

GOVERNMENT OF ZAMBIA

# ACT

No. 18 of 1980

Date of Assent: 21st December, 1980

An Act to amend the Patents Act

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ENACTED by the Parliament of Zambia.

1. (1) This Act may be cited as the Patents (Amendment) Act, 1980, and shall be read as one with the Patents Act, hereinafter referred to as the principal Act.

(2) This Act shall come into operation on such date as the Minister may, by statutory instrument, appoint.

Enactment

Short title and commencement.

Cap. 692

2. Section *two* of the principal Act is amended in subsection Amendment

(1) by the deletion of the definitions of "Court" and "Patents of section 2 Tribunal".

3. Section *twenty-one* of the principal Act is amended in subsection (2) by the deletion of the words "Patents Tribunal" wherever they occur and the substitution therefor of "High Court".

Amendment

of section 20

4. Section *twenty-two* of the principal Act is amended

(a) in subsections (7) and (9) by the deletion of "Patents Tribunal" and the substitution therefor of "High Court";

(b) in subsection (8) by the deletion of the words "Patents Tribunal" and "that Tribunal" wherever they occur and the substitution therefor of "High Court" and "that Court", respectively.

-This Act shall come into operation on such date as the Minister may, by

Amendment

of section 22

statutory instrument, appoint.

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subsection (3) by the deletion in paragraph (c) of " Patents Tribunal" and the substitution therefor of " High Court".

Amendment 6. Section *twenty-four* of the principal Act is amended in of section 24 subsection (5) by the deletion of " Patents Tribunal" and the substitution therefor of " High Court".

Amendment 7. Section *twenty-five* of the principal Act *is* amended in of section 25 proviso (i) to subsection (2) by the deletion of "Patents Tribunal" and the substitution therefor of " High Court".

Amendment  
of section 30

Amendment of section 31

Amendment of section 37

8. Section *thirty* of the principal Act is amended

- (c) in subsection (1) by the deletion of " Patents Tribunal" and the substitution therefor of " Registrar";
- (b) in paragraph (c) (If subsection (2) by the deletion of "Patents Tribunal" and the substitution therefor of " Registrar ";

(c) in subsection (3)

- (i) by the deletion of "registrar of the Patents Tribunal" and the substitution therefor of "Registrar " ;
- (ii) by the deletion of " by that Tribunal";
- (d) in subsection (4) by the deletion of the words " Patents Tribunal" wherever they occur and the substitution therefor of " Registrar";
- (e) in subsection (7) by the deletion of " Patents Tribunal" and the substitution therefor of " Registrar";
- (f) by the addition after subsection (7) of the following new subsection :
  - (8) An appeal shall lie from any decision of the Registrar under this section.

9. Section *thirty-one* of the principal Act is amended in the proviso to subsection (5) by the deletion of "Patents Tribunal" and the substitution therefor of " High Court".

10. Section *thirty-eight* of the principal Act is amended

- (a) by the deletion of subsection (5) and the substitution therefor of the following subsection :

(5) When, in relation to an application or an opposition thereto, the foregoing provisions of this section have been complied with to the extent therein required, the Registrar shall send all relevant papers to the High Court, and that court shall arrange for the matter to be heard in the manner proscribed and, subject to the provisions of this section, the High Court may make such order therein as it deems just. ;

*Patents (Amendment)*

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as

(b) in the proviso to paragraph (a) of subsection (6) and in subsections (7), (8), (9), (10), (11) and (12) by the deletion of the words " Patents Tribunal" wherever they occur and the substitution therefor of "High Court ".

11. Section *thirty-eight* of the principal Act is amended—

Amendment

of section 38

(a) in subsection (1) by the deletion of "Patents Tribunal" and "such Tribunal" and the substitution therefor of "High Court" and "that Court", respectively;

(b) in subsection (2) by the deletion of "Patents Tribunal" and the substitution therefor of " High Court ".

12. Section *forty* of the principal Act is amended in subsection (3) by the deletion of " Patents Tribunal" and the substitution therefor of " High Court".

13. Section *forty-two* of the principal Act is amended in subsections (1) and (4) by the deletion of the words " Patents Tribunal" wherever they occur and the substitution therefor of " High Court ".

Amendment of section 42

14. The principal Act is amended by the repeal of section *forty-four* and the substitution therefor of the following section:

Repeal and

repeal of section 44

44. In any action for infringement of a patent or amendment of proceedings before the High Court for the revocation of

of a patent, that court may, subject to the provisions of subsection (3) of section *forty-three*, allow the patentee to amend his complete specification in such manner and subject to such terms as to costs, advertisement or otherwise as that court may think fit, and, if in any such proceedings for revocation the High Court decides that the patent is invalid, it may allow the specification to be amended under this section instead of revoking the patent.

15. Section *forty-five* of the principal Act is amended by the deletion of " Court or the Patents Tribunal " and the substitution therefor of " High Court".

Amendment of section 45

16. Section *forty-eight* of the principal Act is amended in subsections (2) and (3) by the deletion of the words " Patents Tribunal" wherever they occur and the substitution therefor of " High Court".

Amendment of section 48

17. Section *fifty* of the principal Act is amended in subsections (1), (2), (4), (5), (6) and (8) by the deletion of the words "Patents Tribunal" wherever they occur and the substitution therefor of " High Court".

Amendment of section 50

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*Patents (Amendment)*

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Amendment 18. Section *fifty-one* of the principal Act is amended in of section 51 subsections (1) and (2) by the deletion of the words " Patents Tribunal" wherever they occur and the substitution therefor of " High Court ".

Amendment 19. Part VII of the principal Act is amended by the addition of Part vn after section *fifty-seven* of the following new section:

~terpreta- 57A. In this Part, unless the context otherwise  
Ion requires, " Court" means the High Court.

Amendment  
of section 58

20. Section *fifty-eight* of the principal Act is amended in subsection (3) by the deletion of " Patents Tribunal or Court" and the substitution therefor of "High Court or Supreme Court ".

Amendment of section 60

Amendment  
of section 67

Amendment of section 69

21. Section *sixty* of the principal' Act is amended by the deletion of the words "Patents Tribunal" wherever they occur and the substitution therefor of " High Court".

22. Section *sixty-seven* of the principal Act is amended in subsection (2) by the deletion of " or the Patents Tribunal" and the substitution therefor of ", the High Court or the Supreme Court".

23. Section *sixty-nine* of the principal Act is amended

Amendment  
of Part XI

Amendment of section 73

Repeal of  
sections

74, 75, 76 and 77

Amendment of section 78

(a) by the deletion in subsection (2) of " Patents Tribunal" and the substitution therefor of " High Court";

(b) by the deletion of subsection: (3);

(c) in subsections (4) and (5) by the deletion of " Patents Tribunal" and the substitution therefor of " High Court ".

24. Part XI of the principal Act is amended by the deletion of the heading "PATENTS TRIBUNAL AND ApPEALS" and the substitution therefor of "ApPEALS ".

25. Section *seventy-three* of the principal Act is amended by the deletion of "Patents Tribunal" and the substitution therefor of " High Court".

26. The principal Act is amended by the repeal of sections *seventy-four, seventy-five, seventy-six and seventy-seven*.

27. Section *seventy-eight* of the principal Act is amended  
(a) by the deletion of the marginal note and the substitution therefor of the following marginal note:  
Appeals to Supreme Court;

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(b) by the deletion of subsection (1) and the substitution therefor of the following subsection:

(1) Any party to 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;  
(c) in subsection (2) by the deletion of the words "Court" and "Patents Tribunal" wherever they occur and the substitution therefor of "Supreme Court" and "High Court", respectively.

28. The principal Act is amended by the repeal of section  
*seventy-nine*.

29. Section *eighty* of the principal Act is amended in subsection (1) by the deletion of the words "Patents Tribunal" and "Court" wherever they occur and the substitution therefor of "High Court" and "Supreme Court", respectively.  
Repeal of section 79

Amendment  
of section 80

30. The principal Act is amended by the repeal of section *eighty-one* and the substitution therefor of the following section:  
Repeal and replacement of section 81

81. 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

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

31. The principal Act is amended by the repeal of section *Re-land*  
*eighty-two* and the substitution therefor of the following section: *reP ac-ment*2

of section 8 .

82. Where any matter to be decided by the Registrar References under this Act appears to him to involve a point of law to High Court to be of unusual importance or complexity, he may, after consulting the parties, 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 that court or any decision substituted therefor on appeal to the Supreme Court.

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**148No. 18 of 1980]** *Patent-s (Amendment)*  
Amendment of section 86

Amendment of section 90

Repeal  
of sections  
98, 91 and  
100

32. Section *eighty-five* of the principal Act is amended by the deletion of " or the Patents Tribunal".

33. Section *ninety* of the principal Act is amended in subsection(2) by the deletion of " or the Patents Tribunal".

34. The principal Act is amended by the repeal of sections *ninety-eight, ninety-nine* and *one hundred*,

**Source:** World Intellectual Property Organization  
<http://www.wipo.int>