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ZAMBIA





SECTION 1: COUNTRY OVERVIEW

1.1 GENERAL INFORMATION

Capital:	Lusaka
Population:	17.86 million
Currency of government (official) fees :	Zambian Kwacha (MK)
Language for filing IP applications:	English
GDP per capita:	1,305.002 (est.in, 2020)
Human Capital Index:	0.397 (est.in, 2020)
Main exports:	Copper, sugar, tobacco, gemstones, cotton and electricity.
Main imports:	Machinery, transportation equipment, foodstuffs and fuel.

1.2. INTERNATIONAL LEGAL INSTRUMENTS

- Berne Convention
- Madrid Protocol
- Nairobi Treaty
- Paris Convention
- Patent Cooperation Treaty
- Patent Law Treaty
- Washington Treaty
- WIPO Convention¹
- WTO/TRIPS²

1.4 OVERVIEW OF REGIONAL AGREEMENTS

The African Continental Free Trade Area (AfCFTA) Agreement

Zambia has signed and ratified the Agreement. The Agreement can be accessed here: <https://au.int/en/treaties/agreement-establishing-african-continental-free-trade-area>. The Agreement contains a Protocol on IP rights, which aims for effective protection and promotion of IP rights in Africa.

¹ WIPO: World Intellectual Property Organization.

² TRIPS Agreement: Agreement on Trade-Related Aspects of intellectual Property Rights the World Trade Organization (WTO).





ARIPO Agreements

Zambia is a member of the Lusaka Agreement, which created the African Regional Intellectual Property Organization (ARIPO). It is also a Contracting Party to the Harare Protocols and Swakopmund Protocols, which are administered by ARIPO.

COMESA (The Common Market for Eastern and Southern Africa)

It has a COMESA Policy on Intellectual Property Rights. The purpose of the Policy is to promote the use of IP rights by COMESA member states so that they can shift from resource-based economies to knowledge-based and innovation-driven economies. COMESA has no regional IP agreements, protocols or registration systems in place. [Read more about COMESA.](#)

The SADC Treaty

Zambia is a member of the [Southern African Development Community, \(SADC\)](#), SADC has no regional IP agreements, protocols or registration systems in place. It has the SADC Industrialization Strategy and Roadmap (2015-2063) which includes a focus on promoting the use and enforcement of IP rights to encourage research and development and innovation amongst SADC countries.

1.5 AVAILABLE IP PROTECTION

The following IP protection is available in Zambia:

- 1) Trade marks: national and international (Madrid)
- 2) Patents: national and regional (ARIPO)
- 3) Utility models: national and regional (ARIPO)
- 4) Industrial designs: national and regional (ARIPO)
- 5) Layout designs of integrated circuits: national;
- 6) Traditional knowledge, genetic resources and expressions of folklore national, ARIPO)
- 7) Plant breeders rights: (national)
- 8) Copyright and related rights: (national)

1.6. IP PROTECTION NOT AVAILABLE: IP PROTECTION NOT AVAILABLE:

- Geographical Indications

1.7. Available IP Protection Routes

IP protection in Zambia is available through three levels: national, regional and international.

1.7.1 National

The eight types of IP mentioned above can be protected directly in Zambia through the Patents and Companies Registration Agency (PACRA).





1.7.2 Regional

- The ARIPO regional route can be used for Zambia for the granting of patents and the registration of utility models and industrial designs in terms of the Harare Protocol.

Information that you may need to know about the relevance of the ARIPO system to your IP protection strategy in Zambia

Patent filings

- ARIPO is a member of the PCT and over 75 % of its applications are PCT based. Zambia receives most of its patent applications through its designations under the ARIPO region in PCT applications. PACRA, the national IP office, received 23 in 2019 against 526 ARIPO patent applications. See ARIPO's 2019 Annual Reports which you can access [here](#). The pattern is similar for most ARIPO member states.

Substantive examination of patents and utility models

- ARIPO offers technical support to its member states, including Zambia, in carrying out substantive examination of patents and utility models.

Searches

- You can conduct free online searches for trade marks, patents, utility models and industrial designs on the [ARIPO eservice platform](#). You have the option of performing either a simple or advanced search. You may use this even if you are not registered for e-services.
- You can also [use this shortcut](#) to access the Regional IP Database.

1.7.3 International

- For Zambia, the WIPO international route can be used for two types of IP right:

- 1) the registration of trade marks under the Madrid System;
- 2) the filing and processing of patents in terms of the Patent Corporation Treaty (PCT).

• Trade marks: Madrid System

- Zambia is a signatory of the Madrid Protocol, which means it can be designated for the purposes of registering a trade mark under the Madrid trade mark system.
- The Madrid system makes it possible for a country to be designated in an international application in order for a brand owner to secure trade mark protection in that country. It is





also possible for brand owners to extend their trade mark protection to other countries that are members of the Madrid Protocol.

- A brand owner files one application and pays a single fee to obtain the registration of a trade mark in many other countries that are members of the System. Information about the Madrid trade mark system is available through these links: [general information](#) and [how to file](#).

• Patents: Patents: PCTPCT

- The PCT makes it possible to seek patent protection for an invention simultaneously in a large number of countries by filing a single international patent application instead of filing several separate national or regional patent applications. Read more about the PCT through this [link](#).
- Zambia is a Contracting Party to the PCT, but it is also a member state of ARIPO which, as a region, is also a contracting party to PCT. As a result, Zambia can be designated in a PCT application either as a country or under the designation of ARIPO as a regional block.

1.9. National/Regional/International:

How do I choose a route?

National/ Regional/International:

- The choice will depend mainly on the nature of the IP right(s) involved. Professional advice may be necessary to establish the most suitable protection route for your IP right(s).
- The questions below may provide a general guide.

1.9.1. When would I use the national route?

When the national route is the only available route for the protection of the IP right in question.

- Some IP rights, for example, Geographical Indications, can only be protected under national law because protection is not available under regional and international systems.
- When IP protection is required in one country onlyWhen IP protection is required in one country only. It may not be necessary to use regional or international routes.
- When used in response to specific national law provisionsWhen used in response to specific national law provisions:: ARIPO confers IP protection as a 'bundle or rights' which an IP holder must enforce in each designated state, based on each state's laws. Some IP rights are not readily accepted in all ARIPO member states, for example pharmaceutical patents. In that event, a patent holder may choose the national route in the state where the right is likely to be contested to avoid a conversion from a regional into a national application and





then use the regional route for the remaining potentially unproblematic states.

1.9.2 When would I use the regional (ARIPO) route?

When would I use the regional (ARIPO) route? This route is currently available for patents, utility models and industrial designs only. It is advisable to use the ARIPO regional route when:

- IP protection is required in multiple ARIPO states: in which case a single application for the registration of an IP right using the regional system may be more efficient and cost effective than registering in two or more countries.
- the regional route offers more technical capacity: for example, ARIPO has a wider capacity to substantively examine patents, especially those of a complicated subject matter.

1.9.3. When would I use the international route?

You can use this route if you want IP protection which covers Zambia for international trade marks under the Madrid System and for patent filings under the PCT.

• Trade marks and Industrial Designs

In general, it is advisable to use the international route when you want a wider coverage of IP protection than what is available under the national and regional routes

• Patents

You may choose the PCT route because it offers a streamlined multi-country patent filing service that is not available under national and regional patent routes. You can read more about the PCT's services [here](#).

SECTION 2: OVERVIEW OF NATIONAL IP ENFORCEMENTSECTION

Zambia is a signatory of the WTO Agreement, and its laws are substantially TRIPS compliant in terms of providing a legal framework for the protection and enforcement of IP rights.

PACRA also engages constantly with other stakeholders who have a role to play in combating IP infringements. These include Interpol, border officials, customs officials, the legal profession, retailers, and the public.

For the copyrights, the Copyright and Performance Rights Act Zambia provides for enforcement of copyright. It provides that an infringement of copyright shall be actionable in the High Court at the suit of the owner of the copyright.





SECTION 3: AVAILABLE IP PROTECTION

3.1 TRADE MARKS

Who can registerWho can register a trade mark?

A natural person, a company or any other entity can apply to register a trade mark.

However, a person who does not have their place of business in Zambia needs a professional representative.

3.1.2 Do I need a local representative?

- You must be represented by an agent if you are not a citizen of Zambia or if you are applying on behalf of a company whose principal place of business is outside Zambia.
- You can find a local agent for Zambia [here](#)

3.1.3 What qualifies for registration?

A trade mark is any word, phrase, symbol, design, shape, group of letters or numbers, or combination of these, used by a company as its brand or logo. Consumers can rely on trade marks to help them distinguish between different goods in the marketplace and to help them identify brands they are loyal to. An organisation's logo and slogan, a T-shirt brand, a family symbol, the name of an event or festival are some of the things that can be registered as trade marks.

3.1.4 What cannot be registered?

A trade mark cannot be registered if:

- it contains information that deceives and cause confusion;
- it is a scandalous design;
- it is identical and or resembles other trade marks;
- it consists of symbols and insignia, flags, arms or official signs of the state, international organisations;
- it is contrary to morality or the law; and
- it constitutes a name or likeness of individuals without the authorisation of such individuals.

3.1.5 Where can I file an application?

- [Patents and Companies Registration Agency \(PACRA\)](#).
- International (Madrid) applications can be filed through PACRA.





3.1.6 What do I need to register?

A trade mark application must contain the following:

- An application for registration of a trade mark made on [Form TM No. 2](#);
- The lodgement schedule outlining the mark seeking registration;
- A specification of the class of goods in respect of which registration is sought. Zambia is party to the Nice Classification of Goods further to which goods have been categorised in 34 classes;
- Registration of a mark in a different class is treated as a distinct and separate application. Where the contemplated trade mark is not a word but a device or logo, [Form TM No. 2](#), should also be accompanied by TM [Form No.3](#) to which should be attached six (6) representations of the mark;
- An applicant may correct any error or amend the application by filing [Form TM No. 21](#); and
- The payment of the fees.

3.1.7 How do I register?

The national PACRA registration process involves three stages: application, publication and registration. See: [https://www.pacra.org.zm/#/html/Trade mark sHtml/](https://www.pacra.org.zm/#/html/Trade%20mark%20sHtml/)

3.1.8 How much does it cost?

Government (official) fees: You can check the latest fees [here](#) which can be accessed from [PACRA](#).

3.1.9 How long does registration take?

The trade mark registration process takes 12 -18 months from the filing date to complete, assuming that there are no unusual delays and no oppositions. This includes an opposition period of 6 months.

3.1.10 What is the duration of protection?

- 7 years from the filing date, renewable.

3.1.11 When are renewal fees paid?

It is a legal requirement that a trade mark be renewed seven (7) years after registration and, thereafter, every fourteen (14) years. The application for renewal of a trade mark is made on [Form TM. No. 12](#).

3.2. PATENTS PATENTS

3.2.1 Who can register a patent?

An inventor (or successor in title) or an assignee of an invention can apply to register a patent.





3.2.2 Do I need a local representative?

- You must be represented by an agent if you are not a citizen of Zambia or if you are applying on behalf of a company whose principal place of business is outside Zambia.
- For local applicants representation is optional.
- You can find a local agent for Zambia [here](#)

3.2.3 What qualifies for registration?

A patent must meet the following requirements:

- Novelty which must be absolute novelty in that the invention must be a new characteristic which is not known in the body of existing knowledge in its technical field. It must not be anticipated by prior art;
- Inventive step inventive step which means that, having regard to prior art, the invention is not obvious to a person skilled in the art;
- Susceptible of industrial applicability susceptible of industrial applicability in that it can be used in any kind of industry, including agriculture, and
- Conformity to Natural and Statutory Law conformity to Natural and Statutory Law Any invention must in addition satisfy statutory and physical laws.

3.2.4 What cannot be registered?

The following inventions cannot be patented:

- Discoveries, scientific theories or mathematical methods;
- Schemes, rules or methods for doing business, performing purely mental acts or playing games or doing business;
- Literary, dramatic, musical, or artistic work or any other artistic creation; presentation of information; and
- Computer programmes.

3.2.5 Where can I file an application?

- National National applications must be filed with the Patent and Companies Registration Agency, [PACRA](#).
- Regional Regional applications can be filed at PACRA or, clearly indicating that they are regional applications, through ARIPO. Applications filed through ARIPO can be filed electronically, by email, registered mail, fax, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage online filings.
- International applications International applications filed through the [PCT](#) in which Zambia is designated are registered by PACRA.

3.2.6 What are the registration requirements?

A patent application must contain the following:





- A request on the prescribed form;
- The patent title, abstract, description, claims and drawings;
- The applicant's details including full name, nationality, legal status and physical address or, if it is a company, its Certificate of Incorporation;
- The Deed of Assignment, if the applicant is not the inventor;
- A certified copy of the priority document, if applicable;
- The prescribed application fees.

3.2.8 How much does it cost?

You can check the latest fees [here](#) which can be accessed from [PACRA](#).

National (PACRA) fees

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.

Government (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (Zambia Kwacha). Application forms and information on fees are available through this link: PACRA - [Patents and Companies Registration Agency](#)

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/ip-agents/>.

ARIPO--route patent registration fees

Fees must be paid through ARIPO if an applicant chooses to register a patent for Zambia using the ARIPO route. ARIPO's fees are reviewed regularly. The latest fees are available through this link: <https://www.aripo.org/fee-schedules/>.

Application fees consist of three components, as follows:

Type of Fee	ARIPO Fee (USD)	Total Fees (USD)
Application fee, regardless of the number of states designated in the application	232	932
State designation fee	85 per state (Multiplied by the number of designated states)	Depends on the number of designated states
Mandatory annuity fee: for PCT-based applications, the first ARIPO annuity fee will usually be due and must be paid with the application fee	50 per state (Multiplied by the number of designated states)	Depends on the number of designated states
Total fees, assuming only Zambia is designated and payment of first annuity fee	317	1 037
Total fees, assuming all 18 Harare Protocol states, including Zambia, are designated and payment of first annuity fee	2 662	3 722

Note on professional fees

Professional fees vary depending on several factors, such as the level of experience of the professional concerned and the time spent on a task, amongst others.

It is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/ip-agents/>.

3.2.9 How long does registration take?

Basic national PACRA applications usual timeframe is between 9 -15 months on average.

Regional

Regional-route Zambia applications are substantively examined by ARIPO and take 3-4 months on average to complete registration, assuming that there are no objections.

3.2.10 What is the duration of protection?

- Protection lasts 20 years from the filing date, subject to the payment of annual maintenance fees.





3.2.11 When are renewal fees paid?

National patents

Renewal fees are paid from the 4th anniversary of the filing date up to the 16th year. Late payment is possible, with a corresponding surcharge, within a grace period of 6 months after the due date.

ARIPO--route route Zambia patentsZambia patents

Renewal fees are payable up to the 19th year. Before payment, it is advisable to confirm the amount of the fees on the ARIPO website as the official fees may change. The latest fees are available through this link: <https://www.aripo.org/fee-schedules/>.

ARIPO fees are payable per designated state.

The following ARIPO renewal fees are currently applicable:



Type of Fee	Total Fees (USD)
1 (NB: Due the second year after the filing date)	50
2	70
3	90
4	110
5	130
6	150
7	170
8	190
9	210
10	230
11	250
12	270
13	290
14	310
15	330
16	380
17	430
18	480
19	530
Late renewal fees consist of 2 parts:	
i. Surcharge for late payment of annual maintenance fee	100
ii. Penalty fee for each month or fraction of a month for which the fees remain unpaid	50





3.3 UTILITY MODELS

3.3.1 Who can register?

An inventor or assignee of an invention can apply to register a utility model.

3.3.2 Do I need a local representative?

- You must be represented by an agent if you are not a citizen of Zambia or if you are applying on behalf of a company whose principal place of business is outside Zambia.
- For local applicants representation is optional.
- You can find a local agent for Zambia here

3.3.3 What can be registered?

What qualifies for registration?

A registrable utility model must meet the following requirements:

- Novelty: the invention must be a new characteristic and must not be anticipated by the prior art;
- Industrial applicability: the invention must be useful in any kind of industry.

3.3.4 What cannot be registered?

The following inventions cannot be registered as utility models in Zambia:

- utility models related to the treatment of humans or animals or to pharmaceutical inventions. These inventions are not registrable to avoid undue restriction to access to medical care and medicines by people or animals in need.
- inventions whose commercial exploitation would be contrary to public policy or morality, public health and safety, and principles of humanity and environmental conservation;
- a discovery of a plant, animal, microorganism or substance as found in nature, including the human body;
- a scientific theory or mathematical method;
- methods for the treatment of the human or animal body by surgery or therapy, including diagnostic methods practised on them (as opposed to medical products);
- a scheme, rule or method for doing business, performing mental acts or playing a game;
- presentations of information;
- software.

3.3.5 Where can I file an application?

National applications for utility models must be filed at PACRA.





Regional applications can be filed at PACRA or, clearly indicating that they are regional applications, through ARIPO. Applications filed through ARIPO can be filed electronically, by email, registered mail, fax, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage online filings. If an applicant wishes to obtain a utility model instead of a patent in Zambia on the basis of an international application, this must be indicated in the international application when filed.

3.3.8 How much does it cost to register?

National (PACRA) fees

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.

Government (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (Zambia Kwacha). Application forms and information on fees are available through this link: PACRA - Patents and Companies Registration Agency

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/ip-agents/>.

ARIPO--route utility model registration fees

Fees must be paid through ARIPO if an applicant chooses to register a utility model in Zambia using the ARIPO route. ARIPO's fees are reviewed regularly. The latest fees are available through this link: <https://www.aripo.org/fee-schedules/>.

Application fees consist of three components, as follows:





Type of Fee	ARIPO Fee (USD)	Total Fees (USD)
Application fee, regardless of the number of states designated in the application	80	580
State designation fee	20 per state (multiplied by the number of designated states)	Depends on the number of designated states
Mandatory annuity fees (per designated state): 1st year: USD 20 2nd to 7th year increases by USD 5 Each year thereafter: increases by USD 10	20 (1st year) per state multiplied by the number of designated states	Depends on the number of designated states
Total fees, assuming only Zambia is designated and payment of 1st annuity fee	120	640
Total fees, assuming all 18 Harare Protocol states, including Zambia, are designated and payment of 1st annuity fee	800	1 520





3.4.9 How long does registration take?

National-route applications usually take to complete registration.

Regional-route applications usually take 8-12 months to complete registration. This includes a period of 6 months for states to examine and decide if a design will have legal effect in their territories after ARIPO has issued them with a notice of intention to register a design.

3.4.10 What is the duration of protection?

A PACRA industrial design has an initial duration of 5 years from the filing date, with the possibility of two further consecutive 5-year terms, a total of 15 years.

ARIPO-route design registrations are valid for 10 years, with no possibility of extension.

3.4.11 When are renewal fees paid?

In Zambia, renewal fees must be paid within 6 months after the due date.

In ARIPO, renewal fees are payable 12 months before the registration period expires. Late payment of the renewal fees is possible, with a corresponding surcharge, within a grace period of 6 months after the due date.

ARIPO--registered design renewal fees

Type of Fee	ARIPO Fee (USD)	Total Fees (USD)
Application fees, regardless of the number of states designated in an application	40	340
State designation fees	10 per state (multiplied by the number of designated states)	Depends on the number of designated states
Total fees, assuming that only Zambia is designated in the application	50	370
Total fees, assuming that all 18 Harare Protocol states, including Zambia, are designated in the application	220	880

Before payment, it is advisable to confirm the amount of the fees on the ARIPO website as the official fees may change. The latest fees are available through this link: <https://www.aripo.org/fee-schedules/>.





ARIPO fees are payable per designated state. The following ARIPO renewal fees are currently applicable:

Professional services renewal fees

These are usually payable as a flat-rate fee per annuity payment, regardless of the number of designated states. They range between USD 150 to USD 250 per renewal. It is advisable to compare the fees of different IP agents.

3.5 PLANT BREEDERS RIGHTS

About Plant Breeders Rights in Zambia

- Zambia has a dedicated Act for the registration of Plant Breeders Rights (PBRs) namely the Plant Breeder’s Rights Act, 2007 (Act No. 18 of 2007).
- The registration of PBRs falls under the powers of the Zambian Seed Control and Certification Institute (SCCI), which is a department under the Zambian Ministry of Agriculture and Cooperatives.

3.5.1 Who can register?

- A breeder of a new variety, or the breeder’s successor, may apply for a plant breeder’s right in respect of the variety. Those who are neither citizens of Zambia nor resident in the country can also apply. They can apply irrespective of whether the variety was bred locally

Annuity Year	ARIPO Fee
1	10
2	12
3	14
4	16
5	18
6	20
7	24
8	28
9	32
Late renewal fees consist of 2 parts:	
i. Surcharge for late payment of annual maintenance fee	15
ii. Penalty fee for each month or fraction of a month for which the fees remain unpaid	2



or abroad.

- Where two or more persons are entitled to apply for a plant breeder's rights in respect of a new variety, those persons may make a joint application for the rights.
- Irrespective of whether an applicant is a publicly financed or private institution, the applicant must apply in the name of the institution.

3.5.3. What are the registration requirements

An application for registration must include the following documents:

- The necessary forms;
- A Power of Attorney form;
- A Deed of Assignment if the applicant is not the breeder;
- A completed technical questionnaire;
- Colour photographs showing the essential characteristic of the plant variety; and
- The relevant fees.

3.5.3 What qualifies for registration?

Any plant that is:

- A new variety;
- Distinct;
- Uniform; and
- Stable

3.5.4 What cannot be registered?

The following subject matter cannot be registered as PBRs:

- If problems with competitive practices of a rights holder are identified;
- If food security or public nutritional or health needs are adversely affected;
- If there a high proportion of the plant variety offered for sale is being imported;
- If the requirements of the farming community for the propagating material of a particular variety are not met; and
- Where it is considered important to promote the public interest for socio-economic reasons and for developing indigenous and other technologies.

3.5.5 Where can I file an application?

The Zambian Seed Control and Certification Institute (SCCI) is a department under the Zambian Ministry of Agriculture and Cooperatives.

3.5.6 How much does it cost?How much does it cost?

You can obtain information on fees from the Ministry of Agriculture: https://www.agriculture.gov.zm/?page_id=4819





3.5.7 How long does registration take?

- Unless substantive objections are raised in an application, or there are unusual delays, registering a PBR takes 12-15 months.
- This period includes an opposition period of 3 months.

3.5.8 What is the duration of protection?

- A plant breeder's rights in respect of a plant variety shall exist for a period of twenty years in the case of any annual crop.
- Twenty-five years in the case of any tree and any other perennial. This period starts to count down as of the application date (for a plant breeder's rights in respect of the plant variety).

3.5.9 When are renewal fees paid?

- There are no renewal fees that are payable for PBRs during their period of registration.

3.6 INTEGRATED CIRCUIT LAYOUT DESIGNS

About Integrated Circuit Layout Designs in Zambia

- This special kind of design can only be registered through the PACRA in Zambia.

3.6.1 Who can register?

An application for registration of a layout design can be made by, or on behalf of, the following:

- A person claiming to be the proprietor of the design;
- A person claiming to be the proprietor's assignee or successor in title.

3.6.2 Do I need a local representative?

- You must be represented by an agent if you are not a citizen of Zambia or if you are applying on behalf of a company whose principal place of business is outside Zambia;
- For local applicants representation is optional; • You can find a local agent for Zambia here.

3.6.3 What qualifies for registration?

A layout design, is registrable if:

- It is original, which means that it is the result of its creator's own intellectual effort and is not commonplace among creators of layout designs and manufacturers of integrated



- circuits at the time of its creation; and
- It has not yet been exploited commercially anywhere in the world or has not been exploited commercially anywhere in the world for more than 2 years prior to the application for its registration.

A layout design consisting of a combination of elements and interconnections that are commonplace is only registrable if the combination, taken as a whole.

3.6.4 What cannot be registered?

Any layout design whose use would be contrary to the law, public policy or morality is not registrable. A layout design that is not original and has been exploited commercially for more than 2 years prior to the application for its registration is also not registrable.

3.6.5 Where can I file an application?

An application on the prescribed form must be submitted to the Registrar of PACRA in Zambia.

3.6.7 How much does it cost?

National (PACRA) fees

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.

Government (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (Zambia kwacha). Application forms and information on fees are available through this link www.pacra.org.zm/#/html/Fees/2057

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/ip-agents/>.

3.6.8 How long does it take to register?

Unless substantive objections are raised or there are unusual delays, an integrated circuit layout design takes 18-24 months to complete registration. This includes an opposition period of 2 months.

3.6.8 What is the duration of protection?

The duration of an integrated circuit layout design registration in Zambia is 10 years.





3.6.9 When are renewal fees paid?

There are no prescribed renewal fees that must be paid after the 10-year registration term.

3.7. Traditional Knowledge, Genetic Resources and Expressions of Folklore

About Traditional Knowledge, Genetic Resources and Expressions of Folklore in Zambia

- Traditional knowledge and handicrafts are registrable in Zambia under The Protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore Act, 2016 (Act No. 16 of 2016).
- Traditional knowledge and handicrafts are registered through the Patents and Companies Registration Agency (PACRA).
- Under the Swakopmund Protocol, ARIPO provides a regional framework for the registration of traditional knowledge in ARIPO member states. This includes Zambia, however, the registration system has not yet been used by any applicants to file their applications.

3.7.1 Who can register?

Applicants for the registration of traditional knowledge can be individuals but are usually a community acting through a duly appointed community representative.

An individual creator of a handicraft can apply to register a handicraft.

3.7.2 What qualifies for registration?

Traditional knowledge: to qualify for the registration, the subject matter must constitute 'traditional knowledge that is:

- Generated, preserved and transmitted in a traditional and intergenerational context;
- Distinctively associated with a traditional community, individual or group; and
- Integral to the cultural identity of a traditional community that is recognised as holding the knowledge through a form of custodianship, guardianship or collective and cultural ownership or responsibility, whether formally or informally, by customary laws and practices.

Genetic resourcesGenetic resources:

- Any access, authorisation, assignment, or licence granted in respect of genetic resources must be in writing, failing which it is deemed void.
- An access agreement shall be approved by the PACRA, failing which it is deemed void.
- PACRA must keep a register of all access agreements, authorisations, assignments and licences granted.





Expressions of folklore

- The output of creative and cumulative intellectual activity such as collective creativity or individual creativity where the identity of the individual is unknown; and
- Characteristics of a traditional community's cultural identity and traditional heritage which has been developed, maintained, or used by the community in accordance with customary laws and practices.

3.7.4 What cannot be registered?

Traditional knowledge: Cannot be registered if it does not fall within the subject matter of what constitutes subject matter and if it cannot be established to be identifiable with a specific community or culture of Zambia.

Genetic resources: application for access permit is denied when:

- Access requested is in relation to the genetic resource of an endangered species;
- Access may have adverse effects on human health or the cultural, economic or spiritual values of the traditional community;
- Access may cause an undesirable impact on the environment;
- Access may cause a danger to, or loss of, ecosystems;
- The applicant intends to use genetic resources for purposes contrary to law, morality or any treaty to which Zambia is a State Party;
- The traditional community withholds its consent; or
- The applicant has violated the conditions of access, or an access agreement.

3.7.5 Where can I file an application?

An application for registration must be submitted to PACRA.

3.7.6 How much does it cost?

National (PACRA) fees

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.

Government (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (Zambia Kwacha). Application forms and information on fees are available through this link: <https://www.pacra.org.zm/#/>





Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/ip-agents/>.

3.7.7 How long does registration take?

Processing times vary contact PACRA for detailed information.

3.7.8 What is the duration of protection?

Traditional Knowledge:

- Traditional knowledge shall be protected for as long as the knowledge fulfils the protection criteria. Except where traditional knowledge belongs exclusively to an individual, the protection given shall last for twenty-five years following the exploitation by the individual of the traditional knowledge beyond its traditional context.

Expressions of folklore:

- An expression of folklore shall be protected against all acts of misappropriation, misuse, or exploitation for as long as the expression of folklore fulfils the protection criteria.
- A holder of an expression of folklore shall have the right to conclude a licensing agreement.

3.8 COPYRIGHT AND NEIGHBOURING RIGHTS

About Copyright and Neighbouring rights in Zambia

- Zambia has a dedicated Act for the protection of copyright and neighbouring rights, namely the Copyright and Performance Rights Act, 1994 (Act No. 44 of 1994).
- The Act is administered by the Controller of Copyright Patents, which is also the Controller of Patents, Trade marks, and Industrial Designs.

Zambia is a member of the following international agreements on copyrights:

- Berne Convention for the Protection of Literary and Artistic Works: Any work created in Zambia, where the author of the work is Zambian by nationality or the work was first published in Zambia, it is given the same copyright protection in each of the other Berne Convention member countries.
- Universal Copyright Convention (Geneva)
- Agreement on Trade-Related Aspects of Intellectual Property Rights



3.8.1 Can I register?

- Copyrights are registerable in Zambia; it provides for voluntary registration and transfers of copyright. One can register with the PACRA by filling in the Copyright registration form.
- Zambia is a member of ARIPO which is currently considering the possibility of creating a voluntary copyright registration system for its Member States. It remains to be seen if this system will become a reality.

3.8.2 Do I need a local representative?

- You must be represented by an agent if you are not a citizen of Zambia. The same applies if you are applying on behalf of a company and its principal place of business is outside Zambia.
- For local applicants, representation is optional.
- You can find a local agent for Zambia here 3.8.33.8.3 What qualifies for protection? What qualifies for protection? Any original work in the categories listed below qualifies for protection:
 - Literary works;
 - Musical works;
 - Artistic works; or
 - Computer programs;
 - Compilations;
 - Audio-visual works;
 - Sound recordings;
 - Broadcasts;
 - Cable programs; and
 - Typographical arrangements of published editions of literary works.

3.8.4 What cannot be protected? WAny work whose subject matter does not qualify for legal protection.

Any work whose author is not Zambian by:

- Citizenship,
- Domicile, or
- By virtue of being incorporated in Zambia.

Any work that is contrary to law, public order or morality.

3.8.6. WherWhere can I file an applicatione can I file an application?

- National applications must be filed with the Patents and Companies Registration Agency (PACRA).





3.8.7 How much does it cost?

- It is advisable to check fees that are in force with the PACRA office or local agent in Zambia.

3.8.8 What are examples of acts permitted in relation to copyright works?

Permitted acts that do not infringe copyright include:

- Fair use: copyright in a work is not infringed by any fair dealing for the purposes of research or private study by the person using the work. Fair dealing does not apply if the person who reproduces the work knows or has reason to believe that it will result in copies of substantially the same material being provided to more than one person at substantially the same time.
- Fair use for purposes of criticism, review or news reporting;
- Educational use;
- Copies made to replace or conserve library or archival copies of works;
- Use of anonymous or pseudonymous works, subject to conditions;
- Use of work for parliamentary or judicial proceedings or inquiries;
- Quotations from copyright works;
- Public readings and recitations.

3.8.9 What acts are not permitted in relation to copyright works?

Unpermitted/restricted acts include:

- Reproducing the work;
- Publishing the work;
- Importing the work into Zambia or exporting it from Zambia, otherwise than for personal and private use;
- Causing the work to be transmitted in a cable programme service, unless the service transmits a lawful broadcast and is operated by the original broadcaster;
- Making an adaptation of the work.

3.8.10 What is the duration of protection?

The duration of copyright protection (economic and moral rights) is as follows:

- **Literary, musical and artistic works:** the lifetime of the author, (or last surviving author in the case of jointly authored works) plus 50 years;
- **Audiovisual works and sound recordings:** 50 years from the end of the calendar year in which the performance took place;
- **Broadcasts and cable programs:** 50 years from the end of the year in which the work was produced;
- **Computer programs:** 50 years from the end of the calendar year in which the program was first published;
- **A broadcast:** 50 years from the end of the year in which the broadcast first takes





place; and

3.8.11 Can I renew copyright after its term of protection expires?

Copyright cannot be renewed in Zambia once its term has expired. The work lapses into the public domain at the end of the term of protection.



