

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 85 OF 2012

The Trade Marks Act

(Laws, Volume 22, Cap. 401)

The Trade Marks (Amendment) Regulations, 2012

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

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| <p>1. These Regulations may be cited as the Trade Marks (Amendment) Regulations, 2012, and shall be read as one with the Trade Marks Regulations, in these Regulations referred to as the principal Regulations.</p> | <p>Title
Cap. 401</p> |
| <p>2. The principal Regulations are amended by the repeal of the First Schedule and the substitution therefor of the First Schedule set out in the Appendix to these Regulations.</p> | <p>Repeal and replacement of First Schedule</p> |

APPENDIX

(Regulation 2)

FIRST SCHEDULE

(Regulation 3)

TARIFF OF FEES

<i>Matter or proceeding</i>	<i>Amount payable by local firm, corporation and individual Fee Units</i>	<i>Amount payable by foreign firm, corporation and individual Fee Units</i>	<i>Corresponding Form No.</i>
1. (a) Application not otherwise charged to register a trade mark for a specification of goods or services included in one class	1,667	5,000	2
(b) Application not otherwise charged to register a series of trademarks under section 26 (2) for a specification of goods included in one class	1,667	5,000	2

<i>Matter or proceeding</i>	<i>Amount payable by local firm, corporation and individual Fee Units</i>	<i>Amount payable by foreign firm, corporation and individual Fee Units</i>	<i>Corresponding Form No.</i>
(c) Application under section 42 to register a certification trade mark for a specification of goods or services included in one class.	2,778	5,000	5
(d) Application made at the same time under section 42 to register a certification trade mark for a specification of goods or services not all included in one class, in respect of each class	1,667	5,000	5
2. Request to the Registrar to state grounds of decision relating to an application to register a trade mark and materials used.	556	5,667	4
3. (a) Notice of opposition before the Registrar under section 23, for each application opposed	2,778	5,000	6
(b) Lodging a counter statement in answer to a notice of opposition under section 23, or in answer to an application under any of sections 31, 32, 37 and 38, or in answer to a notice of opposition under section 40 or 41, in respect of each trade mark	556	667	7

<i>Matter or proceeding</i>	<i>Amount payable by local firm, corporation and individual Fee Units</i>	<i>Amount payable by foreign firm, corporation and individual Fee Units</i>	<i>Corresponding Form No.</i>
(c)Hearing of each opposition under section 23 (fee payable by the applicant and by the opponent), or on the hearing of an application under any of sections 31, 32, 37 and 38 (fee payable by the Applicant and by the proprietor), or on the hearing of an opposition under section 40 or 41 (fee payable by the proprietor and by the opponent)	556	1,667	8
(d)Notice of opposition before the Registrar under paragraph 2 of the Schedule to the Act, for each a p p l i c a t i o n opposed			
(e) 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 a p p l i c a t i o n opposed	2,778	5,000	37
(f) Hearing of each opposition before the Registrar under paragraph 2 of the Schedule to the Act (fee payable by the applicant and by the opponent)	556	834	39

<i>Matter or proceeding</i>	<i>Amount payable by local firm, corporation and individual Fee Units</i>	<i>Amount payable by foreign firm, corporation and individual Fee Units</i>	<i>Corresponding Form No.</i>
4. (a) One registration of a trade mark not otherwise charged for a specification of goods or services included in one class	1,667	5,000	10
(b) One registration of a series of trade marks under section 26 (2) of a specification of goods or services included in one class:			
(i) for the first mark:	1,667	5,000	10
(ii) for every additional mark:	834	667	10
(c) Registration under section 42 of a certification trade mark for a specification of goods or services included in one class	2,778	5,000	10
(d) Registration upon applications made at the same time of one certification trade mark under section 42, for specifications of goods or services not all included in one class, in respect of each class	2,778	6,000	10
5. (a) Each addition to the registered details of a trade mark of a note that the mark is associated with a newly registered mark	278	834	10

<i>Matter or proceeding</i>	<i>Amount payable by local firm, corporation and individual Fee Units</i>	<i>Amount payable by foreign firm, corporation and individual Fee Units</i>	<i>Corresponding Form No.</i>
(b) Application to dissolve the association between registered trade marks	278	834	210
6. (a) Application to register a registered user of a registered trade mark in respect of goods or services within the specification thereof	1,112	4,334	50
(b) Application to register the same registered user of more than one registered trade mark of the same registered proprietor in respect of goods or services within the respective specifications thereof and subject to the same conditions and restrictions in each case:			
(i) for the first mark:	1,112	4,334	50
(ii) for every additional mark included in the application and statement of case:	334	667	50
(c) Application by the proprietor of a single trade mark, under paragraph (a) of section 33 (8), to vary the entry of a registered user thereof	667	2,667	51

<i>Matter or proceeding</i>	<i>Amount payable by local firm, corporation and individual Fee Units</i>	<i>Amount payable by foreign firm, corporation and individual Fee Units</i>	<i>Corresponding Form No.</i>
(d) Application by the proprietor of more than one trademark, under paragraph (s) of section 33 (8), to vary the entries of a registered user thereof:			
(i) for the first mark:	667	2,667	51
(ii) for every additional mark in the same application:	139	667	51
(e) Application by the proprietor or registered user of a single trade mark, under paragraph (b) of section 33 (8), for cancellation of the entry of a registered user	556	2,500	52
(f) Application by the proprietor or registered user of more than one trade mark, under paragraph (b) section 33 (8), for cancellation of the entries of registered user thereof:			
(i) for the first mark:	556	2,500	52
(ii) for every additional mark in the same application:	139	667	52

<i>Matter or proceeding</i>	<i>Amount payable by local firm, corporation and individual Fee Units</i>	<i>Amount payable by foreign firm, corporation and individual Fee Units</i>	<i>Corresponding Form No.</i>
(g) Application, under paragraph graph (c) of section 33 (8), for cancellation of the entry of a registered user of a single trade mark	556	2,500	53
(h) Application, under paragraph (c) of section 33 (8), to cancel the entries of a registered user of more than one trade mark:			
(i) for the first mark:	556	2,500	53
(ii) for every additional mark in the application	139	667	53
(i) Notice, under section 33 (9) and regulation 101, of intention to intervene in one proceeding for the variation or cancellation of entries of registered user of trademarks	445	1,167	54
7. (a) Request to enter in the register and advertise a certificate of validity, under section 58 and regulation 88:			
(i) for the first registration certified:	139	667	49

<i>Matter or proceeding</i>	<i>Amount payable by local firm, corporation and individual Fee Units</i>	<i>Amount payable by foreign firm, corporation and individual Fee Units</i>	<i>Corresponding Form No.</i>
(ii) for every additional registration certified in the same certificate:	112	334	49
(b) Application under section 34 (3) and regulation 76 for extension of time for registering a corporation as subsequent proprietor of trade marks on one assignment, where the extension—			
(i) does not exceed two months:	556	2,500	15
(ii) exceeds two months but is below four months:	1,112	2,500	15
(iii) exceeds four months but is below six months:	834	5,000	15
8. (a) Application for a certificate of the Registrar under section 27 (6) and regulation 79:			
(i) for the first mark in the application:	278	2,500	40
(ii) for every additional mark included in the same application:	56	500	40
(b) Application for approval of the Registrar, under section 27 (6) and regulation 79:			

<i>Matter or proceeding</i>	<i>Amount payable by local firm, corporation and individual Fee Units</i>	<i>Amount payable by foreign firm, corporation and individual Fee Units</i>	<i>Corresponding Form No.</i>
(i) for the first mark in the application:	278	2,500	41
(ii) for every additional mark included in the same application:	56	500	41
(c) Application for directions by the Registrar for advertisement of assignment of trade marks in use, without goodwill:			
(i) for the first mark in the application:	556	2,500	42
(ii) for every additional mark included in the same application:	139	500	42
(d) Application for extension of time for applying for advertisement of assignment of trade marks in use, without goodwill in respect of one devolution of title, where the extension:			
(i) does not exceed two months:	278	2,500	43
(ii) exceeds two months but is below four months:	417	4,334	43

<i>Matter or proceeding</i>	<i>Amount payable by local firm, corporation and individual Fee Units</i>	<i>Amount payable by foreign firm, corporation and individual Fee Units</i>	<i>Corresponding Form No.</i>
(iii) exceeds four months but is below six months:	556	4,834	43
9. (a) Application to register a subsequent proprietor in a case of assignment or transmission of a single trade mark:			
(i) if made within six months from the date of acquisition of proprietorship:	556	2,500	16 or 17
(ii) if made after six months but within twelve months from the date of acquisition of proprietorship:	667	4,334	16 or 17
(iii) if made after twelve months from the date of acquisition of proprietorship:	834	5,000	16 or 17
(b) Application to register a subsequent proprietor of more than one trade mark standing in the same, the devolution of title being the same in each case: (i)			
if made within six months from the date of acquisition of proprietorship or 1st April, 1958:			
- for the first mark	556	2,500	16 or 17

<i>Matter or proceeding</i>	<i>Amount payable by local firm, corporation and individual Fee Units</i>	<i>Amount payable by foreign firm, corporation and individual Fee Units</i>	<i>Corresponding Form No.</i>
- for every additional mark contained in the same application	250	1,167	16 or 17
(ii) if made after expiration of six months but within twelve months from the date of acquisition of proprietorship:			
- for the first mark:	834	5,000	16 or 17
- for every additional mark contained in same application:	250	1,167	16 or 17
(c) Any upward assignment:			
(i) from an individual in column 3 to a small enterprise in column 4 or an enterprise in column 5; or	—	—	—
(ii) from a small enterprise in column 4 to an enterprise of column 5;	—	—	—
the applicable fee shall be the level which the subsequent proprietor in the case would have paid under paragraphs (a) and (b) above were the assignee happens to have			

<i>Matter or proceeding</i>	<i>Amount payable by local firm, corporation and individual Fee Units</i>	<i>Amount payable by foreign firm, corporation and individual Fee Units</i>	<i>Corresponding Form No.</i>
been the assignor or transferor of title. This paragraph shall take preference in the cases stated in (i) and (ii) over any relevant charges outlined in paragraphs (a) and (b).			
10. (a) 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 proprietor-ship or in the identity of the user.	1,112	7,334	22
(b) Application to change the name or registered user of more than one trade mark standing in the same name, where there has been no change in the proprietorship, the change being the same in each case:			
(i) for the first mark	1,112	6,667	22
(ii) for additional mark in the application	278	500	2
11. (a) Renewal of registration of a trade mark at the expiration of last registration	5,556	16,667	12

<i>Matter or proceeding</i>	<i>Amount payable by local firm, corporation and individual Fee Units</i>	<i>Amount payable by foreign firm, corporation and individual Fee Units</i>	<i>Corresponding Form No.</i>
(b) Renewal of registration of a series of trade marks under section 26 (2) at the expiration of last registration:			
(i) for the first mark of the series:	5,556	16,667	12
(ii) and for every other mark of the series:	1,112	5,500	12
(c) Renewal of registration for the same certification trade mark with the same date for goods or services in more than one class, in respect of every class:	5,556	15,000	12
Provided that for any number of classes, the fee shall in no case exceed:			
(d) Additional fee under regulation 67	556	1,667	13
(e) Restoration fee under regulation 68	1,112	5,000	14
12. (a) Application to the Registrar for leave to add to or alter a single registered mark	1,667	4,667	26
(b) Application to the Registrar for leave to add to, or alter more than one registered trade mark of the			

<i>Matter or proceeding</i>	<i>Amount payable by local firm, corporation and individual Fee Units</i>	<i>Amount payable by foreign firm, corporation and individual Fee Units</i>	<i>Corresponding Form No.</i>
same proprietor, being identical marks, the addition or alteration to be made in each case being the same:			
(i) for the first mark	1,667	4,667	26
(ii) for every other mark	334	1,167	26
13. Altering one or more 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 same way (unless exempted from the fee under regulation 81):			
(a) for the first entry	556	2,500	19
(b) for additional entry contained in the same application	139	834	19
14. Every entry in the register or rectification thereof or an alteration therein, not other- wise charged	334	2,667	48
15. Cancelling the entry of trade mark upon the register on the			

<i>Matter or proceeding</i>	<i>Amount payable by local firm, corporation and individual Fee Units</i>	<i>Amount payable by foreign firm, corporation and individual Fee Units</i>	<i>Corresponding Form No.</i>
application of the r e g i s t e r e d proprietor of the trade mark	278	1,000	23
16. (a) Application under any of sections 31, 32, 37 and 38 for rectification of the register or removal of trade mark from the register.	2,778	5,000	27
(b) Application for leave to intervene in proceedings under any of sections 31, 32, 37 and 38 for rectification of the register or removal of a trade mark from the register	278	1,000	28
17. (a) Application for correction of one clerical error or effecting an amendment in one document before registration of any matter	278	1,000	21
(b) Application for correction of clerical errors after registration of any matter in respect of mark	278	1,000	21
(c) Application for amendment of trade mark before advertisement, in respect of each application	278	1,000	21

<i>Matter or proceeding</i>	<i>Amount payable by local firm, corporation and individual Fee Units</i>	<i>Amount payable by foreign firm, corporation and individual Fee Units</i>	<i>Corresponding Form No.</i>
18. Request by registered proprietor of a trade mark for entry of disclaimer or memorandum in the register.	167	1,334	25
19. (a) 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	2,778	5,000	36
(b) Request to the Registrar by the registered proprietor of a certification trade mark to permit alteration of the deposited regulations thereof:			
(i) for the regulations of one such registration	278	1,000	35
(ii) for the same or substantially the same regulations of each other registration proposed to be			

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altered in the same way and included in the same request	278	1,000	35
20. (a) Application by r e g i s t e r e d proprietor under regulation 6, for conversion of specification	278	1,000	45
(b) Notice of opposition to a conversion of the specification or specifications of a registered trade mark or registered trade marks:			
(i) for one mark	389	1,334	46
(ii) for every other mark of the s a m e p r o p r i e t o r having same specification	139	334	46
21. Notice to Registrar that notice of appeal has been filed with the registrar of the High Court	56	667	31
22. Each search under regulation 13 in respect of one class, without application for Registrar's advice under regulation 20	139	1,167	29
23. Request for the R e g i s t r a r ' s preliminary advice under regulation 20, for each trade mark submitted in respect of one class	139	1,167	30

<i>Matter or proceeding</i>	<i>Amount payable by local firm, corporation and individual Fee Units</i>	<i>Amount payable by foreign firm, corporation and individual Fee Units</i>	<i>Corresponding Form No.</i>
24. Certification of the Registrar (other than certificate under section 24 (2)) relating to the registration of a trade mark	167	1,667	32
25. Certification of the Registrar (other than a certificate under section 24 (2)) relating to the registration of a series of trade marks under section 26 (2)	167	1,667	32
26. Authorisation of an agent or Power of Attorney otherwise charged	278	667	1
27. Certifying office copies, MSS, or photographic or printed matter:			
(i) under seal	167	1,167	
(ii) other	112	834	
28. General search of records or part thereof	112	1,167	
29. Print out of record	112	1,167	
30. Photographic or photo copying of any document of the office open to the public under the Act, per A4 sheet	56	667	

NOTE: For the purpose of these fees, every mark under section 26 of the Act shall, except as specially provided in these Regulations, be taken to be a mark separately registered.

Lusaka

17th December, 2012

[MCTI.52/2/11C]

R. K. SICHINGA,

*Minister of Commerce, Trade
and Industry*