

THE PATENTS (AMENDMENT) BILL, 2010

MEMORANDUM

The object of this Bill is to amend the Patents Act so as to—

- (a) provide for the registration of patents by the Patents and Companies Registration Agency; and
- (b) provide for matters connected with, or incidental to, the foregoing.

A. J. SHONGA, JNR,
Solicitor General

ABILL

ENTITLED

An Act to amend the Patents Act.

ENACTED by the Parliament of Zambia

Enactment

1. This Act may be cited as the Patents (Amendment) Act, 2010, and shall be read as one with the Patents Act, in this Act referred to as the principal Act.

Short title

Cap 400

5 2. Section *two* of the principal Act is amended—

Amendment
of section 2

(a) by the insertion in the appropriate place of the following new definition:

10 “Agency” means the Patents and Companies
Registration Agency established under section
three of the Patents and Companies Registration
Agency Act, 2010;

Act No. of
2010

(b) in paragraph (c) of the definition of “effective date” by the deletion of the words “Patent Office” and the substitution therefor of the word “Agency”;

15 (c) by the deletion of the definition “Patent Office”;

(d) in the definition of “register” by the deletion of the words “Patent Office” and the substitution therefor of the word “Agency”; and

20 (e) by the deletion of the definition of “Registrar” and the substitution therefor of the following:

Act No. of 2010	“Registrar ” means the person appointed as Registrar under section <i>fourteen</i> of the Patents and Companies Registration Agency Act, 2010;.	
Repeal and replacement of section 3	3. The principal Act is amended by the repeal of section <i>three</i> and the substitution therefor of the following:	5
Administration of Act	3. This Act shall be administered by the Agency.	
Repeal and replacement of section 4	4. The principal Act is amended by the repeal of section <i>four</i> and the substitution therefor of the following:	
Registrar and other staff Act No. of 2010	4. (1) The Registrar shall exercise the powers and perform the duties assigned to the Registrar by this Act and the Patents and Companies Registration Agency Act, 2010. (2) The Agency may appoint, on such terms and conditions as it may determine, examiners and such other staff as it considers necessary for the performance of its functions under this Act.	10
Repeal and replacement of section 5	5. The principal Act is amended by the repeal of section <i>five</i> and the substitution therefor of the following:	15
Seal Act No. of 2010	5. (1) The seal of the Agency kept in terms of the Patents and Companies Registration Agency Act, 2010, shall be used for the purposes of this Act and the impression thereof made for such purposes shall be judicially noticed. (2) On the commencement of this Act, any impression of a seal made for the purposes of this Act before the commencement of this Act shall be deemed to be an impression of the seal of the Agency.	20
General amendment of Act	6. The principal Act is amended by the deletion of the words “Patent Office” wherever they appear and the substitution therefor of the word “Agency”.	25