

Registered [No. 16 of 1980 133
Designs (Amendment)

GOVERNMENT OF ZAMBIA

ACT

No. 16 of 1980

Date of Assent: 21st December, 1980

An Act to amend the Registered Designs Act

[*

ENACTED by the Parliament of Zambia,

1. (1) This Act may be cited as the Registered Designs (Amendment) Act, 1980, and shall be read as one with the Registered Designs 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

"the

Commence

ment.

Chapter 16

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

(1) by the deletion of the definitions of "Court", "High Court" and "Tribunal".

3. Section sixteen of the principal Act, is amended in Amendment

subsection (2) by the deletion of "Court" and the substitution thereof of "High Court".

4. Section eighteen of the principal Act is amended in Amendment

subsection (3) by the deletion of "Tribunal" and the substitution thereof of "High Court".

5. Section nineteen of the principal Act is amended in Amendment

paragraph (a) of subsection (1) and in subsection (5) by the of section 10 deletion of "Tribunal" and the substitutiun therefor of " High Court".

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134 No. 16 of 1980] *Re(li.stercd*
De8ig1UJ (AmmIImment)
Amendmont of .eotion 21

Amondmont of seotion 22

Amendment of section 24

6. Section *twenty-one* of the principl Act is amended in subsections (1), (2) and (4) by the deletion of "Tribunal" and the substitution therefor of " High Court ",

7. Section *lwenty-tn'o* of the principal Aot is amended *in* subsection (5) by the deletion of .. Tribunal or tho Court" and the substitution therefor of "High Court or the Supreme Court",

8. Section *twentY10ur* of the principal Aot is amendod

(a) *ill* subsections (1) and (2) by tho deletion of" Trlbunal " and tho substitution thorofof of .. High Court";

(b) by tho deletion of subsection (3);

(c) *in* subsection (.1) by the deletion of "Trlbunal " and the substitution therefor of " High Court.",

Amendment of sootion 27

9, Section *lwentll-ReVCn* of tho principal Aot is amended in subsection (2) by the deletion of .. Tribuuc! or by the Court" and the substitution therefor of" High Court or by the Supreme Court".

Repeal nnd roplnoomont of sootion 33

Power of RegistrAr toaward oosts

10, The principal Act is amended by the repeal of aeotion *thirty-three* and the substitution thorefof of the following section:

33. In all proceedings before the Registrar under this Act. the Registrar shall have power to award to any pa.rty such costs as he may consider reasonable and to direct how and by what parties they are to bo paid. and any costs so awarded shall be taxed by tho High Court and payment thereof may be enforced in the same manner as 1£ they were costs allowed by the High Court,

Repeal and roplaoomont of section 35

High Court to honr appeals

Repeal of sections 36 and 37

Repeal and replacement of section 38

Rules of court

11. The principal Act is amended by the repeal of section *thirty-five* and the substitution therefor of the following section:

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

12. The principal Act is amended by the repeal of sections *thirty-six* and *thirty-seven*.

13. The principal Act is amended by the repeal of section *thirty-eight* and the substitution therefor of the following section:

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

(a) the time within which an appeal requirement of the rules is to be complied with;

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.....

(b) the costs and expenses of and 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,

14. Section *thirty-nine* of the principal Act is amended by Amendment the deletion of "Tribunal" and "Tribunal or Court" and the substitution therefor of "High Court" and "High Court or Supreme Court", respectively.

15. The principal Act is amended by the repeal of section *Repeal and forty* and the substitution therefor of the following section: replacement of section 40

40. When any matter to be decided by the Registrar References under this Act appears to him to involve a point of law or to High to be of unusual importance or complexity, he may, after consulting

the Registrar give notice to the parties, refer the 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.

16. Section *forty-one* of the principal Act is amended by the deletion of the words "Tribunal or Court" wherever they occur and the substitution therefor of "High Court or Supreme Court".

Amendment
of section 41

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

replacement
of section
44

44. (1) When a party to proceedings before the Registrar is ordered to give security for costs and

such party to give security, within such time as may be directed, for the costs of the proceedings,

(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,

18. Section *forty-five* of the principal Act is amended by the deletion of the word "Tribunal" wherever it occurs and the substitution therefor of "High Court".

of 1980 *DeMons (Arnell. Amendment)*

Amendment

of section 118

Amendment

of section 46

19. The principal Act is amended by the repeal of section *forty-six*; and the substitution therefor of the following section:

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.

Amendment

of section 110

Amendment

of section 118

Amendment

20. Section *fifty* of the principal Act is amended by the deletion of "or the Tribunal".

21. Section *fifty-three* of the principal Act is amended by the deletion of subsection (2) and the substitution thereof of the following subsection:

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

22. The principal Act is amended by the repeal of section *11(1)*.

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