

GOVERNMENT OF ZAMBIA

ACT

No. 16 of 1980

Date of Assent: 21st December, 1980

An Act to amend the Registered Designs Act

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ENACTED by the Parliament of Zambia.

Enactment

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.

Short title and commencement.
Cap. 696

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

2. Section *two* of the principal Act is amended in subsection (1) by the deletion of the definitions of " Court ", " High Court " and " Tribunal ".

Amendment of section 2

3. Section *sixteen* of the principal Act is amended in subsection (2) by the deletion of " Court " and the substitution thereof of " High Court ".

Amendment of section 16

4. Section *eighteen* of the principal Act is amended in subsection (3) by the deletion of " Tribunal " and the substitution thereof of " High Court ".

Amendment of section 18

5. Section *nineteen* of the principal Act is amended in paragraph (a) of subsection (4) and in subsection (5) by the deletion of " Tribunal " and the substitution thereof of " High Court ".

Amendment of section 19

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

- Amendment of section 21** 6. Section *twenty-one* of the principal Act is amended in subsections (1), (2) and (4) by the deletion of "Tribunal" and the substitution therefor of "High Court".
- Amendment of section 22** 7. Section *twenty-two* of the principal Act is amended in subsection (5) by the deletion of "Tribunal or the Court" and the substitution therefor of "High Court or the Supreme Court".
- Amendment of section 24** 8. Section *twenty-four* of the principal Act is amended—
(a) in subsections (1) and (2) by the deletion of "Tribunal" and the substitution therefor of "High Court";
(b) by the deletion of subsection (3);
(c) in subsection (4) by the deletion of "Tribunal" and the substitution therefor of "High Court".
- Amendment of section 27** 9. Section *twenty-seven* of the principal Act is amended in subsection (2) by the deletion of "Tribunal or by the Court" and the substitution therefor of "High Court or by the Supreme Court".
- Repeal and replacement of section 33** 10. The principal Act is amended by the repeal of section *thirty-three* and the substitution therefor of the following section:
- Power of Registrar to award costs** 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.
- Repeal and replacement of section 35** 11. The principal Act is amended by the repeal of section *thirty-five* and the substitution therefor of the following section:
- High Court to hear appeals** 35. Where this Act provides for an appeal from a decision of the Registrar, such appeal shall be made to the High Court.
- Repeal of sections 36 and 37** 12. The principal Act is amended by the repeal of sections *thirty-six* and *thirty-seven*.
- Repeal and replacement of section 38** 13. The principal Act is amended by the repeal of section *thirty-eight* and the substitution therefor of the following section:
- Rules of court** 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 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;
- (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 the deletion of "Tribunal" and "Tribunal or Court" and the substitution therefor of "High Court" and "High Court or Supreme Court", respectively. Amendment of section 39

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

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

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: Repeal and replacement of section 44

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.

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". Amendment of section 45

Repeal and
replacement
of section 40

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

Appeals to
Supreme
Court

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 50

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

Amendment
of section 53

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

Repeal of
section 60

22. The principal Act is amended by the repeal of section *sixty*.
