

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 39 OF 1981

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

The Trade Marks (Amendment) Regulations, 1981

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

1. These Regulations may be cited as the Trade Marks (Amendment) Regulations, 1981, and shall be read as one with the Trade Marks Regulations (hereinafter referred to as the principal Regulations) and shall apply in respect of business conducted after the publication hereof.

Title and
application

Cap. 693,
p. 01

2. The principal Regulations are amended by the deletion of the First Schedule and the substitution thereof of the First Schedule contained in the Appendix hereto.

Replacement
of First
Schedule

LUSAKA

18th February, 1981

[PTMD.104/1/3]

R. CHISUPA,

Minister of Commerce and Industry

APPENDIX

(Regulation 2)

FIRST SCHEDULE

(Regulation 3)

TARIFF OF FEES

Item	Matter or Proceeding	Amount K.	Corresponding Form
1.	On application not otherwise charged to register a trade mark for a specification of goods included in one class	30.00	T.M. No. 2
1. (a)	On application to register a series of trade marks under subsection (2) of section 26 for a specification of goods included in one class	30.00	T.M. No. 2
1. (b)	On application to register a defensive trade mark for a specification of goods included in one class	30.00	T.M. No. 33
1. (c)	On application under section 42 to register a certification trade mark for a specification of goods included in one class	50.00	T.M. No. 5

Item	Matter or Proceeding	Amount K	Corresponding Form
1. (d)	On application made at the same time under section 42 to register one certification trade mark for specifications of goods not all included in one class in respect of every class	40.00	T.M. No. 5
	Total fee in no case to exceed K800 for any number of classes		
2.	On a request to the Registrar to state grounds of decision relating to an application to register a trade mark and materials used ..	15.00	T.M.No. 4
3.	On notice of opposition before the Registrar under section 23, for each application opposed, by opponent	15.00	T.M. No. 6
3. (a)	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	10.00	T.M. No. 7
3. (b)	On hearing of each opposition under section 23, by applicant and by opponent respectively; or on the hearing of an application under any of the sections 31, 32, 37 and 38, by applicant and by proprietor respectively; or on the hearing of an opposition under section 40 or 41 by proprietor and opponent respectively	15.00	T.M. No. 8
3. (c)	On notice of opposition before the Registrar under paragraph 2 of the Schedule to the Act, for each application opposed, by the opponent	15.00	T.M. No. 37
3. (d)	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	10.00	T.M. No. 38
3. (e)	On the hearing of each opposition before the Registrar under paragraph 2 of the Schedule to the Act, by applicant and by opponent, respectively	15.00	T.M. No. 39
4.	For one registration of a trade mark not otherwise charged for a specification of goods included in one class	50.00	T.M. No. 10
4. (a)	For one registration of a series of trade marks under subsection (2) of section 26 for a specification of goods included in one class— For the first mark And for every other mark of the series	50.00 02.00	T.M. No. 10 —
4. (b)	For registration under section 42 of a certification trade mark for a specification of goods included in one class	50.00	T.M. No. 10
4. (c)	For registration upon application 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	50.00	T.M. No. 10
	Total fee in no case to exceed K1,000 for any number of classes		

Item	Matter or Proceeding	Amount K	Correspond- ing Form
4. (d)	For one registration of a defensive trade mark for a specification of goods included in one class	50.00	T.M. No. 10
5.	Upon each addition to the registered entry of a trade mark of a note that the mark is associated with a newly registered mark ..	02.00	T.M. No. 10
5. (a)	On an application to dissolve the association between registered trade marks ..	12.00	T.M. No. 20
6.	On application to register a registered user of a registered trade mark in respect of goods within the specification thereof	24.00	T.M. No. 50
6. (a)	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	25.00	T.M. No. 50
	And for every other mark of the proprietor included in the application and statement of case	02.00	—
6. (b)	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 ..	25.00	T.M. No. 51
6. (c)	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	25.00	T.M. No. 51
	And for every other mark of the proprietor for which the same user is registered, included in the application ..	02.00	—
6. (d)	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	10.00	T.M. No. 52
6. (e)	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	10.00	T.M. No. 52
	And for every other mark of the proprietor for which the same user is registered, included in the application ..	02.00	—
6. (f)	On application, under paragraph (c) of subsection (8) of section 33, to cancel the entry of a registered user of a single trade mark	10.00	T.M. No. 53
6. (g)	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	10.00	T.M. No. 53
	And for every other mark of the same proprietor for which the same user is registered, included in the application ..	02.00	—

<i>Item</i>	<i>Matter or Proceeding</i>	<i>Amount K</i>	<i>Correspond- ing Form</i>
6. (h)	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	15.00	T.M. No. 54
7.	On request to enter in the register and advertise a certificate of validity, under section 58 and regulation 88—		
	For the first registration certified	06.00	T.M. No. 49
	And for every other registration certified in the same certificate	01.00	—
7. (a)	On application, under subsection (3) of section 34 and regulation 76, for extension of time for registering a corporation as subsequent proprietor of trade marks on one assignment—		
	Not exceeding two months	10.00	T.M. No. 15
	Not exceeding four months	20.00	T.M. No. 15
	Not exceeding six months	30.00	T.M. No. 15
8.	On application for certificate of the Registrar, under subsection (5) of section 27 and regulation 79—		
	For the first mark proposed to be assigned	20.00	T.M. No. 40
	And for every other mark of the same proprietor included in that assignment	02.00	—
8. (a)	On application for approval of the Registrar, under subsection (6) of section 27 and regulation 79—		
	For the first mark	20.00	T.M. No. 4 1
	And for every other mark of the same proprietor included in the same transfer	02.00	—
8. (b)	On application for directions by the Registrar for advertisement of assignment of trade marks in use, without goodwill—		
	For one mark assigned	10.00	T.M. No. 42
	And for every other mark assigned with the same devolution of title	02.00	—
8. (c)	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	10.00	T.M. No. 43
	Not exceeding two months	20.00	T.M. No. 43
	Not exceeding three months	30.00	T.M. No. 43
9.	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	10.00	T.M. No. 16 or 17
	If made after expiration of six months but within twelve months from the date of acquisition of proprietorship	20.00	T.M. No. 16 or 17

Item	Matter or Proceeding	Amount K	Corresponding Form
	If made after expiration of twelve months from the date of acquisition of proprietorship	30.00	T.M. No. 16 or 17
9. (a)	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— For the first mark	10.00	T.M. No. 16 or 17
	And for every other mark	02.00	—
	If made after expiration of six months but within twelve months from the date of acquisition of proprietorship— For the first mark	20.00	T.M. No. 16 or 17
	And for every other mark	02.00	—
	If made after expiration of twelve months from the date of acquisition of proprietorship— For the first mark	20.00	T.M. No. 16 or 17
	And for every other mark	02.00	—
10.	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	04.00	T.M. No. 22
10. (a)	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	04.00	T.M. No. 22
	And for every other mark	01.00	—
11.	For renewal of registration of a trade mark at expiration of last registration	100.00	T.M. No. 12
11. (a)	For renewal of registration of a series of trade marks under subsection (2) of section 26 at expiration of last registration— For the first mark of the series	100.00	T.M. No. 12
	And for every other mark of the series	02.00	—
11. (b)	For renewal of registration of the same certification trade mark with the same date for goods in more than one class— In respect of every class	100.00	T.M. No. 12
	Total fee in no case to exceed K2,000 for any number of classes		
11. (c)	Additional fee under regulation 67	15.00	T.M. No. 13
11. (d)	Restoration fee under regulation 68	35.00	T.M. No. 14
12.	On an application to the Registrar for leave to add to or alter a single registered mark	16.00	T.M. No. 26

Item	Matter or Proceeding	Amount K	Corresponding Form;
12. (a)	On an application to the Registrar for leave to add to or alter more than one registered trade mark of the same proprietor, being identical marks, the addition or alteration to be made, in each case, being the same—		
	For the first mark	16.00	T.M. No. 26
	And for every other mark	10.00	—
12. (b)	On notice of opposition to application for leave to add to or alter registered trade marks, for each application opposed ..	15.00	T.M. No. 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 same way (unless exempted from fee under regulation 81)—		
	For the first entry	04.00	T.M. No. 19
	And for every other entry	04.00	—
14.	For every entry in the register of a rectification thereof or an alteration therein, not otherwise charged	10.00	T.M. No. 48
15.	For cancelling the entry or part of the entry of a trade mark upon the register on the application of the registered proprietor of the trade mark	03.00	T.M. No. 23 or 24
16.	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	16.00	T.M. No. 27
16. (a)	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 trade mark from the register	15.00	T.M. No. 28
17.	On application for correction of one clerical error or effecting one amendment in one document before registration of any matter	03.00	T.M. No. 21
17. (a)	On application for correction of clerical errors after registration of any matter, in respect of each trade mark	05.00	T.M. No. 21
17. (b)	On application for amendment of trade mark before advertisement, in respect of each application	05.00	T.M. No. 21
18.	On request by registered proprietor of a trade mark for entry of disclaimer or memorandum in the register	05.00	T.M. No. 25
19.	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 of a certification trade mark or certification trade marks of the same registered proprietor where the regulations are substantially the same	16.00	T.M. No. 36

Item	Matter or Proceeding	Amount K	Corresponding Form
19. (a)	On request to the Registrar by the registered proprietor of a certification trade mark to permit alteration of the deposited regulations thereof—		
	For the regulations of one such registration	16.00	T.M. No. 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 same request	02.00	—
20.	On application by registered proprietor under regulation 6, for conversion of specification	04.00	T.M. No. 45
20. (a)	On notice of opposition to a conversion of the specification or specifications of a registered trade mark or registered trade marks—		
	For one mark	15.00	T.M. No. 46
	For every other mark of the same proprietor having the same specification	02.00	—
21.	Notice to Registrar that notice of appeal has been filed with the High Court	15.00	T.M. No. 31
22.	For a search under regulation 113 in respect of one class—		
	Without application for the Registrar's advice under regulation 20	16.00	T.M. No. 32
	With application for the Registrar's advice under regulation 20	20.00	T.M. No. 32
23.	On request for the Registrar's preliminary advice under regulation 20, for each trade mark submitted in respect of one class	05.00	No. 30
24.	For certificate of the Registrar (other than certificate under subsection (2) of section 24) relating to the registration of a trade mark		T.M. No. 32
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	05.00	T.M. No. 32
26.	For permission to search in files and registers—		
	For each file searched	05.00	—
26. (a)	For permission to search registers	05.00	—
	Per volume		
27.	For permission to search against the classified representations or books of trade marks—		
	Per volume	05.00	—
28.	For typewritten copy of any document, for every 100 words	00.50n	—
29.	For photocopied copy of documents or drawings, per sheet	00.50n	—
30.	For certifying office copies, MSS., or photographic printed matter—		
	Under seal	04.00	—
	Other	02.00	—
	Other	01.00	T.M. No. 1
31.	On every authorisation of an agent		

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

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