

**THE TRADEMARKS (AMENDMENT) BILL, 2010**

MEMORANDUM

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

- (a) provide for the registration of trade marks 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*

# A BILL

ENTITLED

**An Act to amend the Trade Marks Act.**

ENACTED by the Parliament of Zambia.

Enactment

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

Short title

Cap. 401

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;;

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2010

(b) by the deletion of the definition of “Trade Marks Office”;  
and

15 (c) by the deletion of the definition of “ Registrar ” and the  
substitution therefor of the following definition:

“ Registrar ” means the person appointed as  
Registrar under section *fourteen* of the Patents  
and Companies Registration Agency Act, 2010;.

20 3. The principal Act is amended by the repeal of section *three*  
and the substitution therefor of the following new section:

Repeal and  
replacement  
of section 3

3. This Act shall be administered by the Agency.

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

Repeal and  
replacement  
of section 4

**N.A.B. 4, 2010**

Seal

4. (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 5 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.

Repeal and replacement of section 5

5. The principal Act is amended by the repeal of section *five* and the substitution therefor of the following new section 10

Registrar and other staff

5. (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.

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(2) The Agency may appoint, on such terms and 15 conditions as it may determine, examiners and such other staff as it considers necessary for the performance of its functions under this Act.

Amendment of section 81

6. Section *eighty-one* of the principal Act is amended in subsection (1) by the insertion immediately after the word “may” 20 of the words “on the recommendation of the Agency,”.

General amendment of Act

7. The principal Act is amended by the deletion of the words “Trade Marks Office” and “Patent Office” wherever they appear and the substitution therefor of the word “Agency”.