

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT No. 148 OF 1990

The Trade Marks Act
(Laws, Volume XIV, Cap. 693)

The Trade Marks (Amendment) Regulations, 1990

IN EXERCISE of the powers contained in section *eighty-one* of the Trade Marks Act, the following Regulations are hereby made:

1. (1) These Regulations may be cited as the Trade Marks (Amendment) Regulations, 1990, and shall be read as one with the Trade Marks Regulations in these Regulations referred to as the principal Regulations.

Title and applications
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(2) These Regulations shall only apply to business conducted after the publication of these Regulations.

2. The principal Regulations are amended by the deletion of the First Schedule and the substitution therefor of the Schedule contained in the Appendix to these Regulations.

Amendment
of principal
Regulation

APPENDIX
(Regulation 2)

FIRST SCHEDULE
(Regulation 2)

TARIFF OF FEES PAYABLE TO THE REGISTRAR OF TRADE MARKS

Item	Matter or Proceeding	Amount Corresponding	
		K	Form
1. (a)	On application not otherwise charged to register a trade mark for a specification of goods included in one class ..	1,824	2
(b)	On application to register a series of trade marks under subsection (2) of section 26 for a specification of goods included in one class	1,824	2
(c)	On application to register a defensive trade mark for a specification of goods included in one class	1,824	33
(d)	On application under section 42 to register a certification trade mark for a specification of goods included in one class	1,824	5

<i>Item</i>	<i>Matter or Proceeding</i>	<i>Amount K</i>	<i>Corresponding Form</i>
(e)	On application made at the same time under section 42 to register one certification trade mark for specifications of goods not at all included in one class in respect of every class Total fee in no case to exceed K21,840 (US \$1,040) for any number of classes	1,824	5
2.	On a request to the Registrar to state grounds of decision relating to an application to register a trade mark and materials used	2,528	4
3. (a)	On notice of opposition before the Registrar under section 23, for each application opposed by opponent . .	896	6
(b)	On lodging a counter-statement in answer to a notice of opposition under section 23, for each application opposed, by the applicant; or in answer to an application under any of the sections, 31, 32, 37 and 38, by the proprietor in respect of each trade mark; or in answer to a notice of opposition under section 40 or 41, for each application or conversion opposed, by the proprietor	544	7
(c)	On the hearing of each opposition under section 23, by the applicant and by the opponent respectively; or on the hearing of an application under any of the sections 31, 32, 37 and 38, by the applicant and by the proprietor respectively; or on the hearing of an opposition under section 40 or 41 by the proprietor and by the opponent respectively	896	8
(d)	On notice of opposition before the Registrar under paragraph 2 of the Schedule to the Act, for each application opposed, by the opponent . .	896	37
(e)	On lodging a counter-statement in answer to a notice of opposition before the Registrar under paragraph 2 of the Schedule to the Act, for each application opposed, by the applicant . .	544	38
(f)	On the hearing of each opposition before the Registrar under paragraph 2 of the Schedule to the Act, by the applicant and by the opponent, respectively	544	39
4. (a)	For one registration of a trade mark not otherwise charged for a specification of goods included in one class	2,528	10
(b)	For one registration of a series of trade marks under subsection (2) of section 26 of a specification of goods included in one class— For the first mark And for every other mark of the series	2,528 64	10 10

<i>Item</i>	<i>Matter or Proceeding</i>	<i>Amount K</i>	<i>Corresponding Form</i>
(c)	For registration under section 42 of a certification trade mark for a specification of goods included in one class ..	2,528	10
(d)	For registration upon applications made at the same time of one certification trade mark under section 42, for specifications of goods not all included in one class—		
	In respect of every class	2,528	10
	Total fee in no case to exceed K1,000 for any number of classes.		
(e)	For one registration of a defensive trade mark for a specification of goods included in one class	2,528	10
5.	(a) Upon each addition to the registered entry of a trade mark of a note that the mark is associated with a newly registered mark	64	10
	(b) On an application to dissolve the association between registered trade marks	48	20
6.	(a) On application to register a registered user of a registered trade mark in respect of goods within the specification thereof	1,440	50
	(b) On application to register the same registered user of more than one registered trade mark of the same registered proprietor in respect of goods within the respective specifications thereof and subject to the same conditions and restrictions in each case—		
	For the first mark	1,440	50
	And for every other mark of the proprietor included in the application and statement of case	128	50
	(c) On application by the proprietor of a single trade mark, under paragraph (a) of subsection (8) of section 33, to vary the entry of a registered user thereof ..	1,024	51
	(d) On application by the proprietor of more than one trade mark, under paragraph (a) of subsection (8) of section 33, to vary the entries of a registered user thereof—		
	For the first mark	1,440	51
	And for every other mark of the proprietor for which the same user is registered, included in the application	64	51
	(e) On application by the proprietor or registered user of a single trade mark, under paragraph (b) of subsection (8) of section 33, for cancellation of the entry of a registered user thereof	1,024	52

<i>Item</i>	<i>Matter or Proceeding</i>	<i>Amount K</i>	<i>Corresponding Form</i>
(f)	On application by the proprietor or registered user of more than one trade mark, under paragraph (b) of subsection (8) of section 33, for cancellation of the entries of a registered user thereof—		
	For the first mark	1,024	52
	And for every other mark of the proprietor for which the same user is registered, included in the application	64	64
(g)	On application under paragraph (c) of subsection (8) of section 33, to cancel the entry of a registered user of a single trade mark	1,024	53
(h)	On application, under paragraph (c) of subsection (8) of section 33, to cancel the entries of a registered user of more than one trade mark—		
	For the first mark	1,024	53
	And for every other mark of the same proprietor for which the same user is registered included in the application	64	53
(i)	On notice, under subsection (9) of section 33 and regulation 101, of intention to intervene in one proceeding for the variation or cancellation of entries of a registered user of trade marks	800	54
7. (a)	On request to enter in the register and advertise a certificate of validity, under section 58 and regulation 88—		
	For the first registration certified	64	49
	And for every other registration certified in the same certificate	16	—
(b)	On application under subsection (3) of section 34 and regulation 76, for extension of time for registering corporation as subsequent proprietor of trade marks on one assignment—		
	Not exceeding two months	352	15
	Not exceeding four months	544	15
	Not exceeding six months	672	15
8. (a)	On application for certificate of the Registrar, under subsection (6) of section 27 and regulation 79—		
	For the first mark proposed to be assigned	544	40
	And for every other mark of the same proprietor included in that assignment	64	40
(b)	On application for approval of the Registrar, under subsection (6) of section 27 and regulation 79—		
	For the first mark	544	41
	And for every other mark of the same proprietor included in the same transfer	64	41

<i>Item</i>	<i>Matter or Proceeding</i>	<i>Amount K</i>	<i>Corresponding Form</i>
(c)	On application for directions by the Registrar for advertisement of assignment of trade marks in use, without goodwill—		
	For one mark assigned	544	42
	And for every other mark assigned with the same devolution of title	64	
(d)	On application for extension of time for applying for directions for advertisement of assignment of trade marks in use, without goodwill, in respect of one devolution of title—		
	Not exceeding one month	544	43
	Not exceeding two months	672	43
	Not exceeding three months	800	43
9. (a)	On application to register a subsequent proprietor in a case of assignment or transmission of a single trade mark—		
	If made within six months from the date of acquisition of proprietorship	544	16 or 17
	If made after the expiration of six months but within twelve months from the date of acquisition of proprietorship	672	16 or 17
	If made after the expiration of twelve months from the date of acquisition of proprietorship or 1st April, 1958	800	16 or 17
(b)	On application to register a subsequent proprietor of more than one trade mark standing in the same name, the devolution of title being the same in each case—		
	If made within six months from the date of acquisition of proprietorship or 1st April, 1958—		
	For the first mark	544	16 or 17
	And for every other mark	64	
	If made after the expiration of six months but within twelve from the date of acquisition of proprietorship—		
	For the first mark	672	16 or 17
	And for every other mark	64	—
10. (a)	On application to change the name or description of a proprietor or a registered user of a single trade mark where there has been no change in the proprietorship or in the identity of the user	544	22
(b)	On application to change the name or description of a proprietor or a registered user of more than one trade mark standing in the same name, where there has been no change in the proprietorship or in the identity of the user, the change being the same in each case—		
	For the first mark	544	22
	And for every other mark	64	

<i>Item</i>	<i>Matter or Proceeding</i>	<i>Amount K</i>	<i>Corresponding Form</i>
11. (a)	For renewal of registration of a trade mark at the expiration of last registration	4,736	12
(b)	For renewal of registration of a series of trade marks under subsection (2) of section 26 at the expiration of last registration—		
	For the first mark of the series ..	4,736	12
	And for every other mark of the series	64	
(c)	For renewal of registration of the same certification trade mark with the same date for goods in more than one class ..	4,736	12
	In respect of every class	2,000	
	Total fee in no case to exceed 1,460 for any number of classes.		
(d)	Additional fee under regulation 67 ..	80	13
(e)	Restoration fee under regulation 68 ..	176	14
12. (a)	On application to the Registrar for leave to add to, or alter, a single registered mark	176	26
(b)	On application to the Registrar for leave to add to, or alter, more than one registered trade mark of the same proprietor, being indetical marks, the addition or alteration to be made, in each case, being the same—		
	For the first mark	192	26
	And for every other mark		
(c)	On notice of opposition to application for leave to add to, or alter, registered trade marks, for each application opposed	208	47
13.	For altering one or more entries of the trade or business address or address for service of a registered proprietor or a registered user of a trade mark where the address in each case is the same and is altered in the the same way (unless exempted from free under regulation 81)—		
	For the first entry	176	19
	And for every other entry	64	
14.	For every entry in the register of a rectification thereof or an alteration therein, not otherwise charged	544	48
15.	For cancelling the entry of a trade mark upon the register on the application of the registered proprietor of the trade mark	16	23
16. (a)	On application under any of the sections 31, 32, 37 and 38, for rectification of the register or removal of trade mark from the register	64	27
(b)	On application for leave to intervene in proceedings under any of the sections 31, 32, 37 and 38, for rectification of the register or removal of a trade mark from the register	544	21

<i>Item</i>	<i>Matter or Proceeding</i>	<i>Amount K</i>	<i>Corresponding Form</i>
17. (a)	On application for correction of one clerical error or affecting one amendment in one document before registration of <i>any matter</i>	544	21
(b)	On application for correction of clerical errors after registration of any matter in respect of each trade mark	672	21
(c)	On application for amendment of trade before advertisement, in respect of each application	672	21
18.	On request by registered proprietor of a trade mark for entry of disclaimer or memorandum in the register	352	25
19. (a)	On application to the Registrar under regulation 93 to expunge or vary the registration of a certification trade mark or to vary the deposited regulations or a certification trade mark or certification trade marks of the same registered proprietor where the regulations are substantially the same	288	36
(b)	On request to the Registrar by the registered proprietor of a certification trade mark to permit alteration of the deposited regulations thereof— For the regulation of one such registration	288	35
	For the same or substantially the same regulations of each other registration proposed to be altered in the same way and included in the request	64	
20. (a)	On application by registered proprietor under regulation 6, for conversion of specification	32	45
(b)	On notice of opposition to a conversion of the specification or specifications of a registered trade mark or registered trade marks— For one mark	208	46
	For every other mark of the same proprietor having the same specification	16	
21.	Notice to Registrar that notice of appeal has been filed with the Registrar of the Tribunal	208	3
22.	For each search under regulation 113 in respect of one class— Without application for Registrar's advice under regulation 20	288	29
	With application for Registrar's advice under regulation 20	288	29
23.	On request for the Registrar's preliminary advice under regulation 20, for each trade mark submitted in respect of one class	64	30
24.	For certificate of the Registrar (other than certificate under subsection (2) of section (24) relating to the registration of a trade mark	64	32

<i>Item</i>	<i>Matter or Proceeding</i>	<i>Amount K</i>	<i>Corresponding Form No.</i>
25.	For certificate of the Registrar (other than certificate under subsection (2) of section (24) relating to the registration of a series of trade marks under subsection (2) of section 26	64	32
26.	(a) For permission to search in files and documents— For each file searched	32	
	(b) For permission to search register per volume	64	
27.	For permission to search amongst the classified representations or scrap books of trade marks per volume	32	
28.	For typewritten copy of any document, for every 100 words	4	
29.	For photographic copy of documents or drawings, per sheet	4	
30.	For certifying office copies, MSS, or photographic or printed matters— Under seal Other	32 8	
31.	On every authorisation of an agent ..	480	

For the purpose of these fees (except as specially provided above) every mark of a series under section 26, or any preceeding similar enactment, shall be deemed to be a mark separately registered.

LUSAKA

22nd October, 1990

[PTMD.104/1/3/3]

R. M. CHONGO,
Minister of Commerce and Industry