My/Our address for service in Zambia:

The Registrar,
The Designs Office,
Lusaka, Zambia.

REPUBLIC OF ZAMBIA

Designs Form No. 20

**Section 6
Regulation 25**

THE REGISTERED DESIGNS ACT

Fee: 11

APPLICATION FOR ALTERATION OF ADDRESS OR ADDRESS FOR SERVICE IN
REGISTER

Design No

I/We

of

the registered proprietor(s) of the design numbered as above apply that my/our address or
my/our address for service in the register may be altered to

Dated this day of,19

(1)

The Registrar,
The Designs Office,
Lusaka,
Zambia.

(1) To be
signed by the
applicant(s)
or his/their
agent

REPUBLIC OF ZAMBIA
Designs Form No. 21
Section 23
Regulation 26

THE REGISTERED DESIGNS ACT

Fee unit: 1

REQUEST UNDER SECTION 23 OF THE ACT FOR CORRECTION OF ERROR

I/We hereby request that the following error

in the (1)

of design No may be corrected as follows:

(2)

Dated this day of19

(3)

My/Our address for service in Zambia:

(1) Here state whether in application, representation or entry in register

(2) Here state what correction should be made

(3) To be signed by the applicant(s) or his/their agent

The Registrar,
The Designs Office,
Lusaka,
Zambia.

REPUBLIC OF ZAMBIA

Designs Form No. 22

Section 25 (1)

Regulation 27 (1)

THE REGISTERED DESIGNS ACT

Fee unit: 1

**APPLICATION BY REGISTERED PROPRIETOR OF DESIGN TO CANCEL
REGISTRATION**

Design No

Name of registered proprietor

Address

I/We, the undersigned,

of

apply that the registration of design No may be cancelled.

Dated this day of, 19

(1)

The Registrar,
The Designs Office,
Lusaka,
Zambia.

(1) To be
signed by the
applicant(s)
or his/their
agent

REPUBLIC OF ZAMBIA
Designs Form No. 23
Section 25 (2)
Regulation 27 (2)

THE REGISTERED DESIGNS ACT

Fee Unit: 1

APPLICATION FOR CANCELLATION OF REGISTRATION UNDER
SECTION 25 (2) OF THE ACT

Design No.

I/We

of

hereby apply for cancellation of the registration of design No.

on the ground that (1)

(1) Here
state
ground(s) on
which
cancellation
is requested

Dated this day of, 19

(2)

(2) To be
signed by the
applicant(s)
or his/their
agent

My/Our address for service in Zambia:

The Registrar,
The Designs Office,
Lusaka,
Zambia.

NOTE.-The application must be accompanied by a copy thereof and a statement of case in duplicate.

REPUBLIC OF ZAMBIA

Designs Form No. 24

**Section 28
Regulation 29 (1)**

THE REGISTERED DESIGNS ACT

Fee unit: 1

REQUEST FOR INFORMATION UNDER SECTION 28 OF THE ACT
WHEN REGISTRATION NUMBER IS SUPPLIED

I/We hereby request that I/we may be given such information as I/we may be entitled to under section 28 with respect to the design registered under No.

Dated this day of, 19

(1)

Address:

The Registrar,
The Designs Office,
Lusaka,
Zambia.

(1) To be
signed by the
applicant(s)
or his/their
agent

REPUBLIC OF ZAMBIA
Designs Form No. 25
Section 28
Regulation 29 (2)

THE REGISTERED DESIGNS ACT

Fee unit: 1

REQUEST FOR SEARCH UNDER SECTION 38 OF THE ACT WHEN
REGISTRATION NUMBER IS NOT SUPPLIED

I/We hereby request that a search may be made in respect of the design (a representation or specimen of which is annexed hereto in duplicate) applied to (1)

(1) Here
insert name
of article

and that I/we may be given such information as I/we may be entitled to under section 28.

Dated this day of, 19

(2)

(2) To be
signed by the
applicant(s)
or his/their
agent

Address:

The Registrar,
The Designs Office,
Lusaka,
Zambia.

REPUBLIC OF ZAMBIA

Designs Form No. 26

Section 28

Regulation 29 (3)

THE REGISTERED DESIGNS ACT

Fee unit: 1

REQUEST FOR SEARCH UNDER REGULATION 29 (3)

I/We hereby request that a search may be made and that I/we may be informed whether the design (a representation or specimen of which is annexed hereto in duplicate) to be

applied to (1)

(1) Here
insert name
of article

appears to be identical with or closely to resemble any registered design applied to such article of which the copyright is still existing.

Dated this day of, 19

(2)

Address:

The Registrar,
The Designs Office,
Lusaka,
Zambia.

REPUBLIC OF ZAMBIA
Designs Form No. 27
Section 6 (2)
Regulation 30

THE REGISTERED DESIGNS ACT

Fee unit: 1

REQUEST FOR GENERAL CERTIFICATE OF THE REGISTRAR

Design No. , registered in the name of

I/We

of

hereby request the Registrar to furnish me/us with (1) his certificate that (2)

(1) a certificate of registration of the design (1) for use in obtaining registration abroad.

Dated this day of, 19

(1) Delete words that are not applicable
(2) Here set out the particulars which the Registrar is requested to certify

(3)

The Registrar,
The Designs Office,
Lusaka,
Zambia.

(3) To be signed by the applicant(s) or his/their agent

REPUBLIC OF ZAMBIA

Designs Form No. 28

Section 30

Regulation 31

THE REGISTERED DESIGNS ACT

Fee unit: 1

APPLICATION FOR COPY OF CERTIFICATE OF REGISTRATION OF DESIGN

I/We have to inform you that the Certificate of Registration of Design No.

has been (1)

(1) Here state whether "lost" or "destroyed" or "cannot be produced", as the case may be, and state in full the circumstances of the case which must be verified by affidavit

I/We therefore apply for the issue of a copy of such certificate (2)

(2) Here state the interest possessed by applicant(s) in the design

Dated this day of, 19

(3)

(3) To be signed by the applicant(s) or his/their agent

Address:

The Registrar,
The Designs Office,
Lusaka,
Zambia.

REPUBLIC OF ZAMBIA

Designs Form No. 29

Regulation 37 (2)

THE REGISTERED DESIGNS ACT

CERTIFICATE OF SERVICE

I/We (1)

(1) State name and address

hereby certify that at (2)

(2) State precisely where service was effected

on the day of, 19, at
o'clock in the noon, I/we served the following documents

upon

by (3)

(3) Here describe the method of service

Dated this day of, 19

(4)

The Registrar,
The Designs Office,
Lusaka,
Zambia.

(4) To be signed by the person effecting service

address to be treated as the address for service after registration.)

the agent

I/We also authorise the said (2) to complete the entry of an address for service as part of any registration obtained under the above authorisation.

(5) Here insert full trade or business address of the person appointing the agent

Dated this day of, 19

(4)

Address:

(5)

The Registrar,
The Designs Office,
Lusaka,
Zambia.

REPUBLIC OF ZAMBIA

Designs Form No. 31

Regulation 48

THE REGISTERED DESIGNS ACT

Fee unit: 1

APPLICATION FOR ENTRY OF ORDER OF COURT OR TRIBUNAL

I/We (1)

(1) State name and address of applicant(s)

in respect of Registered Design/Design Application No.

hereby transmit a certified copy of an order by the High Court for Zambia/by the Tribunal

with reference to (2)

(2) Here state purport of the order

Dated this day of, 19

(3)

(3) To be signed by the applicant(s) or this/their agent

My/Our address for service in Zambia:

The Registrar,
The Designs Office,
Lusaka,
Zambia.

(As amended by Act No. 13 of 1994)

THE REGISTERED DESIGNS (HIGH COURT) RULES

ARRANGEMENT OF RULES

PART I

PRELIMINARY

Rule

1. Title
2. Interpretation

PART II

APPEALS

3. Entry of appeal
4. Application for an extension of time in which to appeal
5. Notice of hearing
6. Evidence
7. Attendance of witnesses
8. Security on appeal
9. Abandonment or failure to prosecute appeal
10. Frivolous or vexatious appeals

PART III

APPLICATIONS

11. Dispute as to State use
12. Rectification of register
13. Hearing of applications
14. Evidence by affidavit
15. Costs

PART IV

TAXATION OF COSTS

16. Registrar of High Court to be Taxing Officer
17. Necessary and proper costs to be allowed
18. Scale of fees to be followed
19. Witnesses' charges and allowances
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PART V

GENERAL

23. Adjournment of proceedings
24. Place of hearing
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27. Endorsement of fee on document chargeable
28. Oath to be taken by assessors appointed under section 37
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FIRST SCHEDULE-Prescribed forms

SECOND SCHEDULE-Prescribed fees

SECTION 38-THE REGISTERED DESIGNS (HIGH COURT) RULES

Rules by the Minister

*Federal Government
Notice
274 of 1958
Government Notice
497 of 1964
Act No.
13 of 1994
Statutory Instrument
55 of 1995*

PART I

PRELIMINARY

1. These Rules may be cited as the Registered Designs (High Court) Title Rules.

2. In these Rules, unless the context otherwise requires- Interpretation

"Office" means the Designs Office;

"section" means a section of the Act.

PART II

APPEALS

3. (1) Any person who desires to appeal to the High Court from a decision of the Registrar of Designs in any matter in which a right of appeal is given under the Act shall, within three months after the date of the decision, file with the registrar of the High Court a notice in Form D.T. No. 1. Entry of appeal

(2) A notice of appeal shall state the nature of the decision appealed against and whether the appeal is from the whole or part only and, if so, what part of the decision, and shall be accompanied by a statement in writing of the appellant's grounds of appeal.

(3) The appellant shall send a copy of the notice of appeal to the Registrar of Designs and to any person or persons who appeared or gave notice of opposition in the proceedings before the said Registrar.

(4) The appellant shall be responsible for the preparation of the record which shall be certified by the Registrar of Designs as correct in terms of sub-rule (7).

(5) The Registrar of Designs as well as the parties or their legal practitioners shall endeavour to exclude from the record all documents (more particularly such as are purely formal) that are not relevant to the subject-matter of the appeal, and generally to reduce the bulk of the record as far as practicable, and to avoid the production of unnecessary exhibits, taking special care to avoid the duplication of documents and the unnecessary repetition of headings, and furnish merely the formal particulars of documents; but the documents omitted to be copied shall

be enumerated in a list to be placed after the index or at the end of the record.

(6) The Registrar of Designs, after consultation with the registrar of the High Court shall direct the number of copies of the record to be prepared, having regard to whether or not one or more assessors are likely to sit upon the hearing of the appeal.

(7) After the completion of the preparation of the record, the Registrar of Designs shall certify the record to be correct and forward it to the registrar of the High Court together with such copies thereof as he has directed to be prepared in terms of sub-rule (6).

4. (1) Any application for an extension of time in which to appeal shall be in Form D.T. No. 2 and shall state briefly the grounds upon which the application is based and, where facts are alleged, such facts shall be verified by affidavit. Application for an extension of time in which to appeal

(2) The application accompanied by supporting documents shall be delivered to the registrar of the High Court and copies shall forthwith be served by the appellant on the Registrar of Designs and on any person or persons who appeared or gave notice of opposition in the proceedings before the said Registrar.

(3) The respondent shall be entitled to file an affidavit in reply within fourteen days from the date of service or within such longer period as may be ordered by the High Court, and the Tribunal may permit further affidavits to be filed. Copies of such affidavits shall be served on the Registrar of Designs and on the appellant or the respondent, as the case may be, immediately after the affidavits are filed.

5. (1) The registrar of the High Court shall, after obtaining directions Notice of hearing from the High Court, give to the Registrar of Designs, to the appellant and to any opposing party not less than fourteen days' notice of the time and place appointed for the hearing of the appeal, unless the president of the Tribunal directs that shorter notice shall be given.

(2) In any case where the setting down of the hearing of an appeal has been delayed, any party may apply to the registrar of the High Court to fix a date for the hearing, and thereupon the registrar of the High Court,

after consulting any other party and the High Court, shall set down the appeal for hearing after having given to the Registrar of Designs and to any other party not less than fourteen days' notice or such shorter notice of the time and place appointed for the hearing of the appeal as directed by the High Court.

(3) If in the opinion of the registrar of the High Court an appeal is not being prosecuted timeously, he may lay the matter before the High Court for directions and, if the High Court is satisfied that the parties do not intend or are unable to proceed with the appeal, he may direct that the parties attend before him to show cause why the appeal should not be dismissed.

6. Subject to the provisions of subsection (6) of section *thirty-five*, Evidence the evidence used on appeal to the High Court shall be the same as that used before the Registrar of Designs, and no further evidence shall be given except with the leave of the Court.

7. The High Court may, at the request of any party, order the Attendance of attendance at the hearing for the purpose of cross-examination of any witnesses person who has given evidence in the matter to which the appeal relates.

8. (1) Subject to the provisions of section *forty-four*, any party may, Security on at any time before the hearing of an appeal, apply to the High Court for appeal an order that any opposing party shall, within such time, in such amount and in such manner as the High Court directs, give security for the payment of any costs which such opposing party may be ordered to pay.

(2) The party applying for an order for security for costs shall serve upon the opposing party a copy of the notice of the application for security at least seven days before the date of the hearing thereof.

(3) Any party ordered to give security for costs in terms of this rule may apply to the High Court for an order extending the time within which any security is to be given, and shall give not less than four days' notice of such application to the other party.

(4) In the event of the security not being given or being only partly

given within the time directed by the High Court or any extension thereof, all proceedings in the appeal shall be deemed to be stayed, unless the High Court otherwise orders, and the appeal shall be set down for such order, whether of dismissal or otherwise, as the High Court may think fit.

9. (1) An appellant may at any time abandon his appeal by giving notice of abandonment in Form D.T. No. 3 to the registrar of the High Court and, upon such notice being given, the appeal shall be deemed to have been dismissed by the High Court. Abandonment or failure to prosecute appeal

(2) The appellant shall serve a copy of the notice of abandonment on the respondent and on the Registrar of Designs.

(3) The respondent may, upon receipt of such notice, apply to the High Court for an order in respect of any costs incurred by him.

10. If it appears to the High Court that any notice of appeal against a decision of the Registrar of Designs discloses grounds of appeal which are frivolous or vexatious and that the appeal can be determined without a hearing, the High Court may dismiss the appeal summarily without calling on any person to attend the hearing of such appeal. Frivolous or vexatious appeals

PART III

APPLICATIONS

11. (1) Any reference to the High Court under section *twenty-one* by a party to a dispute (hereinafter referred to as "the claimant") shall be made in Form D.T. No. 4 and shall be filed with the Registrar of Designs. Dispute as to State use

(2) The claimant shall by affidavit verify the facts upon which he relies and shall state fully the nature of his interest in the matter in dispute and the relief which he seeks.

(3) The claimant shall serve a copy of his claim and of the relevant affidavit upon the other party to the dispute.

(4) The other party shall within two months from the date of receipt of such copy deliver to the Registrar of Designs a counter-statement, verified by affidavit, setting out fully the nature of his interest and the facts upon which he relies, and shall at the same time serve upon the claimant a copy of the counter-statement and of such affidavit.

(5) Proof of service shall be furnished to the satisfaction of the Registrar of Designs.

(6) When the provisions of this rule have been complied with to the extent herein required, the Registrar of Designs shall hand all relevant papers to the registrar of the High Court.

(7) Any party to the dispute may at any time during the proceedings under this rule make application to the Tribunal for an order for the hearing of oral evidence, and the Tribunal shall make such order as it deems fit.

12. An application for the rectification of the register under section *twenty-four* shall be made to the Tribunal in Form D.T. No. 5 and a copy thereof shall be served on the Registrar of Designs and on any other person appearing from the register to be interested in the design. Rectification of register

13. (1) When the registrar of the Tribunal has received from the Registrar of Designs the papers or written proceedings in relation to any application or other matter made to the High Court under the provisions of the Act, he shall, after taking directions from the High Court, appoint a time and place for the hearing of the case, and shall give the parties at least fourteen days' notice of the appointment. Hearing of applications

(2) After hearing the party or parties desiring to be heard or, if none of the parties desires to be heard, then without a hearing, the High Court shall decide the case and notify its decision to the parties.

14. (1) All evidence shall be by affidavit unless otherwise directed by the High Court. Evidence by affidavit

(2) Whenever a time is specified in this Part within which any act or

thing is to be done, the Registrar of Designs may, on application made to him in writing, extend the time either before or after its expiration or within any extended period.

15. If the applicant notifies the High Court that he does not desire to Costs proceed with an application, the High Court in deciding whether costs should be awarded to the other party shall consider whether proceedings might have been avoided if such other party had given reasonable notice to the applicant before the application to the High Court was filed.

PART IV

TAXATION OF COSTS

16. The registrar of the High Court shall be the Taxing Officer for Registrar of the purpose of taxing a bill of costs of a legal practitioner, and in the Tribunal to be taxation of costs shall comply with such instructions as may from time Taxing Officer to time be given to him by the High Court for that purpose.

17. (1) With a view to affording the party who has been awarded an Necessary and order for costs a full indemnity for all costs reasonably incurred by him proper costs to be in relation to his application or opposition, and to ensure that all such allowed costs shall be borne by the party against whom such order has been awarded by the High Court, the Taxing Officer shall on every taxation allow all such costs, charges and expenses as appear to him to have been necessary or proper for the attainment of justice or for defending the rights of any party, but, save as against the party who incurred the same, no costs shall be allowed which appear to the Taxing Officer to have been incurred or increased through over-caution, negligence or mistake, or by payment of a special fee to counsel, unless the High Court otherwise orders, or special charges and expenses to witnesses or other persons or by other unusual expenses.

(2) Upon the taxation of costs the Taxing Officer may, in determining the remuneration to be allowed, have regard to the skill, labour and responsibility involved, If, on having regard to the said matters, the Taxing Officer considers that there are special reasons why costs in excess of those prescribed in the Second Schedule should be allowed, he may, in respect of any particular application made or business done, allow such costs as seem to him reasonable and shall certify his decision in writing.

(3) Any person aggrieved by the charges made by any legal practitioner in respect of work performed by him under the provisions of the Act may refer such charges to the Taxing Officer for taxation.

18. In the taxation of costs the Taxing Officer shall be guided, as far as the circumstances of each particular case will permit, by the scale of fees prescribed in Part IV of the Second Schedule. In addition to these charges, all disbursements shall be separately charged and shall be allowed by the Taxing Officer when reasonable.

19. (1) Witnesses requiring payment shall be paid for their attendance and travelling in accordance with the tariff prescribed in Part II of the Second Schedule. Witnesses' charges and allowances

(2) The charges for witnesses as fixed by tariff are to be considered as payable to the witness by the party who summoned or produced him and, in the event of any such party being awarded his costs against any other party, the said charges shall be allowed against such other party in the taxation of costs.

(3) Any person applying to the registrar of the Tribunal for the issue of a subpoena to compel the attendance of any witness shall by endorsement of such subpoena give an undertaking that all expenses due to the witness shall be tendered to such witness upon service of the subpoena, failing which no subpoena shall issue. If upon service of the subpoena all expenses due to such witness have not been paid the subpoena shall have no force and effect.

(4) In the taxation of costs between party and party, no amount shall be allowed for any witness whether for attendance or travelling expenses unless there is produced to the Taxing Officer proof that such amount has already been paid or tendered to or claimed by such witness.

(5) In the taxation of costs between party and party, nothing shall be allowed for any witness not examined unless upon proof that his evidence might reasonably have been believed to be material and necessary.

(6) If the number of witnesses summoned, or if the number of affidavits filed, is manifestly greater than is reasonably necessary, there shall only be allowed against the other party the charges for such witnesses or affidavits as were reasonably necessary.

(7) In the taxation of costs between party and party, no amount shall be allowed for any witness in respect of personal attendance or travelling expenses if the fact or facts which such witness is subpoenaed to prove have, before the issue of such subpoena, been admitted to the party taking out the subpoena by the opposite party:

Provided that such admission shall be in writing, signed by the party making it or his legal practitioner acting on his behalf.

(8) When the same person is a witness in more cases than one heard on the same day, he shall be entitled to no more than one fee for personal attendance and one allowance for travelling expenses, which shall be equally divided between such cases.

20. (1) In all cases where a notice of taxation is necessary, seven days' notice together with a copy of the bill of costs shall be given by the legal practitioner on behalf of the party whose costs are to be taxed to the other party or to the legal practitioner of such other party. Taxation of costs

(2) When the dwelling-house or place of business of the party against whom costs are to be taxed is more than thirty-six miles from the seat of the High Court, the time for the service of such notice shall be extended to fourteen days.

(3) In the taxation of costs, the notice of taxation with a copy of the bill of costs may be transmitted by registered post to the party appearing in person.

21. Any party aggrieved by the decision of the Taxing Officer may apply to the High Court within four weeks after the taxation to review such taxation. Copies of the application shall be served on the Taxing Officer and on the opposite party. The application shall specify the items forming the subject of the grievance but the grounds upon which such items are sought to be reviewed shall not require to be verified by Review of decision of Taxing Officer

affidavit.

22. The Taxing Officer may, without filing any formal documents, submit any point arising at a taxation for decision by a Judge in Chambers, and it shall be competent for the Taxing Officer and for the legal practitioners who appeared at the taxation to appear before the High Court respecting such point. Reference to president of Tribunal in chambers

PART V

GENERAL

23. The hearing of any application or other matter before the High Court may from time to time be adjourned upon such terms as the High Court thinks fit. Adjournment of High proceedings

24. (1) Except as provided in sub-rule (2), every hearing before the High Court shall be in Lusaka. Place of hearing

(2) One or more of the parties may, not later than fourteen days before the date approved for the hearing, apply to the High Court to conduct the hearing at some other place in Zambia. The High Court may, in its discretion and subject to such conditions as to notice and costs as it thinks fit, conduct the hearing at the place named in the application.

(3) Where an application under sub-rule (2) is not made by all the parties to the proceedings, the High Court shall not decide the application without giving the parties an opportunity to be heard.

25. The forms set out in the First Schedule shall be used in all cases to which they are applicable and may be modified as directed by the High Court. Prescribed forms

26. The High Court fees prescribed in Part I of the Second Schedule shall be paid to the Registrar of Designs at the Office. Prescribed fees

27. (1) Upon receipt of any document chargeable with any fee payable in terms of these Rules, the Registrar of Designs shall endorse fee on document Endorsement of fee on document

upon the original of such document the amount of the fee paid and the chargeable date of payment.

(2) The Registrar of Designs shall refuse to accept any document in respect of which a fee is payable under these Rules, unless the appropriate fee accompanies such document.

28. The form of oath to be taken by assessors appointed under section *thirty-seven* shall be as follows:

Oath to be taken by assessors appointed under section 37

I, hereby declare that I will to the best of my ability faithfully and diligently discharge any duties as assessor without favour, fear or prejudice.

29. The remuneration of any assessor appointed under section *thirty-seven* shall be as prescribed in Part III of the Second Schedule.

Remuneration of assessors

FIRST SCHEDULE

(Rule 25)

PRESCRIBED FORMS

Form D.T. No. 1

Sections 35 and 39

Rule 3 (1)

THE REGISTERED DESIGNS ACT

Fee units: 8

NOTICE OF APPEAL TO THE TRIBUNAL

IN THE MATTER of an application (1)

and

(1) State nature of application or proceedings, the name of the applicant(s) and the number of the application for registration of design

IN THE MATTER of an opposition by (2)

(2) State the name of the opponent(s) if the application is opposed

I/We (3)

of

(3) State full name and address of appellant(s)

hereby give notice of appeal to the Tribunal from (4)

of the Registrar of Designs, dated the

(4) Here insert "the decision" or

day of , 19 whereby he

"that part of the decision", as the case may be

(5)

(5) Here insert "refused application for registration of a design" or "refused (or granted) application for compulsory licence" or otherwise, as the case may be

Dated this day of, 19

(6)

My/Our address for service in Zambia:

(6) To be signed by the appellant(s) or his/their practitioner

The Registrar of the Patents Tribunal,
Lusaka,
Zambia.

Form D.T. No. 2

Section 39
Rule 4 (1)
THE REGISTERED DESIGNS ACT
Fee units: 8

APPLICATION FOR AN EXTENSION OF TIME IN WHICH TO APPEAL

IN THE MATTER of an application (1)

(1) State nature of application or proceedings, the name of the applicants (s) and the number of the application for registration of design

and

IN THE MATTER of an opposition by (2)

(2) State the name of the opponent(s) if the application is opposed

I/We (3)
of

(3) State the full name and address of

hereby make application for an order of the Tribunal extending the time in which to appeal

appellant(s)

from (4)

(4) Here insert "the decision" or "that part of the

decision", as
the case may
be

of the Registrar of Designs on the following grounds (5)

Dated this day of, 19

(5) Here
state briefly
the grounds
upon which
the
application is
based, and
where facts
are alleged
such facts
shall be
verified by
affidavit

(6)

The Registrar of the Patents Tribunal,
Lusaka,
Zambia.

(6) To be
signed by the
appellant(s)
or his/their
legal
practitioner

Rule 9 (1)
THE REGISTERED DESIGNS ACT
Fee units: 12

NOTICE OF ABANDONMENT OF APPEAL

IN THE MATTER of an application (1)

(1) State nature of application or proceedings, the name of the applicant(s) and the number of the application for registration of design

and

IN THE MATTER of an opposition by (2)

you are hereby notified that the above-named appellant(s) hereby abandon(s) all further proceedings in the above matter.

Dated this day of, 19

(2) State the name of the opponent(s) if the application is opposed

(3)

The Registrar of the Patents Tribunal,
Lusaka,
Zambia.

(3) To be signed by the appellant(s) or his/their legal practitioner

**Section 21
Rule 11 (1)
THE REGISTERED DESIGNS ACT
Fee units: 12**

REFERENCE TO THE TRIBUNAL UNDER SECTION 21 OF THE ACT

IN THE MATTER of a reference by (1)

(1) State the name of claimant(s) and nature of matter in dispute

against

(2)

(2) State name of other party to dispute

I/We (3)

(3) State full name and address of claimant(s)

hereby refer for the determination of the Tribunal my/our claim against (4)

(4) State full name of respondent

The following are the grounds on which I/we base my/our claim:

(5)

(5) Here state briefly the nature of the grounds

Dated this day of, 19

(6)

(6) To be

My/Our address for service in Zambia:

signed by the
claimant(s)
or his/their
legal
practitioner

The Registrar,
The Designs Office,
Lusaka,
Zambia.

NOTE-The claim must be accompanied by an affidavit verifying the facts and stating fully the nature of the interest in the matter in dispute and the relief sought.

Form D.T. No. 5
Section 24
Rule 12
THE REGISTERED DESIGNS ACT
Fee units: 4

APPLICATION FOR RECTIFICATION OF REGISTER OF DESIGNS

I/We (1)

(1) State name and address of applicant(s)

hereby apply in respect of Design No. that the register

may be rectified in the following manner (2)

(2) State manner in which register is to be rectified

The grounds upon which I/we base this application are as follows:

(3)

(3) State briefly the grounds

Dated this day of, 19

(4)

(4) To be signed by the applicant(s) or his/their legal practitioner

My/Our address for service in Zambia:

The Registrar,
The Designs Office,
Lusaka,
Zambia.

(As amended by Act No. 13 of 1994)

SECOND SCHEDULE
(Rules 18, 19, 26 and 29)

PRESCRIBED FEES

PART I

TRIBUNAL FEES

<i>ITEM</i>	<i>MATTER</i>	<i>AMOUNT</i>	<i>FEE UNITS</i>
1.	On every appeal to the Tribunal from decision or order of the Registrar of Designs-inclusive fee	75	
2.	On a reference to the Tribunal under section 21	75	
3.	On application for rectification of register of designs	30	
4.	On every search	4	
5.	For typewritten copies of judgements or records, for additional copies of orders or for copies of documents or proceedings furnished upon direction of the registrar of the Tribunal:		
	The first copy for each folio of 100 words or part thereof	3	
	Additional copies for each folio of 100 words or part thereof	1	
6.	On certifying any document as an office copy	8	
7.	Transcript of shorthand writer's notes	Such fee as may be determined by the Minister	

PART II

**SUBSISTENCE AND TRAVELLING ALLOWANCES
PAYABLE TO WITNESSES**

Witnesses attending the High Court shall be paid subsistence and travelling allowances at the rates prescribed in Part III of the First Schedule to the Supreme Court Rules.

PART III

REMUNERATION OF ASSESSORS

An assessor shall be remunerated at the rate of K2.10 per hour or part thereof, but his remuneration shall not exceed K10.50 per day, unless the Minister, with the approval of the Minister responsible for finance, otherwise directs. An assessor shall in addition be paid a travelling allowance at the rates prescribed in Part III of the First Schedule to the Supreme Court Rules.

PART IV

LEGAL PRACTITIONERS' FEES

Legal practitioners' fees in any appeal, application, opposition or other matter heard before the High Court shall be in accordance with the tariff of fees prescribed in Part II of the Second Schedule to the Supreme Court Rules, save as hereinafter provided-

Persual of any necessary documents-	<i>Fee units</i>
For the first 10 folios-per folio	4
For each subsequent folio	2

(As amended by Act No. 13 of 1994)

**SECTION 38-REGISTERED DESIGNS (APPEALS)
RULES**

*Statutory
Instrument
7 of 1984*

Rules by the Chief Justice

- 1.** These Rules may be cited as the Registered Designs (Appeals) Rules. Title
- 2.** Subject to any specific provisions of the Act, the High Court (Appeals) (General) Rules, 1984, shall apply to any appeal to the High Court brought pursuant to the provisions of the Act. Appeals to High Court. S.I. No. 6 of 1984
- 3.** Subject to any specific provisions of the Act, the Supreme Court Rules shall apply to any appeal to the Supreme Court pursuant to the provisions of the Act. Appeals to Supreme Court. Cap. 25